



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

Minister Stephen Donnelly
Department of Health,
Miesian Plaza,
50-58 Lower Baggot Street,
Dublin 2

31 January 2024

Sent via email: Ministersoffice@health.gov.ie

CC: minister@justice.ie

RE: Questions regarding the proposals to regulate international surrogacy amid EU-wide concerns for reproductive exploitation and trafficking

Dear Minister Donnelly,

I write on behalf of the Irish Human Rights and Equality Commission (the 'Commission'), in our role as National Anti-Trafficking Rapporteur, to raise concerns around the Committee Stage Amendments to the Health (Assisted Human Reproduction) Bill 2022 (AHR) Bill, which will regulate international surrogacy agreements, and its implication for the human trafficking commitment of the State. In particular, we are eager to ensure that there is sufficient consideration of the EU-wide concerns surrounding the reproductive exploitation and trafficking of women within surrogacy arrangements, in proposed legislative responses.

We greatly welcome the regulation of domestic assisted human reproduction and the establishment of the Assisted Human Reproduction Regulatory Authority (AHRRA), but we remain concerned that the proposed amendments would extend the legislation to a practice not permitted by any other EU State, in an area marred with increasing human trafficking. In particular, the Commission is wondering if there is a danger that this legislative approach may thwart other countries' efforts to protect their own citizens from trafficking and reproductive exploitation.

In the absence of full pre-legislative scrutiny we would like to ensure that there are sufficient protections to guard against the trafficking and reproductive exploitation of women in commercial, transnational surrogacy within this Bill.



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The EU, in its Fourth Progress Report on the Elimination of Trafficking in Human Beings, stated that European agencies, such as Europol and Eurojust have reported cases of trafficking for the purposes of illegal surrogacy and forced pregnancy, where women are recruited to relinquish new-born children upon the promise of compensation, or to participate in illegal surrogacy programmes. Such concerns are likely to lead to the explicit inclusion of reproductive exploitation in the recast EU Anti-Trafficking Directive. A proposal to that effect has been tabled by the European Parliament and by the European Commission in their respective reviews and resulting proposals.

As a Commission, we recognise the challenges in balancing these complex bioethical questions and fundamental rights. In anticipation of the publication of the re-drafted Bill we would like to meet with you, present our questions regarding safeguards against exploitation and trafficking and assist you in striking that balance.

Le meas,

Deirdre Malone

Director