



## MOTION FOR A RESOLUTION BY THE COMMITTEE ON HUMAN RIGHTS I

**Coming to terms: Considering that surrogacy is deemed illegal in some Member States, while some only accept altruistic surrogacy, how can Member States protect the rights of surrogate mothers and avoid legal ambiguities in the regulation of surrogacy?**

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### The European Youth Parliament,

- A. Bearing in mind Article 8 (1) of the European Convention on Human Rights<sup>1</sup>,
- B. Noting with approval the 1993 Hague Convention on Intercountry Adoption<sup>2</sup>,
- C. Acknowledging the increasing concern posed by infertility, which affects one in six couples worldwide<sup>3</sup>,
- D. Considering the increasing use of Assisted Reproductive Techniques such as surrogacy in combating infertility,
- E. Recognising the different and often opposing approaches on the regulation of surrogacy amongst Member States,
- F. Realising the difficulties in creating international surrogacy agreements<sup>4</sup> due to the abovementioned differences in regulations,
- G. Concerned by the possible risks posed by surrogacy to both the mental and physical health of the surrogate mother,
- H. Regretting the discrimination in some Member States' surrogacy legislation concerning the rights of Lesbian, Gay, Bisexual, Transgender + (LGBT+) couples and single parents,

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<sup>1</sup> Article 8 (1) of the European Convention on Human Rights states that "Everyone has the right to respect for his private and family life, his home and his correspondence.

<sup>2</sup> The 1993 Hague Convention on Intercountry Adoption aims to protect the rights of children by establishing safeguarding procedures for intercountry adoption. It has been ratified by all Member States.

<sup>3</sup> Euractiv (2018). [Time for a European game-changing movement on infertility.](#)

<sup>4</sup> International surrogacy agreements occur when an infertile couple, or individual, travels to another country in order to create a surrogacy agreement due to more lenient regulation. This is also known as fertility tourism.



- I. Expressing its appreciation of the Human Fertilisation and Embryology Authority (HFEA)<sup>5</sup> in regulating fertility clinics in the United Kingdom,
  - J. Stressing the absence of an EU framework on international surrogacy agreements,
  - K. Disturbed by instances of statelessness arising from the lack of international surrogacy agreements as a result of differences in Member States' policies towards awarding citizenship,
  - L. Alarmed by breaches in surrogacy agreements and the potential for exploitation of surrogate mothers created by lack of international surrogacy agreements;
1. Calls upon Member States to implement legislation confirming and protecting the rights of surrogate mothers, intended parents, and the child;
  2. Encourages Member States to create international surrogacy agreements with both EU and non-EU countries;
  3. Suggests Member States to implement independent supervisory bodies on fertility treatments following the example of the HFEA;
  4. Advises Member States which allow surrogacy to introduce specific age and health criteria for surrogates;
  5. Urges Member States to provide free legal advice to surrogates and intended parents to inform them of their rights and obligations;
  6. Invites Fertility Europe<sup>6</sup> to support all parties involved in surrogacy agreements through measures such as but not limited to anonymous helplines;
  7. Recommends Non-governmental Organisations (NGOs) and Member States to improve education regarding surrogacy by:
    - a. organising seminars in schools,
    - b. distributing leaflets in health centres,
    - c. providing free consultation to women considering surrogacy;
  8. Strongly encourages Member States to provide free and comprehensive medical treatment and information for surrogate mothers and intended parents;
  9. Seeks NGOs and international organisations, such as the World Health Organisation and Fertility Europe, to cooperate in supervising and monitoring international surrogacy agreements;
  10. Invites Member States allowing surrogacy to implement regulations which do not discriminate against members of the LGBTQ+ community or single parents.

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<sup>5</sup> Human Fertilisation and Embryology Authority is a government regulator which is responsible for making sure fertility clinics and research centres comply with the law.

<sup>6</sup> Fertility Europe is a pan-European NGO representing the interests of infertility patients.