



Charlemont grant report

Recipient name:	Dr Brian Tobin
Discipline and subject area:	Humanities and Social Sciences; Law
Amount and year awarded:	€1,594 in 2020
Title of project:	Forging an Assisted Human Reproduction Framework for Ireland: Statutory Regulation of International Surrogacy Arrangements



Summary of findings:

Statutory regulation of international surrogacy is legally and ethically complex, but my research visit has provided me with new insights and greatly contributed to the completion of the chapter on same-sex parenting in my forthcoming monograph, *The Legal Recognition of Same-Sex Relationships: Emerging Families in Ireland and Beyond* (Hart, 2022).

Findings include that Ireland should await the outcome of the far more considered surrogacy law reform process taking place in the U.K. at present before rushing to legislate in this area to satisfy the demands of activists. Balancing children's rights, the position of the surrogate and the rights of the intended parents must be carefully achieved.

Further, the significant legal and ethical concerns associated with international commercial surrogacy require detailed consideration and debate before any legislation is enacted in these areas.

There are possible 'pathways' to parentage for parents of children born via international surrogacy that this author hopes to share with the recently announced Special Joint Oireachtas Committee that will soon be established to consider and make recommendations on assisted human reproduction and international surrogacy should that committee seek written/oral submissions.

Plans for continuing collaboration:

The world of research visits changed rather drastically since I applied for this award in late 2019, and the academic staff at Cambridge were very reluctant to facilitate this visit in the summer of 2021. This reluctance, and the everchanging COVID-19 situation, makes it difficult to say with certainty whether any collaborative efforts will be continued.



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Published work and publication plans:

As the research visit had to be delayed for over a year, I published an article detailing my initial thoughts and concerns on surrogacy/DAHR issues in Ireland's leading peer-reviewed law journal, the *Irish Jurist*, in Sept. 2020. See Brian Tobin, '*Assisted Reproductive Techniques and Irish Law - No Child Left Behind?*' (2020) 64 *Irish Jurist* 138.

This project greatly contributed to the completion of Chapter 4 of my forthcoming monograph (See Q.7, above). In my initial application I had proposed to use the Charlemont Grant to conduct research that would aid the development of the analysis in Chapter 4 of my monograph, and the project has greatly assisted me with that objective.

Dissemination and plans for future dissemination:

While in the U.K., I disseminated some of my findings via a paper presentation at the Society of Legal Scholars' Annual Conference 2021 at Durham University. See Brian Tobin, '*Assisted Reproductive Techniques and Irish Law – No Child Left Behind?*' Society of Legal Scholars' Annual Conference 2021, Durham, U.K., 1st September 2021 (in-person conference).

Collaborations and planned collaborations:

I was invited to collaborate with the Scottish Law Commission on its ongoing project, 'A Review of Cohabitation Law in Scotland' as an academic advisor on cohabitation law and policy in Ireland.

Outreach and engagement activities:

Op-Eds:

Brian Tobin, Progressive New Child and Family Laws, but some Families are Left Behind, *Irish Examiner*, 5th May 2020: <https://www.irishexaminer.com/opinion/commentanalysis/arid-30997557.html>

Brian Tobin, Ireland's Approach to Surrogacy Law needs a Rebirth, *Irish Examiner*, 28th April 2021: <https://www.irishexaminer.com/opinion/commentanalysis/arid-40275641.html>