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SURROGATE MOTHERHOOD:
IN SEARCH OF COMPREHENSIVE REGULATORY SOLUTION

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ABSTRACT

The present thesis focuses on the human rights approach to surrogacy. The rapid expansion of international commercial surrogacy arrangements has caused serious ethical and human rights concerns among states and scholars, which has led to the wave of serious criticism of such practice and doubts about its legality.

The first part of this paper gives an overview of the challenges that exist within the scope of surrogacy and represent a human rights concern. In the second part a human rights analysis of surrogacy is conducted. The concept of surrogacy is assessed against the major human rights instruments such as CRC, CEDAW, ECHR and ICCPR. The third part is dedicated to the assessment of the current international attempts to regulate surrogacy and some recommendations on how to ensure the respect for human rights of the main parties are suggested.

This thesis argues that the purely private law approach taken by the current initiative on the international regulation of surrogacy is not sufficient. The human rights based, dual approach, that would leave the wide margin of appreciation for the states, must be adopted that would ensure that surrogacy is in fact a non-harmful, beneficial practice.

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