



Coalition Internationale pour l'Abolition
de la Maternité de Substitution

International Coalition for the Abolition of Surrogate Motherhood

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Written contribution to the Committee on the Rights of the Child

Review of the combined third to fifth periodic reports of Uganda (CRC/C/UGA/3-5)

101st session, 31 August to 25 September 2026

Surrogate motherhood, oocyte extraction and the sale of children, with reference to the list of issues

CRC/C/UGA/Q/3-5 adopted on 7 February 2025

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. ICASM speaks here about a market operating on Ugandan territory and about the foreign demand that sustains it, and does not speak on behalf of Ugandan women, whose own organisations are better placed to do so.

2. Purpose of this contribution

Uganda has no legislation governing assisted reproduction, surrogate motherhood or oocyte extraction. The Human Assisted Reproductive Technology Bill, 2023, on which the parliamentary Committee on Health has been receiving views since 2024, remains pending. In that vacuum a commercial market is operating openly, is advertised to an international clientele in English, and has organised for itself the one mechanism that intercountry adoption law was designed to control, namely the lawful removal of a child from Uganda by foreign nationals.

ICASM submits that this is not a new problem for the Committee but the latest form of an old one, and that Uganda offers the Committee something it rarely obtains, which is the opportunity to observe within the borders of a single State, and across twenty years of its own successive concluding observations, how each closure of a route by which children leave the country has generated a more radical circumvention than the one before it, until the arrival of a mechanism that requires no child protection procedure at all.

Uganda has been a party to the Convention since 1990 and to the Optional Protocol on the sale of children, on which the Committee adopted concluding observations in 2008. It is not a party to the Hague Convention of 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption.

3. Twenty years of displacement, and its terminal form

The Committee will recall that, in the years preceding 2016, foreign nationals seeking to remove Ugandan children obtained legal guardianship orders from district courts, a route that bypassed the residence and fostering requirements attaching to adoption and that permitted the child to be taken

abroad and adopted in the receiving country; that this route was closed by the Children (Amendment) Act 2016, which reserved guardianship applications to Ugandan citizens; and that the closure was followed almost immediately by the emergence of constructive fostering, whereby a court accepted that money sent from abroad for a child's upkeep satisfied the requirement of a year of fostering in Uganda, and then by proxy fostering, a practice sufficiently established for the United States Department of State to issue a public notice warning prospective adoptive parents that service providers were arranging for Ugandan residents to foster children on their behalf.

Surrogate motherhood completes that sequence, and it completes it by removing the object on which child protection law operates. Where adoption presupposes a child who has been declared adoptable, and guardianship presupposes a child in need of a guardian, and fostering presupposes a child in need of care, a surrogacy arrangement presupposes nothing at all, because the child is attributed to the foreign purchasers before conception and is never, at any moment of his or her existence, a child whom the Ugandan State is called upon to protect, place or account for. There is no order to scrutinise, no institution to inspect, no declaration of adoptability to verify and no register in which the transaction appears as a transaction. The child leaves the country on a birth certificate that names the purchasers as parents, and the file is closed before it was ever opened.

ICASM submits that this is the point the Committee should press, because every recommendation the Committee has previously addressed to Uganda on illegal adoption and the sale of children is, on this route, inoperative by construction.

4. What the industry states publicly

The following is drawn from the public commercial website of a surrogacy and oocyte agency operating in Uganda and from notes taken by ICASM during a webinar held on 30 May 2026 by an Australian consultancy advising international clients, at which that agency presented its Ugandan programme. ICASM identifies commercial entities and does not identify the women concerned.

The agency advertises that a pre-birth order places the purchasers' names on the birth certificate and that official authentication of that certificate by the Government facilitates obtaining, from the purchasers' own embassy, the travel documents required to take the child home. It states that the legal framework accommodates both pre-birth and post-birth orders according to whichever suits the purchaser's country of residence. It offers packages differentiated by price, including a budget package, a VIP package and a package marketed to purchasers who wish their child to have a connection to the continent. It states that it has connections within the Ugandan Government, and that its founder helped to draft Uganda's surrogacy regulation.

On the date of this submission the agency's home page carried a scrolling banner displaying, alongside a count of children born, the number of host mothers available, qualified as medically cleared, and the date of the next transfer group, then to be confirmed. ICASM invites the Committee to weigh the register of that display. Availability is the vocabulary of stock; medical clearance is the vocabulary of quality control applied to that stock; and a transfer group is a set of women whose embryo transfers are scheduled collectively, on a date fixed by the agency rather than by any of them. The number of children produced and the number of women available appeared in the same band, one beside the other.

It also states, and this assertion is central to the present submission, that surrogacy “has been legal in Uganda for over 20 years” and that a protective legal structure exists. That statement is false. No such legislation exists, which is why the Human Assisted Reproductive Technology Bill, 2023 was introduced and remains pending, and which is why Ugandan civil society organisations working on health and human rights state publicly that the absence of any law is precisely what creates the conditions for exploitation. A commercial operator is therefore representing to foreign purchasers, in writing, that Ugandan law protects a transaction which Ugandan law does not regulate at all.

The material gathered at the webinar corroborates and extends this. The agency stated that embryos cannot be created in Uganda and are therefore shipped in; that no limit applies to the number of times a woman may be a surrogate mother, that question having been settled not by any statute or health authority but in discussion between the agency and the head of a religious council; that an interval of about eighteen months separates one pregnancy from the next and that the woman presented to participants was available for a further arrangement; that all the women in its programme are aged between twenty-one and twenty-five; that there is no shortage of women; and that oocyte providers of African descent can be supplied locally while providers of Caucasian appearance can be shipped in. It further presented the payments made to the women as capital for starting a small business, and described its own training programmes in that light.

ICASM asks the Committee to weigh what is being described. A woman aged between twenty-one and twenty-five, in a country where the agency itself invokes the shortage of employment, is engaged to gestate an embryo created abroad and imported, for purchasers she has never met before the arrangement, with no statutory limit on repetition, and the resulting child is registered from birth in the name of those purchasers and taken out of the country. The absence of any legal ceiling on the number of pregnancies is not a detail: it means that under Ugandan law as it stands there is nothing to prevent the same woman from being subjected to this cycle for the whole of her fertile life, and that whether she is or is not depends on the commercial judgement of the agency and the opinion of a religious authority.

5. What the State party's own institutions have told Parliament

In April 2024 the Uganda Law Reform Commission appeared before the parliamentary Committee on Health and asked that the Bill be revisited. It recommended that the law restrict the commercial donation of gametes and specify both the number of times a person may donate and the number of times any one person's gametes may be used, and it urged that Ugandans be consulted widely, observing that the matter has far-reaching implications for the parties and for the children born of these arrangements.

In October 2024 the Uganda Human Rights Commission, the national human rights institution of the State party, appeared before the same Committee and asked Parliament to ban the surrogacy trade in order to protect women and girls from exploitation and from becoming victims of trafficking. Its Director of Monitoring and Inspection told the Committee that international surrogacy had emerged as an industry and that this had led to the exploitation and trafficking of women, and recommended that the Bill prohibit any trade in surrogacy and the establishment of companies supplying surrogate mothers. The Commission further proposed a national register allowing gamete donors to be traced and limiting the number of families to which a single donor may contribute, and recommended that

neither surrogacy nor gamete donation be open to any person under twenty-one, observing that at eighteen, nineteen or twenty many are still in school and vulnerable to exploitation.

ICASM asks the Committee to hold three things together. The national human rights institution of the State party has asked Parliament to prohibit the establishment of companies supplying surrogate mothers. Such a company is operating on Ugandan territory, advertising internationally, and asserting in writing that the practice has been lawful in Uganda for more than twenty years. And the age floor which that Commission proposed as a protection, twenty-one years, is the precise lower bound of the band from which that company states it recruits, twenty-one to twenty-five, so that what was advanced as a safeguard describes, exactly, the commercial target group. ICASM adds that several of the recommendations set out below are in substance those of the State party's own institutions, and that the Committee may put them to the State party as such.

6. Oocyte extraction

Oocyte extraction is likewise unregulated. There is no statutory limit on the number of stimulation cycles, no register, no medical follow-up requirement after extraction and no mechanism by which a child born of an imported or locally sourced oocyte might later obtain information about his or her genetic origins. Fertility specialists working in the region have publicly warned that the absence of any system for tracking gamete donation creates a risk of consanguinity among the children born, a risk which bears on the children themselves and which no Ugandan authority is presently in a position to measure. The Committee's settled position on the child's right to know his or her origins under article 7 of the Convention cannot be satisfied where nothing whatever is recorded.

7. Suggested questions to the State party

1. How many children have been born in Uganda under surrogacy arrangements, disaggregated by year and by the nationality of the commissioning parties, and how many have left the territory of Uganda following such an arrangement?
2. On what legal basis are pre-birth orders granted placing the names of commissioning parties on the birth certificate of a child born to a Ugandan woman, and which authority verifies the circumstances of the arrangement before that order is made?
3. What steps has the State party taken in respect of commercial operators representing to foreign clients that surrogacy is governed by a protective Ugandan legal framework, when no such framework exists?
4. What limits apply to the number of surrogate pregnancies a woman may undergo, to the number of oocyte extraction cycles she may undergo, and which public authority sets and enforces them?
5. What controls apply to the importation of embryos and gametes into Uganda, and what record is kept enabling a child born of them to trace his or her genetic origins?
6. What is the status of the Human Assisted Reproductive Technology Bill, 2023, and what measures protect children born of surrogacy arrangements in the interval before its adoption?
7. What action has the State party taken upon the recommendation made to the parliamentary Committee on Health in October 2024 by the Uganda Human Rights Commission, that any trade in surrogacy and the establishment of companies supplying surrogate mothers be prohibited?

8. Given the successive circumventions of the Children (Amendment) Act 2016 through constructive and proxy fostering, what assessment has the State party made of surrogacy as a route by which children leave Uganda without any child protection procedure being engaged?

8. Suggested recommendations

1. That the State party establish, as a matter of urgency and independently of the fate of the pending Bill, a register of children born in Uganda under surrogacy arrangements, 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.
2. That the State party prohibit the removal of a child from its territory pursuant to a surrogacy arrangement in the absence of a judicial determination of the child's best interests conducted after birth, and that it treat any arrangement providing for such removal against payment as falling within article 2 (a) of the Optional Protocol.
3. That the State party investigate and, where appropriate, prosecute commercial operators who misrepresent the state of Ugandan law to foreign clients, and that it seek the cooperation of the States whose nationals are the purchasers.
4. That the State party guarantee the preservation in perpetuity, and the child's access to, the information identifying the woman who gave birth to the child and any person who provided gametes.

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