



**BULGARIAN ACADEMY OF SCIENCES
INSTITUTE FOR THE STATE AND THE LAW
DEPARTMENT OF CIVIL LAW STUDIES**

**ORIGIN AND SURROGATE MOTHERHOOD.
PROBLEMS AND SOLUTIONS.**

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SUMMARY OF DISSERTATION

for obtaining the educational and scientific degree „Doctor“ in law
Field of higher education: 3. Social, economic and legal sciences
Professional field: 3.6 Law
Scientific specialty: Civil and Family Law

Supervisor:
Associate Professor Dr. Velina Todorova

Sofia
2024

The subject of the research is surrogacy as a method of assisted reproduction and the possibilities for its legal regulation, with a focus on the determination of the origin of a child born through surrogacy. The main goal of the dissertation is to identify weaknesses in the legal framework of the institution at both national and supranational levels through analysis, which in turn will provide an opportunity to make specific proposals for legislative changes that offer more adequate and effective solutions for the development of social life.

The dissertation consists of: introduction, exposition in four chapters, conclusion, bibliography, and a declaration of originality. The total volume of the work amounts to 308 pages.

The first chapter of the dissertation is entirely theoretical. It aims to introduce the reader to the basic concepts and terms used. By tracing the historical development of assisted reproduction methods and surrogacy, the main manifestations of this phenomenon in contemporary society are outlined. A definition of the concept is formulated and its main characteristics are derived. A typology of surrogacy practices is presented. The main problems of surrogacy, which are also the subject of further research, are formulated.

The study presents a comprehensive and unique comparative legal study of national policies of different countries on surrogacy, summarizing the conclusions from it.

The second chapter presents different "*permissive*" legislative techniques of jurisdictions that have regulated surrogacy as a separate legal institution or a valid method of assisted reproduction. The general rules and principles for the regulation of family law relations in the field of surrogacy are derived. The conclusion is reached that the unifying link between the policies of the countries allowing surrogacy is their continuity regarding the validity of the surrogacy agreement,

which is also considered a new legal basis for establishing origin. A comparative legal analysis of the characteristics of this type of contract is presented.

The third chapter focuses on the policies of prohibition or neutrality towards surrogacy. The possibilities for establishing origin from surrogacy in case of a ban on these practices by the respective national jurisdiction are explored. The focus is on the case law of the European Court of Human Rights (ECHR) and its influence on the development of family law. The issue of children's rights and prioritizing their best interests is addressed.

The fourth chapter examines possible future policies and potential legal regulation of surrogacy in Bulgaria. A brief analysis of the Bulgarian family law framework in the field of origin is presented, based on which two main possibilities for dealing with the consequences of surrogacy in Bulgaria are formulated. The first possibility envisages the creation of a new legal institution and the adoption of a new legal fact for determining origin through legislative amendments. Proposals de lege ferenda are formulated, including a comprehensive draft law amending and supplementing the Family Code. The second possibility of creating an explicit prohibitive regulation of these practices is also analyzed, while ensuring the protection of the interests of children born from surrogacy abroad.

The conclusion summarizes the results of the research and the proposals de lege ferenda.