

EUROPEAN COLLECTIVE OF ASSOCIATIONS OF ETHICAL SURROGACY

INTRODUCTION

The European Parliament and European Council are preparing an update of the Directive about Preventing and combating trafficking in human beings and protecting its victims https://eur-lex.europa.eu/legal-content/EN/HIS/?uri=CELEX%3A52022PC0732#2022-12-19_ADP_byCOM

Our Collective of European Associations on Surrogacy (E.C.A.E.S.) created in this purpose, agrees with the project in its whole, but denounces a particular part of the proposal of modification of article 2, paragraph 3, of the European Directive 2011 which has been discussed in a very small preparative Committee led by extremists and populist parties, in order to declare “surrogacy a universal crime ... as a reproductive exploitation».

EXPLANATORY STATEMENT

Our European Collective of Associations reminds that a majority of European countries doesn't prohibit surrogacy (Belgium, Denmark, Sweden ..) and that even some are regulating surrogacy (Greece, Portugal....) and that there is no effective and sustainable reason to mention surrogacy in a directive aiming at protecting the human beings against trafficking, as prohibition is not a valid solution but would create more issues than solving anyone.

Our European Collective of Associations believes that a good and effective framework for regulation is the only way to avoid potential derives in Surrogacy, as best practices attest in many countries in the world for 40 years. The ban has never been a solution and many countries in the world are now regulating this field. Our European Collective of Associations makes common proposals for regulation of Surrogacy in Europe (see below, in annex).

Our European Collective of Associations declares that here is no need nor opportunity to stigmatize Surrogacy in a Directive which already contains all the necessary measures to protect the Human Rights and specially those of women and children. There is in effect no necessity to stigmatize surrogacy as it would cause major damages to thousands of children already born thanks to this process, whatever their conditions of birth are. Moreover, it wouldn't help fighting against « human trafficking » as many measures already exist in this field as for any others to ensure « a more efficient protection of victims ».

OUR REQUESTS

Our European Collective of Associations demands the total and immediate withdrawal of this amendment as a discrimination towards children born through surrogacy, who have the right to be protected and to have a recognized filiation as stipulated in article 8 of the European Constitution. Our European Collective of Associations requires a real debate to set up a regulatory framework for Ethical Surrogacy. We can send our detailed proposal report on demand, and we are open to any discussion and informative session, as well as any hearing by the Parliament or the European Council.

Our common platform of proposals for a regulatory framework in Surrogacy in Europe is based on 5 fundamental principles:

- An ethic and solidarity-based Surrogacy for couples and single persons
- Informed Consent of all the stakeholders (surrogate, intended parents at least)
- Compensation of the Surrogate with a flat fee determined by the Judge
- Establishment of the filiation on the basis of the “Anticipated Recognition” made by the intended parents during the pregnancy of the Surrogate
- Right to have a motherhood and fatherhood’s leave as for any other birth.

SIGNATURES

France

SYLVIE AND DOMINIQUE MENNESSON, Presidents of Association CLARA in France (2500 Members, 40 experts and 1600 children born through surrogacy) Contact Phone : + 33607351335 – e-mail : claradoc.gpa@free.fr Website : <http://claradoc.gpa.free.fr>

Italy

FRANCESCA RE, Association Luca COSCIONI, Italy (number or members) website <https://www.associazionelucacoscioni.it/>

Spain

PAOLO BILBOA, association « These are our children » (Son Nuestros Hijos) Spain website <https://sonnuestroshijos.com/>

Germany

Verein zur Förderung der Legalisierung der Leihmutterschaft in Deutschland e.V. (<https://vfild.de/> to be confirmed)