

Declaration of CASABLANCA 2023

FOR THE UNIVERSAL ABOLITION
OF SURROGACY



PRESS KIT

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Declaration of CASABLANCA 2023

FOR THE UNIVERSAL ABOLITION OF SURROGACY

We, signatories of this Declaration,

Aware of

- the suffering of the people who may not conceive
- the attractiveness of the reproductive technologies
- and of the international issue of an efficient protection for human dignity

Convinced that the contract through which one or several orderers agree with a woman that she will carry one or several children for the purpose of their delivery upon birth, regardless to the name and terms and conditions of such contract, here below called surrogacy,

- violates human dignity
- and contributes to the commodification of women and children

Require from the States the prohibition of surrogacy in every modalities and kinds, whether remunerated or not, and the implementation of measures to fight such practice.

For this purpose, we make the following recommendations to the States:

- prohibit surrogacy on their territory
- deny any legal validity to contracts bearing the undertaking from a woman to carry and deliver a child
- punish individuals and corporations acting as intermediaries**** between the surrogacy mothers** and the orderers***
- prosecute individuals who have recourse to a surrogate mother on their territory
- prosecute their nationals who have recourse to a surrogate mother outside their territory
- act in favor of the implementation of a legal instrument bearing global prohibition of the surrogacy.

Attached to this Declaration, is a proposal for an international Convention, freely available to the States wishing to commit themselves in such process.

* Surrogacy, gestational surrogacy, surrogate motherhood, reproductive exploitation, use of a surrogate, is the arrangement by which one or several orderers agree with a woman that she will carry one or several children for the purpose of their delivery upon birth, regardless the arrangement has been entered into directly by them or through one or several third parties.

** Gestational carrier, surrogate, or substitute mother: woman undertaking, to the benefit of one or several orderers, that she will carry for their account one or several children to be delivered to them at birth.

*** Orderer(s) : individual or individuals, also called clients or intended parents, who enter into an agreement with a woman, for her to carry for their account one or several children to be delivered to them at birth.

**** Intermediaries for the purpose of the surrogacy : individual(s) or corporate body(ies) putting in contact a woman and one or several orderers so that she will carry one or several children and delivered them upon birth and/or mediate between the woman and the orderer(s) for such purpose

INTERNATIONAL CONVENTION

FOR THE GLOBAL PROHIBITION OF SURROGACY

The signatory States to this Convention,

Aware of

- the suffering of the people who may not conceive
- the attractiveness of the reproductive technologies
- and of the international issue of an efficient protection for human dignity

Convinced that the contract through which on or several orderers agree with a woman that she will carry one or several children for their delivery upon birth, whatever name and terms and conditions of such contract, here below called surrogacy,

- violates human dignity
- and contributes to the commodification of women and children

Denounce surrogacy in any modalities and kinds, whether remunerated or not.

Undertake to fight against such practice to protect and preserve human dignity and women's and children's rights, through the implementation of effective measures, including by :

- prohibiting surrogacy on their territory
- denying any legal validity to contracts bearing the undertaking from a woman to carry and deliver a child
- punishing individuals and corporations acting as intermediaries between the surrogacy mothers and the orderers
- prosecuting individuals who have recourse to a surrogate mother on their territory
- prosecuting their nationals who have recourse to a surrogate mother outside their territory



3. Genesis of the project

The Casablanca Declaration has its roots in a group of experts who are mainly lawyers, doctors, and psychologists, that perform as researchers and practitioners in their respective fields. These professionals have been working for a long time about Surrogacy (GPA) and its impact on individuals and society.

They have reached a mutual consensus on the conclusion that the global dimension of surrogacy requires an international response, and that a multinational convention would be the sole effective approach to ultimately abolish surrogacy.

Convinced in the necessity of collaborative work to develop the means for such a universal initiative in order to protect women and children from the global surrogacy market, **this team decided to draft a proposal for an International Convention for the Universal Abolition of surrogacy.**

However, rather than publishing this doctrinal work in specialized journals, **they decided to ask their colleagues, experts from all over the world, to draw the attention, and particularly the interest of the States, towards this international approach;** already 75 nationalities are already present among the signatories of what is now known as the "Casablanca Declaration" of March 3 2023, in which experts from every corner of the earth ask States to:

- **take measures to combat surrogacy** on their territory.
- **commit to an international convention** with a view to the universal abolition of surrogacy.

4. Why Casablanca ?

Above all, the city of Casablanca in Morocco is beyond suitable to host the expert seminar on March 3, throughout the period of which the "Casablanca Declaration for the universal abolition of surrogacy" is made public.

Furthermore, Moroccan legislation prohibits and penalizes the use of surrogacy (law 47-14 governing medically assisted procreation, articles 5 and 40). Thus, Morocco being a benchmark in this field.

Moreover ;

- Morocco is a welcoming country for global events and in particular international experts.
- The stability of Morocco's political system ensures that tourists and foreigners are provided with the most comprehensive security measures.
- Morocco, with its vibrant cultural legacy and Casablanca's historical significance, offers a delightful and friendly climate for all.
- Given its worldwide reputation and accessibility, Casablanca is the perfect venue to bring on the third of March the exposure this declaration deserves.

5. Yet another Declaration ?

Deliberately kept brief, the text of the Declaration is designed to emphasize the primary goal: the global ban on surrogacy. Thus, the Casablanca Declaration stands out from other existing international initiatives in the field of surrogacy:

- **It advocates for the abolition of surrogacy rather than framework for it.** The signatories clearly want to say that surrogacy is intrinsically contrary to human dignity and human rights and that no framework whatsoever can make it acceptable. The idea of ethical surrogacy is a decoy, as it is not a feasible or attainable concept.
- **The Declaration requests that countries take measures against surrogacy,** without elaborating on the various ways in which surrogacy violates human rights. The deliberate decision was made to draft a text that doesn't require agreement on all aspects but rather emphasizes on achieving the intended outcome – the abolition of surrogacy – without risking disagreement.

The proposal for an international Convention appended to the Declaration pursues the same objective: to enable States to collaborate with each other within the framework of an international Convention without having to agree in advance on their motivations or priorities.

6. The signatories

The signatories of the Casablanca Declaration are experts from different disciplines, mainly lawyers, doctors, psychologists, sociologists, philosophers...

Many dedicate some or all of their research and work to this subject and have numerous publications to their credit.

Their common point? **Their willingness to support the request made to States to commit to an International Convention for the abolition of surrogacy.**

For the rest, they are very different:

- Nationalities and cultures at odds with each other.
- They come from countries that provide surrogacy clients, or on the contrary, from countries whose women are used as surrogate mothers.
- They come from countries that prohibit or conversely authorizes surrogacy.
- They have, without a doubt, varied convictions, and different political commitments (no question was asked of them on this point!).
- Some are involved in NGOs, movements, structures, whilst others are not.
- Some come from countries currently in conflict with each other.
- There are women, men, young individuals, seniors, university research professors, practitioners, etc.
- Thus, they embody the international, human and universal dimension that they aim to impart to this initiative.

100 experts from 75 nationalities

Albania	Chad	France	Lebanon	Niger	Slovakia
Algeria	Chile	Germany	Lithuania	Nigeria	South Africa
Argentina	Cameroon	Holland	Luxemburg	Paraguay	Sweden
Australia	Canada	Honduras	Madagascar	Peru	Swiss
Austria	Colombia	Hungary	Malaysia	Philippines	Syria
Belarus	Congo (DRC)	India	Mauritius	Poland	Tanzania
Belgium	Croatia	Ireland	Mauritania	Portugal	Tunisia
Benign	Czech Republic	Italy	Mexico	Romania	Ukraine
Bolivia	Ecuador	Ivory Coast	Morocco	Russia	United States
Brazil	Egypt	Japan	Moldova	Rwanda	United Kingdom
Bulgaria	Estonia	Kazakhstan	Monaco	Salvador	Uruguay
Burkina Faso	Fiji	Kenya	Nicaragua	Spain	Venezuela
Burundi		Latvia		Serbia	

7. Contact

On facebook : [Facebook/AbolitionGPa](https://www.facebook.com/AbolitionGPa)

On Twitter : [@CasaDeclaration](https://twitter.com/CasaDeclaration)

Press contact and contact details of signatories for interview:

Anne +33 6 7012 3328 contact@declaration-surrogacy-casablanca.org

8. Expert seminar on surrogacy on March 3 in Casablanca

The Declaration and the proposal for an international Convention are made public during an expert seminar Hotel Kenzi Tower, Casablanca, on March 3 2023.

- 8h00 AM **Welcome coffee**
- 8h30 AM **Welcoming speech** | PEDERNEA REYNA, (UN) Luis Ernesto, Member Committee and former Chair of The Committee on the Rights of the Child (CRC) | AHO Suzanne, (UN) Member Committee of The Committee on the Rights of the Child (CRC) and observer at the seminar | MIRKOVIC Aude (FRANCE), senior lecturer in law
- 8h45 AM **An anthropological look on surrogacy** | ACHACHI Rachid (MOROCCO), PhD in social sciences
- 8h55 AM **Woman's dignity and surrogacy** | ABD EL-HAMID Hassan (EGYPT), Professor of History and Philosophy of Law at Ain-Shams University in Cairo
- 9h05 AM **Women's consent to surrogacy** | MARURI Sofia (URUGUAY), lawyer, Professor of Human Rights at the University of Montevideo
- 9h15 AM **Clauses relating to the surrogate mother** | LÁZARO-PALAU Carmen (SPAIN), Professor of Law at the International University of Catalonia, Barcelona.
- 9h25 AM **Surrogacy and the African woman** | TOTSIE Christian (CAMEROON), Senior Nurse, Home Care Team Coordinator President of the Care for Life Association
- 9h35 AM **COFFEE BREAK**
- 9h50 AM **General thoughts on the international dimension of the surrogacy trade** | MOSTOWIK Piotr (POLAND), Associate Professor at the Faculty of Law and Administration of the Jagiellonian University in Cracow, expert at the Institute of Justice in Warsaw
- 10h00 AM **Legal aspects of surrogacy** | EKWOWUSI Sonnie (NIGERIA), Lawyer, Chairman of the Human and Constitutional Rights Committee of the African Bar Association (AFBA)
- 10h10 AM **European Union competence in surrogacy** | GAS-AIXENDRI Montserrat (SPAIN), Professor of Law at the International University of Catalonia (IUC), Barcelona
- 10h20 AM **Surrogacy in the context of the new EU blood/tissues/cells legislation and in the context of the recommendations of professional societies** | KONECNÁ Hana (CZECH REPUBLIC), psychologist
- 10h30 AM **Communication barriers in the practice of surrogacy** | MUNOZ Diana (COLOMBIA), professor at the Institute of Family Law, University of La Sabana, Bogota
- 10h40 AM **COFFEE BREAK**
- 11h00 AM **Convention on the Rights of the Child of the UN and surrogacy** | POPESCU Andreea (ROMANIA), lawyer
- 11h10 AM **Single, married, gay or straight, surrogacy is always an injustice to the child** | FAUST Katy (USA), President of Them Before Us
- 11h20 AM **The filiation of the child born from surrogacy** | SFENDLA Dyaâ (MOROCCO), Professor of private law and criminal science at Ibn Tofail University, Kenitra
- 11h30 AM **The psychological challenges of surrogacy for the child** | SCHAUB Anne (BELGIUM), psychologist, psychotherapist
- 11h40 AM **The bonds of the child in utero with his mother** | MENDOZA Lindolfo (PARAGUAY), perinatologist, former president of the Paraguayan Society of Perinatology, Asuncion
- 11h50 AM **Chilean jurisprudence on surrogacy** | RODRIGUEZ Sara (CHILE), Professor of Law at the University of los Andes, Santiago
- 12h00 PM **COFFEE BREAK**
- 12h20 PM **Closing of the seminar: the role of experts for the universal abolition of surrogacy** | GARCIA-LARRAIN Bernardo (CHILE), Doctor of Law
- 12h30 PM **LUNCH**
- 14h30 PM **PRESS CONFERENCE**

List of speakers

ABD EL-HAMID Hassan (EGYPT),
Professor of History and Philosophy of Law
at Ain-Shams University in Cairo



ACHACHI Rachid (MOROCCO),
PhD in social sciences



EKWOWUSI Sonnie (NIGERIA),
Lawyer, Chairman of the Human and Constitutional Rights
Committee of the African Bar Association (AFBA)



FAUST Katy (USA),
President of Them Before Us



GARCIA-LARRAIN Bernardo (CHILE),
Doctor of Law



GAS-AIXENDRI Montserrat (SPAIN),
Professor of Law at the International University of
Catalonia (IUC), Barcelona



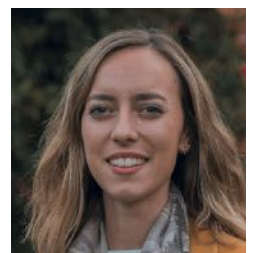
KONECNÁ Hana (CZECH REPUBLIC),
Psychologist



LÁZARO-PALAU Carmen (SPAIN),
Professor of Law at the International University of
Catalonia, Barcelona



MARURI Sofia (URUGUAY),
Lawyer, Professor of Human Rights at
the University of Montevideo





MENDOZA Lindolfo (PARAGUAY),
Perinatologist, former president of the Paraguayan
Society of Perinatology, Asuncion

MIRKOVIC Aude (FRANCE),
Senior lecturer in law



MOSTOWIK Piotr (POLAND),
Associate Professor at the Faculty of Law and
Administration of the Jagiellonian University in
Cracow, expert at the Institute of Justice in Warsaw

MUNOZ Diana (COLOMBIA),
Professor at the Institute of Family Law,
University of La Sabana, Bogota



POPESCU Andreea (ROMANIA),
Lawyer

RODRIGUEZ Sara (CHILE),
Professor of Law at the University
of los Andes, Santiago



SCHAUB Anne (BELGIUM),
Psychologist, psychotherapist

SFENDLA Dyaâ (MOROCCO),
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