

**Contribution by One of Us European Federation to the UN
Special Rapporteur's Call for Input on Trafficking in
Persons and Gender, Peace, and Security**



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Table of Contents

1. Introduction

2. Surrogacy: A Recognized Form of Human Trafficking and Exploitation

2.1 Revised EU Directive on Human Trafficking

2.2 Casablanca Declaration

3. Evidence of Exploitation in Surrogacy

3.1 Socioeconomic Exploitation of Women

3.2 Commodification of Children

4. The Human Cost of Surrogacy: Exploitation and Dehumanization of Women

5. Recommendations: Prohibiting Surrogacy to Protect Human Dignity

6. Conclusion: A Call to Action

Annexes

1. Introduction

ONE OF US¹ is a European federation protecting life and dignity of every individual of the human species. As a formidable collective, our federation brings together experts, particularly in the fields of medicine and law, along with over 50-member associations from 19 countries.

Our mission is rooted in the unconditional recognition of inherent human dignity, which we believe is the foundation of freedom and human rights. We are dedicated to tirelessly promoting and safeguarding this dignity through advocacy, cultural initiatives, and the dissemination of scientific knowledge.

The ONE OF US Federation was created in the wake of the ONE OF US European Citizens' Initiative. ONE OF US collected over 1.7 million signatures, marking it as the most significant and successful European Citizens Initiative in EU history.

Through this contribution, One of Us urges the UN to recognize surrogacy as a form of human trafficking and exploitation. This contribution advocates for the prohibition of surrogacy by referencing the revised EU Directive on Human Trafficking and the Casablanca Declaration.

2. Surrogacy: A Recognized Form of Human Trafficking and Exploitation

2.1. Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims (revised in 2024)²

The revised EU Directive on Human Trafficking explicitly acknowledges surrogacy as a potential form of human trafficking and exploitation. Article 2, §3 of the Directive includes "the exploitation of surrogacy, of forced marriage, or of illegal adoption" within its scope. Recital 6 clarifies that "the exploitation of surrogacy should be included as forms of exploitation in that Directive, in so far as they fulfil the constitutive elements of trafficking in human beings, including the means criterion."

According to the provisions in article 1, the directive "establishes the minimum rules relative to the definition of penal offences and sanctions in the field of human trafficking." The exploitation of surrogate motherhood or "substitution maternity" enters that context at the European level. The term "exploitation" is applicable also to vulnerability situations, which signifies as specified in article 2.2 "That the person concerned has no other real or acceptable choice but to submit to such abuse."

¹ <https://oneofus.eu/>

² [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2022/0426\(COD\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2022/0426(COD)&l=en)

This directive was backed by over 563 Members of the European Parliament in the plenary vote that took place on April 23rd, 2024³. Ministers of EU Member States at the Council has also voted unanimously in favour of this directive on May 27th, 2024⁴.

2.2 Casablanca Declaration

The Casablanca Declaration⁵, endorsed by over 100 experts from diverse fields and nationalities, denounces surrogacy as a violation of human dignity and a form of commodification of women and children. It calls for the global prohibition of surrogacy and proposes a comprehensive legal framework to combat this practice.

3. Evidence of Exploitation in Surrogacy

3.1. Socioeconomic Exploitation of Women

Surrogacy often targets socio-economically vulnerable women, exploiting their financial needs and social status. In countries like Ukraine, Thailand, and India, it is estimated that thousands of women are coerced or deceived into surrogacy annually. The International Labour Organization (ILO) estimates that approximately 21 million people are victims of forced labour globally, with surrogacy increasingly contributing to this exploitation.⁶

In Ukraine, about 2,000 surrogacies are arranged annually, with many women from economically disadvantaged backgrounds participating due to financial desperation. In India, before the 2018 ban on commercial surrogacy, up to 25,000 children were born through surrogacy each year, with surrogate mothers receiving minimal compensation compared to the substantial profits of surrogacy agencies.

Surrogacy has surged globally, raising critical ethical concerns. In 2022, the surrogacy market was valued at \$11 billion USD, with projections suggesting it could exceed \$129 billion by 2032⁷. In the U.S., the prevalence of surrogacy increased dramatically between 1999 and 2013, with 30,927 surrogacy attempts resulting in 13,380 births. The number of surrogate mothers increased from 727 in 1999 to 3,432 in 2013, a rise of 372%. Notably, 16% of these surrogacies were for international intended parents. In Australia, clinical pregnancies through surrogacy grew by 3,900% from 2005 to 2021, with 697 children born through legal surrogacy⁸. This

³ <https://www.europarl.europa.eu/news/en/press-room/20240419IPR20580/trafficking-in-human-beings-meets-adopt-more-extensive-law-to-protect-victims>

⁴ <https://www.consilium.europa.eu/en/press/press-releases/2024/05/27/fight-against-human-trafficking-council-strengthens-rules/>

⁵ <https://declaration-surrogacy-casablanca.org/>

⁶ <https://www.ilo.org/resource/news/21-million-people-are-now-victims-forced-labour-ilo-says>

⁷ <https://www.gminsights.com/pressrelease/surrogacy-market>

⁸ *National Perinatal Epidemiology and Statistics Unit (NPESU):*
<https://www.unsw.edu.au/content/dam/pdfs/research/2023-12-npesu/2024-01-Assisted-Reproductive-Technology-in-Australia-and-New-Zealand-2021.pdf>

dramatic increase highlights the urgent need for the UN to prohibit surrogacy, as it commodifies children and exploits women, contravening essential human rights and ethical standards

3.2. Commodification of Children

Children born through surrogacy are treated as commodities, delivered per contractual terms. The Hague Conference on Private International Law estimates that around 20,000 children are born annually through international surrogacy arrangements, facing complex legal and identity issues.

Separation from their birth mothers immediately after birth can lead to significant psychological and emotional issues for these children. Research indicates that children born through surrogacy often face identity and attachment challenges, compounded by legal ambiguities surrounding their citizenship and parentage.

4. The Human Cost of Surrogacy

Surrogacy not only exploits women but also undermines human dignity. It commodifies reproduction and motherhood, transforming them into transactions. This process dehumanizes women, treating them as vessels for carrying children and reducing the profound bond between mother and child to a mere contractual obligation. For instance, the joint investigation by the European Network of Migrant Women (ENoMW) and the International Coalition for the Abolition of Surrogate Motherhood (ICASM)⁹ uncovered harrowing accounts of women who were lured into surrogacy under false pretenses. Many migrant women shared stories of being promised financial stability, only to find themselves subjected to exploitative conditions. They experienced severe health complications, psychological trauma, and a profound sense of loss and betrayal as their newborns were taken away immediately after birth. One woman, in particular, recounted how she was pressured into multiple pregnancies despite the toll on her health, with her well-being disregarded in favor of contractual obligations. These narratives illustrate the grave ethical concerns and emotional anguish inherent in surrogacy, underscoring the need to prohibit this practice to protect vulnerable women from exploitation and abuse.

5. Recommendations: Prohibiting Surrogacy to Protect Human Dignity

In light of the substantial evidence of exploitation and the inherent violation of human dignity in surrogacy, One of Us European Federation recommends the following actions to protect women and children:

1. **Comprehensive Legal Prohibition:** States should enact clear and enforceable laws to ban all forms of surrogacy within their territories. Both commercial and altruistic surrogacy should be prohibited, as any form of surrogacy inherently commodifies human life.

⁹ <https://www.migrantwomennetwork.org/2022/10/21/migrant-women-and-reproductive-exploitation-in-the-surrogacy-industry-joint-investigation-by-enomw-and-icasm/>

2. **International Legal Framework:** Advocate for the development and adoption of an international convention to prohibit surrogacy globally, as proposed in the Casablanca Declaration. This framework should provide consistent protections across borders, preventing the exploitation of women and children through cross-border surrogacy arrangements.
3. **Support and Rehabilitation:** Establish support systems for women who have been exploited through surrogacy, including access to healthcare, legal assistance, and psychological support. This support should address both the immediate and long-term impacts of their exploitation.
4. **Protection of Children's Rights:** Implement laws and policies that prioritize the rights and welfare of children born through surrogacy. These measures should ensure their right to a secure identity, access to their biological heritage, and protection from being treated as commodities.
5. **Awareness and Education Campaigns:** Launch public education initiatives to raise awareness about the ethical, legal, and human rights issues associated with surrogacy. These campaigns should target potential commissioning parents, surrogates, and the general public, emphasizing the risks and moral implications of surrogacy.
6. **Monitoring and Enforcement:** Strengthen monitoring and enforcement mechanisms to ensure compliance with anti-surrogacy laws. This includes training law enforcement and judicial personnel, establishing dedicated units for addressing surrogacy-related exploitation, and collaborating with international organizations to track and prevent surrogacy networks.
7. **Prosecution of Offenders:** Pursue legal action against entities involved in surrogacy, especially those which acts as intermediaries, taking advantage of the distress of couples and of the financial needs of surrogate mothers. Effective prosecution will deter surrogacy practices and hold offenders accountable.
8. **Research and Data Collection:** Support research to collect data on the prevalence and impact of surrogacy. This data should inform policy decisions and enhance the effectiveness of legal frameworks, providing a factual basis for continued advocacy and intervention.

6. Conclusion: A Call to Action

Surrogacy constitutes an alarming form of human trafficking and exploitation, as recognized by the revised EU Directive on Human Trafficking and the Casablanca Declaration. It commodifies women and children, violating their fundamental rights and dignity. One of Us European Federation urges the UN to acknowledge the inherent harms of surrogacy and to take decisive action for its comprehensive prohibition. By adopting these recommendations, we can safeguard the dignity and well-being of women and children, preventing their exploitation and ensuring a future where human life is respected and protected in all its forms.

Annexes

Annexe 1: European Parliament and Council Directive on Preventing and combating trafficking in human beings and protecting its victims

PDF Link: <https://data.consilium.europa.eu/doc/document/PE-14-2024-REV-1/en/pdf>

Annexe 2: Casablanca Declaration

Link: <https://declaration-surrogacy-casablanca.org/text-of-declaration/>