



UNIVERSITY OF TORONTO
FACULTY OF LAW

MARY AND PHILIP SEEMAN HEALTH LAW, POLICY & ETHICS SEMINAR SERIES

Donrich W. Thaldar, School of Law, University
of KwaZulu-Natal

Tradition and Justice: Legal Developments Relating to New Reproductive Technologies in South Africa

Commentator: Cheryl Milne, Director,
Asper Centre for Constitutional
Rights, University of Toronto

Thursday, October 4, 2018 12:30 -
2:00
Solarium (room FA2), Falconer Hall
84 Queen's Park

Similar to Canadian law, South African law allows altruistic surrogate motherhood. However, South African law requires that the commissioning parents must use their own gametes for the conception of the surrogacy child. This statutory requirement was challenged in the South African courts as being contrary to the commissioning parents' constitutional rights to, amongst others, dignity, privacy, and equality. Although this constitutional challenge was successful in the Pretoria High Court, a 7–4 majority of South Africa's Constitutional Court decided against the constitutional challenge. This seminar critically examines the main arguments for and against the requirement that commissioning parents must use their own gametes for the conception of the surrogacy child.

Donrich W. Thaldar is an academic at the Law School of the University of KwaZulu-Natal, Durban. His academic research interests are bioethics, bio-innovation and intellectual property law. He also practices as a litigation lawyer, where he focuses on strategic human rights cases. He has acted as legal counsel in four cases before South Africa's Constitutional Court — the country's apex court. His most recent litigation success was South Africa's first case of posthumous conception.

A light lunch will be provided

For more information about this workshop, please send an e-mail to
events.law@utoronto.ca