SPECIAL PROCEDURES
UNITED NATIONS
HUMAN RIGHTS COUNCIL

European Parliament Panel discussion on *The Invisible Victims- Women and children: The True Exploited in the Reproductive Market.*

19th November 2025

Keynote speech addressed by the UN Special Rapporteur on Violence against women and girls, its causes and consequences

entitled

"Surrogacy: An Ethical and Political Challenge for Europe"

Good afternoon

I wish to thank the organizers, the ECR Group and others for holding this important event and for inviting me and also for the support by many, particularly the Italian Government for my report's findings and reocmmendations, particularly Minister Rocella.

In October, I presented my report, *Different Manifestations of Violence Against Women and Girls in the Context of Surrogacy*, to the United Nations General Assembly.

I tend to dedicate my thematic annual reports to the emerging forms of violence against women and girls. Given the expansion of the practice of surrogacy worldwide, with countries adopting contradictory approaches, it was definitely high time to seriously address this issue and to analyze the consequences of surrogacy from a human rights perspective.

In doing so, I have produced the first and only United Nations document that comprehensively analyzes the harms that women and girls and the children born through surrogacy experience.

In the next few minutes, allow me to briefly explain how I came to the conclusion that adopting an abolitionist model for surrogacy is the human rights solution that should be pursued.

First I looked at academic and scientific articles on the issue. Here, I analyzed over 50 academic and peer-reviewed articles, noting their strengths and weaknesses. I should emphasize that much of the available research suffers from serious methodological limitations, including small sample sizes, limited geographical scope, high dropout rates, and insufficient data on the long-term impact of surrogacy on individuals born this way.

In addition I reviewed submissions I received from civil society and stakeholders presenting different opinions and convened consultations with 78 experts, including commissioning parents, surrogacy agencies, medical experts, women with lived experiences of surrogacy and children born through surrogacy.

My report finds that women and girls that are engaged as surrogate mothers experience profound physical, psychological, and economic violence faced by surrogate mothers. It exposes them to severe human rights

violations including of their right to health, privacy, family and physical safety and increases the risk of enslavement torture, inhumane and degrading treatment.

The surrogacy industry preys on and exploits women, particularly those from marginalised and impoverished backgrounds, fueled by patriarchal norms, sex and gender inequalities, economic disparities, and globalisation. These women and girls often see surrogacy as the only available way to provide for themselves and their families.

Often, they sign contracts they do not fully understand, either because of language barriers or the complexity of the legal terms - unsurprising, given that surrogacy agencies are primarily concerned with the interests of the commissioning parents.

Contracts often require surrogate mothers to relinquish fundamental rights, including waiving medical decision-making and confidentiality. Some are even forbidden from traveling, maintaining sexual relationships, or making choices about their living arrangements during pregnancy. Given these circumstances, it is deeply disturbing that engaging in surrogacy is portrayed as an expression of their autonomy and agency. Also importantly in this context - international law is clear that no one can consent to their own exploitation.

To suggest that financial benefit outweighs the harms that women experience is to perpetuate some of the worst forms of inequality and discrimination.

It implies that such harms are acceptable - but only for poor or marginalized women and girls. In other words, they may endure greater disadvantages precisely *because* they are already disadvantaged.

Surrogacy arrangements place monetary value on women's capacity to bear and deliver healthy children, rather than recognizing their skills or expertise, which is a particularly stark form of sexism. It also dehumanizes them and strips them o f their dignity as women are also referred to as "ovens," "incubators," "gestators," or "wombs for rent," which reflects their commodification within the system.

The medical procedures required in the process of surrogacy are often very risky. Evidence points to even more than three times higher rates of maternal health complications among surrogate mothers. The psychological consequences are also grave.

Forced separation from the child immediately after birth can cause deep trauma, feelings of loss, and long-term emotional distress. In some jurisdictions, the birth mother is not even recognized as the child's mother at any point and is treated as a legal stranger.

Turning the perspective of children, the Convention on the Rights of the Child is very clear when it states that the principle of the best interest of a child should always be the primary consideration in all decisions concerning them. This, however, is not the case in surrogacy arrangements. Children are treated as objects or property to be bought or transferred, not because their situation requires it for the realization of their best interest, as it is in adoption - but because surrogacy arrangement created a situation that exposes them to harm. In violation of the Convention of the Rights of the Child, they are intentionally deprived of their right to know and, to the greatest extent possible, be cared for by their parents. Studies also indicate that they have higher rates of preterm birth and low birth weight.

Moreover, unlike in adoption, background checks on commissioning parents are typically minimal or nonexistent. This creates grave risks, including the potential for child trafficking, exploitation, or sexual abuse.

Many listening to us today may also not be aware that the serious ower imbalances between surrogate mothers and commissioning parents often translate in commissioning partners imposing an abortion in cases of multiple pregnancies or fetal disability.[117] Surrogate mothers have reportedly been pressured to terminate healthy pregnancies, including beyond the 12 weeks, through coercive tactics such as financial incentives, threats of legal action or the withdrawal of support

Although some suggest regulations instead of abolition, such an approach does not do justice to women and girls. Evidence indicates that when surrogacy is legalized and regulated, demand increases.

Regularization leads to "forum shopping," where commissioning parents, usually from developed countries, seek the least restrictive and least expensive locations to recruit surrogate mothers, which results in their inevitable exploitation.

Additionally, pressures on women to become surrogate mothers, the use of their bodies for the benefit of others, and the harm caused to a child who is separated immediately after birth from the only mother they have ever known do not disappear simply because surrogacy is regulated.

Taking all this reality into account, I had to conclude that in order to prevent exploitation, we need the abolish surrogacy and follow an abolitionist model for surrogacy similar to the abolitionist model for prostitution, which places the rights of women and children that are victims at the center.

It should eventually be codified in the form of an international binding instrument. Such a model penalizes those who create or profit from demand—in other words those commissioning or buying children through surrogacy, brokers, and clinics while never criminalizing mothers, recognizing them as victims and providing them with adequate protections and remedies.

Appropriate remedies for women and children would include also measures such as free or low-cost legal aid, psychosocial support and financial assistance, including for surrogate mothers who choose to keep the child after birth. Women must never be treated as reproductive instruments or merely means to achieve an end. This requires the use of language that respects their humanity and dignity. States should prohibit the advertising of surrogacy services and raise public awareness about the human rights harms inherent in the practice.

I also recommend in the report that we recognize the birth mother of a child born through surrogacy as the legal mother. If this recommendation is followed, statelessness and legal limbo, which are some of the the problems experienced by children born through surrogacy, should be avoided. Any transfer of parental rights from the birth mother should occur only through judicial adoption processes that include parental suitability screening, equivalent to normal adoption procedures. All forms of discrimination against children born through surrogacy must be prohibited, and their equal access to healthcare, education, and social protection must be ensured.

Some of these consequences are already known to States. several State and non-State actors remain complicit in enabling surrogacy, including by downplaying the accompanying abuses and risks, and sanitizing the practice, which is gravely concerning. States have the obligation to respect, protect and fulfil human rights and to exercise due diligence in all their actions,[210] without discrimination.[211] They must therefore prevent the abuse and exploitation of children and women, and to assist and protect the victims.

However, abolishing surrogacy requires States to step up cooperation to identify, prevent and address associated human rights violations and abuses, including the trafficking of women and children.

I am encouraged by the recent signs that point to the fact that the international community is starting to realize the need for an intergovernmental discussion and policy design. We must accelerate these efforts without delay in order to put an end to the suffering and mistreatment of women and children – once and for all.