

RESEARCH DIRECTIONS

Changing Rights to Family Life

Dr Sonja van Wichelen of the Institute for Culture and Society is examining how globalisation and biotechnology affect Australian law and families. This project is funded by the Australian Research Council through its Discovery Early Career Researcher Award scheme.

'What is a family?,' asks Dr van Wichelen. 'For example, there may be difficulty in recognising parenthood of a couple having had a child via a surrogate in India, or barriers to reuniting migrants with non-biological family members in Australia. The "rights" to family life are changing as biomedicine advances and laws change. But differences between laws in Australia and other countries can complicate matters. This project investigates the impact of globalisation and biomedicine on the legal governance of family life in Australia by examining transnational surrogacy arrangements and family reunification in immigration. The research moves beyond a critique of human rights and considers how the meaning of family is affected by science, capitalism, and humanitarianism. This investigation will improve the public and legal understanding of the changing paradigms of family life in an era of globalisation.'

Two contrasting and currently contested cases in Australia will be compared – transnational surrogacy arrangements and family reunification in immigration. A combination of court transcriptions and document analysis with interviews will be carried out at multiple sites, including Canberra, NSW, Victoria, Queensland and The Hague (Netherlands). Participants include family law lawyers, medical doctors (reproductive specialists), surrogacy advocates, kinship testing officers and the Refugee Council of Australia.



Australia has often prided itself on being a conscientious citizen and upholder of human rights on a global level. This project will examine laws and processes where there are still difficulties for modern family-making, particularly in the areas of migration and surrogacy. The results will assist policy makers and other practitioners in ensuring that moral and ethical dilemmas are dealt with in ways that will assist and benefit Australian families.

Project Title: The Changing Rights to Family Life in Australia: Biomedicine and Legal Governance in Globalisation.

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Contact Details: s.vanwichelen@uws.edu.au

<http://www.uws.edu.au/ics>

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