

Call for input for the report on trafficking in persons and gender peace and security

To: Special Rapporteur on trafficking in persons, especially women and children

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Purpose: To inform the Special Rapporteur's report on gender, peace and security to be presented to the 3rd Committee of the UN General Assembly in October 2024.

Objectives achieved in this contribution:

- Prevention and accountability measures in relation to trafficking in persons, for all purposes of exploitation
- Trafficking in persons, enslavement and sexual slavery
- Proposal of trainings for relevant personnel to identify, document and denounce situations with risks of trafficking
- Mandatory trainings for peacekeeping personnel on trafficking in persons for all purposes of exploitation
- Design of gender sensitive responses and programmes on prevention, protection and recovery from conflict-related sexual violence, psycho-social and medical support services, which mainstream trafficking in persons

CONTRIBUTION

1. Main background data

There is strong evidence of the links regarding human trafficking and reproductive exploitation in Europe. Through surrogacy, women and motherhood are the victims for commercial purposes of organized crime. The Federation of Catholic Family Associations in Europe would like to invite the United Nations to inspire an international ban on surrogacy, as a form of reproductive exploitation of women and human trafficking of children, and on

many occasions women too. Displacement and moving of pregnant women and unborn children for the purposes of surrogacy is a key element in this type of human trafficking. For instance, this has been put to light in the aftermath of the war in Ukraine by the [International Organization for Migration](#), as well as in cases of women being trafficked for the purpose of surrogacy in Europe addressed by [EUROPOL](#). Often, the purchasing party (“the client”) lives in a different State than the mother, and requires her displacement for medical checkups, delivery, circumvention of national laws, or other reasons to the country of origin of the client. On the other hand, the child is always trafficked, and the birth certificate is falsified, refusing the child to know his/her identity and their right to know one’s origin.

Research has highlighted the displacement of pregnant women to sell their children through illegal adoptions and baby trafficking. According to CIAMS, “Bulgarian, Georgian and Roma women were taken to private clinics in Greece to give birth before their babies were sold for illegal adoption. Others were taken to private clinics to have their eggs harvested and some were used as ‘surrogate mothers’”.¹ The United Nations Human Rights Council underlined cases around the world and the importance of addressing surrogacy and the sale of children.² UNICEF also addressed the risks of surrogacy for children, stating: *“Children born through surrogacy, especially ISAs, are at risk of multiple human rights violations – particularly, their right to an identity, including name, nationality, family relations and access to origins; the right to the enjoyment of the highest attainable standard of health; and the right to not be sold [the latter also stated in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC)]. Decisions may be made by adults in surrogacy situations which are discriminatory based on the child’s disability and/or gender, and which are contrary to the child’s best interests as the paramount consideration.”*³

Women’s and mothers' bodies should not be used, under any circumstance, for surrogacy.

FAFCE explains that surrogacy motherhood is an exploitation of the woman’s body, and also an exploitation of the child which is the object of a transaction – whether commercial or *“in natura”*. Women particularly are in a more dangerous and vulnerable situation, as they are not only denied their human dignity as women and mothers, but also deprived of their own bodies, which are controlled completely by the purchasing clients or the destination of the child, who is considered as a product. Also, in surrogacy the right to withdrawal is nonexistent. Mother and child are forcibly separated from each other, causing long term trauma in both the child and the mother. The child, who only knows the mother, is forced into the arms of clients who, whether in return of financial compensation or any other kind of retribution, or

¹<http://abolition-ms.org/en/news/migrant-women-and-reproductive-exploitation1-in-the-surrogacy-industry-joint-investigation-by-enomw-icasm/>

² <https://www.ohchr.org/en/special-procedures/sr-sale-of-children/surrogacy-and-sale-children>

³ [file \(unicef.org\)](#)

nothing at all, is deprived from the only reference. There are reasonable grounds to believe that further widespread cases of human trafficking occur in the context of surrogacy, and that the market of this crime is financially powerful. The woman is not only a carrier, but she is also a mother in its full biological, psychological and philosophical sense. Cells are exchanged between her and the children, moments, feelings, and genetic material.

A child should never be considered the object of a transaction whether or not pecuniary. It is against human dignity and the best interest of the child. The child in the womb has no voice, has no option, has no choice in such a transcending decision. Children rights and wellbeing are suffering under the consequences of the desire of adults. This trend of commodification and sale of children, and exploitation of women and motherhood should be abolished. Surrogacy has shown the traumatic consequences in surrogate children as well as to their physical and mental health.

In line with the theme of [the 68th Session of the Commission on the Status of Women](#) in New York and with the 56th session of the Human Rights Council in Geneva [several side events](#) where organized to advocate for States and the international community to work together towards the adoption of an international legally binding instrument for the abolition of surrogacy in all its forms.

The exploitation of women through surrogacy as well as human trafficking of children highlights the need for an international ban on surrogacy, promoted by the United Nations. The selling of children through surrogacy has also been on the agenda of the OHCHR in the past. Surrogacy has also been included in the amended [EU Directive 2011/36/EU](#) on preventing and combating trafficking in human beings and protecting its victims.

2. Recommendations

The United Nations, as the world's guardian of human rights, must be at the forefront of the fight against surrogacy because of its implications for the rights of women and children, as well as its significance for human dignity. As protector and defender of the most vulnerable, the United Nations needs to promote the banning of surrogacy in all corners of the world. The trade in women and children most particularly affects the world's most vulnerable. Women who, whether in exchange for money or not, agree to put themselves at risk their health both physically and psychologically. And children born through surrogacy, who are sold and deprived of their most basic rights, including their physical and mental health consequences of this practice. The right to have a child does not exist, and surrogacy entails the deprivation of the rights of the most vulnerable, women and children. **Surrogate motherhood is a new form of slavery, which, whether commercial or altruistic, always requires the exploitation of the woman's body, as well as the commodification of the child.**

Therefore, in the name of all its Members, the Federation of Catholic Family Associations in Europe, recommends and invites the United Nations Special Rapporteur on trafficking in persons, especially women and children:

- 1. To establish a common mandate with the United Nations Special Rapporteur on violence against women and girls and the Committee on the Rights of the Child in order to promote an international ban on surrogacy, through an International Human Rights instrument binding on States, in line with the Casablanca Declaration.**
- 2. To draw a proposal in order to reinforce basic rights of human dignity of women and children, through enhancing police cooperation in relation to the prevention, detection and investigation of this crime.** More preemptive detection and police cooperation would be needed due to a multifactor crime that affects vulnerable women and children. It is a multiple crime: violence against women, reproductive exploitation of women, illegal adoption, purchasing of human beings, human trafficking of women and children, forced separation of mothers and children, smuggling and selling of children.
- 3. To establish prevention and accountability measures in relation to trafficking in persons through surrogacy and further investigate transnational transactions in the context of surrogacy and put to light abuses in contractual agreements in the context of surrogacy, whether it has been legalized in the State or not.**
- 4. To propose trainings for relevant personnel to identify, document and denounce situations with risks of trafficking in the context of surrogacy, including through the expert worldwide network created by the Casablanca Declaration.** The trainings shall be mandatory for peacekeeping personnel on trafficking in persons for all purposes of exploitation including surrogacy in conflict areas.
- 5. To design a coordinated response and programmes on prevention, protection and recovery** from conflict-related sexual violence, psycho-social and medical support services, which mainstream trafficking in persons, particularly in the context of surrogacy.