



BATHMUN

Conference 2025

UNHRC Study Guide

*Addressing Ethical Concerns and Regulatory
Gaps in Adoption and Surrogacy*

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Message from the Chairs

Dear Delegates,

The UNHRC is the main United Nations body that discusses issues around Human Rights and has been working towards providing solutions and frameworks for issues since its inaugural session in 2006. By working with governments, other authorities in the UN, and civil

Society at large, the UNHRC addresses global challenges surrounding human rights, working closely with the Office of the United Nations High Commissioner for Human Rights (OHCHR).

Our committee will be focused on “Addressing ethical concerns and regulatory gaps in adoption and surrogacy. The surrogacy and adoption industry is valued in excess of \$14 billion, with its practices often defined by the exploitation of birth parents and the proliferation of child trafficking. With these gross violations of human rights in mind, it is vital that the UNHRC strives towards the creation of a feasible framework to mitigate the practices and better regulate the industry.

We hope that you as delegates in the UNHRC will assess the fundamental problems found in current surrogacy and adoption pathways and work towards tangible and effective solutions within the committee. This weekend is an opportunity for delegates to work with one another to create a new framework, fostered through diplomacy and productive debate, that provides a resolution to this issue.

We’re excited to see all of you, and your approaches to this topic, at BathMUN 2025!

See you all very soon!

Elena, Adam, and Aitana



Chair Introduction

Elena Taylor
Head Chair

Hi guys! My name is Elena, I graduated last year with a BA in History from the University of Bristol and I am now a masters student studying the History of Romanian Communism at the University of Bucharest. I began my MUN journey in 2022 and have been involved in many MUN-related activities since. In my spare time I like to travel, drink overpriced coffees in aesthetic caffès and shop for vintage jewellery in tiny, dodgy markets. My favourite pastime is pestering the BathMUN secretariat and a certain ex BrisMUN president :)

Adam Blake
Deputy Chair

Hello! My name is Adam, a final year Politics and International Relations Student at the university of Bath who finally bought into MUN halfway through their second year. Making up the other half of Bath's Australian/British representation alongside Alistair (USG Logistics), I find the enjoyment in the details of MUN more than the thrill of debate.

Outside of MUN, I am passionate about cycling of all varieties from track to cyclocross. I look forward to my first time chairing at a MUN conference, hopefully contributing to an enjoyable experience for you regardless of skill level or confidence.

Aitana Berenguer
Deputy Chair

Hello! My name is Aitana, a second year English and European law student at Queen Mary University of London. I was born and raised in Alicante, Spain and moved to Munich, Germany for Sixth form. I started MUN during my first year of university after years of being too scared and intimidated to join (and I loved it). In my free time, you can find me hanging out with my friends, going on walks and spending money on overpriced matcha lattes :)



Introduction to the Committee

Committee Mandate

The United Nations Human Rights Council (henceforth referred to as UNHRC) is a body within the United Nations made to inform decisions regarding issues of human rights.

The UNHRC is the highest decision-making body in the United Nations for issues relating to human rights, and works closely with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in carrying out appraisals and implementing solutions to the topics discussed in committee sessions. Through its work recommending changes to policy, as well as establishing UN frameworks on human rights issues, the UNHRC aims to promote and protect all human rights, ensuring their enforcement and responding to violations.

Although UNHRC formulated resolutions are not legally binding, they serve as the groundwork for the systems and regulations that are recommended for adoption by member states of the UN.



Definitions

Adoption

The legal process by which an adult or couple becomes the lawful parent(s) of a child who is not biologically theirs.

Domestic Adoption

Adoption that occurs within a single country, involving citizens of the same state.

International / Intercountry Adoption

Adoption that occurs across two different states, involving citizens of differing states.

Human trafficking

The recruitment or movement of people for exploitation by use of threat, force, fraud, or the abuse of vulnerability.

Sending states

Countries that overwhelmingly represent the country of origin for adoptees.

Receiving states

Countries of origin of parents or families that wish to adopt internationally.

Adoption programmes

Legal framework through which interested families must go through in order to adopt.

Pro - natalist policies

Policies designed and implemented with the intent of increasing a state's birth rate.

Altruistic surrogacy

A form of surrogacy where the surrogate mother does not receive monetary payment for carrying a pregnancy for intended parents, though she can be reimbursed for reasonable, out-of-pocket pregnancy-related expenses. (Common between family members or close relationships)



Commercial surrogacy

An arrangement where a surrogate mother carries a child for intended parents in exchange for a fee that includes compensation beyond expenses and potentially a profit element.

Surrogacy agencies

Organizations that help match intended parents with surrogates, coordinate the surrogacy journey, and provide support throughout the process.

Transnational Fertility Tourism

The practice of traveling to another country to receive assisted reproductive technology (ART) treatments.

Reproductive autonomy

The fundamental human right of individuals to make their own informed decisions about their bodies, sexuality, and reproduction, free from coercion, violence, or interference from others, including the state.

Human dignity

Value supporting that all humans deserve respect and ethical treatment simply by being human.

Surrogacy Laws

Laws that generally establish that the surrogate is the legal mother at birth and that a legal process is required to transfer parental rights to the intended parents.

Harmonising law

The process of aligning different legal systems or regulations to make them more consistent, reducing barriers to trade and cooperation between jurisdictions.



Topic Introduction

Adoption

The fundamental treaty with regards to international adoptions is the “Hague convention on protection of children and co-operation in respect of intercountry adoption” (henceforth the Hague Convention) (HCCH, 1993). The fundamental principles of this treaty were the recognition of the importance of growing up in “a family environment, in an atmosphere of happiness, love and understanding,” and significantly for the parameters of this debate the need for every state to take “appropriate measures to enable the child to remain in the care of his or her family of origin”. In this circumstance international adoption is only recognised as being useful and beneficial for a child’s development only when they cannot be kept under their original family environment.

While states that have ratified this treaty have broadly intensified the bureaucratic process surrounding both international and domestic adoptions (United States Department of State, 2007), child trafficking for the purpose of adoption has persisted, particularly in Sub Saharan Africa, South-East and Central Asia (Ethiopia and Turkmenistan most significantly (Global Organized Crime Index, 2023)). While human trafficking persists, the rates of international adoptions have fallen sharply, with the USA reporting a 93% drop in international adoptees between 2004 and 2022 (USAFacts, 2024) - tables for period 2003-2011/2012 shown below (fig, 2-3).

Table 1: Intercountry adoptions to 23 Receiving States 2003-2012

	2003-11	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
USA FY	159,180	21,616	22,884	22,728	20,679	19,613	17,438	12,753	12,149	9,320	8,668
Andorra	50	2	0	0	8	3	11	7	9	2	1
Australia	2,884	278	370	434	421	405	270	269	222	215	149
Belgium	3,657	430	470	471	383	358	364	439	388	351	260
Canada ^a	17,053	2,180	1,955	1,871	1,535	1,712	1,816	2,129	1,970	1,785	1,367 ^a
Cyprus	60	3	3	3	n/a	19	16	12	4	n/a	n/a
Denmark	4,161	523	528	586	447	429	395	496	419	338	219
Finland	1,897	239	289	308	218	176	157	187	160	163	175
France	31,136	3,995	4,079	4,136	3,977	3,182	3,271	3,017	3,504	1,995	1,569
Germany ^b	5,509	674	650	560	583	778	664	571	504	525	415
Iceland	199	25	29	41	19	18	13	17	18	19	17
Ireland	2,945	358	398	366	313	392	422	307	201	188	117
Israel	1,572	258	226	191	176	218	148	117	117	121	88
Italy	31,749	2,772	3,402	2,874	3,188	3,420	3,977	3,964	4,130	4,022	3,106
Luxembourg	352	51	56	41	45	31	28	36	40	24	14
Malta	411	23	46	39	60	64	53	34	42	50	57
New Zealand ^c	810	278 ^a	351 ^a	30	20	49	30	16	19	17	22
Netherlands	7,922	1,154	1,307	1,185	816	778	767	682	705	528	488
Norway	4,174	714	706	582	448	426	304	347	343	304	239
Spain	34,661	3,951	5,541	5,423	4,472	3,648	3,156	3,006	2,891	2,573	1,669
Sweden	7,889	1,046	1,109	1,083	879	800	793	912	729	538	466
Switzerland ^a	3,895	664	567	389	410	394	367	349	388	367	314
UK	2,475	301	333	369	363	356	225	200	175	153	120
TOTAL (23)	324,641	41,535	45,299	43,710	39,460 (22)	37,249	34,785	29,867	29,127	23,601 (22)	19,540 (22)

a) Provisional figures for 2012 b) Totals for Germany and Switzerland are for non-relative (nicht verwandt/non-famiale) adoptions only
c) Totals for New Zealand for 2003 and 2004 include relative adoptions from Samoa which are no longer classed as intercountry.



Table 2. 15 Countries Sending Most Children for Intercountry Adoption to the 23 Receiving States in Table 1 above, 2003-2011 - TOP 5 in bold for each year; peak year for each state of origin highlighted –

	2003-11	2003	2004	2005	2006	2007	2008	2009	2010	2011
China	79,577	11,226	13,409	14,493	10,744	8,748	5,975	5,084	5,480	4,418
Russia	51,142	7,743	9,379	7,480	6,765	4,880	4,140	4,033	3,395	3,327
Ethiopia	25,708	858	1,527	1,778	2,172	3,033	3,905	4,564	4,404	3,456
Guatemala	24,138	2,676	3,424	3,872	4,232	4,851	4,186	799	58	40
South Korea	14,653	2,308	2,241	2,121	1,815	1,223	1,392	1,438	1,153	961
South Korea ^a		2,287	2,258	2,101	1,899	1,264	1,250	1,125	1,013	916
Colombia	14,631	1,750	1,734	1,466	1,639	1,635	1,617	1,415	1,798	1,577
Ukraine	13,984	2,052	2,019	1,987	1,046	1,614	1,577	1,617	1,094	1,073
Vietnam	10,927	936	488	1,198	1,370	1,695	1,739	1,518	1,279	704
Haiti	10,457	1,056	1,159	958	1,096	783	1,368	1,241	2,601 ^b	195
India	7,708	1,173	1,083	873	847	1,003	759	727	615	628
Kazakhstan	6,145	863	888	843	714	779	732	659	518	149
Philippines	4,591	418	414	503	476	569	600	583	516	509
Brazil	4,106	472	478	473	518	485	490	462	380	348
Thailand	3,613	490	501	465	419	440	384	339	314	261
Poland	3,371	347	406	409	395	381	408	402	325	298
Total sent from all countries	324,641	41,535	45,299	43,710	39,460	37,249	34,785	29,867	29,127	23,609

Source: Statistics for 23 Receiving Countries:

a) Korean figures in red are from Ministry of Health & Welfare

b) Includes ISS estimate for Germany (621) and 1,090 humanitarian visas to US.

Furthermore, while the Hague Convention has generally improved procedural issues when it comes to international adoptions, it has been criticised by some nations for adding unnecessary bureaucracy and lengthening the adoption process. (Lamerant, Hoffstetter, 2007).

Historically, nations such as China, Romania, Ethiopia, and Vietnam have been the most common countries of origin for international adoptees (Selman, 2013). However, over the past decade rates of international adoptions have, as previously mentioned, fallen sharply. This is due to these states having adoption programs and industries reliant on the abuse and trafficking of children (Demick, 2024). Measures taken against this are most stark in Ethiopia and Romania, where full bans on international adoptions have been in place since 2018 and 2004 respectively (Peralta, 2018; Deutsche Welle, 2004). This ban came about notably as a matter of “national pride”, with people not wanting their country to be associated with the child trafficking industry.

Nations known for now having harsh restrictions on international adoptions (e.g. China, Vietnam, Romania and Ethiopia) all had adoption industries closely associated with child trafficking. These industries arose as a result of persistent conflict, systemic child neglect and strict pro-natalist domestic policies. Due to domestic oversights which enabled a large number of international adoptions to take place with little checks and procedures, child trafficking became common.

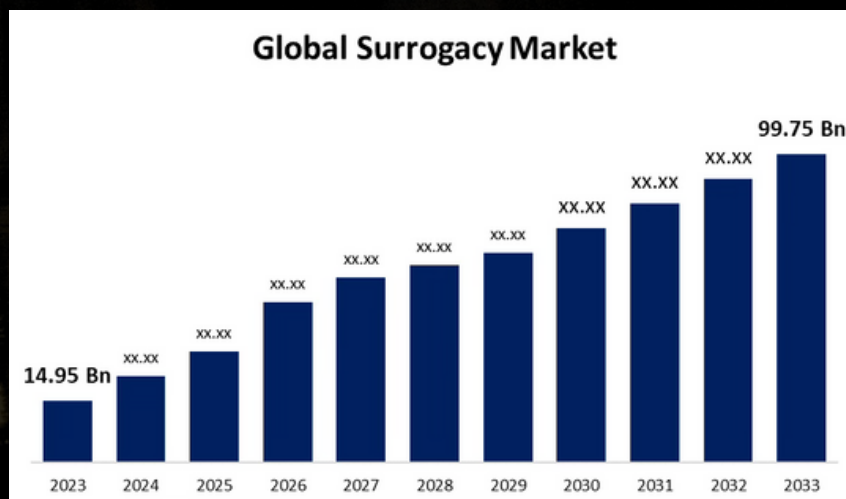


Surrogacy

'Surrogacy is the practice where one woman carries and gives birth to a baby that she intends to give to others – the intended parents – to raise, following a preconception agreement.' (Horsey, 2024). Surrogacy is usually split into two categories: altruistic and commercial. Altruistic surrogacy means that the person carrying the fetus is doing so out of goodwill, and is not paid. Commercial surrogacy means that the person carrying the fetus is paid by the adoptive family, and as such, has a monetary incentive. Families and surrogates interested in commercial surrogacy are often matched up by agencies, which profit off of the exchange.

Nevertheless, surrogacy raises complex ethical, legal and social questions. In fact, there is no international regulation regarding surrogacy. Surrogacy laws vary from country to country, some do not even regulate this practice at all. These countries often experience transnational 'fertility tourism', where intended parents seek surrogacy services abroad, often in developing countries. Questions of human dignity, reproductive autonomy and gender inequality remain at the heart of ongoing debates. This issue is further complicated as a result of conflicting cultural and religious perspectives, which shape states' approaches to surrogacy laws.

International surrogacy is a fast growing industry, having an annual growth rate of 20.90%.



While it represents hope for many struggling with fertility issues, surrogacy, particularly international surrogacy, raises serious ethical concerns. While altruistic surrogacy poses questions around consent, exploitation and reproductive autonomy, commercial surrogacy, especially when the adoptive parents are wealthy and reside in a developed nation and the surrogate does not, does so even more.(Blazier and Janssens, 2020).

As commercial surrogacy is restricted and often quite expensive in Western countries, parents often turn to agencies in less developed nations, due to lower costs and lack of formal procedure. However, in doing so, they may be enabling the exploitation of local women.



Source: Should Compensated Be Permitted or Prohibited, Cornell Law School

As mentioned, there is no international law that unifies a perspective regarding surrogacy guidelines and regulations. Figure 1 demonstrates the contrasting opinions and approaches on surrogacy, there is no harmonising law.

The European Union does not even have a harmonising law. Whilst the UK, Ireland and Denmark permit it only under tight, non-commercial restrictions, Sweden and Spain both have an outright ban on the practice. Sweden has even blocked its citizens from going abroad on surrogacy.

Greece previously had a surrogacy industry, but following controversies involving clinics with links to human trafficking, there is now a far greater degree of control, with surrogacy only allowed to occur domestically as both the adoptive and surrogate mother must reside in Greece (My Surrogacy Journey UK, 2023).



Key Stakeholders and Blocs

European Union

While there is no single European Union-wide law that specifically regulates the practice of surrogacy as a whole, the practice has been addressed both directly and indirectly within the European Parliament, resulting in most member states having restrictions on the practice.

Firstly, the European Parliament has addressed the issue of surrogacy twice within the last 5 years, with the adoption of a “Proposal to facilitate the recognition in a Member State of the parenthood established in another Member State.” (European Commission, 2022), ensuring that all children, regardless of method of conception, are subject to the same rights of movement, non-discrimination, and parental representation across the EU.

At the member state level, the practice of commercial surrogacy is prohibited across the entirety of the European Union (Cuddy, 2018), with complete bans on surrogacy (regardless of whether it is commercial or altruistic) in place across almost the entire Union, with the exceptions being Greece, Portugal, Denmark, the Netherlands, and Belgium (IVMED OVO, 2025).

These domestic bans do not however prevent the adoption of children conceived via surrogacy in non-EU states. The most prominent source of surrogate mothers for EU members was Ukraine up until the full scale Russian Invasion in 2022 (Vlasenko, 2025).

Italy holds a rather problematic approach to surrogacy as its Prime Minister, Meloni, has referred to surrogacy through the derogatory term “utero in affitto” (womb for rent). (The Guardian, 2024)



Islamic States

Depending on the version of Islam being practiced in the country the surrogacy laws will vary. Whilst in most Islamic countries surrogacy is forbidden as it is seen as adultery ("zina"), there are differing views on surrogacy within Islam, with Shia Muslims generally being more open to it than Sunni Muslims. Some examples include Egypt, which criminalized the practice in 2001 or United Arab Emirates, whose Federal National Council approved a draft law banning surrogacy along with egg and sperm donation, prescribing severe penalties (up to five years jail and fines up to AED1million, roughly US\$272,000). In contrast, Iran permits surrogacy regulated by law.

Blocs

Pro-Adoption and Liberalisation

Countries such as the USA, UK, and France are important receiving states, with a high number of international adoptees entering in the past decade. Under these circumstances, nations such as these tend to advocate for much easier bureaucratic processes regarding cross-border adoptions, as well as placing an emphasis on the child's "best interest" as a driving factor behind international adoptions, framing the process as beneficial for the development and environment of a prospective adoptee child. Moreover, these states want to normalise the total "assimilation" of international adoptees, that being the complete separation of an adoptee from the cultural and linguistic heritage of their birth country, in favour of being raised entirely in the culture of their new host country.

Cautious Pro-Adoption

Most countries in the EU (for example Germany and Sweden) fit into this category regarding international adoption. Whilst in principle, they are still in favour of international adoptions as an option in family planning, they also wish to see strong regulations and safeguards throughout the process, in order to guard against the risks of exploitation, trafficking and blackmail. The increased complexity of the adoption process that these safeguards bring also serves to promote the domestic adoption services within these countries, as a viable and at times preferred alternative to international adoption.



Restrictive Sending States

Countries such as China, Romania, Ethiopia and South Korea have very strict rules and limitations when it comes to international adoption, due to associations with human trafficking in the past. These countries may completely ban international adoption for non-citizens, or make it extremely difficult to adopt as a foreign national. In some cases, adoption is very difficult internally as well, as these states take extreme precautions to prevent child endangerment, sometimes at the risk of never placing children. These states will be interested in regulations that defer and prevent child trafficking over any other kind of legislation.

Conflicted Affected States

States affected by conflict, most prominently Ukraine, Georgia, Ethiopia, are of particular significance in this debate. In particular these states, all of them at one time being major sending states for international adoptees, are concerned about the potential proliferation of “international adoptions” as a front for child trafficking, even more so in these countries, with ongoing or historical conflicts making them fertile ground for organised trafficking rings. Under these circumstances such conflict affected states may push for legislation that places temporary restrictions on states that are afflicted by conflict, or are deemed as at a high risk of child trafficking.

Regulated Altruistic (No Commercial Surrogacy)

Countries such as the UK, New Zealand, Portugal, and Denmark only allow altruistic surrogacy, as a way to prevent the exploitation or trafficking of surrogate mothers. They believe that removing the monetary incentive will deter surrogate mothers who are at risk of being exploited, and as such, only women who want to help families as an act of charity will be involved. However, many families from these countries are pushed towards international commercial surrogacy, as they cannot find local surrogates.



Commercial-friendly

Countries such as Georgia and Colombia, as well as some US states, permit commercial surrogacy as a viable economic opportunity and family planning pathway. Countries that are major sources of adoptees and surrogates, such as Colombia, Georgia, and Mexico, are likely to be in favour of permitting commercial surrogacy, allowing for surrogacy to be monetised. US states that have well developed legal frameworks to support both surrogates and prospective parents also permit commercial surrogacy, though this is not universally legal throughout the United States (with 4 states outlawing surrogacy altogether).

Prohibitionist Approach

Countries such as Spain, France, Italy, and Sunni Muslim states (for example, Saudi Arabia and Egypt) have complete bans on surrogacy, due to ethical, moral or religious concerns. Some of these nations, such as Spain, do allow couples to partake in international surrogacy, others such as Italy have a complete ban on both internal and international surrogacy for its citizens. As such, countries in this bloc will question the concept of surrogacy in itself, and will support ideas and resolutions which acknowledge the ethical implications of surrogacy, and put in place firm measures to discourage couples from it.

Domestic-Control Model

In states such as Greece, India, Nepal, and Thailand, utilise a domestic only model for surrogacy. Under these conditions prospective parents are not allowed to adopt a child via surrogacy from a foreign country, permitting only surrogates from the same country as the adoptive parents. The stringency of this domestic only legislation varies, with Greece only permitting surrogacy between Greek citizens that are permanent inhabitants of the country, whereas in other states the requirements are only that both parties are permanent residents of the country.



Points of Discussion & Guiding Questions

National Sovereignty vs International Oversight

- ◆ Whose responsibility should it be to ensure a safe, non-abusive and consenting adoption?
The two countries between which the adoption is occurring? An international body with oversight on the adoption process?
- ◆ Can the Hague Convention be strengthened further to ensure compliance with the processes it lays out?
- ◆ Is disengaging in international surrogacy more ethical?
Who should be primarily responsible for regulating international frameworks of surrogacy? Could an international agreement be introduced to set minimum global standards, including medical care, compensation and informed consent?
- ◆ Will lowering the cost of surrogacy reduce the need for international surrogacy?
How does the relationship between wealthy intended parents and economically vulnerable surrogates shape power dynamics?

Assimilation vs Preservation of Cultural Heritage

- ◆ Should an adoptive family of different cultural background be made to maintain an adoptive child's religion, language, cultural ties to their birth country, or should they assimilate fully to the host country?

Combatting Child Trafficking

- ◆ Adoptions from warzones/zones affected by natural disasters?
Conditions such as these are hotbeds for child exploitation/trafficking
Should a ban on international adoptions be put in place on a state when the likelihood of exploitation is high?



- ◆ Should there be more international oversight of companies/programs facilitating international adoptions?
E.g. a registry of legal adoption agencies/schemes.

Exploitation

- ◆ Is commercial surrogacy inherently exploitative, or can it operate as a form of empowered reproductive labour under the right and reasonable conditions?
Can we pass/ strengthen existing legislation that makes surrogacy less exploitative?
- ◆ How can we tell if a surrogate is being trafficked or exploited?
Should there be a more surveilled oversight to detect surrogacy-related trafficking? How can states ensure that a surrogate's bodily autonomy is respected through the process and postpartum periods?
- ◆ Should there be an international body regulating agencies that work internationally?
Could increased regulation help combat surrogacy and reproductive exploitation in low-income regions?



Appendices

- Hague Convention 1993
- European Convention on the adoption of children
- United Nations convention against transnational organised crime
 - Additionally the Palermo Protocol is much more focused on human trafficking (Also known as the “Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children”)
- Domestic legislation
 - Ethiopia’s ban on international adoptions (can’t find a link to the legislation proper)
 - Vietnam’s 2011 law on adoption (No: 52/2010/QH12 - Law on Adoption)
 - The adoption (recognition of overseas adoption) order 2013 in the UK (Legislation.gov.uk, 2013)



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