



Coalition Internationale pour l'Abolition
de la Maternité de Substitution

International Coalition for the Abolition of Surrogate Motherhood

Coalition Internationale pour l'Abolition de la Maternité de Substitution, CIAMS

Cité Audacieuse, 9 rue de Vaugirard, 75006 Paris

abolition.surrogacy@gmail.com

abolition-ms.org

Written contribution to the Committee on the Rights of the Child

Review of the combined sixth and seventh periodic reports of Tajikistan (CRC/C/TJK/6-7)

101st session, 31 August to 25 September 2026

An early warning: the closing of the Central Asian corridor and the position of Tajikistan, with reference to the list of issues CRC/C/TJK/Q/6-7

Preamble: The Law Closes and the Trade Moves On

Reproductive exploitation and the legal geography of vulnerability. This preamble is common to the three written contributions ICASM places before the Committee at this session, concerning Kazakhstan, Uganda and Tajikistan.

The three written contributions that ICASM places before the Committee at this session, concerning Kazakhstan, Uganda and Tajikistan, are not three country reports, and ICASM asks the Committee to resist reading them as such; they describe a single market observed at three of its addresses, and the fact they establish jointly is not visible from within any one of them, for it consists precisely in the movement between them.

Between December 2022 and July 2026, four jurisdictions in and around Central Asia closed their surrogacy markets to foreign purchasers, and it is worth setting the dates down in sequence, because the sequence is itself the argument.

December 2022	The Russian Federation prohibits foreign nationals and stateless persons from resorting to surrogate motherhood on its territory.
June 2023	The Prime Minister of Georgia announces that surrogacy will be restricted to Georgian citizens from 1 January 2024. No such law is ever enacted. The market remains open to foreign clients.
12 January 2024	Kyrgyzstan opens surrogate motherhood by article 57 of the Law on the protection of citizens' health, No. 14, on a basis which commercial operators market as imposing no condition of medical indication and no condition of marital status.
14 July 2026	Kazakhstan reserves the capacity to commission a surrogate pregnancy to its own married nationals, and excludes unmarried persons from the practice altogether.

25 July 2026

That Law enters into force. Within days, commercial consultancies advising international clients name Armenia, Kyrgyzstan and Georgia as the jurisdictions to which their clients will now be directed.

Read together, these five entries show something more disquieting than a region closing. One State prohibited and meant it. One announced a closure which the industry and its legal advisers succeeded in preventing, so that the door proclaimed shut in June 2023 still stands open in 2026. One opened wide in the same month the announced closure was to have taken effect. And one closed in July 2026, whereupon the trade named, among its three onward destinations, the very State whose closure had been announced and abandoned. A prohibition that is announced and not enacted is not a half measure; it is an advertisement, informing every operator in the region that the political will exists but the legal will does not.

Each of these measures regulates who may be made available, which is to say which women will be made pregnant, in which country, holding which citizenship and within which marriage, and not one of them regulates the demand that made the market in the first place. The purchaser who was turned away from Moscow, and then from Tbilisi, and then from Astana, has at no point been prohibited from anything whatever; he has been given a new destination. His money is intact, his intention is intact, his embryo is frozen and portable across whichever border he chooses next, and the only variables that change at each closure are the nationality of the woman who will live through the pregnancy and the depth of the poverty out of which she will be recruited.

ICASM asks the Committee to draw the conclusion that follows, which is that this practice does not diminish when a State legislates against it but changes address, and that the address it moves to has so far, without a single exception, been a country in which women are poorer than in the country it has just left. The closures are therefore not the retreat of a market but its itinerary; and every one of them has been paid for, in the only currency this trade has ever asked, by women who were consulted about none of it.

The contribution on Kazakhstan sets out what the practice looks like where the law provides for it in the fullest detail the region affords, parentage being constituted by notarial contract before conception, the woman who gives birth never appearing at any stage of the registration of that birth, no genetic link with any purchaser being required of anyone, and the Code itself providing that a child refused first by the purchasers and then by the surrogate mother passes into the care of the State, none of which the reform of 14 July 2026 disturbed in the slightest. The contribution on Uganda sets out what it looks like where no law provides for it at all, and offers the Committee twenty years of its own successive concluding observations upon a single State, across which every closure of a route by which children left the country has produced a circumvention more radical than the one before it, until the arrival of an arrangement that engages no child protection procedure whatever, the child being attributed to foreign purchasers before conception and never being, at any moment of its existence, a child that the State is called upon to protect, to place or to account for. The contribution on Tajikistan asks its questions before rather than after: there is no law, there is no data, there are agencies already selling programmes in Dushanbe to purchasers of any nationality, and there is a State that has not yet been asked what it knows.

ICASM asks the Committee, when it comes to adopt its concluding observations upon these three States, to decline to treat the restriction of foreign access as a protective measure deserving commendation, and to treat it instead as a fact requiring the examination of the neighbouring States; and to ask each of the three what it knows of the children born on its territory under these arrangements, since in all three the honest answer is at present nothing at all.

1. The submitting organisation and its position

The International Coalition for the Abolition of Surrogate Motherhood (ICASM) is a feminist abolitionist coalition founded in 2018, bringing together sixty member organisations in twenty countries across four continents. It contributed to report A/80/158 of the Special Rapporteur on violence against women and girls and to the work leading to General Recommendation 41 of the Committee on the Elimination of Discrimination against Women.

ICASM defends the bodily autonomy of women in full, including the right to abortion and access to contraception. Its opposition to surrogate motherhood proceeds from an analysis of reproductive exploitation and not from any natalist, confessional or family protection framework, with which it is incompatible. It does not accept the distinction between commercial and so-called “altruistic” forms, which describes the manner of payment and not the structure of the act. It speaks here about a regional market and about the demand that sustains it, and not on behalf of Tajik women, whose own organisations are better placed to do so.

2. The nature and purpose of this contribution

ICASM submits this contribution in a different register from the ones it has submitted in respect of Kazakhstan and Uganda, and says so at the outset so that the Committee may weigh it accordingly. In those two States there is a market to document, and ICASM has documented it. In Tajikistan there is not yet, so far as ICASM has been able to establish, a body of cases, prosecutions or reported harms; what there is instead is a legal vacuum, a regional chronology of closures whose dates are matters of published law, and commercial operators already selling programmes in Dushanbe. This is therefore an early warning rather than an indictment, and what it asks of the Committee is not to condemn what the State party has done but to ask the State party what it knows.

3. A corridor closing, and what closes with it

Four dates describe the recent history of surrogate motherhood in this region, and it is worth setting them down in sequence because the sequence is the argument. In December 2022 the Russian Federation prohibited foreign nationals and stateless persons from resorting to surrogate motherhood on its territory. In June 2023 the Prime Minister of Georgia announced that surrogacy would be restricted to Georgian citizens from 1 January 2024; no such law was ever enacted and that market remains open to foreign clients. On 14 July 2026 Kazakhstan enacted legislation reserving the capacity to commission a surrogate pregnancy to its own married nationals, and excluding unmarried persons from the practice altogether. Within days of that last measure taking effect, commercial consultancies advising international clients publicly identified Armenia, Kyrgyzstan and Georgia as the jurisdictions to which their clients would now be directed.

ICASM invites the Committee to notice what each of these measures does and, more importantly, what none of them does. Each of them regulates who may be made available: which women will be

made pregnant, in which country, under whose citizenship, within which marriage. Not one of them regulates the demand. The purchaser who was turned away from Moscow, and from Astana in July 2026, and who was told in 2023 that Tbilisi would close to him and found that it did not, has not been prohibited from anything; he has been redirected. His money is intact, his intention is intact, his embryo is frozen and portable, and the only things that change at each closure are the nationality of the woman who will live through the pregnancy and the poverty from which she will be recruited. The regulation falls, invariably and exclusively, on the supply, which is to say on women; the demand crosses the border and resumes.

This is why ICASM asks the Committee to treat the restriction of foreign access, wherever it occurs, as a fact requiring the examination of the neighbouring States rather than as a protective measure to be commended, and why it is addressing this Committee about Tajikistan at a session at which Tajikistan and Kazakhstan happen to be examined within weeks of one another.

4. Tajikistan, and what an absence of law means

Surrogate motherhood in Tajikistan is not lawful, and it is not unlawful. It occupies no place whatever in the legal order of the State party: the Health Code provides for a woman's access to in vitro fertilisation irrespective of whether she has a husband, and says nothing about the gestation of a child for another. The Tajik press established as early as March 2021 that the practice lay outside the legal field, being neither provided for nor prohibited, and commercial agencies selling programmes in Dushanbe were still stating in 2025, in their own promotional material, that no legal framework had been created in this area. ICASM stresses this because the point is often mishandled: an unregulated market is not a lesser version of a regulated one, it is a market in which no authority has undertaken to know anything at all.

Those same agencies, established outside Tajikistan and operating in Russian, advertise that a woman of any nationality may be accepted into their Tajik programmes. That single condition is worth the Committee's attention, because a domestic market recruits domestically, whereas a market that accepts women of any nationality is one designed to draw women across borders into a jurisdiction where nothing about their situation is recorded. Tajikistan is a State whose economy rests to an exceptional degree on labour emigration and on the remittances of those who leave, a matter which the Committee on the Protection of the Rights of All Migrant Workers is examining in respect of the State party in the same period. A public discussion has moreover been under way in Tajikistan since at least 2021 in which the practice is presented as a source of income for women in poverty, for divorced women and for widows. ICASM does not put these elements forward as proof that a market exists at scale. It puts them forward because they are precisely the conditions under which one is constituted, and because the moment at which a Committee can usefully ask a State party what it intends to do is the moment before rather than the moment after.

5. What the courts of a neighbouring State have already established

On 20 May 2026 the State broadcaster of Kazakhstan reported that the prosecutor's office of Astana had supported the prosecution in a case concerning the unlawful transfer of a newborn child. It was established that a nineteen year old resident of the capital had transferred her newborn, through intermediaries, to a married couple, for payment, on the basis of a fictitious surrogate motherhood contract concluded in the eighth month of her pregnancy. By a judgment dated 23 May 2025 the

defendants, including the mother and the intermediaries, were convicted under article 135 of the Criminal Code, which penalises trafficking in minors, and were sentenced to eight years of imprisonment wholly suspended with probationary supervision. The child was placed in a specialised institution and the mother was deprived of her parental rights on the application of that institution.

ICASM draws three things from this and offers them to the Committee. The first is that a surrogate motherhood contract is a serviceable instrument for the sale of a child, and that this is not an inference of civil society but a finding of a national prosecuting authority against the background of the most developed surrogacy legislation in the region. The second is that the woman was nineteen, which is below the minimum age that Kazakh law requires of a surrogate mother, and that this is exactly why the contract had to be fictitious: where the law supplies a form which attributes a child to paying parties in advance, that form will be borrowed by those whom the law would exclude. The third is that the child ended in an institution and the sentence was suspended in its entirety. If this is what occurs in the State of the region which has legislated most, ICASM invites the Committee to consider what the same conduct produces in a State which has not legislated at all, and where no article of any code would give a prosecutor anything to work with.

6. The absence of data is the finding

ICASM has been unable to identify any Tajik case, prosecution, judicial decision or official statistic concerning surrogate motherhood, oocyte extraction or the registration of children born under such arrangements, and it reports that absence honestly rather than filling it. The absence is not evidence that nothing is occurring. It is evidence that if something is occurring, no organ of the State party is in a position to say so, which is the first thing the Committee should establish.

7. Suggested questions to the State party

1. Does the State party consider that surrogate motherhood may lawfully be practised on its territory, and if so, on what legal basis is a birth certificate issued where a woman gives birth in performance of a contract concluded for others?
2. How many children born in Tajikistan have been registered with persons other than the woman who gave birth recorded as their parents, and by what procedure was that registration effected?
3. Which medical establishments provide assisted reproductive techniques in Tajikistan, under what authorisation, and which of them serve clients who are not resident in the State party?
4. What assessment has the State party made of the risk that demand excluded from the Russian Federation in December 2022 and from Kazakhstan in July 2026 will be displaced onto its territory?
5. What is the response of the State party to the fact that agencies established abroad publicly advertise surrogate motherhood programmes in Dushanbe and state that women of any nationality may be accepted into them?
6. What limit, if any, applies to the number of pregnancies a woman may undergo for others and to the number of ovarian stimulation cycles she may undergo, and which public authority sets and enforces that limit?

7. What record is kept that would enable a child born of such an arrangement to obtain, at an age of understanding, information concerning the woman who was pregnant and gave birth to that child and any person who provided gametes?
8. How does the State party consider that arrangements providing for the transfer of a child against payment are to be reconciled with article 2 (a) of the Optional Protocol on the sale of children, to which it has been a party since 5 August 2002?

8. Suggested recommendations

1. That the State party determine and state publicly the legal status of surrogate motherhood on its territory, an unregulated practice being neither a lawful one nor a matter on which a State party may remain without a position.
2. That the State party establish a register of any child born on its territory in performance of an arrangement by which a woman gestates for others, recording the identity of the woman who gave birth, of any gamete provider and of the persons to whom the child was attributed, and that it transmit consolidated data to the Committee.
3. That the State party prohibit the removal of any such child from its territory in the absence of a judicial determination of that child's best interests conducted after birth.
4. That the State party assess, and report to the Committee upon, the displacement onto its territory of demand excluded from neighbouring jurisdictions, and that it do so in cooperation with the States concerned rather than in isolation.

International Coalition for the Abolition of Surrogate Motherhood
abolition.surrogacy@gmail.com
abolition-ms.org