



LAWFULNESS OF THE CONTRACT OF SURROGACY: PROHIBITIONS, REGULATIONS AND INTERPRETATIVE CHALLENGES

This paper analyses the practice of surrogacy in the light of European law and the main international conventions, with particular attention to the profiles of compatibility with the principles of dignity of the person and the prohibition of commodification of the human body enshrined in the Nice Charter and the Oviedo Convention. The tension between the individual freedom and self-determination of women, on the one hand, and the need to avoid practices potentially detrimental to their dignity and physical integrity, on the other, is examined. Through a comparison with the normative and jurisprudential experiences of some countries, alternative approaches to the regulation of GPA, capable of enhancing informed consent, personal freedom and the interests of the child, are highlighted. Finally, the essay highlights the urgency of a wide-ranging and inclusive European debate to overcome the current regulatory fragmentation and build a harmonised system capable of effectively protecting the fundamental rights of all parties involved.