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Children's Rights in Surrogacy

Thank you, Mister Chair.

The International Social Service wishes to share a clear message:
Children's rights are being compromised in international surrogacy arrangements — and we already know enough to act.

International surrogacy arrangements have existed for decades. In today's interconnected world, people, reproductive services, and medical technologies move across borders with ease.

What has not kept pace are the safeguards needed to protect the children concerned.

We may not have comprehensive global data. But recurring cases and professional experience already tell us enough.

Surrogacy crosses borders. Protections for children do not.

State approaches remain fragmented, with more and more multi-jurisdictional complex situations as shown in ISS Legal trends report published last year in April.

In one illustrative case, a couple residing in an Asian country with restrictive surrogacy rules travelled to another jurisdiction in Latin America where surrogacy operates without clear regulation. They returned home with two children but now face obstacles to recognition in their country of habitual residence. They are therefore seeking adoption recognition in a European country of nationality that itself prohibits surrogacy and must now evaluate the children's situation abroad before recognising any adoption.
Three legal systems. Three different legal approaches. And children caught in between.

When legal systems do not align, recognition of parentage may be delayed or denied — resulting in limping legal parentage, where a child's parents are recognised in one country but not in another.

On the top of that children may also face risks of several rights' violations, such as: insecure birth registration - risk of statelessness - barriers to healthcare and social protection - obstacles to accessing their identity and origins

These are not abstract legal questions. They concern real children.

Previous HCCH Children's Conventions were not built because the world had perfect data. They were built because children needed protection.

The same urgency exists today.

Only coordinated international action can ensure continuity of legal parentage, cross-border cooperation, and safeguards so that no child is left without identity or protection.
This is why continued work on surrogacy is essential.

Thank you.