

Utrecht University

European Master's Degree in Human Rights and Democratisation

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# BREAKING FERTILE GROUND IN THE EUROPEAN UNION

*A Trial for the Regulation of Womb and Child Trade in Surrogacy*

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## ABSTRACT

The thesis provides an overview of the challenges that arise in the European Union with an increasing number of incoming children born as a result of a commercial international surrogacy arrangement.

The principal objective of the analysis is to provide a human rights regulative approach to surrogacy which has mostly been apprehended to date under private law.

In the first part of the analysis, the filiation systems of a sample of EU member states and their adaptability to surrogacy cases are assessed. The thesis then proceeds to examine the existing legal protections available under international human rights instruments, such as the CEDAW, the CRC and the ECHR, for all the parties to surrogacy arrangements.

The inadequacy of family law on the national level or international private law to address issues raised by commercial surrogacy has impacts *per se* in terms of the human rights of the intended parents, the commissioned children and surrogates.

The results of this thesis plead for the design of a multilateral regulation of surrogacy that would take into account human rights and democratic values along with matters of private international law. In order to achieve this, more interdisciplinary endeavors in research, the legal arena and on the level of international bodies is necessary.

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