



## International “Declaration of Casablanca” to Outlaw Surrogacy

SINGAPORE — Around a hundred international lawyers and specialists from 75 countries gathered in Casablanca on March 3 to sign a document urging the practice of surrogate motherhood to end.

The document, titled the “Casablanca Declaration,” asked for the universal repeal of surrogacy, stating that it is intrinsically against human dignity and that no framework or philosophy could ever make it acceptable.

Notably, these signatories had to tackle the issue of surrogate motherhood due to the nature of their jobs as magistrates, researchers, doctors, and psychologists. They felt that surrogacy was increasingly normalized and trivialized in many regions around the world, especially in Europe.



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Rather than publish their thoughts in specialized journals, the group of academics and specialists decided to gather from all over the world to focus on the problem of surrogacy and combat it in the form of the declaration. These professionals posited that only a global policy would be able to halt the spread of surrogacy, and hope the recent manifesto will end the practice.

Frequently, surrogacy entails many cross-border transactions, with many wealthy Western couples renting the wombs of surrogate mothers from developing countries. The venue of the declaration is particularly significant, as Morocco is one of the few countries that enforces a firm stance against the process. Involvement in surrogacy in the country is punishable by criminal sanctions.

The religious and political backgrounds of these signatories varied, thus [the published declaration](#) was intentionally short, without elaborating much about the philosophies and beliefs governing their mindsets. However, all signatories agreed that surrogate motherhood is an act of violence “done to all women” and an assault on the dignity of children. Thus, they stated that they were “convinced that the surrogate motherhood contract undermines human dignity and contributes to the commodification of women and children.”

The signatories claim the use of a surrogate mother as a method of procreation is unethical. Thus the declaration posited that it was expedient that surrogacy in all forms, whether remunerated or not, be denounced.

In an appendix to the manifesto, the committee meeting in Casablanca included a list of recommendations to states: “prohibit surrogacy on its territory; deny any legal value to contracts involving the commitment of a woman to carry and deliver a child; sanction persons who propose themselves as intermediaries, who resort to surrogacy on its territory, and nationals who resort to



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surrogacy outside its territory; act with a view to the adoption of an international legal instrument leading to the universal abolition of surrogacy.”

Furthermore, the document unveiled the fundamentals for an international convention should states decide to ban surrogacy.

The recent move in Casablanca is unique in that it does not demand a simple framework for surrogacy. Instead, the document and the gathering asked for its total abolition. Without detailing the various ways in which surrogacy undermines human dignity, the declaration focused on the ultimate goal of eradicating the practice without addressing contentions that could arise should there be more suggestions on solutions. Following the declaration, signatories hope to argue their case in national contexts.

Luis Ernesto Pedernera Reyna, member and former chair of the UN Committee on the Rights of the Child, and Suzanne Aho Assouma, member and former vice chair of the same institution, were observers at the seminar.

Surrogacy is the process whereby a woman — typically alluded to as a “surrogate mother” — carries in her womb one or more children on behalf of intended parents to whom the child will be given after birth. The transaction is usually between the surrogate mother and the parents, or through one or more third parties.

So far, no binding text has been implemented on the issue at the international level. While surrogacy is legal in some places (some American states, Canada, the U.K., Ukraine, Russia, the Netherlands, Denmark, Greece, and India), many countries remain legally equivocal on the issue, particularly in matters concerning the acknowledgment of children born by surrogate motherhood abroad. These vague measures nonetheless have contributed to expanding the practice beyond national borders.

Aude Mirkovic, senior lecturer in law and one of the main organizers and coordinator of the initiative, said in an interview with *Catholic News Agency* that foreign commercial companies would solicit potential clients in countries where surrogacy is outlawed.

“We are particularly aware of this issue in France as we are experiencing very aggressive canvassing by mainly Ukrainian and American companies that come to sell us their services with impunity; we just let it happen,” Mirkovic lamented.

“The result is that women are being used, exploited to give birth to children for clients in various countries, and these children are being ordered and delivered in execution of a contract,” she added. “Not to mention the damage to filiation, the separation from the woman who bore them, which deliberately exposes them to the wound of abandonment.”

Alluding to the geographical diversity of the experts involved in the initiative, Mirkovic said that the signatories made the intentional choice not to mention the organizations to which they belong in order to garner people of various sensibilities, including those with no particular political or ideological affiliation.

“We wish to arouse the interest of the greatest number of [countries] and international organizations and in this sense, our approach is political. Anybody can take hold of the text. It is enough to agree with its content to appropriate it and present it to one’s government or elected representative. Our hope is that political structures will take hold of it,” she stated.

The group hopes to present the text before bodies such as the Council of Europe and the United Nations



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(UN) for it to potentially give rise to multilateral agreements between countries.

“We followed the model of learned societies to put our expertise at the service of a cause and make concrete proposals,” Mirkovic said. “It is easier to get governments to sign up to something that already exists than to have to think up a political project from scratch, and this can create a ripple effect.”

“The feeling that unites us all is the determination not to stand by and watch this human commodification, this modern slavery, develop,” she concluded. “Slavery would never have been abolished if our ancestors had been as individualistic as the present generation is. But human dignity must be defended at all times and in all places, and everyone has a part to play.”



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