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|  | <b>Reem Alsalem</b>                                                          |                                                                                                                                                                        |
|                                                                                   | <i>United Nations Special Rapporteur on Violence against women and girls</i> |                                                                                                                                                                        |
|                                                                                   | Date                                                                         | 27 May 2026                                                                                                                                                            |
|                                                                                   | Event                                                                        | Symposium 'Law on surrogacy: new framework, new questions'                                                                                                             |
|                                                                                   | Host                                                                         | NPV – Zorg voor het Leven                                                                                                                                              |
|                                                                                   | Location                                                                     | Nieuwspoor, The Hague, THE NETHERLANDS                                                                                                                                 |
| Full Report                                                                       |                                                                              | Speech based on United Nations General Assembly 14 July 2025, <i>Violence against women and girls, its causes and consequences</i> , <a href="#">UN Doc A/80/158</a> . |

I would like to thank the NPV-Zorg voor het leven and particularly Hannah Beijeman for the kind invitation to me to speak at this important event.

I am extremely sorry that I could not be with you in person. Sometimes life gets in the way.

### Commodification of women and girls

Surrogacy is a **multi-million dollar Enterprise**. In 2023, the global surrogacy market was valued at \$14.95 billion and is projected to reach \$99.75 billion by 2033.

It is fueled by globalization and capitalism – and the notion that is being pushed by well-funded lobbies but also powerful forces that everything can be bought and sold.

With that in mind, women and girls are particularly targeted for their sexual and reproductive functions that are also then commodified.

This **commodification** is best reflected in the use of language. Women and girls get stripped of their dignity and humanity. **They are referred to as “ovens” “gestional carriers” and “incubators”** and other words.

### Surrogacy preys on the vulnerable

In doing so, the surrogacy industry preys on and **exploits women**, particularly those from marginalised and impoverished backgrounds, precarious legal status, 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.

Surrogacy also **reinforces systemic racism and discrimination**. The global demand for surrogacy is frequently shaped by racist and postcolonial stereotypes, where young, white, western women with higher education receive up to 100 times more for their eggs than others.

More information? <https://www.npvzorg.nl/draagmoederschap-info/>

It must be stated that the media often acts consciously in embellishing surrogacy, downplaying its harmful, exploitative, and risky nature for the surrogate mother and invisibilizing the harms caused for the child.

Women and girls that are engaged as surrogate mothers experience profound physical, psychological, and economic **violence** faced by the commissioning mother or parents.

What many may not know is that surrogates have reportedly received as little as 10–27.5 per cent of the total payment.<sup>13</sup> Notably, there are incentives for those who refer a woman to a surrogacy agency. In some countries such as in the United States of America, a referring person can also receive a bonus of between \$1,000 and \$5,000 on average.<sup>14</sup> In India, it can be up to \$100.<sup>15</sup>

### Surrogacy exposes females to human rights violations

Surrogacy exposes the surrogate women 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 serious **power imbalances** between surrogate mothers and commissioning parents often also translates in commissioning partners imposing an abortion in cases of multiple pregnancies or fetal disability.<sup>117</sup> 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.

Surrogate mothers also become exposed to also **serious health risks** as a result of the hormones they take and the medical procedures which are 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.

These risks are often dismissed or ignored by the clinics and the commissioning parents, for whom their desires, and realizing what they paid for is what matters.

The Universal Declaration on Human Rights emphasizes the right of all humans to dignity and obligates the duty not to discriminate based on sex.

Reducing women to their reproductive function also contravenes article 5 of the Convention on the Elimination of All Forms of Discrimination Against Women, under which States are obliged to modify social and cultural patterns of conduct based on stereotype roles for men and women.

### Surrogacy causes trauma for the child

The child also is **forcefully separated from the only person it knows**, immediately after birth which causes deep trauma, feelings of loss, and long-term emotional distress for both the mother and the child.

There are many scientific studies that point to the **deep bond** that is created between mother and child.

In many jurisdictions, the birth mother is not even recognized as the child's mother at any point and is treated as a legal stranger. She is also often forced to give up the child.

It must be mentioned that article 10 (2) of the International Covenant on Economic, Social and Cultural Rights, it is stated that "special protection should be accorded to mothers during a reasonable period before and after childbirth".

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. Studies also indicate that they have higher rates of preterm birth and a low birth weight.

Furthermore, they are at an **increased risk of ending up stateless** and abandoned when the plans or situations of commissioning parents change, which happens quite frequently either because the commissioning parents changed their mind, or because of force majeure: for example covid shut down regulations, war as it happened in Ukraine.

Moreover, unlike in adoption, **background checks** on commissioning parents are typically minimal or nonexistent. This creates grave risks, including the high likelihood and exposure to child trafficking, exploitation, or sexual abuse.

We know that many children commissioned are not commissioned by genuine parents. There have been **reports of predators**, persons, particularly men with violent background or criminal records and also stories of children being born to harvest their organs and to exploit them in other ways.

When prospective parents say they want a child in order to start a family and argue that having a child is an international human right, as part of reproductive rights, the following points are worth noting.

- The right to marry and found a family as recognized by the Universal Declaration and other instruments, does not mean the right found a family by all means, including buying children and a woman's body.
- And role of the State vis a vis the family, according to international law is to protect **the family seen as the natural and fundamental group unit of society**. That does not include an obligation to entertain, aid, abet and facilitate serious human rights violations as we see through surrogacy.

In the optional protocol to the Convention on the Rights of the child, Child prostitution and child pornography, the **sale of children is explicitly prohibited**. In the Optional Protocol, such sale is defined as any act or transaction in which a child is transferred by any person or group to another for remuneration or any other consideration.

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. In violation of this convention, they are intentionally deprived of their right to know and, to the greatest extent possible, be cared for by their parents.

### Best interest of the child harmed by surrogacy contracts

All this becomes particularly possible through the contracts that surrogate mothers must sign.

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 when in fact, particularly through these contracts, **the surrogate mother signs away any agency or control** over her body or desire. They do not matter.

### Altruistic versus commercial surrogacy: a distinction that does not exist

I also want to address the misperception that there is a real distinction between altruistic surrogacy and commercial surrogacy:

1. This distinction is **artificial**, as the reimbursement is so high in altruistic surrogacy it effectively constitutes commercial payment (hidden in).
2. Legalizing altruistic surrogacy has not diminished or eliminated the **abuse** that exists in surrogacy. E.g. UK, Greece.
3. Because surrogacy is driven by profit and commodification, there is a **shortage** of women and clinics who are engaged in altruistic surrogacy.
4. Also altruistic surrogacy arrangements have not prevented commissioning parents from continuing to shop for the best, the most appropriate and the cheapest option abroad and those which have the most permissible laws and the least screening/background checks. Also importantly in this context to say that international law is clear that **no one can consent to their own exploitation** not to mention that **children do not consent**.

### We need an abolitionist model to abolish surrogacy

With regards to State policies, there are primarily three regulatory models governing surrogacy: (a) explicit prohibition; (b) regulation and recognition, either full or limited to altruistic arrangements; and (c) unregulated, often resulting in legal ambiguity.

Enforcement and oversight mechanisms for surrogacy arrangements and the role of intermediaries are frequently weak or non-existent.<sup>22</sup>

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.

An abolitionist 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.

Irrespective of where States are on the issue of surrogacy, there are many actions that they need to take:

1. Elevate the matter to become an issue that must be **discussed internationally**, and where information sharing and cooperation must happen.
2. **We must centre the best interest of the child** born through surrogacy. It is what international law requires, and it must remain primary consideration in all decisions concerning their care, acquisition of nationality, and parentage.
3. Any transfer of parental rights must occur solely through judicial adoption procedures that include full suitability assessments, equivalent to standard adoption safeguards.
  - a. Children abandoned or left without care should be treated as unaccompanied minors and placed in alternative family-based care.
  - b. To prevent statelessness, States should guarantee every child the right to a nationality, preferably that of the mother or the State of birth.
  - c. All forms of discrimination against children born through surrogacy must be prohibited, and their equal access to healthcare, education, and social protection ensured. States should establish registries of egg and sperm donors and protect children's right to know their origins.

4. **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 problems experienced by children born through surrogacy, should be avoided.
5. **Any transfer** of parental rights from the birth mother should occur **only through judicial adoption processes** that include parental suitability screening of the commissioning parents, equivalent to normal adoption procedures.
6. **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.

States have the obligation to respect, protect and fulfil human rights and to exercise due diligence in all their actions, without discrimination. 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.