

CALL FOR INPUT | SPECIAL PROCEDURES

Call for input to the thematic report of the Special Rapporteur on violence against women and girls to the General Assembly 80th session on surrogacy and violence against women and girls

ISSUED BY Special Rapporteur on violence against women and girls

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Email subject line: Surrogacy and violence against women and girls

Purpose: The thematic report will be presented to the General Assembly at its 80th session in October 2025.

Background

Surrogacy is a third-party reproductive practice in which a woman carries a pregnancy and transfers the child to the commissioning party(ies) after birth. In recent years, the global demand for surrogacy has surged, turning it into a multibillion-dollar business, with a market size value estimated at more than USD 14 billion in 2022 and projected to reach USD 129 billion by 2032 and 195.97 by 2034.[1.1]

Women living in poverty or from minority and marginalized backgrounds account for an overwhelming share of surrogate mothers, highlighting the role played by social and economic power imbalances in the commodification of female reproductive capacities that underlie the practice. Furthermore, the cross-border dimension of the phenomenon exacerbates concerns about trafficking and the systemic exploitation of women in surrogacy as well as children born through this practice.

As reported by affected women and children, human rights violations and abuses linked to surrogacy include, but are not limited to: economic violence (such as economic control and exploitation, deceit) against women; trafficking and exploitation; the sale of children; threats to both women's and children's physical and mental health; arbitrary and unlawful interference with privacy; family separation contrary to the child's best interest; and the absence or denial of adequate mechanisms for redress. Surrogate mothers have also highlighted concerns regarding the pre-emptive waiver of consent to medical interventions required for the surrogacy process, calling into question the extent to which consent is truly free and informed and whether the renunciation of consent-related rights may itself constitute a form of coercion amounting to violence against women.

Despite the increasingly evident human rights concerns arising from surrogacy, States' legal and policy responses remain widely varied and often fragmented. While some jurisdictions have established regulatory frameworks for the practice and others have enacted outright bans, most countries maintain an ambiguous or undefined legal stance. The stark differences in such responses have created loopholes that are increasingly exploited to gain access to surrogacy where it is otherwise prohibited or to circumvent

safeguards intended to protect women and children. This trend warrants consideration of whether a human rights-based response to surrogacy requires the development of an international architecture.

Although international human rights law does not explicitly address the issue of surrogacy, a broad array of human rights norms and principles bear direct relevance to the issue. Foremost among these, the Convention on the Elimination of All Forms of Discrimination against Women; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Convention on the Rights of the Child mandate the elimination of trafficking in women and/or children; and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography proscribes the sale of children, defined as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”.

Experts and advocates hold divergent views on the issue of surrogacy. Some argue that it is a legitimate form of assisted reproduction and a viable pathway to parenthood, provided it is appropriately regulated. Others contend that only commercial surrogacy raises human rights concerns, distinguishing it from so-called “altruistic” surrogacy, which they view as acceptable. A third perspective sees all forms of surrogacy as inherently exploitative, framing it as a human rights violation and a form of violence of commodification of both women and children.

Objectives

The Special Rapporteur would like to receive input to better understand the forms and manifestations of violence experienced by women and girls, including newborns, in the context of surrogacy; the challenges and best practices to prevent and respond to such violence; and the legal, policy and institutional measures required at the national, regional, and international levels to effectively address human rights violations associated with the practice.

Four types of women and girls are impacted: 1) surrogate mothers, 2) women that may be “commissioning parent”, and 3) women and girls who provide egg cells. 4) surrogacy-born infants, including girls.

With regards to surrogacy-born infants, and since the Special Rapporteur on the sale and sexual exploitation of children produced two reports on surrogacy and its impact on children, the upcoming report complements those reports and aims to shed light on issues that these reports did not explore as well as assess whether there are any gendered or sex-specific differences in the experiences of girls and boys born out of surrogacy.

Key questions and types of input/comments sought

Forms of violence against women and girls

What specific forms of violence are women and girls subjected to in the context of surrogacy?

In Ukraine, women involved in surrogacy—mostly from low-income or vulnerable backgrounds—face multiple forms of violence. These include **economic exploitation** through unclear contracts, withheld or reduced payments, arbitrary fines and lack of protection in case of complications; **medical coercion**, such as non-consensual procedures (including partial or full abortions, pressure to continue high-risk multi-fetus pregnancies against the mother's will, unwarranted c-sections to meet the buyers' arrival or departure dates) and pre-signed waivers; and **psychological pressure**, including isolation, constant surveillance, and emotional manipulation.

Women are often **forced to relinquish autonomy** over their bodies, including decisions about their food choices, exercise regime or place of stay (immediately after the beginning of the full-scale invasion, some women were forced by the clinics to leave the country leaving their families behind, and some were forced to stay when their families were fleeing). **Social stigma** is also common, especially in rural areas (no such stigma for baby buyers).

Their consent is frequently obtained without proper disclosure of all relevant risks and threats, raising serious concerns about the legal validity of such consent.

Ukrainian women participating in cross-border surrogacy have reported **abandonment** if clients withdraw or refuse children with disabilities, and denial of postnatal care. Some were misled about procedures or legal protections abroad.

How prevalent is the exploitation of women and girls in the practice of surrogacy?

Exploitation is a systemic feature of the surrogacy industry in Ukraine, particularly in commercial arrangements. Although no official statistics quantify the scale of abuse, reports from civil society organizations, media investigations, and testimonies of surrogate mothers consistently reveal patterns of economic, medical, and emotional exploitation. The industry operates in a legal grey zone with limited state oversight, allowing private clinics and intermediaries to dominate the process and prioritize the interests of commissioning clients over the rights and well-being of women.

Most surrogate mothers in Ukraine are women facing economic hardship, often with limited education or access to legal counsel, making them more vulnerable to coercive arrangements. Many sign contracts without fully understanding the implications or lack the ability to enforce their rights.

To what extent does surrogacy intersect with human trafficking, including for the purposes of exploitation, sale of children, or forced reproductive labour?

Immediately after the beginning of the Russian full-scale invasion of Ukraine, the advertisement of surrogacy to foreign audiences expanded significantly. Biological material is sent to Ukraine, women carry children to be sent abroad, babies are taken and processed through embassies – biological parents do not even visit Ukraine. Also, for surrogacy, women are brought to Ukraine from the countries of Central Asia, where their situation is even worse than in Ukraine.

There have been numerous cases when surrogacy clinics engaged in sale of babies to people not related to them in any way¹.

What accountability mechanisms exist to provide redress and protection for women and children who are victims or at risk of violence, coercion, or abuse in the context of surrogacy?

Currently, with the lax regulation of surrogacy, there are no accountability mechanisms. Clinics primarily rely on the civil contracts concluded between them, commissioning parents, and surrogate mothers. The general public has limited access to such contracts, and those that became public were made public by journalists. These contracts do not always provide adequate safeguards against potential risks of coercion or abuse. Unless there is clear evidence of serious violations of women's freedoms or the use of physical coercion, it is extremely difficult to initiate legal proceedings or ensure meaningful accountability. As a result, women and children involved in surrogacy arrangements may remain vulnerable. There is no publicly available data on the number of commissioned pregnancies and the number of resulting live babies; there is no follow-up procedure to check on the well-being of the babies taken abroad by their buyers or protect them.

Moreover, although Ukraine signed the Convention on Human Rights and Biomedicine (Oviedo Convention), it has not ratified it. The Convention on the Rights of the Child has been ratified, but its interpretation in the context of surrogacy remains inconsistent and underdeveloped. Currently, the *status quo* benefits many stakeholders, including clinics, intermediaries, and prospective parents, so there is no active political or public discussion on the ban of the practice.

In addition, the surrogacy practice goes against the European integration movement of Ukraine. After the victory, Ukrainians will have to address this issue, especially in the context of threats to its demography. The key protection mechanism will be a complete ban of surrogacy in all its forms, both in Ukraine and internationally.

What are the consequences of surrogacy for all parties involved? What are the gendered risks for surrogacy-born children particularly girls?

¹ <https://ssu.gov.ua/novyny/sbu-vykryla-skhemu-prodazhu-nemovliat-za-kordon-dytyna-pid-kliuch-koshtuvala-60-tysiach-dolariv>

“Commissioned” babies are given away to the buyers as in Ukraine, a surrogate mother has no claim to this child. Even if the birth mother wanted to take this child away, the clinic wouldn’t let her do it. Often such children have different forms of disabilities. The law does not require the customers to pick up the newborns if they decide to do so, due to any reason. These children may end up with no citizenship. The Ukrainian orphanages have to take care of surrogate children, who were not taken away by the customers, because such boys and girls are difficult to adopt.

The current law does not limit the number of commissions such persons may place with the Ukrainian clinics and there have been cases when a rich person would commission several babies (the largest number of such babies commissioned by one couple was about 100).

The consequences of surrogacy are the untracked and unaccounted numbers of deaths of surrogate mothers, egg donors, abandoned unwanted “commissioned” children, the internal and cross-border trafficking of women and girls, forced intrauterine sex selection, intrauterine selective abortions, as well as premature births, miscarriages, no payment for miscarriages, high probability of disability and unknown mortality rates in such children.

Women involved experience negative health outcomes, they are depressed.

What link exists between surrogacy and stereotypes against women? How can surrogacy influence the image of women in society?

In Ukraine, the war and its aftermath have significantly worsened the economic situation, particularly for women. Many mothers are now the sole providers for their families, and in desperate attempts to ensure survival, they may turn to surrogacy as one of few income-generating options at their disposal. The surrogacy clinics are exploiting the stereotype of women as nurturing and selfless, expected to help those in need (in this case, in need of babies), and the society expects the mothers to sacrifice their health to provide for their families, instead of providing meaningful support.

This economic vulnerability increases the risk of exploitation and reinforces stereotypes of women as reproductive tools, whose value is tied to their ability to give birth. Surrogacy further entrenches patriarchal and commodifying narratives, where a woman's body becomes an object to exploit, not a subject of rights. For them, surrogacy is a survival strategy rather than a free and informed choice.

Drivers of surrogacy

What are the main factors driving the demand for surrogacy?

The clinics tout low prices for the Ukrainian women to potential foreign clients. Western women, who often are forced to delay childbearing not to lag behind men in earning

power, face loss of health and fecundity, and they exploit women in poor countries to obtain babies they cannot or will not bear themselves.

According to the estimates, up to 95% of commissioned pregnancies in Ukraine are commissioned by foreign clients; the majority of surrogacy clinics and agencies are owned by foreigners.

Another contributing factor is the economic vulnerability of the population, especially in regions affected by war and displacement. Since 2014, Ukraine has faced ongoing armed conflict, resulting in a significant number of internally displaced persons (IDPs) who have lost their homes, jobs, and social support networks. These individuals, often women of reproductive age, are in precarious financial situations and may feel compelled to participate in surrogacy arrangements—because they lack viable economic alternatives. The Ukrainian women who went abroad after the full-scale invasion are targeted by clinics for egg donations and surrogacy.

What is the demographic and socioeconomic profile of women who become surrogate mothers in your country? Please provide disaggregated data where possible.

In Ukraine, there is no official or publicly available disaggregated data on the demographic or socioeconomic profile of women who become surrogate mothers. This lack of transparency makes it difficult to analyze patterns or assess risks of exploitation. However, based on observations and reports from civil society and media, surrogate mothers are typically women from economically disadvantaged backgrounds, often from rural areas, small towns or IDPs. Based on the requirements published by the clinics, these women have to be no older than 35 and have one or two children of their own. If married, they are required to provide the husband's written consent to their participation in the program.

Since the full-scale war began, the economic situation in the country has deteriorated significantly, especially for women. Many are now the sole providers for their children and households. Surrogacy becomes one of the few available income sources, although the financial compensation has decreased noticeably (while the scouts who identify and recruit such women are paid monthly more than women carrying the pregnancies). Today, the payment for carrying a child often amounts to the equivalent of a used car — a sum that is quickly spent and far from enough to purchase housing in a city, so women are willing to consider going for another commissioned pregnancy. This reflects a broader trend: surrogacy is not a path to long-term economic security but rather a short-term coping strategy for women in crisis situations.

Legal frameworks, safeguards, and jurisprudence

What are the legal, policy or regulatory frameworks governing surrogacy in your country?

Ukraine permits gestational surrogacy under a relatively liberal legal framework, especially for heterosexual married couples, including foreign nationals.

- **Family Code of Ukraine (Article 123)** defines that legal parenthood belongs to the commissioning couple, not the surrogate.
- **Civil Code (Article 281)** and the **Law on Healthcare (Article 48)** allow assisted reproductive technologies based on medical indications.
- **Order No. 787 of the Ministry of Health (2013)** regulates surrogacy procedures, requiring:
 - A genetic link between the child and at least one parent.
 - No genetic link between the surrogate and the child.
 - A notarized agreement between the parties.
- Surrogacy is only available to **married heterosexual couples**; single individuals and same-sex couples are excluded.
- There are **no legal limits on compensation** for surrogates.
- Birth registration is simplified: legal parenthood is assigned to the commissioning couple at birth, without adoption or court proceedings.

Therefore, in Ukraine, the legal relations of women involved in surrogacy with customers are regulated merely by the contracts. This situation results in the power differential between an impoverished mother (one of key selection criteria for them is having her own child or children) and the commissioning clients and thus is ripe for abuse. When signing such a contract, an economically unprotected woman is rarely aware about her rights or may disregard them. There are no legal or ethical restrictions for doctors practicing in this field in the country. The clinics face no consequences for unethical operation methods or general management. Ukraine ratified the Convention on the Rights of the Child, so surrogacy violates the key principle: the child has the right to be born in a loving family, and not as a result of “preserving the heritage of biomaterial”.

How is the requirement to consider the child’s best interests reflected and implemented in relevant laws, policies and regulations concerning surrogacy?

It is not. The Ukrainian legislation, as well as the ratified UN Convention on the Rights of the Child, formally recognize the principle of the child’s best interests. However, in the context of surrogacy, this principle is not implemented. There are no specific mechanisms, policies, or oversight bodies dedicated to ensuring that the rights and interests of children born through surrogacy are protected in practice, either in Ukraine or abroad.

The issue is generally subsumed under broader social protection matters, without targeted attention from relevant ministries, the Ombudsperson's office, or other institutional actors. As a result, the best interests of the child remain a formal declaration rather than an actionable standard in the regulation or monitoring of surrogacy arrangements.

How is the child's right, wherever possible, to know and be cared for by his or her parents (Article 7.1 of the UN Convention on the Rights of the Child) taken into account in relevant laws, policies and regulations regarding surrogacy?

Under the current Family Code of Ukraine, there are no legal provisions guaranteeing the child's right to know or communicate with the surrogate mother, although she carried and gave birth to the child. Legal parenthood is established based solely on genetic or contractual intent, not on the surrogate's gestational role. As a result, the surrogate mother is erased from the legal narrative once the child is born, and the child is left with no formal right to any future relationship or knowledge of the woman who gave birth to them.

In countries where surrogacy is permitted or otherwise tolerated, what safeguards exist to prevent violence against surrogate mothers and children born through surrogacy?

In Ukraine, where commercial surrogacy is permitted and relatively widespread, there are virtually no safeguards in place to prevent violence or protect the rights of surrogate mothers and children born through such arrangements. Apart from a single provision in the Family Code, which states that the intended parents — those who commissioned the surrogacy — are considered the legal parents of the child, there are no detailed legal protections or oversight mechanisms. Surrogate mothers and children are in a legally and socially vulnerable position, with little to no recourse in cases of abuse or exploitation.

How effective have legislative, policy and regulatory frameworks been in preventing and responding to violence against women and children in the context of surrogacy?

In Ukraine, legislative, policy, and regulatory frameworks have been largely ineffective in preventing or responding to violence against women and children in the context of surrogacy. The existing laws do not address the specific risks of coercion, exploitation, or abuse.

What legal precedents, rulings, or judicial interpretations have influenced States' approach to surrogacy and its impact on women's and children's rights?

Although there have been important rulings by international and national courts—including the European Court of Human Rights (ECtHR)—that addressed to a degree the balance between the rights of children, surrogate mothers, and commissioning parents, these judicial interpretations have not yet influenced the domestic legislation in Ukraine.

In Ukraine, despite several high-profile surrogacy cases and growing international concern, there is no public discussion about the need to ban the practice. Judicial precedents and interpretations, including those emphasizing children's rights to identity and origins, and women's rights to autonomy and protection from exploitation, have not led to any legal reforms. Current surrogacy practices continue under a framework that is contractual and commercial in nature, with little regard for the human rights aspect.

Recommendations

What steps should States, regional bodies, and international institutions take to address violence and other human rights violations and abuses linked to surrogacy?

The prohibition of surrogacy should be on the international and national feminist agenda, as surrogate motherhood is a component of violence against women. It harms women, eats up medical resources. This is a predatory system that profits the baby-buyers; even with domestic surrogacy, it is about the most economically vulnerable women who risk their lives and health. Such a pregnancy carries three times greater risk than a regular one.

States, regional bodies, and international institutions should prioritize banning the practice altogether and provide for the protection of children already born through surrogacy. Such children's rights and well-being must be given special attention by the state due to the lack of clear legal, ethical, and social frameworks surrounding their birth and further life with the commissioning parents.

How can international cooperation be improved to prevent, investigate, and hold perpetrators to account for violence and other human rights violations and abuses in connection with surrogacy?

International cooperation should push towards the complete ban of the practice and introduction of measures to dissuade the clinics and commissioning parents from engaging in the practice. The increasing accessibility of assisted reproductive technologies (ART), combined with global inequalities and the commodification of women's bodies, makes surrogacy an arena of widespread exploitation and abuse.

To respond effectively, states and international institutions should ban the practice and discourage demand for it as well as educate their law enforcement agencies about its connection with trafficking.

Moreover, such coordinated legal frameworks and international agreements are needed to ensure accountability, prevent impunity, and facilitate cross-border investigations. Institutions such as the UN, WHO, and regional human rights bodies should take leadership in framing surrogacy not only as a medical or ethical issue but also as a matter of international human rights concern.

How can existing international human rights instruments be leveraged to address the human rights concerns related to surrogacy?

The UN Convention on the Rights of the Child (CRC)—which has been ratified by Ukraine—must serve as a foundational legal and ethical framework. This Convention emphasizes that the best interests of the child must be a primary consideration (Article 3) and affirms the child's right to know and be cared for by their parents (Article 7). However, current surrogacy regulations in Ukraine tend to prioritize the desires of intended parents, at the expense of the child's rights to identity, origin, and psychological continuity. A child-centered approach rooted in the CRC is therefore essential.

Secondly, Ukraine should move toward ratifying the Oviedo Convention (Convention on Human Rights and Biomedicine), which provides critical safeguards on the use of biotechnologies and reproductive interventions. Its ratification would lay the foundation for the ban of the practice.

Finally, within the EU integration process, Ukraine should take into account the European Union's growing concern over surrogacy as a form of reproductive exploitation. Several EU bodies and member states have called for the recognition of commercial surrogacy as a form of exploitation of women, particularly in vulnerable economic conditions. Integrating this perspective into Ukraine's legislative reforms would align national policy with broader European human rights and gender equality standards.

Overall, the human rights-based approach to surrogacy must go beyond facilitating parenthood and instead prioritize the dignity, safety, and rights of both the child and the surrogate mother.

Should the possibility of developing a dedicated international instrument governing surrogacy be explored, and if so, what form should it take?

Surrogacy should be addressed within the framework of combating trafficking in babies and vulnerable women to be exploited and of reproductive justice. A new General Recommendation or, preferably, a Supplementary Protocol to CEDAW could recognize the exploitation and coercion in surrogacy, particularly in economically vulnerable populations; define state obligations to prohibit exploitative reproductive practices.

According to Convention on the Rights of the Child new interpretative document (General Comment) or a Protocol to the CRC could reaffirm the child's right to identity, origin, and access to gestational and genetic heritage; emphasize the principle of the best interests of the child, which make surrogacy arrangements unethical and unacceptable; establish safeguards for cross-border surrogacy to prevent child trafficking and legal limbo.

Should a specific international instrument focus on banning or regulating surrogacy?

A specific international instrument on surrogacy should aim to prohibit surrogacy altogether, especially given the growing evidence of exploitation of economically and otherwise vulnerable women and the risks to the rights and well-being of children. Such a

prohibition would align with core principles of human dignity, gender equality, and the best interests of the child, as enshrined in existing international human rights frameworks. However, recognizing the lack of global consensus, the fallback option should be prohibition of cross-border commercial arrangements; protection of the child's rights to identity, origin, and relationship with the gestational mother; state monitoring and enforcement mechanisms to prevent abuse.

How inputs will be used?

Type of submissions

The Special Rapporteur is particularly interested in hearing from representatives of governments; civil society organizations; lawyers; national human rights institutions; academics; policy and research institutions; as well as from victims' associations. Individual submissions will not be processed as the mandate has limited capacity.

1.1. <https://www.gminsights.com/industry-analysis/surrogacy-market>