

# Too high a cost: End surrogacy now

*Preventing the exploitation and commodification of women and children*

## Concept Note

The practice of surrogacy is growing in both notoriety and prevalence in various countries around the world. At the same time, an increasing number of States are seeking to proscribe or limit the practice due to various legal, moral, and ethical concerns. This event will elucidate and address the harmful effects of surrogacy, including disregard for the dignity and rights of both women and children. In line with the theme of the 68<sup>th</sup> Session of the Commission on the Status of Women, the meeting will examine in particular the nexus between economic vulnerability and the reproductive exploitation of women. Building on the increasing momentum for the abolition of surrogacy, the event will advocate for States and the international community to work towards the adoption of a legally binding instrument prohibiting this practice in all its forms.

Surrogacy refers to a form of third-party reproduction in which commissioning parents contract women to become pregnant with and give birth to children which the commissioning parents intend to take custody of and raise. In both “commercial” and so-called “altruistic” surrogacy, numerous adults may claim parental rights over the child: the commissioning parents, the “gestational” carrier (or surrogate), her eventual spouse, and the genetic parents (who “donate” their gametes). Many women who agree to serve as surrogates do so out of economic need only to find themselves at risk of exploitation and abuse. Likewise, children are commodified to satisfy the desires of adults at the expense of their own rights and wellbeing.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) recognizes the “social significance of maternity” and states that “the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole.” Surrogacy reduces women’s reproductive functions to “rentable goods” and discards any notion of shared parental responsibility for children conceived and gestated. Moreover, many women who agree to become surrogates cite financial need as their primary motivation. When surrogacy is considered in light of its links to poverty, its nature as a modern form of slavery and a driver of trafficking in human beings becomes apparent.

Furthermore, while international human rights law includes various provisions concerning the rights of the child, it does not establish nor support the recognition of a “right to a child.” Instead, it affirms that both motherhood and childhood are entitled to “special care and assistance”; that all children, whether born in or out of wedlock, “shall enjoy the same social protection;” and most importantly, that the sale of or traffic in children for any purpose or in any form must be prevented. Compassion for those who wish to become parents cannot justify such a practice.

As Pope Francis himself has noted, surrogacy “represents a grave violation of the dignity of the woman and the child, based on the exploitation of situations of the mother’s material needs. A child is always a gift and never the basis of a commercial contact. Consequently, I express my hope for an effort by the international community to prohibit this practice universally.” (Address to the Diplomatic Corps accredited to the Holy See, 8 January 2024). This event will heed his call to address this troubling practice, addressing the human rights implications of surrogacy with a particular focus on women, and discuss the need for the development and adoption of an international, legally-binding instrument banning surrogacy in all its forms.

## Speakers:

- H.E. Archbishop Gabriele Caccia, *Apostolic Nuncio and Permanent Observer of the Holy See to the United Nations*
- Olivia Maurel, *Casablanca Declaration Spokesperson, born via surrogacy*
- Giulia Bovassi, Ph.D. candidate, *Bioethicist, Associate Researcher UNESCO BioChair, Assistant Professor at Universidad Anahuac*
- Herveline Urcun, *Observatoire de la Procréation Assistée*
- Bernard Garcia-Larrain, Ph.D., *International Advocacy Officer, Juristes pour l’Enfance*
- Giorgio Mazzoli, *Director of UN Advocacy, ADF International (moderator)*

Organizers: The Permanent Observer Mission of the Holy See to the United Nations and ADF International  
Co-Organizers: Juristes pour L’Enfance, Le Syndicat de la Famille, World Youth Alliance

Attendees are requested to register online at <https://holyseemission.org//20MarchEventCSW68>. Those without UN grounds passes must register by 17 March. The event will be live-streamed via UN WebTV.