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Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.
2. This report addresses the human rights violations and abuses stemming from the legalization of surrogacy in Greece and highlights the urgent need to prohibit the practice in all its forms.

(a) Surrogacy

Background

3. Surrogacy is a practice whereby a woman becomes pregnant with the intent of handing the child to a commissioning party upon birth. Greece—and particularly Athens—continues to be a leading destination for individuals seeking surrogacy worldwide.
4. Since 2002, ‘altruistic’ surrogacy has been legal in Greece under certain conditions. A surrogacy agreement cannot have a commercial character; however, the surrogate mother is entitled to compensation for ‘reasonable expenses’ related to pregnancy, including time off work, physical strain, childbirth, and postpartum care.¹
5. While there is no statutory cap on the reimbursement a surrogate mother may receive for ‘reasonable expenses’ related to pregnancy, practical limits have developed through administrative practice and judicial trends. Prior to 2024, the informal ceiling stood at approximately €10,000. After 2025, this amount increased to about €20,000 for a single pregnancy and €25,000 for twins.² However, according to recent reports, ‘no woman becomes a surrogate for the €20,000 or €25,000 of legal compensation. The actual amounts range between €28,000 and €30,000.’³
6. Despite being legally framed as an ‘altruistic’ practice, surrogacy procedures in Greece reveal a reality where economic necessity, weak oversight, and coercion interconnect, resulting in the reproductive exploitation of vulnerable women. Though the Greek legal system imposes specific conditions to access surrogacy arrangements, recent scandals and rising demand suggest that what is marketed as ‘altruistic’ surrogacy may in fact operate much closer to a commercial model.⁴
7. The distinctions between commercial and so-called ‘altruistic’ forms of surrogacy are often blurred, particularly in jurisdictions where commercial surrogacy is formally prohibited but where alleged reimbursement is so high that it effectively constitutes

¹ Karpouzis Lianou & Associates Law Firm ‘New Legal Framework for Surrogacy in Greece (2025)’ available at <https://karpouzislianou.gr/en/new-legal-framework-fwHeor-surrogacy-in-greece-2025/>.

² Queralt Castillo ‘Greece and the problems of altruistic surrogacy 2/3’ *Mediterranean Network for Feminist Information* (10 July 2025) available at <https://medfeminiswiya.net/2025/07/10/greece-and-the-problems-of-altruistic-surrogacy-2-3/?lang=en>.

³ Lina Giannarou ‘Surrogacy in Greece: “You know they are not your children”’ (16 February 2024) available at <https://www.ekathimerini.com/society/1231849/surrogacy-in-greece-you-know-they-are-not-your-children/>.

⁴ Queralt Castillo ‘Greece and the problems of altruistic surrogacy 2/3’ *Mediterranean Network for Feminist Information* (10 July 2025) available at <https://medfeminiswiya.net/2025/07/10/greece-and-the-problems-of-altruistic-surrogacy-2-3/?lang=en>.

commercial payment.⁵ In the case of Greece, although it is one of the most affordable surrogacy destinations worldwide, the average compensation for ‘reasonable expenses’ ranges from €28,000 to €30,000, considerably higher than the average annual salary in Greece, which is €17,954.⁶

Legal Framework

8. Article 1458 of the Civil Code, which was introduced by Law 3089/2002 on ‘Medically Assisted Human Reproduction’, governs the conditions under which surrogacy is permitted in Greece. According to said Article, the transfer into the body of another woman of fertilised ova, which are not biologically her own, and the gestation by that woman, is permitted with a judicial authorization granted prior to the transfer, provided that there exists a written agreement made without compensation between the persons seeking to have a child and the woman who will carry the pregnancy, as well as her husband, if she is married.⁷
9. Judicial authorization is granted by the Multi-Member Court of First Instance under voluntary jurisdiction upon application by the woman who wishes to have a child. The applicant must prove that she is medically unable to carry a pregnancy and that the proposed surrogate is, in view of her state of health, suitable for pregnancy.⁸
10. Article 1460 of the Civil Code establishes donor anonymity in medically assisted reproduction, including surrogacy arrangements. The identities of the gamete/embryo donors are not disclosed to the persons wishing to have a child, nor the identity of the child and the commissioning couple is not disclosed to the gamete donors.⁹ There are no specific provisions allowing the child to know either its genetic origins or its surrogate mother (the child may only have access to non-identifying medical information for health-related reasons).¹⁰
11. Article 1464 of the Civil Code states that in cases of surrogacy conducted in accordance with Article 1458, the legal mother is presumed to be the woman who obtained judicial authorisation.¹¹ This presumption may be rebutted by an action contesting maternity, filed within six months from the child’s birth, either by either the commissioning woman or by the surrogate mother, provided it is established that the latter is the child’s genetic mother. A final (non-appealable) judicial decision accepting such a claim results in the retroactive recognition of the surrogate mother as the child’s legal mother.¹² Likewise, the commissioning woman may file an action challenging maternity where the surrogacy arrangement is not legally valid, including when the

⁵ Reem Alsalem ‘Report of the Special Rapporteur on violence against women and girls, its causes and consequences: The different manifestations of violence against women and girls in the context of surrogacy’ (14 July 2025) *A/80/158* available at <https://docs.un.org/en/A/80/158>, p. 4.

⁶ Eurostat ‘Average full time adjusted salary per employee’ (last updated 12 November 2025) available at https://ec.europa.eu/eurostat/databrowser/view/nama_10_fte/default/table?lang=en.

⁷ Civil Code, Article 1458 (P.D. 456/1984, Government Gazette A’ 164/24.10.1984), as in force.

⁸ *Id.*

⁹ Civil Code, Article 1460 (P.D. 456/1984, Government Gazette A’ 164/24.10.1984), as in force.

¹⁰ Coalition Internationale pour l’Abolition de la Maternite de Substitution ‘Greece’ (2022) available at https://abolition-ms.org/en/observatoire/greece/#_ftn16.

¹¹ Civil Code, Article 1464 (P.D. 456/1984, Government Gazette A’ 164/24.10.1984), as in force.

¹² *Id.*

surrogate mother is also the genetic mother of the child, which contravenes Article 1458 of the Civil Code.

12. Law 5197/2025, adopted in April 2025, introduced amendments to Greece's surrogacy framework, notably imposing new eligibility criteria for surrogacy.¹³ According to it, both the commissioning parties and the surrogate mother must have permanent residence in Greece to obtain court approval for surrogacy, effectively excluding non-resident foreigners.¹⁴
13. The law also explicitly clarifies that inability to carry a pregnancy due to sex does not constitute 'medical infertility'.¹⁵ This means that same-sex couples are not regarded as infertile simply because they are of the same sex. Surrogacy in Greece therefore remains available exclusively to women who face medically substantiated inability to carry a pregnancy.
14. In addition, judicial authorisation for surrogacy becomes effective only upon the issuance of a final and irrevocable court decision, requiring the lapse of the applicable appeal period (thirty days for first instance decisions).^{16,17}
15. A transitional clause within Law 5197/2025 specifies that pending cases remain governed by the prior legal regime.¹⁸
16. Overall, the Greek regulatory framework prioritises the interests of the commissioning parties, while failing to give consideration to the dignity and human rights of surrogate mothers and the children born through this practice.¹⁹

Cases

17. On 8 August 2023, Crete's Organised Crime Department, in coordination with other law enforcement bodies, raided the Mediterranean Fertility Institute (MFI), one of the country's most prestigious assisted reproduction clinics, as part of an investigation into the trafficking of surrogate mothers. Eight suspects were arrested in the raid. Those taken into custody include the clinic's founder.²⁰

¹³ Karpouzis Lianou & Associates Law Firm 'New Legal Framework for Surrogacy in Greece (2025)' available at <https://karpouzislianou.gr/en/new-legal-framework-for-surrogacy-in-greece-2025/>.

¹⁴ Law 5197/2025, 'Interventions in the legislative framework of the National School of Judicial Officers, in the Code of Organization of Courts and Status of Judicial Officers, the Code of Notaries and other provisions', Government Gazette A' 76/16-05-2025, Article 46.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Code of Civil Procedure, Article 518 (P.D. 503/1985, Government Gazette A' 182/30.10.1985, as in force).

¹⁸ Law 5197/2025, 'Interventions in the legislative framework of the National School of Judicial Officers, in the Code of Organization of Courts and Status of Judicial Officers, the Code of Notaries and other provisions', Government Gazette A' 76/16-05-2025, Article 46.

¹⁹ Reem Alsalem, 'Mandate of the Special Rapporteur on violence against women and girls, its causes and consequences: Letter to the Government of Greece' (8 July 2024) available at <https://abolition-ms.org/wp-content/uploads/2023/05/Letter-to-Greek-government-from-Reem-Alsalem-July-2024.pdf>, p. 2.

²⁰ Christian Network Europe 'Greek police dismantle network exploiting surrogate mothers' (17 August 2023) available at <https://cne.news/article/3485-greek-police-dismantle-network-exploiting-surrogate-mothers>.

18. According to the Hellenic Police, the clinic had pursued the 'industrialization of births', primarily by working with traffickers who brought foreign-born women living in northern Greece to act as surrogates and egg donors.²¹
19. The Hellenic Police said it had been investigating MFI since December 2022. It concluded that at least 98 women were allegedly trafficked by the clinic as surrogates, while another 71 women were 'exploited' as egg donors. Many of the surrogates were being housed in 14 residences allegedly procured and operated by MFI. At least 30 pregnant surrogates were found in the residences in squalid living conditions.²²
20. On 8 July 2024, the UN Special Rapporteur on violence against women and girls issued a communication to the government of Greece expressing concern over the harmful human rights implications of surrogacy practices in Greece, including the lack of adequate oversight over private medical centers, risks to the life and health of women, lack of or inadequate consideration of the child's best interest, potential ties to human trafficking, and threats to women's privacy.²³

Greece's Obligations Under International Human Rights Law

21. Greece is a State Party to the Convention on the Rights of the Child (CRC), the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography (OPSC) and the Convention on the Elimination of Discrimination Against Women (CEDAW).²⁴ As such, it has an obligation to safeguard the rights of the child and ensure the protection of women in all contexts, including in the context of reproductive practices.
22. At its core, surrogacy violates the human dignity of both women and children, as it entails the commodification of the human body and person. By requiring surrogate mothers to alienate themselves from their own bodies and reproductive capacities, and to submit those capacities to external control for the benefit of a third party, surrogacy reduces women to instruments of reproduction. At the same time, by predetermining the transfer of the child they bear, surrogacy treats the child as the outcome of a process designed to satisfy the desire of adults. In this way, women's reproductive functions are reduced to the means, and the children born through these arrangements as objects of contractual arrangements. Even in cases of so-called 'altruistic' surrogacy, where commodification may appear less overt, the child remains embedded within a transactional framework and is treated not as a rights-bearing human being, but as a disposable object.
23. Article 2(a) of the OPSC defines the sale of children as 'any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or

²¹ Inside Reproductive Health 'Eight Fertility Clinic Employees Arrested, Clinic Shut Down By Greek Government' (22 February 2024) available at <https://www.fertilitybridge.com/news-articles/greek-fertility-clinic-trafficking-scandal>.

²² Id.

²³ Reem Alsalem, 'Mandate of the Special Rapporteur on violence against women and girls, its causes and consequences: Letter to the Government of Greece' (8 July 2024) available at <https://abolition-ms.org/wp-content/uploads/2023/05/Letter-to-Greeck-gouvernement-from-Reem-Alsalem-July-2024.pdf>.

²⁴ OHCHR 'Status of Ratification Interactive Dashboard: Greece' available at <https://indicators.ohchr.org/>.

any other consideration.²⁵ The term ‘any other consideration’ aims to prevent any loopholes that might allow for the sale of children without direct monetary exchange, as is claimed in the context of ‘altruistic’ surrogacy arrangements. Such considerations may include payments in-kind, such as accommodation, payment of household or grocery bills, medical care and medication bills, etc. All forms of surrogacy, then—not just those deemed to be commercial—meet the criteria identified in Article 2(a) of the OPSC and thus violate the right of children not to be sold.

24. Moreover, whether ‘altruistic’ or ‘commercial’, surrogacy also violates the child’s right to health and best interest, as well as the right of the child to, as far as possible, know and be cared for by his or her parents.
25. Article 3(1) of the CRC recognises the best interests of the child as a fundamental principle that must be given primary consideration.²⁶ As emphasized by the Committee on the Rights of the Child, ‘the interpretation of a child’s best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence,’ and that ‘it cannot be used to justify practices that conflict with the child’s human dignity and right to physical integrity.’²⁷ Accordingly, practices such as surrogacy cannot be justified under this principle.
26. Article 7(1) of the CRC recognizes the right of the child to, as far as possible, know and be cared for by his or her parents.²⁸ The phrase ‘as far as possible’ implies that this right must be upheld as a general rule, with state interference justified only in exceptional cases involving parental loss, abuse or neglect.²⁹
27. Surrogacy arrangements, both commercial and ‘altruistic’, *a priori* deny this right by deliberately pre-determining, without necessity, the separation of a child from his or her mother. This subordinates the child’s rights to the commissioning party’s desire for parenthood, contravening the principle of the best interests of the child.
28. The severe violations of both mothers and children’s right to health stemming from surrogacy engage the State’s responsibility. Article 12 of the ICESCR affirms the right to the enjoyment of the highest attainable standard of physical and mental health, including specific provision for the healthy development of the child.³⁰ Moreover, Article 4 of the CEDAW requires States Parties to ‘adopt special measures aimed at protecting maternity’.³¹ This is also echoed in Article 24 of the CRC, which requires States to ‘ensure appropriate pre-natal and post-natal health care for mothers’.³²

²⁵ United Nations, ‘Optional Protocol to the Convention on the Right of the Child on the Sale of Children, Child Prostitution and Child Pornography’, (adopted 25th May 2000, entered into force 18th January 2002, U.N. Doc. A/RES/54/263) art 2(a).

²⁶ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC) art 3(1).

²⁷ UN Committee on the Rights of the Child, General comment no. 13 (2011): The right of the child to freedom from all forms of violence para 61.

²⁸ CRC, art 7(1).

²⁹ See e.g. CRC art. 9(1).

³⁰ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR), art 12.

³¹ Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1989) 1249 UNTS 13 (CEDAW) art 4.

³² CRC, art 24(2).

29. Surrogate mothers involved in gestational surrogacy face a higher risk of complications than other pregnant women. They are at two to three times the risk of health problems such as postpartum haemorrhage, pre-eclampsia, and serious postpartum depression.³³ A study comparing non-surrogate pregnancies with surrogate pregnancies shows that women were significantly more likely to experience postpartum depression following the delivery of surrogate children than after delivering their non-surrogate children.³⁴ Another study detected higher levels of depression among surrogates during pregnancy and post-birth.³⁵ Moreover, feelings of abandonment, loss, anger, and alienation are common consequences for surrogate women.³⁶
30. Perinatal research shows that the bonding process between mother and child begins in utero. A child learns to recognise the mother's voice, scent, and heartbeat in the amniotic fluid—sensory inputs that aid post-birth adjustment.³⁷ Hormonal bonding during labour further reinforces attachment. Moreover, surrogacy is associated with a significantly higher risk of premature birth.³⁸ Longitudinal studies on child development indicate that by age seven, children separated from their gestational mothers are more likely to experience adjustment difficulties and to be vulnerable to the effects of maternal distress.³⁹ Other research shows that maternal separation—an inherent aspect of surrogacy—can even disrupt brain development.⁴⁰ The distress caused by parental disputes in surrogacy can further compromise the health and well-being of the child.⁴¹
31. As recently highlighted by the Special Rapporteur on violence against women and girls, all forms of surrogacy are predicated on a system of violence against surrogate mothers that enables a third party (the commissioning party) to make life-altering decisions regarding the health of the surrogate mother.⁴²
32. Women also experience psychological pressure amounting to violence to serve as surrogates. Surrogacy is frequently framed as an expression of 'love' and 'solidarity,'

³³ Maria P. Velez, Marina Ivanova, Jonas Shellenberger, et al. Severe Maternal and Neonatal Morbidity Among Gestational Carriers: A Cohort Study. *Ann Intern Med.* (Epub 24 September 2024) available at <https://www.acpjournals.org/doi/10.7326/M24-0417>.

³⁴ Jennifer Lahl et al 'A Comparison of American Women's Experiences with Both Gestational Surrogate Pregnancies and Spontaneous Pregnancies' *A Journal of Analysis of Exploitation and Violence, Dignity* Vol.7 Issue 3 (2022) available at <https://digitalcommons.uri.edu/dignity/vol7/iss3/1/>.

³⁵ Lamba, Nishta, Vasanti Jadva, Kaushal Kadam, and Susan Golombok. 2018. The psychological well-being and prenatal bonding of gestational surrogates. *Human Reproduction* 33 (4): 646–53.

³⁶ Berk, Hillary L. 2015. The legalization of emotion: Managing risk by managing feelings in contracts for surrogate labor. *Law and Society Review* 49 (1): 143–77. 170.

³⁷ Sullivan et.al., 'Infant bonding and attachment to the caregiver: Insights from basic and clinical science' (2011) 38, 4 *Clinics in Perinatology*, 644.

³⁸ Maria P. Velez, Marina Ivanova, Jonas Shellenberger, et al, 'Severe Maternal and Neonatal Morbidity Among Gestational Carriers: A Cohort Study' *Ann Intern Med.* (Epub 24 September 2024), available at <https://www.acpjournals.org/doi/10.7326/M24-0417>.

³⁹ Susan Golombok et al., 'Children born through reproductive donation: a longitudinal study of psychological adjustment' (2013) 54, 6 *Journal of Child Psychology and Psychiatry* 653.

⁴⁰ Sara Mejía-Chávez et al, 'Maternal Separation Modifies the Activity of Social Processing Brain Nuclei Upon Social Novelty Exposure' (2021) *Frontiers in Behavioural Neuroscience* 15: 651263.

⁴¹ Wade K, 'The regulation of surrogacy: a children's rights perspective' *Child Fam Law Q.* 2017;29(2):113-131 available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5540169/>.

⁴² Report of the Special Rapporteur on violence against women and girls, its causes and consequences 'The different manifestations of violence against women and girls in the context of surrogacy' A/80/158 (14 July 2025) available at <https://docs.un.org/en/A/80/158>.

creating expectations (including normative ones) that influence women's decision-making. Such pressures are exploitative in nature as they effectively deter surrogate mothers from seeking assistance or expressing dissent, by fostering a perceived obligation to fulfil the commitment to relinquish the child to the commissioning couple, particularly where emotional bonds have developed.⁴³

33. In light of these considerations, surrogacy—including its so-called 'altruistic' form—is inconsistent with Greece's international human rights obligations and warrants reconsideration within the domestic legal framework.

(b) Recommendations

34. In light of the aforementioned, ADF International respectfully suggests the following recommendations be made to Greece:

- a. Prohibit surrogacy in all its forms; in the interim, take all necessary action to safeguard the rights of women and children involved in existing surrogacy arrangements;
- b. Amend Article 1460 of the Civil Code to ensure full compliance with Greece's obligations under the Convention on the Rights of the Child, particularly, the right of the child to know his or her origins;
- c. Recognize the birth mother of a child as the legal mother in all cases, and require that any transfer of parental rights from the birth mother occur only through judicial adoption processes that include parental suitability screening;
- d. Ensure that, in law and in practice, a child is never separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child, consistent with international human rights law;
- e. Establish effective justice mechanisms, including redress and reparations for women and children subjected to harm through surrogacy arrangements, including for surrogate women who choose to keep the child after birth.

⁴³ Report of the Special Rapporteur on violence against women and girls, its causes and consequences 'The different manifestations of violence against women and girls in the context of surrogacy' A/80/158 (14 July 2025) available at <https://docs.un.org/en/A/80/158>, para 29.



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