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End the Hague Conference's Opaque and Pernicious Support for the Surrogacy Market

From 7 to 10 April, the Hague Conference on Private International Law (HCCH) is convening its Working Group on the "Parentage in the context of surrogacy" project. Under the guise of legal harmonization, the HCCH is working to draft an international convention that would facilitate the smooth operation of the global surrogacy market.

The International Coalition for the Abolition of Surrogacy (ICAMS) once again strongly condemns the approach of the Hague Conference (HCCH). Guaranteeing the enforcement of international surrogacy contracts is nothing less than legitimizing the sale of children and the commodification of women's reproductive capacities—often at the cost of their health, dignity, and even their lives.

We denounce a legislative process that has been organised in total disregard for the human rights of women and children.

ICAMS points out that:

- The HCCH project is built on retrograde and misogynistic patriarchal assumptions. Shockingly, its 2014 preliminary report attempts to justify surrogacy by referencing biblical examples. As feminists, we reject this assertion—not only because it is false, but because it dangerously legitimizes a practice rooted in the historical oppression of women, including rape, forced pregnancies, and reproductive servitude.
- The HCCH has exclusively consulted stakeholders with direct financial and professional interests in the surrogacy industry: lawyers, fertility clinics, brokers, and commissioning parents.
- No women's rights organisation has ever been consulted, and spontaneous submissions have never been taken into consideration. The risks to women's health, lives and rights are cynically ignored in their aim to regulate contract pregnancy.
- The voices of donor-conceived individuals and children born through surrogacy have been neither sought nor considered.
- The entire negotiation and drafting process for this project is opaque, undemocratic.

Although the HCCH claims to be neutral on surrogacy, its actions tell another story. It exclusively advances the perspectives of those who profit from the practice while silencing the women and children most affected. Worse still, one of the HCCH's key advisors on this project is a lawyer whose firm represents surrogacy clients—a blatant conflict of interest.

Claiming to only seeking to guarantee the effects of cross-border surrogacy, without taking a position, is tantamount considering surrogacy contracts as legal, even though they involve the sale of children. This bias is unacceptable.

ICAMS denounces the HCCH's refusal to consider surrogacy for what it is, a social practice that creates a globalised market for the reproductive exploitation of women and the sale of children. The HCCH's efforts to override national laws prohibiting surrogacy in the name of legal harmonization directly undermine the laws of countries that have chosen to protect women and children from this form of commodification.

We demand an immediate end to this work. This project was never requested by women's rights movements or by those advocating for donor-conceived people. Instead, they have been driven solely by those who seek to profit from a neoliberal, patriarchal marketplace that treats women's reproductive capacity as resources and babies as products.

The harmonisation of private international law must not be achieved at the expense of human dignity, but to guarantee respect for our common humanity.

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