

## Joint Oral Statement

### “Commercial Maternal Surrogacy amounts to sale of children”



The Associazione Comunità Papa Giovanni XXIII and three co-signing NGOs welcome the Report of the Special Rapporteur on the sale of children, child prostitution and child pornography.

The report underlines the increased vulnerability and new risk factors related to the phenomena of the sale and the sexual exploitation of the children. It also points out clearly that *“poverty exacerbates vulnerability when combined with others risk factors”*<sup>1</sup>



According to the CRC's Optional Protocol art. 2 (a), the sale of children is 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”*.

Our NGOs would like to draw the attention of the Special Rapporteur and the Human Rights Council on the issue of commercial maternal surrogacy, an emerging phenomenon that can amount to sale of children.

Company of the  
Daughters of Charity of  
St. Vincent de Paul

Women engage in surrogate motherhood when they intentionally become pregnant with the purpose of giving birth to a child on behalf of pre-identified parents, who intend to exercise parental responsibility for the child.



Because of rising infertility and the unsatisfied demand for adoption, *“tourism”* for surrogate motherhood has expanded in recent years and has been facilitated by increasing access to international travelling and the absence of international policy or legislation.

People from high-income countries travel to developing countries where poor women are encouraged or worse yet, coerced to *“rent out”* their bodies as a survival strategy. The dynamics behind this phenomenon are very similar to those that lead to sale of organs.

There is no spirit of solidarity between the woman and the intended parents but only a legal contract – a purchase agreement – the product of which is the baby.

There is evidence of an increasing number of specialized clinics located in many developing countries and responding to the demands of surrogacy services. Such a new market seeks to maximise profit by using human beings as *“commodities”*.

Very often, surrogate mothers are not aware of the risks to their physical and mental health and are coerced by their families to enter into such exploitative activities.

Commercial surrogate motherhood is a threat to human dignity and violates the rights of women and children. There is no right to buy a child! To the contrary, according to article 7 of the CRC, children have *“the right from birth to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents”*.

We call upon Member States to explicitly prohibit commercial surrogacy, which can amount to child trafficking. In this same regard, we also ask States to formulate country regulations, protecting of the rights and best interests of children. Such regulations should be guided by the CRC as well as its optional protocols Thank You.

<sup>1</sup> A/HRC/25/48 p. 9