



Company of the Daughters of Charity of Vincent de Paul



Make Mother Matter



37th Regular Session of the Human Rights Council, 26 February - 23 March 2018

ITEM 3: Interactive Dialogue with the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material

Joint Oral statement delivered by: Associazione Comunità Papa Giovanni XXIII (APG23)

**“Maternal Surrogacy: a violation of fundamental human rights”**

*Check against delivery*

Mr President,

APG23 and 9 co-signing NGOs welcome the report (A/HRC/37/60) of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material. We thank the Special Rapporteur for having focused her report on the issue of maternal surrogacy.

The Special Rapporteur recognises clearly that commercial maternal surrogacy amounts to the sale of children and that altruistic maternal surrogacy bears the risk for it whereas substantial reimbursements to surrogate mothers and substantial payments to intermediaries are involved.

We agree fully with the final recommendation “to encourage other human rights mechanisms, such as the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, and United Nations entities to contribute, with further research, to discussions on surrogacy and its impact on the human rights of women and other stakeholders concerned, in order to develop human rights-based norms and standards and prevent abuses and violations”.

In the maternal surrogacy, the birth of a baby and maternity are the object of a contract, introducing the confusion between persons and commodities. The status and rights of a person become a commodity that is fungible and exchangeable, in clear contrast with the principles set forth in the articles 2, 3 and 4 of the Universal Declaration of Human Rights and other international law instruments.

In the name of their claimed desire of wanting a child, the commissioning parents decide to deprive the baby of his or her genetic memory, biological bonds, roots and identity. This is also a clear violation of not only the best interests of the child but also of his/her fundamental rights, especially the preservation of his or her identity. Furthermore, the practice of maternal surrogacy violates the woman dignity, exploits surrogate mothers who live in poverty and represents a commodification of their reproductive system.

We ask the States to take a clear and strong position against maternal surrogacy, which violates not only the dignity of the woman simply seen as a means, but also the dignity and the fundamental rights of the child born through such a practice.

Thank You!