

## **PATIENT RIGHTS IN SURROGATE MOTHERHOOD: SRI LANKAN AND INDIAN PERSPECTIVES**

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### **ABSTRACT**

The American Medical Association's Code of Medical Ethics identifies the right to courtesy, respect, dignity, timely responsive attention, obtaining information, making decisions, privacy, and confidentiality, as well as continuity of treatment, as the primary rights of a patient. Although a surrogate bears a child for another, she is also a patient. Surrogates confront significant obstacles in India and Sri Lanka because of gaps in the existing legal framework. The advocacy for their rights is hindered by covert surrogacy facilitated by illicit agencies. Despite sporadic support from legal agencies, surrogates struggle to access post-birth medical care and necessary treatments due to the non-legally enforceable nature of surrogacy agreements within the existing legal framework. The patient rights of surrogates face substantial potential violations due to the nature of commercial surrogacy and cross-border surrogacy agreements. This study aims to propose suitable legal measures to protect the patient rights of surrogates in Sri Lanka. It identifies key patient rights at risk in Sri Lanka, evaluates the current legal framework on surrogacy rights violations, and compares it with pre- and post-*Surrogacy (Regulation) Act* 2021 India. Drawing from primary and secondary legal sources, including case studies, it proposes measures to safeguard surrogate patient rights.

**Keywords:** patient rights, surrogate motherhood, commercial surrogacy, multi-national surrogacy, legal framework

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