

Surrogacy and child trafficking: Problems of correlation and delineation of categories

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ABSTRACT

Aim: to distinguish such outwardly similar legal phenomena in the form of irreversible transfer of a child from one person to another, such as child trafficking and surrogacy, primarily paid (commercial).

Materials and Methods: In order to achieve the stated objective, the study employed a set of general scientific and specialized methods of cognition, including comparative law, the formal-logical method, historical method etc. More than 3 thousand records of the Unified Register of Pre-Trial Investigations on the registration and results of pre-trial investigation of criminal proceedings on the facts of human trafficking, including on the facts of illegal surrogacy, were processed. 5 court verdicts from the Unified Register of Court Decisions were analyzed, and 6 criminal proceedings on such facts, in which the investigator or prosecutor made a decision to close them, were also studied.

Conclusions: Due to significant differences from both the objective and subjective sides, surrogacy and child trafficking are different legal agreements, which makes it necessary to assess all the factual circumstances in each specific case when qualifying the act.

KEY WORDS: human rights, natural rights, right to continue of the genus, reproductive rights, state reproductive policy, motherhood, surrogate mother, human trafficking, child trafficking

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INTRODUCTION

Many countries are experiencing a decline in birth rates. One of the reasons is a significant proportion of those who cannot have their own child, but still want to have one. The absence of children may be associated with fertility problems, reluctance to have a child with other people, same-sex marriages/partnerships, etc.

However, modern reproductive technologies have reached a level that can help solve the issue of one's own reproductive reproduction, and among them is the surrogacy method. At the same time, there is a tendency to significantly increase the use of these technologies, their improvement, including when using surrogacy. For example, in just 20 years, starting in 1999, the number of surrogacy procedures used in the USA has increased fourfold [1]. In the USA in 2022, 4.7% of assisted reproductive embryo transplantation cycles used gestational surrogacy [2].

At the same time, although this method is effective, it is also one of the most controversial from both a moral and legal perspective. After all, the point is that the person who carried and gave birth to a child actually has no legal rights to it.

As rightly pointed out, for the first time in the history of mankind it became possible to "separate the functions of a woman as a person who produces a female gamete and a person who carries a child" [3].

Therefore, in world practice there are no unified approaches to this method of reproduction. Moreover, state policy on surrogacy, depending on many factors, is at opposite poles. In some states, surrogacy is a crime, in others it is a legal procedure. Some of them introduce additional increased requirements for surrogacy, while in others there is a tendency to simplify the grounds and conditions for its application.

Supporters and opponents of surrogacy often use the same facts, but with different arguments, trying to prove the need for liberalization or, conversely, the prohibition of surrogacy.

In recent years, the discussion of commercial and altruistic surrogacy has become the subject of wide debate. This plays a special role in the discussion of cross-border surrogacy (surrogacy tourism) [4].

As a result, some call surrogacy a business or human trafficking, others - a miracle and a last chance [5]. One

of the main arguments of opponents, in addition to the moral side, is the argument that surrogacy by its nature is trafficking in a newborn child, which is recognized as one of the most serious crimes. F.M. Abdullah believes that carrying and giving birth to a child for another man or woman solely for financial gain is immoral, illegal, and offends the fundamental values of a democratic society, such as the value of protecting women from exploitation and protecting the child born in this way [3].

Thus, challenging the registration and birth certificates of children of French citizens from a surrogate mother (a procedure carried out in the USA), the prosecutor of the city of Creteil emphasized that the agreement under which a woman undertakes to conceive and bear a child, which she must leave at birth, is null and void, since it contradicts the principles of public law - the inviolability of the human body and the inviolability of the person [5].

Ukraine belongs to the states with a liberal approach to surrogacy, this method is not only legal and widespread, but is also officially permitted on a commercial basis, that is, with appropriate payments from interested parties to surrogate mothers.

At the same time, a number of criminal prosecutions have been initiated in Ukraine for illegal surrogacy and human trafficking (exploitation). Several such criminal cases have been considered by the court and the perpetrators have been convicted, which makes the study of this topic even more relevant. After all, even at this time, the line of demarcation between the legality and illegality of the use of this technique is very narrow.

AIM

The aim of the article is to study and distinguish such outwardly similar legal phenomena in the form of the irreversible transfer of a child from one person to another, such as child trafficking and surrogacy, primarily paid.

In addition, recently, law enforcement agencies of many states, including Georgia, Ukraine, and France, have initiated criminal prosecutions for human trafficking, fraud, etc. against persons who organized or facilitated the implementation of surrogacy.

Therefore, this study has not only a theoretical goal, but also practical significance: to identify the features that distinguish child trafficking from its legal transfer when using the specified medical procedure of reproductive technologies.

MATERIALS AND METHODS

The research methodology uses a systematic approach that corresponds to the interdisciplinary nature of the

research topic in order to study the legality of the transfer of a child from a surrogate mother to a third party through the prism of child trafficking.

To do this, the authors used the methodological potential available in legal science, primarily comparative law and formal legal methods, methods of legal analysis and modeling.

The comparative law method allowed us to study the legislation of a significant number of states from different legal families (Great Britain, India, Iran, Italy, Spain, China, Germany, the USA, Poland, Ukraine, etc.) regarding the features of regulating the surrogacy procedure.

The formal-logical method allowed us to investigate how the concept of reproductive technologies is interpreted at the legislative level, and the place of surrogacy in them.

The historical method allowed us to assess the legal development of surrogacy regulation in chronological order, including the emergence of new methods of reproductive reproduction, the influence of historical, religious and other factors on the modern legal regulation of reproductive technologies in different countries and the features of the regulation of surrogacy.

The use of a combination of statistical and analytical methods made it possible to identify and determine the place in the crime structure of Ukraine of those crimes related to human trafficking, including those directly related to illegal surrogacy.

It should be noted that many scientists have thoroughly investigated the issues of legal regulation of surrogacy, including comparing its regulation in different countries, studying the causes of cross-border surrogacy tourism, state policy in this area, moral, ethical and other problems associated with the use of this methodology.

However, there are few publications that specifically study the similarities and differences between surrogacy and child trafficking, as this requires not only theoretical knowledge, but also practical access to materials that are mostly not publicly available. As a rule, the relevant state registers can be analyzed by a very narrow circle of practitioners, and the materials of criminal proceedings - exclusively by those authorized by law (as a rule, only individual prosecutors and judges are granted such powers).

To fill this knowledge gap, this article conducts an in-depth analysis of data contained in the Unified Register of Pre-Trial Investigations (this state register of Ukraine with limited access contains information on all registered criminal offenses since 2012 and the results of their pre-trial investigation), from which more than 3 thousand plots of criminal proceedings registered by law enforcement agencies of Ukraine were processed,

as well as the Unified Register of Court Decisions (this register contains court decisions of courts of Ukraine, including on criminal proceedings of the studied category, some of which are closed for public access), from which 5 court verdicts on the facts of illegal surrogacy were studied. In addition, using the above-mentioned methods, 6 criminal proceedings were studied in which the investigator or prosecutor made a decision to close them due to the absence of a crime - child trafficking when using the surrogacy method.

REVIEW AND DISCUSSION

The study identified key objective and subjective criteria distinguishing commercial surrogacy from child trafficking, including the absence of genetic ties between the surrogate mother and the child, the timing of contract execution prior to embryo implantation, and the presence or absence of direct criminal intent to unlawfully transfer a child for financial gain.

Each country tries to develop its own approach to resolving the issue of the legality of surrogacy, taking into account its own historical experience, development conditions, and the ideology and morality prevailing in society. In some states, this reproductive technique is liberalized (primarily by expanding the grounds and the range of subjects who can use it), while in others, on the contrary, they try to restrict it (including in order to protect their own citizens from surrogacy tourism).

For example, in the Swiss Confederation, the use of surrogacy is regulated at the constitutional level (Article 119 of the Federal Constitution of the Swiss Confederation, 1999) [6].

In France, surrogacy is prohibited in accordance with the decision of the Constitutional Council of the French Republic from 1991, according to which any agreement, even if it does not provide for remuneration, under which a woman agrees to conceive, carry and give birth to a child, and then abandon it, is contrary to public order, the principle of the inviolability of the human body and the personal status of an individual. The same provisions are enshrined in the Law "On Respect for the Human Body" from 29.07.1994. In Art. 16-7 of the French Civil Code it is stated: "Any contract concluded for the purpose of conceiving or carrying a child for the benefit of a third party is null and void" (Article 16-7 of the French Civil Code). Violation of these norms provides for criminal liability in the form of imprisonment and a fine, including for mediation in the implementation of surrogacy (Article 227-12 of the French Criminal Code).

As a result, the world community has encountered a new phenomenon – reproductive tourism, since it is not only about surrogacy.

Every year, thousands of people travel abroad from their countries to circumvent restrictive legislation or take advantage of lower prices. In this context, surrogacy raises many bioethical and legal issues [7].

The countries where surrogacy is permitted and widely practiced include: some states of Australia and the USA, Great Britain, Canada, Portugal, Uganda, Ukraine, etc.

In some countries, surrogacy is permitted only on a gratuitous basis, that is, the surrogate mother cannot receive financial compensation for carrying and giving birth to a child (Australia, Belgium, Great Britain, Greece, Canada, etc.). However, it should be borne in mind that in some of them, reimbursement of expenses incurred by the surrogate mother is not considered payment for the procedure itself.

In other countries, paid surrogacy is permitted (Armenia, Georgia, Kazakhstan, Cyprus, Kyrgyzstan, Ukraine, etc.).

Similar heterogeneity in relation to surrogacy is also observed in South America [9].

Another difference in access to surrogacy is due to the fact that the regulations of a number of countries require both partners to provide gametes when using surrogates, while in others only one of the biological parents is sufficient. Therefore, in the first case, single people (singles), as a rule, actually lose the right to have a child due to the specified method.

According to Article 12 of the Law of the Republic of Armenia "On Reproductive Health and Human Reproductive Rights", a person who has the right to use assisted reproductive technologies may also be one of the biological parents (Article 12 of the Law of the Republic of Armenia "On Reproductive Health and Human Reproductive Rights").

Article 146 of the Code of the Republic of Kazakhstan on Public Health and the Health System declares that a woman or a man who is not married has the right to use assisted reproductive methods and technologies if she (he) has informed consent to medical intervention (Article 146 of the Code Republic of Kazakhstan on Public Health and the Health System). However, departmental acts stipulate that only spouses have the right to surrogacy.

In international practice, there are more and more precedents for the birth of a child by a surrogate mother not only for married couples, but also for single individuals under certain conditions.

Such conditions include the death of their loved one, after whom genetic material remained, and the deceased expressed his will for its use, the reluctance of single men to marry in the presence of a natural need for procreation, etc. [17]. For example, Spanish actress

Ana Obregon used her deceased son's frozen sperm and a donor egg to give birth to his daughter in 2023 via surrogate mother in the United States [10].

A completely different approach has been taken at the international and national levels regarding human trafficking, which is recognized as illegal and carries strict legal liability. The prohibition of human trafficking, including child trafficking, is a global practice and is enshrined in international law, such as the Convention on the Rights of the Child and its Optional Protocol of 01.01.2000, as well as in national legislation.

Article 149 of the Criminal Code of Ukraine provides that human trafficking, as well as the recruitment, movement, harboring, transfer or receipt of a person, committed for the purpose of exploitation, using coercion, abduction, fraud, blackmail, material or other dependence of the victim, his vulnerable state or bribery of a third party who controls the victim, to obtain consent to his exploitation, is a criminal offense.

Responsibility for the recruitment, movement, concealment, transfer or receipt of a minor or minor arises regardless of whether such actions are committed using coercion, abduction, fraud, blackmail or the vulnerable state of the said persons or using or threatening to use violence, using official position, or by a person on whom the victim was in material or other dependence, or bribing a third person who controls the victim, in order to obtain his consent to the exploitation of a person (Article 149 of the Criminal code of Ukraine).

Similar provisions are contained in the Law of Ukraine "On Combating Trafficking in Human Beings", which provides a definition of trafficking in minors (minors).

According to the Unified Register of Pre-Trial Investigations in Ukraine, over the past ten years (2015-2025), 1,121 criminal proceedings have been registered on 3,094 criminal offenses on the facts of human trafficking, of which 467 have been closed, 479 have been sent to court for consideration with charges. The absolute majority of these relate to human trafficking for the purpose of their labor or sexual exploitation, use for begging, involvement in criminal activity, etc.

During this period, 33 criminal proceedings have been registered on 106 criminal offenses on the facts of human trafficking or exploitation when using reproductive technologies, primarily surrogacy. Of these, 13 criminal proceedings have been closed due to the absence of a crime, 8 (of which 4 are interconnected) have been sent to court with charges, and the rest are being investigated.

However, an analysis of court verdicts indicates that the basis for the accusation was not the fact of buying and selling a child, but the falsification of documents by the surrogate mother about the birth of the child, the exploitation of women who were surrogate mothers.

For example, according to the investigation materials, a resident of Kharkiv was suspected of having participated in the recruitment of women, mainly from the Kharkiv region, to participate in surrogacy programs, while working as an administrator at a medical clinic. The women were misled, being told that they would give birth to children for married couples, and that their participation was limited only to carrying and giving birth to the child. After giving birth, surrogate mothers were forced to register the newborns in their own names and give consent for the child to be taken abroad by a foreign father. In case of disagreement, they were threatened with incomplete payment of the promised remuneration [11].

In the absolute majority of cases, criminal prosecution was initiated on the facts of surrogacy for the benefit of foreign citizens, where such a procedure is either complicated or prohibited altogether. Kirsty Horsey [12] discussed the reasons for international reproductive tourism in considerable detail, and a specific example of India is given by Saran J, Padubidri JR [8].

At the same time, the facts of buying and selling a child also occur and outwardly they are quite similar to the transfer of a child through paid surrogacy.

For example, the Sumy District Prosecutor's Office sent an indictment to the court on the fact of human trafficking against a mother who tried to sell her own newborn child for 30 thousand US dollars in May 2025.

Therefore, there is a need to distinguish between the legality and illegality of a transaction whose object is a child, as well as the presence of a crime in the actions of individuals precisely in the case of the transfer of a child by the person who gave birth to him or her to a third party.

We emphasize that the object of such trade should be a child, and not a person's gametes, zygote, embryo or fetus. If there are grounds, illegal transactions with the latter may be qualified under other articles of the criminal law.

Surrogacy requires that a civil contract be concluded before the embryo is implanted in the woman who assumes the role of surrogate mother, unlike child trafficking, where a written or oral contract can be concluded at any stage (from the decision to become pregnant, to insemination, to carry the fetus, or after the birth of the child).

When a child is trafficked in the form of its sale, from an objective point of view, it is precisely its illegal, irreversible transfer from one person to another.

The legal transfer of a child in states where surrogacy is permitted is not a crime. In legal surrogacy agreements, the legal transfer of a child occurs, since the object of such a contract concluded between the

surrogate mother and the future parents is not the child, but the services related to the implantation of the embryo, carrying the fetus, and the birth of the child, i.e. a long process.

At the same time, it is necessary to distinguish between the payment of surrogacy services and child trafficking for remuneration (payment).

In the first case, we are talking about the provision of paid services by a surrogate mother and the child must be given (returned) to her parents who have genetic kinship, where the transfer of the child is a logical legal completion of the entire medical procedure related to ensuring reproductive rights. In the second case, we are talking about the initially illegal transfer of a child from one person to another for remuneration, where the main goal is precisely the illegal transfer of the child, and the goal is to provide (receive) an illegal benefit.

Receiving remuneration for surrogacy services should also be distinguished from receiving compensation for services provided, which are only externally similar in content. At the same time, they are of no fundamental importance for Ukrainian legislation. Instead, in some countries (for example, Great Britain) only the possibility of compensation for inconveniences and expenses incurred is provided, otherwise the surrogacy service is illegal and may entail liability.

Therefore, from an objective point of view, the mere fact of payment for surrogacy services cannot indicate child trafficking.

And here an important element is the issue of the presence of a genetic connection in persons who ordered the surrogacy service, as well as in the surrogate mother.

Modern medical science distinguishes two types of surrogacy:

- full or gestational surrogacy - the transfer of a human embryo conceived by a spouse and a donor into the body of a surrogate mother. In this case, the surrogate mother has no genetic connection with the child;
- partial or gender surrogacy implies a genetic connection with the child, since the surrogate mother's egg is used.

Taking into account the norm of Art. 123 of the Family Code of Ukraine, the method of surrogacy involves the transfer of a human embryo conceived by the spouses (genetic parents) into the body of the surrogate mother. That is, Ukrainian legislation provides for only one method - full (gestational) surrogacy (Article 123 of the Family Code of Ukraine). This condition is provided for by the vast majority of other national legislations.

We believe that a mandatory condition for legal paid surrogacy, which does not contain signs of child trafficking, is the absence of genetic kinship between the child and the surrogate mother.

At the same time, the assessment of the actions of a surrogate mother who was previously an egg donor, other persons should be given taking into account all the circumstances of the case and does not exclude child trafficking.

A separate solution is required for the issue of the mandatory genetic connection between the child and the persons who resorted to the surrogacy method.

The ideal option is cases when both spouses are the biological parents of the future child. However, sometimes only one of the customers of this medical procedure has a genetic connection. Thus, it is resorted to by spouses in which only the husband is fertile, single people who used donor gametes, etc.

Therefore, in the absence of a genetic connection of the child with both parents at once, we can talk about other types and combinations of artificial insemination, including the use of embryo or gamete donation, which in itself does not entail the illegality of surrogacy, refusal to recognize paternity and automatic establishment of the fact of human trafficking.

The exception is the case when such a newborn child is "sold" by the genetic parents (one of them) to other persons. However, in this case, the situation is similar to the usual illegal sale of a baby, regardless of the method of conception.

We believe that the combination of surrogacy and the use of fully donor gametes is actually a "hidden form of adoption" and is not related to the realization of one's own natural right to reproduction. However, while agreeing with the illegality of the use of the method itself, it cannot be stated that "child trafficking" definitely takes place, that is, a crime.

Thus, if a person used this hybrid of methods due to reluctance to adopt a child (including to prevent future risks of property claims from relatives of the adopted child, or the child being taken away by its parents, or for other objective or subjective reasons (quite often it is used to hide one's own infertility) but for the purpose of paternity, then the chance of proving child trafficking in court is minimal. Moreover, in this case, there is no agreement on the transfer of one's own child to another person (i.e., the trafficking itself), since formally it does not belong to the surrogate mother (who has no genetic relationship), who transfers the born child under the relevant legal contract.

At the same time, there are facts when pregnant women sell their children, falsifying surrogacy. In this case, such actions should be qualified as human trafficking.

For example, in February 2021, Kyiv Local Prosecutor's Office No. 5 sent an indictment to court against a citizen on charges of trafficking in a minor child. She, participating in the surrogacy program, contrary to the

terms of the contract and knowing for sure that she was the biological mother of a newborn child, in order to receive 15 thousand US dollars illegally gave her to foreign customers who did not suspect fraud and believed that the baby was their genetically native child.

In addition to the objective side, the subjective side plays a significant role in the qualification, that is, the person's own attitude to the act committed by her.

The subjective side assumes the presence of direct intent to unlawfully "alienate" the child, primarily for payment.

The perpetrator must be aware that he is illegally transferring the child to third parties, including on a paid basis (for example, a surrogate mother is aware that she is the genetic mother, but sells her for money under a false surrogacy agreement), or the surrogacy program is carried out for the purpose of further trafficking in the child (i.e., the birth of a child is not intended to create paternity in the persons who used this method, primarily genetically related parents, but for another purpose, for example, selling the child to persons for begging, using its stem cells or organs, etc.).

At the same time, if a person used artificial insemination techniques for the purpose of his own paternity and paid for artificial insemination services, then we believe that his actions do not constitute human trafficking.

Among the exceptions are cases when one of the genetic parents consciously renounces paternity by "alienating" the child for a certain fee to another person. For example, a mother sells a newborn child, or one of the genetic parents, for payment, renounces it and recognizes his own genetic paternity in favor of another person. Child trafficking will also occur if the genetic mother (egg donor) when using surrogacy services knowingly received funds not only for a fictitious marriage, but also for transferring her own child

to another person, that is, a conscious act of trafficking in a newborn child.

At the same time, no person, including the surrogate mother, officials who provided the surrogacy program, can be held liable for the subsequent actions of the parents who used this method and their treatment ("order") of the child, if such actions were not covered by the common criminal intent to commit this crime.

CONCLUSIONS

Today, there is no consensus in the international community on the legality of using the surrogacy method and its relationship with such a particularly serious crime as child trafficking. However, none of the states can be a universal example of solving this problem.

The problems that arise when implementing commercial surrogacy in Ukraine and other states, the existing abuses in this area are a reason to improve the system, not to ban this medical procedure.

Paid surrogacy, regardless of whether it is recognized by the state as a crime, should be distinguished from trafficking in humans, including children. Surrogacy has significant differences from both the objective and subjective sides from human trafficking, and therefore these components should be investigated by law enforcement agencies in each individual case for the correct qualification of the committed act.

In the criminal law aspect, it is necessary to prove the fact of a deliberate violation by the subjects participating in the program of the procedure and grounds for conducting surrogacy for the subsequent trafficking of a newborn child.

Investigators, prosecutors, judges must investigate all the circumstances that were related to the surrogacy method used in order to establish whether child trafficking took place in each specific case.

REFERENCES

1. Annie YAu, Rachel L, Friedlander BA et al. Medical and mental health implications of gestational surrogacy. 2021. doi: 10.1016/j.ajog.2021.04.213. [DOI](#)
2. Zaçe D, Pasciuto T, Corrado G et al. Maternal, pregnancy, and neonatal outcomes associated with surrogacy: a scoping review. *Reprod Biol Endocrinol.* 2026;24:20. doi:10.1186/s12958-025-01513-w. [DOI](#)
3. Abdullah FM. Legal and Ethical Aspects beyond Commercial Surrogacy: Modern Form of Human Trafficking. *Journal of Legal, Ethical and Regulatory.* 2019;22(S1):1-7.
4. Bashiri A, Cherlow Yu, Kresch-Jaffe T. Surrogacy: An important pathway to parenthood. A call for international standardization. *J Reproduct Immunol.* 2024;163:104247. doi:10.1016/j.jri.2024.104247. [DOI](#)
5. Case of *Mennesson v. France* <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-145389%22%5D%7D>. [Accessed 1 March 2026]
6. Federal Constitution of the Swiss Confederation. 1999. <https://fedlex.data.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/1999/404/20210101/en/pdf-a/fedlex-data-admin-ch-eli-cc-1999-404-20210101-en-pdf-a.pdf> [Accessed 1 March 2026]
7. Frati P, La Russa R, Santurro A et al. Bioethical issues and legal frameworks of surrogacy: A global perspective about the right to health and dignity. *Eur J Obstet Gynecol Reprod Biol.* 2021;258:1-8. doi: 10.1016/j.ejogrb.2020.12.020. [DOI](#)

8. Saran J, Padubidri JR. New laws ban commercial surrogacy in India. *Medico-Legal Journal*. 2020;88(3):148-150. doi:10.1177/0025817219891881. [DOI](#)
9. Torres G, Shapiro A, Mackey TK. A review of surrogate motherhood regulation in south American countries: pointing to a need for an international legal framework. *BMC Pregnancy Childbirth*. 2019;19:46. doi:10.1186/s12884-019-2182-1. [DOI](#)
10. Suite à ce post, et au vu du débat qui a eu lieu chez nous il y a quelques années, je me demandais: Que pensent les r/Français de la GPA? [Following this post, and given the debate that took place among us a few years ago, I was wondering: What do r/French people think about surrogacy?]. 2025. https://www.reddit.com/r/france/comments/1mt0iaj/suite_%C3%A0_ce_post_et_au_vu_du_d%C3%A9bat_qui_a_eu_lieu/?show=original [Accessed 1 March 2026] (Franch)
11. Ukrainska pravda. (2025, December 15). «Nemovlia za 70 tysiach yevro»: z Nimechchyny ekstraduvally uchasnytsi zlochynnoi skhemy [“A baby for 70,000 euros”: A participant in a criminal scheme was extradited from Germany]. <https://www.pravda.com.ua/news/2025/12/15/8011922/> [Accessed 1 March 2026] (Ukrainian)
12. Kirsty H. The future of surrogacy: a review of current global trends and national landscapes. *Reproductive BioMedicine Online*. 2024;48(5):103764. doi: 10.1016/j.rbmo.2023.103764. [DOI](#)
13. Kopeltsiv-Levytska, YeD. Surohatne materynstvo: torhivlia ditmy chy posluha u sferi dopomizhnykh reproduktyvnykh tekhnolohii [Surrogate pregnancy: child trafficking or service in the sphere of assisted reproductive technology]. *Publichne pravo*, 2019;2:45-49. doi:10.32845/2663-5666.2019.2.8. (Ukrainian) [DOI](#)
14. Kryminalnyi kodeks Ukrainy [Criminal code of Ukraine]. 2001; № 2341-III. <https://zakon.rada.gov.ua/laws/show/2341-14>. [Accessed 1 March 2026] (Ukrainian)
15. Pro protydyii torhivli liudmy [Law of Ukraine «On Combating Trafficking in Human Beings»]. 2011; № 3739-VI.: <https://zakon.rada.gov.ua/laws/show/3739-17#Text>. [Accessed 1 March 2026] (Ukrainian)
16. Simeynyy kodeks Ukrainy [Family code of Ukraine]. 2002; № 2947-III. <https://zakon.rada.gov.ua/laws/show/2947-14>. [Accessed 1 March 2026] (Ukrainian)
17. Checherskyi VI. Pravo na reproduktsiiu (vidtvorennia) u systemi osnovopolozhnykh prav liudyny: konstytutsiino-pravove doslidzhennia [The right to reproduction (procreation) in the system of fundamental human rights: constitutional and legal research] Manuscript. Kherson: Vydavnytstvo «OLDI-PLluS». 2019, p.416. (Ukrainian)
18. Assisted Human Reproduction Act. 2004. <https://laws-lois.justice.gc.ca/PDF/A-13.4.pdf>. Accessed 1 March 2026]
19. Code civil [Civil Code]. 1804. https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=9553F21AB14E9F0DC96324B21F920BC1.tpdjo12v_3?idArticle=LEGIARTI000006419302&cidTexte=LEGITEXT000006070721&dateTexte=20100525. [Accessed 1 March 2026] (French)
20. Code penal [Criminal Code]. 1992. https://www.legifrance.gouv.fr/affichCode.do;jsessionid=9553F21AB14E9F0DC96324B21F920BC1.tpdjo12v_3?idSectionTA=LEGISCTA000006165320&cidTexte=LEGITEXT000006070719&dateTexte=20100525. [Accessed 1 March 2026] (French)
21. Präg P, Mills MC. Assisted Reproductive Technology in Europe: Usage and Regulation in the Context of Cross-Border Reproductive Care. https://link.springer.com/chapter/10.1007/978-3-319-44667-7_14. [Accessed 1 March 2026]
22. Relative au respect du corps [Relating to respect for the body]. 1994. <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000549619&fastPos=2&fastReqId=2078979333&categorieLien=cid&oldAction=rechTexte#LEGIARTI000006284446>. [Accessed 1 March 2026] (French)
23. Bielov DM, Petsa DD, Svyshcho VY, Novytsky VV. The human right to transplantation of organs and tissues: medicine, ethics and law. *Wiad Lek*. 2022;75(10):2519-2525.
24. Bielova MV, Fridmanska VI, Svyshcho VYu, Leshanych LV. Legal regulation of biomedical research: key principles and their implementation. *Wiad Lek*. 2024;77(10):2070-2076. doi: 10.36740/WLek/195161. [DOI](#)
25. Bielov D, Hreca Ya, Shandra B, Bodnar S. The right to health care in the system of constitutional human rights: Theoretical and legal analysis of content and structure. *Wiad Lek*. 2025;78(10):2173–2179. doi: 10.36740/WLek/213595. [DOI](#)

CONFLICT OF INTEREST

The Authors declare no conflict of interest

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