

THE CASE FOR LEGALIZING AND REGULATING SURROGACY IN SINGAPORE

Accepted

30. 1. 2026

Revised

11. 5. 2026

Published

1. 10. 2026

ALEXIS HENG BOON CHIN

Singapore Fertility and IVF Consultancy Pvt Ltd, Hong Lim Complex, Singapore
boonchinheng@yahoo.com

CORRESPONDING AUTHOR

boonchinheng@yahoo.com

Abstract Singapore faces severe demographic challenges, including low fertility rates and an aging population, necessitating a reevaluation of current family formation policies, particularly the ban on gestational surrogacy. It is argued that the legalization and regulation of surrogacy in Singapore is needed to address demographic pressures and infertility. A domestic regulatory framework would provide a safe pathway to parenthood while mitigating the legal and ethical risks of unregulated cross-border arrangements. Furthermore, legalization could stimulate demand for specialized healthcare and legal services. To align with Singapore's conservative sociocultural norms, the proposed framework should initially be based on altruism and permit access only to married heterosexual couples. Ultimately, legalizing surrogacy under stringent oversight, featuring clear eligibility criteria and a dedicated regulatory body, would balance reproductive autonomy with collective values. This approach fosters a more inclusive society while prioritizing child welfare and preventing exploitation, thereby offering a pragmatic solution to mitigate Singapore's demographic crisis.

Keywords

bioethics,
infertility,
legislation,
motherhood,
reproduction,
surrogacy

<https://doi.org/10.18690/mls.19.2.399-418.2026>

CC-BY, text © Heng Boon Chin, 2026

This work is licensed under the Creative Commons Attribution 4.0 International License.

This license allows reusers to distribute, remix, adapt, and build upon the material in any medium or format, so long as attribution is given to the creator. The license allows for commercial use.

<https://creativecommons.org/licenses/by/4.0>



University of Maribor Press

1 Introduction

Surrogacy has emerged as an issue of considerable interest that has aroused much controversy within Singapore, prompted by the nation's steep demographic decline (Hashmi & Mok, 2013), advancements in assisted reproductive technologies (ART) and evolving societal attitudes (Chin, 2023). To date, surrogacy remains banned under Singapore's healthcare regulations, with strict prohibitions on assisted reproductive techniques related to the procedure (Chin, 2023; Sim & Ray, 2021). Specifically, under Regulation 36 of the Healthcare Services (Assisted Reproduction Service) Regulations 2023, it is a prohibited practice to "transfer an embryo into the body of a woman who intends to give the child up for adoption," which effectively outlaws gestational surrogacy within the country. Furthermore, Regulation 31 mandates that restricted procedures, including embryo transfers, can only be provided to a patient who "is legally married to a man" and with her husband's consent, explicitly excluding single women and same-sex couples from accessing these services (Ministry of Health Singapore, 2023). As personal and sociocultural viewpoints on surrogacy continue to evolve and diversify in Singapore over time, there has been much discussion about whether the current ban on surrogacy should be revisited and reconsidered (Au-Yong, 2019; Chin, 2023; Sim & Ray, 2021). Here, various arguments for legalizing surrogacy in Singapore are explored, based on local circumstances and comparative international developments. The analytical approach adopted is a normative legal analysis, drawing on comparative international regulatory frameworks and local sociocultural realities to evaluate the case for reform. Some relevant laws and regulatory safeguards for permitting surrogacy will be proposed, based on the local sociocultural context of Singapore (Chin, 2023; Heng, 2007).

Based on ongoing discussions about surrogacy at both the local and international levels, there are some compelling reasons why Singapore should reconsider its ban on the procedure (Au-Yong, 2019; Chin, 2023; Heng, 2007; Sim & Ray, 2021). First, legalized surrogacy provides an opportunity for infertile couples to form a family where regular assisted reproduction techniques such as IVF (in vitro fertilization) would fail due to insurmountable medical or biological barriers (Chin, 2023; Sim & Ray, 2021). Current healthcare regulations in Singapore only allow legally married heterosexual couples access to fertility treatment (Au-Yong, 2019; Chin, 2023; Heng, 2007; Sim & Ray, 2021). De facto same-sex couples and cohabiting partners from unregistered common-law marriages are prohibited from accessing any form of

assisted reproduction treatment since such relationships are not legally recognized in Singapore (Au-Yong, 2019; Chin, 2023; Heng, 2007; Sim & Ray, 2021). Second, legalizing surrogacy could curtail illegal and unregulated cross-border surrogacy cases, which pose considerable legal and safety risks to all parties involved (Pascoe, 2018; Piersanti et al., 2021; Shepherd, 2022). If surrogacy were to be legally permitted and regulated in Singapore, the intended parents, surrogate mothers, and resulting offspring would enjoy stronger protection and legal rights (Chin, 2023). Third, legalizing surrogacy and regulating it locally within the country would allow Singapore government policymakers to implement various safeguards necessary to address the ethical, health, and social problems that may be specific to the local context, as well as ensure that all surrogacy arrangements align with local family laws and sociocultural values (Au-Yong, 2019; Chin, 2023; Heng, 2007; Sim & Ray, 2021).

2 Benefits of Legalizing Surrogacy

The legalization of surrogacy in Singapore has the potential to generate significant tangible economic benefits, particularly for the healthcare and legal sectors. Most obviously, the implementation of a regulated surrogacy framework would lead to increases in the number of specialized medical services needed (fertility treatment procedures, obstetric services, and counseling for the intended parents and surrogates) (Heng, 2007). Such increase in demand can result in new jobs, investment in medical facilities, and enhance training of medical professionals, strengthening Singapore's status as a regional hub for assisted reproductive technologies in Asia. Moreover, a well-regulated legal framework for governing surrogacy would create demand for professional contract drafting and legal advice, thereby providing local lawyers and law firms with the opportunity to administer surrogacy contracts and arbitrate legal disputes (Shepherd, 2022). By implementing a moderate and flexible regulatory framework on surrogacy, Singapore can thus attract both local and foreign patients, as well as promote knowledge exchange and best-practices development in an open, transparent and accountable process. Furthermore, permitting surrogacy under a clearly-defined legal framework could enable Singapore to become a regional medical tourism hub for assisted reproductive medical services. Because Singapore has an established reputation of excellence in the provision of healthcare services, together with a well-regulated and trustworthy legal system, it has much potential in attracting international patients who would otherwise have to contend with unregulated surrogacy arrangements in countries with inconsistent or underdeveloped regulatory oversight of medical services

(Piersanti et al., 2021). However, such opportunities must be carefully balanced with the strict enforcement of appropriate legal safeguards so as to avoid the rampant commercialization and potential exploitation that has often accompanied surrogacy tourism in various parts of Asia, where lax regulation has occasionally resulted in inequitable practices and unfavorable outcomes for surrogates, intended parents and offspring alike (Hibino, 2022).

Additionally, legalizing surrogacy in Singapore could also provide a catalyst for positive social change by embracing and affirming diverse and alternative family structures within Singapore's multi-cultural and multi-religious society. However, to reconcile this progressive vision with the conservative realities of current Singaporean policymaking, it is important to clarify the article's normative position. While surrogacy has the potential to validate the existence of atypical and non-traditional families, the regulatory model proposed herein reflects a pragmatic compromise that prioritizes political feasibility. By initially limiting access to married heterosexual couples, the proposed framework (Table 1) aligns with existing state policies that heavily favour the traditional family unit, while still addressing the urgent medical needs of infertile couples. It is anticipated that such a conservative and limited initial framework (Table 1) could serve as a foundational step, eventually paving the way for broader inclusivity as societal norms continue to evolve. Additionally, laying out formal legal protections for all parties involved in surrogacy could help Singapore create a more egalitarian environment as the surrogate and intended mother will be afforded protections and autonomy under a clearly defined legal framework (Chin, 2023; Sim & Ray, 2021). Such regulatory protections could provide important legal recognition that challenges traditional gender stereotypes, promote women's reproductive rights and freedom from coercion, in response to longstanding debates over personal choice and autonomy (Piersanti et al., 2021). By advancing these social aims, Singapore can benefit from international experiences and contribute to a framework which honors the rights of all parties involved in surrogacy, addressing their competing needs and priorities, while protecting the welfare of both families and children.

Drafting a robust and comprehensive legal framework for the regulation of surrogacy must first and foremost prioritize safeguarding the dignity, security and welfare of all parties involved, particularly those most vulnerable – surrogate mothers and resulting offspring. Unregulated surrogacy arrangements can lead to violations of personal autonomy, exploitative commercialization of women's bodies

and numerous uncertainties on the legal status of children and their rights – issues consistently highlighted and articulated in international debates (Fрати et al., 2021). Having a formal legalized surrogacy framework will thus allow Singapore to guarantee that each and every surrogacy contract will observe basic tenets of informed consent, non-exploitation, privacy, and respect for individual autonomy. This would thus provide governance on human rights issues arising from the competing interests of intended parents, surrogates, and offspring, particularly when there are differentials in bargaining power or legal protections (Bara et al., 2023). Furthermore, strict regulation will establish a transparent process that eliminates abusive practices and maintains the integrity of family formation, while reinforcing Singapore's family values and protecting vulnerable parties involved in the surrogacy process.

3 Arguments for Permitting Surrogacy in Singapore

Currently, Singapore faces increasingly severe demographic challenges that provide compelling reasons for rethinking its ban on surrogacy (Sim & Ray, 2021). In particular, the country's persistently low fertility rates and rapidly aging population pose dire long-term consequences for its economic productivity, as well as family support and social network systems for the elderly (Xuan, 2024). Such worrying demographic trends call for urgent measures to assist family formation among its citizenry, particularly married couples facing severe infertility problems (Sim & Ray, 2021). The experiences of the United Kingdom (UK) and Hong Kong where surrogacy is regulated under tightly controlled regulatory regimes may provide some valuable examples for Singapore to learn and emulate from. In particular, these jurisdictions have well-developed existing legal frameworks for surrogacy that uphold prevailing family norms, while protecting all parties involved and addressing pressing medical needs (Sim & Ray, 2021). Concurrently, Singaporean policymakers must ensure that the legalization of surrogacy is congruent with the nation's core social objectives, such as protecting child welfare and ensuring that they are brought up in a stable family environment (Au-Yong, 2019).

Moreover, a rising number of Singaporeans face infertility challenges, due to the prevalent trend of late marriages and parenthood within the country. Hence there is much demand for alternative means and pathways of attaining parenthood. For some women who experience more severe forms of infertility, surrogacy offers a way to pursue family-building aspirations that may not be possible due to

insurmountable medical or biological barriers. A well-regulated surrogacy framework can therefore turn the lives of intended parents around, allowing them to conceive genetically-related offspring with due recognition and rights within the auspices of a legally enforceable agreement. Due to the current ban on surrogacy in Singapore, many infertile couples attempt to bypass such legal restrictions by resorting to cross-border surrogacy arrangements to address their infertility challenges. This often results in adverse outcomes for the child, such as challenges in establishing legal parentage with the possibility of statelessness and lack of family security (Pascoe, 2018). The thoughtful regulation of surrogacy within a stringent legal framework would not only address the pressing needs of infertile couples aspiring to start a family, but also provide regulatory protection for the health, safety and welfare of the resulting offspring within the auspices of a formal legal contract (Chan, 2021).

Additionally, shifting cultural and societal norms together with changing family structures in Singapore is altering public opinion on surrogacy. It is anticipated that there will be greater acceptance of alternative family formation in the future, as social attitudes evolve with the emergence of a new generation. Recent empirical evidence supports this trajectory. For instance, the 2021 Marriage and Parenthood Survey conducted by the National Population and Talent Division (NPTD, 2022) found a notable shift in perceived gender roles, with 99% of married respondents agreeing that fathers and mothers are equally important as caregivers, and the proportion favouring full-time maternal care declining significantly. Similarly, the Gen Z and Millennial Survey conducted by Deloitte (2024) found that younger Singaporeans increasingly prioritise inclusivity and accept diverse social structures. However, current Singapore government policy towards family formation remains highly conservative and focuses almost exclusively on traditional heterosexual marriage, while actively discriminating against and excluding all other alternative forms of family formation. Under the Women's Charter, same-sex marriages are legally void, and Article 156 of the Constitution further protects policies that promote heterosexual marriage. Public policies significantly disadvantage non-conventional families: single parents and same-sex couples are excluded from the Baby Bonus Cash Gift and the Parenthood Tax Rebate, face severe restrictions in public Housing Development Board (HDB) eligibility – generally only being able to apply as singles after the age of 35 – and encounter structural legal hurdles in inheritance laws and child guardianship and custody arrangements, all of which are designed to favour children born within a recognized heterosexual marriage (New Naratif, 2024).

Furthermore, under Regulation 31 of the Healthcare Services (Assisted Reproduction Service) Regulations 2023, IVF and other assisted reproduction procedures are restricted to women who are legally married to a man, effectively banning single women and same-sex couples from accessing fertility treatment in Singapore (Ministry of Health Singapore, 2023). Such trends are evident in local discussions, which not only increasingly acknowledge the needs of childless couples, as reflected by various new legislative proposals, but also increasingly recognize that alternative pathways of family formation are socially acceptable as legitimate means of achieving this end. These include surrogacy arrangements, provided these are congruent with local sociocultural values and operate under appropriate legal and ethical oversight (Heng, 2007). The ongoing transition towards more inclusive societal norms offers a more conducive environment for policymakers seeking to legalize surrogacy, such that any legal changes being proposed should reflect the broad range of personal beliefs and emerging social attitudes within Singaporean society.

The absence of a formal legal framework for surrogacy in Singapore has resulted in the growth of unregulated and unsafe surrogacy arrangements that are often carried out abroad or in other gray legal situations. Many Singaporean couples seek out arrangements involving cross-border surrogacy, which expose them to legal ambiguities, potential exploitation, as well as difficulties in establishing parental rights for the resulting offspring (Au-Yong, 2019; Chin, 2023; Sim & Ray, 2021). Such a lack of regulatory oversight of overseas surrogacy arrangements not only exposes surrogate mothers to increased medical risks at the hands of unregulated agencies and profit-driven fertility clinics but also increases the risks of exploitative arrangements taking place, especially in less-regulated jurisdictions (Hibino, 2022). The legalization and regulation of surrogacy in Singapore would thus overcome many of such challenges by redirecting surrogacy practices into appropriate transparent channels with open accountability, which would protect the rights and ensure due obligations of all parties involved. Such a policy change would also reduce reliance on surrogacy tourism and rampant commercialization of reproduction, which can overcome issues of exploitation and abuse of surrogate mothers and resulting offspring.

4 Proposed Laws and Regulations

In light of the various potential benefits and challenges of surrogacy that have hitherto been discussed, a robust and comprehensive legal framework with appropriate safeguards must be adopted if surrogacy is to be permitted in Singapore (Table 1). The regulation of surrogacy should focus on the complexities of both international and domestic arrangements and draw from international experiences to avoid the excesses of unregulated commercialization and exploitation (Hibino, 2022). Codified statutes should clarify the rights and duties of each party involved, including the intended parent(s), surrogate mother(s) and child(ren), while specifying minimum enforceable standards for informed consent, medical assessment and contractual obligation. Laws should also be premised on ethical principles used to protect the identity, dignity, legal status and health of the child and surrogate, as well as define parental rights for intended parents upon birth (Pascoe, 2018).

As outlined in Table 1, the proposed regulatory framework introduces a comprehensive, multi-phased approach to govern surrogacy in Singapore. The first phase emphasizes foundational policy and public engagement, requiring the government to explicitly acknowledge the need to lift the current ban to address severe demographic challenges, while actively conducting public consultations with healthcare professionals, religious leaders, and the general public to clarify its legal stance.

The second phase defines strict eligibility criteria aligned with conservative sociocultural values. Access to surrogacy would be restricted to legally married heterosexual couples with a demonstrated medical necessity (e.g., women without a uterus), explicitly excluding single individuals, *de facto* same-sex couples, and lifestyle-motivated use. At least one commissioning parent must retain a genetic link to the child. Surrogate mothers would similarly be limited to parous married women who are Singaporean citizens or permanent residents. Establishing such criteria is an essential first step toward ethical surrogacy arrangements, as regulations should mandate rigorous medical and psychological screening of all intended parents to ensure their readiness and suitability for parenthood in a stable family environment. Additional surrogate eligibility requirements – such as marital status and familial connections with the commissioning parents – should be clearly specified in any future surrogacy framework for Singapore (Heng, 2007). These measures would minimise medical risks to surrogates, provide ethical safeguards by ensuring

informed consent from all parties, and circumvent exploitative commercial arrangements. Drawing on international experience, Singaporean policymakers must formulate eligibility criteria that reflect local family values and social realities, while addressing the shortcomings of exclusionary or insufficient regulatory regimes in other jurisdictions (Kashyap & Tripathi, 2023).

The third phase focuses on establishing infrastructure and ethical standards. It proposes the creation of an independent government-affiliated regulatory agency under the Singapore Ministry of Health (MOH) to oversee both local and overseas arrangements, review cases individually, and deploy social workers for counseling. This phase strictly mandates financial regulation by banning commercialized surrogacy; compensation must be limited to the reimbursement of direct expenses, with all payments rigorously documented and audited to prevent illicit transactions. Furthermore, stringent medical protocols would be set, including the judicious use of assisted reproductive technology, a general ban on third-party egg donation to prevent complex genetic relationships, and the requirement of a formal (though non-binding) prenatal testing agreement regarding congenital deformities. Such a specialized regulatory body would be particularly crucial for vetting the eligibility of intended parents and surrogates, evaluating drafted contracts, monitoring compliance with legal requirements, resolving conflicts, maintaining records, and offering continuous advice on best practices drawn from well-established legal processes in other jurisdictions such as the UK and Hong Kong (Sim & Ray, 2021). By investing regulatory authority over surrogacy in a dedicated government agency, Singapore can better protect the rights of all parties involved, ensure a legal environment that is more transparent, predictable, and accountable to all stakeholders, and circumvent the risks of unregulated commercial surrogacy (Shepherd, 2022).

The fourth and final phases center on establishing a robust, continuously reviewed legal framework that prioritizes child protection and ensures consistent treatment of domestic and overseas surrogacy cases. To deter the circumvention of domestic laws, extraterritorial prohibitions would penalize citizens procuring overseas surrogacy that violates government policy, and adoption orders would be denied for resulting non-traditional family arrangements. Crucially, the framework requires codifying laws to facilitate the legal transfer of parenthood to commissioning parents via adoption—since current law presumes the birth mother is the legal mother – while stipulating that they remain financially liable for a child's upbringing even if

born with deformities. To protect the rights of surrogate mothers and prevent the commodification of women's bodies, all surrogacy arrangements must be drafted by legal professionals and endorsed by regulatory authorities. These contracts must explicitly outline provisions for medical care, parental responsibilities, dispute resolution, and fair, non-exploitative financial compensation for the surrogate's time, labor, and health risks (Pascoe, 2018; Piersanti et al., 2021). Without such legislation, disputes over parental rights, custody, or breach of contract would result in indefinite litigation. Therefore, Singapore's surrogacy legislation must require prior judicial or regulatory approval of contracts to provide legal clarity, enforce obligations, and promptly resolve disputes, ultimately safeguarding the welfare of all parties with a paramount focus on the child's best interests (Chan, 2021; Kennedy, 2022). Finally, the legal framework for surrogacy must be continuously reviewed and enforced by the Ministry of Health (MOH) of Singapore (Au-Yong, 2019; Chin, 2023; Heng, 2007; Sim & Ray, 2021).

Analyzing and comparing the legal frameworks governing surrogacy in both the UK and California (USA) could provide valuable lessons for Singapore. The UK regulatory regime, under the Human Fertilisation and Embryology Act, only permits altruistic surrogacy with commercial surrogacy being strictly prohibited (Olaye-Felix et al., 2023). A parental order process is required to safeguard the welfare of the child and clarify the legal relationships with respect to the child born from surrogacy arrangements. State laws in California permit both altruistic surrogacy and compensated surrogacy with a strong emphasis on requiring legally binding agreements to be first put in place before any medical steps are taken, so as to provide certainty on the rights and obligations of all parties involved (Ayala Rubio et al., 2024). Together, these regulatory models show how Singapore can balance the best interests of the child and ethical compliance with clarity and certainty in surrogacy contracts. By adopting the successful aspects of surrogacy regulation from other jurisdictions (Sim & Ray, 2021), Singapore can create a legal framework that ensures accountability, protects vulnerable parties, and reflects local sociocultural values.

Furthermore, the increasingly transnational nature of surrogacy calls for international cooperation to harmonize laws with respect to cross-border surrogacy arrangements. The disparate laws that vary from country to country often create legal ambiguities with regard to legal parentage recognition, as well as raise questions on the rights of offspring born out of surrogacy arrangements (Piersanti et al., 2021).

With the increasing growth of the international surrogacy market, barriers to accessing surrogacy locally – such as legal bans or high costs – have driven intended parents to seek lower-cost and less regulated options abroad. This phenomenon has led to disparities and stratified access to surrogacy based on socioeconomic status, where only those with sufficient means can afford to navigate complex cross-border arrangements (Whittaker et al., 2022). Hence, harmonization of laws – such as through multilateral agreements or international guidelines on cross-border surrogacy arrangements – could help ease the burdens on all parties involved, by providing a consistent basis for legal recognition, parental rights, and protections for surrogate mothers and offspring from jurisdiction to jurisdiction. Such measures would thus reduce the risks of "procreative tourism" by ensuring that regulatory gaps and legal loopholes do not undermine ethical principles or the welfare of all parties involved in surrogacy arrangements.

5 Ethical, Social, and Economic Implications

Besides child welfare, another key ethical dimension of surrogacy relates to the rights and welfare of surrogate mothers, which must be upheld by any future legal framework governing surrogacy in Singapore. This is necessary to protect surrogates from exploitation, coercion, or medical risks, particularly in surrogacy arrangements where bargaining power asymmetries may be accentuated and incentives for abuse heightened (Pascoe, 2018). At the policy level, this means enforceable standards must be put in place to ensure genuine autonomy, access to adequate health care, and informed consent throughout the entire process, in addition to legal protections that recognize the bodily integrity of surrogates and their entitlement to fair treatment. In many jurisdictions, a sharp distinction has often been made between altruistic and commercial surrogacy partly in response to public apprehensions about the commodification of women's bodies and human rights abuses directed towards surrogates, which highlights the need for legal frameworks to be harmonized with prevailing ethical standards and moral values (Aguiling-Pangalangan, 2024). Hence, it is imperative that Singapore must ensure that its legal framework for regulating surrogacy appropriately safeguards surrogate mothers and reflects a community-level approach to family and dignity.

At the social level, the issue of surrogacy in Singapore raises significant questions regarding prevailing public attitudes and how its legalization might impact traditional notions of the family. Local public debates on surrogacy often reveal the tensions

between evolving views on family diversity versus the age-old concept that a child is entitled to a mother and a father within the context of traditional family structure (Chan, 2021). Ministerial statements and policy discourse in Singapore suggest that some sectors of the public are concerned about changes to parental roles, mainly in relation to single or same-sex intended parents. Key ethical concerns include the fragmentation of parental responsibilities and the commodification of reproduction, which has sparked heated debates regarding social acceptance of new family structures (Au-Yong, 2019; Chin, 2023; Heng, 2007; Sim & Ray, 2021). Current developments suggest that Singapore policymakers will have to consider regulatory measures that reflect such social concerns but also take into account incremental shifts in social values and aspirations over time.

From an economic perspective, the legalization of surrogacy in Singapore will likely yield some benefits and challenges for both the healthcare sector and the overall economy. Costs associated with surrogacy agreements are significant and are not limited to medical procedures, but also include psychological support, legal services, and ongoing health monitoring of surrogates and intended parents (Frati et al., 2021). Permitting and regulating surrogacy mitigates risks associated with unregulated cross-border surrogacy, which often takes a toll on families and state institutions when unexpected disputes arise or health issues occur (Hibino, 2022). The increasing globalization of the reproductive market illustrates that insufficient regulation, or poorly enforced regulation, fuels surrogacy tourism that is characterized by cost disparities and exploitative practices, particularly in jurisdictions with lax oversight (Hibino, 2022). For Singapore, careful management of these economic effects will ensure equitable access and avoid the detrimental consequences of rampant commercialization and unchecked growth.

In order to prevent exploitation, Singapore must create specific safeguards to circumvent the various pitfalls associated with international surrogacy arrangements. Countries in Asia provide evidence that commercial surrogacy arrangements fueled by medical tourism and increasing globalization of healthcare services often result in the exploitation of poorer women who are motivated to become surrogates due to their dire economic circumstances, often being exposed to poor working conditions and insufficient healthcare (Hibino, 2022). Even in jurisdictions where there have been efforts to limit or prohibit commercial surrogacy arrangements, the practice continues, indicating that punitive measures are not a deterrent, as these just push surrogacy underground into the black market. Stringent oversight – including

regulations for mandatory health checks, independent legal advice, and ongoing audits of surrogacy agencies and fertility clinics – could help safeguard surrogate mothers, especially in jurisdictions with large socioeconomic inequalities. In drafting laws to govern surrogacy, Singapore needs to learn from these international experiences, by developing regulatory frameworks that safeguard the wellbeing of surrogates and resulting offspring, ensure total disclosure of remuneration, and ban any practices that incentivize coercion and commodification (Hibino, 2022).

The ongoing tension between individual reproductive autonomy and established cultural norms is a key consideration in the legalization of surrogacy in Singapore. While the valid and legitimate grounds of autonomous choice and reproductive freedom are certainly good enough justifications for legalizing surrogacy, lawmakers must also consider local collective values that are underpinned by sociocultural conservatism in Singapore that emphasize the traditional family model. Other jurisdictions have adopted approaches to surrogacy regulation that indicate a cautious compromise. For example, the UK and Hong Kong have sought to initially limit access to specific groups of intended parents, so as to avoid social discord, while upholding some degree of reproductive autonomy (Sim & Ray, 2021). On the other hand, overly restrictive regulatory regimes such as India, which do not allow certain surrogacy arrangements, demonstrated that legal frameworks that are ill-equipped to adapt to social realities can often backfire, such as driving the surrogacy market underground (Kashyap & Tripathi, 2023). For Singapore, thoughtful calibration of surrogacy legislation to carefully balance the reproductive autonomy and family aspirations of intended parents with prevailing sociocultural norms and family values may pave the way for greater inclusivity, while preserving individual dignity in surrogacy.

In summary, ongoing public debates on surrogacy in Singapore highlight the dynamic interplay between key ethical, legal and social issues that will require careful consideration from a policy perspective. On the one hand, proponents often emphasize that legalized surrogacy can overcome infertility and increase reproductive autonomy, providing a regulated avenue for infertile couples seeking children, if robust protective safeguards are put in place. On the other hand, opponents warn that surrogacy may lead to the commodification of women and children, undermine traditional family structures, and invoke unresolved ethical concerns about motherhood and the best interests of the child (Tan, 2020). While the arguments in favour of legalizing surrogacy are compelling, it is crucial to

acknowledge and engage with key counterarguments opposing the legalization of surrogacy. Critics legitimately fear that even with regulations, legalizing surrogacy could inadvertently normalize the transactional exchange of reproductive labour, potentially exploiting economically vulnerable women. Feminist scholars have argued that commercial surrogacy risks commodifying women's bodies and alienating them from their reproductive labour, as power imbalances between wealthy intended parents and economically disadvantaged surrogates can severely undermine true informed consent and bodily autonomy (Attawet et al., 2024; Wilkinson, 2016). In transnational and commercial contexts, structural inequalities often leave surrogates disempowered, facing both psychosocial distress and oppression due to the contractual nature of the arrangements (Attawet et al., 2024). Furthermore, the concern that surrogacy might erode the traditional family unit is a deeply held conviction among conservative segments of Singaporean society, which must be addressed through stringent eligibility criteria and clear legal definitions of parentage. From a conservative and religious standpoint, gestational surrogacy is sometimes viewed as a threat to traditional marriage fidelity and lineage, as it fragments the biological, gestational, and social roles of motherhood (Deonandan, 2020). In addition, child welfare advocates raise concerns about the psychological impact on children born through surrogacy, particularly regarding their right to identity and access to information about their gestational origins (Wade, 2020). To mitigate these profound ethical and social concerns, any proposed framework in Singapore must incorporate rigorous psychological screening, independent legal counsel for surrogates to prevent coercion, and transparent mechanisms that prioritize the best interests and identity rights of the child. In order to resolve differing priorities and contrasting opinions, legislation on surrogacy must be based on empirical evidence, continuous ethical reflection and prioritize the interests of children, without marginalizing the interests or dignity of surrogate mothers or intended parents.

6 Conclusion

In summary, the arguments in favor of legalizing surrogacy in Singapore underscore the need to advance reproductive options while avoiding the risks associated with unregulated surrogacy arrangements. A regulatory framework based on strong ethical foundations and well-established legal benchmarks would address urgent demographic, medical, and social challenges, while enabling intended parents to start families in a safe and equitable manner. Recommendations made on the basis of

both local priorities and international best practices illustrate the importance of clearly defined eligibility criteria, transparent contractual and oversight structures, and legal mechanisms for ensuring institutional accountability and child welfare. Ultimately, the successful legalization of surrogacy in Singapore requires a regulatory framework that incorporates prevailing sociocultural values while balancing the interests of all stakeholders concerned, without compromising human dignity or social cohesion.

Permitting surrogacy would thus formally provide Singapore with the means to address its severe demographic challenges, while adapting to new social realities at the same time. Implementation of comprehensive and enforceable regulations will ensure transparency, prevent exploitation, and protect the rights of all parties involved. Such an approach mitigates risks associated with unregulated surrogacy arrangements, including legal ambiguity, medical risks, and unfair treatment of surrogates and resulting offspring. By doing so, Singapore not only shields its citizens from the various pitfalls documented in less regulated jurisdictions, but can also foster a more forward-thinking and inclusive society. In the future, ongoing engagement of all stakeholders through periodic evaluation of policy positions together with public education, is crucial to nurture the continued evolution and effectiveness of surrogacy governance in Singapore.

Acknowledgment

Artificial intelligence (AI) tools have been utilized for the correction of typos, grammatical errors, and spelling mistakes, as well as rephrasing sentences within the article for enhanced fluency and clarity. Nevertheless, none of the contents were generated by AI, but originated solely from the author's own research work.

References

- Aguiling-Pangalangan, E. H. (2024). Surrogacy in Asia. In Trimmings, K., Shakargy, S., Fisher, H. M. & Ahmad, C. (Eds.), *Research Handbook on Surrogacy and the Law* (pp. 395–435). Cheltenham: Edward Elgar Publishing Ltd.
- Attawet, J., Alsharaydeh, E. & Brady, M. (2024). Commercial surrogacy: Landscapes of empowerment or oppression explored through integrative review. *Health Care for Women International*, 46(10), 1081–1099. <https://doi.org/10.1080/07399332.2024.2303520>
- Au-Yong, R. (2019). Parliament: Authorities looking at adoption laws and surrogacy, do not support gay families, says Minister Desmond Lee. *The Straits Times*. Retrieved from: <https://www.straitstimes.com/singapore/parliament-authorities-looking-at-adoption-laws-and-surrogacy-does-not-support-gay> (accessed: June 20, 2026).

- Ayala Rubio, A., Álvarez Plaza, C. & Rivas, A. M. (2024). Bridging Reproductive and Productive Work: The Case of Surrogates in California. *Medical Anthropology*, 43(8), 748–769. <https://doi.org/10.1080/01459740.2024.2364244>
- Bara, B., Bara, J. & Aliu, A. (2023). Ethical and Legal Issues Related to Surrogacy. *Annals of Bioethics & Clinical Applications*, 6(1), 1–7. <https://doi.org/10.1007/s41649-022-00215-4>
- Chan, D. (2021). Motherless or Fatherless by Design: Child's Welfare as the First and Paramount Consideration & the Case Against Surrogacy & ART. *Singapore Journal of Legal Studies*, 2021, 291–331. Retrieved from: <https://www.jstor.org/stable/27304117> (accessed: June 20, 2026).
- Chin, A. H. B. (2023). Should Singapore legalize surrogacy to better protect all parties involved? *Journal of Forensic and Legal Medicine*, 93, 102464. <https://doi.org/10.1016/j.jflm.2022.102464>
- Deloitte. (2024). Gen Z and Millennial Survey. *Deloitte Southeast Asia*. Retrieved from: <https://www.deloitte.com/southeast-asia/en/about/press-room/gen-z-millennial-survey-finds-generations-stay-true-to-their-values.html> (accessed: June 20, 2026).
- Deonandan, R. (2020). Thoughts on the ethics of gestational surrogacy: perspectives from religions, Western liberalism, and comparisons with adoption. *Journal of Assisted Reproduction and Genetics*, 37(2), 269–279. <https://doi.org/10.1007/s10815-019-01647-y>
- Fрати, P., La Russa, R., Santurro, A., Fineschi, B., Di Paolo, M., Scopetti, M., Turillazzi, E. & Fineschi, V. (2021). Bioethical issues and legal frameworks of surrogacy: A global perspective about the right to health and dignity. *European Journal of Obstetrics & Gynecology and Reproductive Biology*, 258, 1–8. <https://doi.org/10.1016/j.ejogrb.2020.12.020>
- Hashmi, A. R. & Mok, W. J. (2013). Determinants of Low Fertility in Singapore: Evidence From A Household Survey. *The Singapore Economic Review (SER)*, 58(04), 1–26. <https://doi.org/10.1142/S0217590813500239>
- Heng, B. C. (2007). Proposed ethical guidelines and legislative framework for permitting gestational surrogacy in Singapore. *Reproductive BioMedicine Online*, 15(Suppl 1), 7–11. [https://doi.org/10.1016/s1472-6483\(10\)60352-5](https://doi.org/10.1016/s1472-6483(10)60352-5)
- Hibino, Y. (2022). Ongoing Commercialization of Gestational Surrogacy due to Globalization of the Reproductive Market before and after the Pandemic. *Asian Bioethics Review*, 14(4), 349–361. <https://doi.org/10.1007/s41649-023-00253-6>
- Kashyap, S. & Tripathi, P. (2023). The Surrogacy (Regulation) Act, 2021: A Critique. *Asian Bioethics Review*, 15(1), 5–18. <https://doi.org/10.1007/s41649-022-00222-5>
- Kennedy, L. (2022). Can I Have Your Baby? Paternalism, Autonomy, and Money in California's Surrogacy-Friendly Statutory Scheme. *Stanford Law & Policy Review*, 33(1), 187–215. Retrieved from: <http://law.stanford.edu/wp-content/uploads/2022/04/Online-Edition-Kennedy.pdf> (accessed: June 20, 2026).
- Ministry of Health Singapore, Healthcare Services (Assisted Reproduction Service) Regulations 2023 (S 429/2023). *Singapore Statutes Online*. Retrieved from: <https://sso.agc.gov.sg/SL/HSA2020-S429-2023> (accessed: June 20, 2026).
- New Naratif. (2024). The 'Traditional' Family as a Technology of State Control in Singapore. Retrieved from: <https://newnaratif.com/the-traditional-family-as-a-technology-of-state-control-in-singapore/> (accessed: June 20, 2026).
- NPTD (National Population and Talent Division) (2022). Marriage and Parenthood Survey 2021: Strong Aspirations Among Singaporeans to Start Families. *Strategy Group*. Retrieved from: <https://www.population.gov.sg/media-centre/press-releases/key-findings-marriage-and-parenthood-survey-2021/> (accessed: June 20, 2026).
- Olaye-Felix, B., Allen, D. E. & Metcalfe, N. H. (2023). Surrogacy and the law in the UK. *Postgraduate Medical Journal*, 99(1170), 358–362. <https://doi.org/10.1136/postgradmedj-2022-141625>
- Pascoe, J. (2018). Sleepwalking Through the Minefield: Legal and Ethical Issues in Surrogacy. *Singapore Academy of Law Journal*, 30, 455–483. Retrieved from: <https://journalsonline.academypublishing.org.sg/Journals/Singapore-Academy-of-Law-Journal-Special-Issue/e-Archive/ctl/eFirstSALPDFJournalView/mid/513/ArticleId/1302/Citation/JournalsOnlinePDF> (accessed: June 20, 2026).

- Piersanti, V., Consalvo, F., Signore, F., Del Rio, A. & Zaami, S. (2021). Surrogacy and "Procreative Tourism". What Does the Future Hold from the Ethical and Legal Perspectives? *Medicina*, 57(1), 47. <https://doi.org/10.3390/medicina57010047>
- Shepherd, S. (2022). Regulating international commercial surrogacy: A balance of harms and benefits. *University of Florida Journal of Law and Public Policy*, 32(2), 293. <https://doi.org/10.2139/ssrn.3944031>
- Sim, D., & Ray, A.C.W. (2021). Medicine and the Law - Surrogacy. *Singapore Medical Association News*, September 2021. Retrieved from: https://www.sma.org.sg/UploadedImg/1632889540_2021SepInsight.pdf (July 28, 2026).
- Tan, S. H. (2020). Surrogacy and human flourishing. *Journal of Legal Philosophy*, 45(1), 49–79. <https://doi.org/10.4337/jlp.2020.01.03>
- Wade, K. (2020). Reconceptualising the interest in knowing one's origins: a case for mandatory disclosure. *Medical Law Review*, 28(4), 731–756. <https://doi.org/10.1093/medlaw/fwaa015>
- Whittaker, A., Gerrits, T. & Weis, C. (2022). Emerging "repronubs" and "repropreneurs": Transnational surrogacy in Ghana, Kazakhstan, and Laos. *International Journal of Comparative Sociology*, 63(5–6), 304–323. <https://doi.org/10.1177/00207152221097600>
- Wilkinson, S. (2016). Exploitation in international paid surrogacy arrangements. *Journal of Applied Philosophy*, 33(2), 125–145. <https://doi.org/10.1111/japp.12138>
- Xuan, H. P. J. A. (2024). "Super-Aged Society": Defusing Singapore's Demographic Time Bomb. *The Lee Kuan Yew School of Public Policy*. Retrieved from: <https://lkyspp.nus.edu.sg/gia/article/a-super-aged-society-defusing-singapore-s-demographic-time-bomb> (accessed: June 20, 2026).

Povzetek v slovenskem jeziku

Singapur se sooča z resnimi demografskimi izzivi, vključno z nizko rodnostjo in staranjem prebivalstva, kar zahteva ponovno oceno sedanjih politik na področju ustvarjanja družine, zlasti prepovedi gestacijskega nadomestnega materinstva. Trdi se, da sta legalizacija in ureditev nadomestnega materinstva v Singapurju potrebni za obvladovanje demografskih pritiskov in neplodnosti. Nacionalni regulativni okvir bi zagotovil varno pot do starševstva, hkrati pa zmanjšal pravna in etična tveganja, povezana z nereguliranimi čezmejnimi dogovori. Poleg tega bi legalizacija lahko spodbudila povpraševanje po specializiranih zdravstvenih in pravnih storitvah. Da bi se uskladil s konservativnimi družbenokulturnimi normami Singapurja, bi moral predlagani okvir sprva temeljiti na altruizmu in omogočati dostop le poročenim heteroseksualnim parom. V končni fazi bi legalizacija nadomestnega materinstva pod strogim nadzorom, z jasnimi merili za upravičenost in posebnim regulativnim organom, uravnotežila reproduktivno avtonomijo s kolektivnimi vrednotami. Ta pristop spodbuja bolj vključujočo družbo, hkrati pa daje prednost blaginji otrok in preprečuje izkoriščanje, s čimer ponuja pragmatično rešitev za ublažitev demografske krize v Singapurju.

Appendix

Table 1. Suggested stepwise approach for the legalization and implementation of surrogacy in Singapore.

Phase	Step/Action	Details
1 st Phase: Foundational Policy & Public Engagement	1. Address Current Prohibition & Clarify Legal Stance	Acknowledge that the current ban on surrogacy needs to be lifted, in view of the severe demographic challenges faced by Singapore (Xuan, 2024). The Singapore government must clarify its stand on surrogacy (Chan, 2021; Tan, 2020).
	2. Conduct Public Engagement & Consultations	Policymakers should conduct a public consultation on the legalization of surrogacy, and actively consult the views of healthcare professionals, religious and community leaders, as well as the general public (Heng, 2007).
	3. Determine Regulatory Scope & Structure	Decide to legalize surrogacy with strict regulations, to protect all parties involved (Chin, 2023). Singapore could legalize surrogacy in two stages: start with a narrow, uncontroversial legal framework (i.e. altruistic surrogacy), and then move to a more nuanced approach later (i.e. limited commercialization of surrogacy) (Sim & Ray, 2021).
2 nd Phase: Defining Eligibility & Scope	4. Define the Eligibility Criteria for the Commissioning Parents	Restricted only to married heterosexual couples - The Singapore government will likely prohibit surrogacy for single individuals and <i>de facto</i> same-sex couples to align with the country's conservative sociocultural values (Chan, 2021; Tan, 2020).
		Medical necessity requirement - Surrogacy should be approved only because of medical necessity (Chin, 2023; Heng, 2007) (i.e., women without a uterus, medically unfit to carry a pregnancy to term)
		Lifestyle choice prevention - Prevent the non-judicious use of surrogacy by healthy and fertile women for spurious reasons, such as preserving beauty or advancing careers (Heng, 2007).
		Genetic link requirement - At least one commissioning parent must contribute their gametes to the surrogacy procedure (Sim & Ray, 2021).
	5. Define the Eligibility Criteria for the Surrogate Mother	Review and approval - As an additional safeguard to prevent abuse, surrogacy should be reviewed and approved by the Ministry of Health (MOH) on a case-by-case basis for each patient (Heng, 2007).
		Citizenship/residency requirement - Surrogates should be restricted to Singaporean citizens and permanent residents, so as to avoid the complications of transnational surrogacy (Heng, 2007). Exceptions may be made for foreigners who are close relatives of the commissioning couple (confirmed by DNA testing) (Heng, 2007).

Phase	Step/Action	Details
		Marital and parental status - Surrogate mothers should be restricted to parous married women with stable family relationships (Heng, 2007). Single women without any children of their own should be banned from acting as surrogate mothers under all circumstances (Heng, 2007).
3 rd Phase: Establishing Infrastructure & Ethical Standards	6. Create an Independent Government-affiliated Regulatory Agency to Handle Both Local and Overseas Surrogacy Arrangements	Ban on third-party intermediaries - Explicitly ban healthcare professionals and institutions from soliciting surrogate mothers on behalf of their patients (Chin, 2023; Heng, 2007). Instead, an independent government agency should handle ethical recruitment, counseling, and reimbursement of surrogates independently of doctors and clinics handling fertility treatment (Chin, 2023; Heng, 2007).
		Deployment of social workers - Healthcare social workers should be assigned by this agency to counsel and check on the welfare of the surrogate mother and commissioning couple (Heng, 2007).
		Post-overseas procurement protocol - If a child is procured overseas against government policy (i.e. by single individuals or <i>de facto</i> same-sex couples), the child should be received at customs and placed in foster care pending a suitability assessment of the commissioning parent(s) (Chan, 2021). If the assessment is unsatisfactory, the child should be put up for adoption by a married heterosexual couple (Chan, 2021).
	7. Implement Screening and Review Processes	The Ministry of Health (MOH) should set up a system for independent review and approval of surrogacy on a case-by-case basis for each prospective commissioning couple (Heng, 2007). There should be rigorous pre-conception suitability assessments of intended parents (Sim & Ray, 2021).
	8. Mandate Strict Financial Regulation	Ban on commercialized surrogacy - Because this will likely be morally and ethically repugnant to the conservative sociocultural norms of Singapore (Heng, 2007).
		Compensation model - Monetary compensation must be based on the reimbursement of direct expenses (Heng, 2007).
		Documentation and audit of payments - All payments made to surrogate mothers must be rigorously documented and strictly audited to prevent illicit under-the-table monetary payments (Heng, 2007). Healthcare professionals and institutions must be explicitly banned from managing payments to surrogate mothers due to pertinent conflicts of interest (Chin, 2023; Heng, 2007).
	9. Set Stringent Medical Protocols	Judicious use of assisted reproductive technology (ART) procedures – Set stringent guidelines for the judicious use of hormone stimulation and IVF procedures in 'traditional' surrogacy (especially when cheaper

Phase	Step/Action	Details
4 th Phase: Legal Framework & Child Protection		intrauterine insemination would suffice for healthy/fertile surrogate mothers) (Heng, 2007).
		Ban on third-party egg donation - Generally disallow the combination of surrogacy with donor eggs from a third woman (neither the commissioning mother nor surrogate mother) (Heng, 2007), except under specific circumstances. For example, to maintain genetic relationship or same ethnicity as the intended commissioning mother (Heng, 2007).
		Prenatal testing agreement (Non-binding) - Mandate that the surrogate mother and the commissioning parents should first make a formal but non-legally binding agreement on what to do if prenatal testing or birth reveals congenital deformities (i.e., abortion, acceptance, institutionalization, or adoption) (Heng, 2007). This agreement must be documented, signed, and notarized.
	10. Legal & Contractual Safeguards	Legal formalization - All surrogacy contracts must be handled by lawyers, and signed by the surrogate mother and commissioning parents in the presence of appropriate witnesses (Piersanti et al., 2021).
		Consistency in surrogacy regulation - The government should treat domestic and overseas surrogacy cases consistently (Tan, 2020).
		Exclusion of adoption for non-traditional family arrangements -An adoption order shall not be made in cases where the applicants resorted to overseas surrogacy for non-traditional family arrangements (i.e, single individuals or <i>de facto</i> same sex couples), with the intention of leaving the child without either a father or a mother (Chan, 2021).
		Extraterritorial prohibition - There should be legislation prohibiting Singapore citizens from procuring overseas surrogacy against government policy (i.e. by single individuals or <i>de facto</i> same-sex couples) (Chan, 2021).
	11. Ensure Commissioning Parent Liability	If the commissioning parents refuse to accept a child born with congenital deformities, they should be made financially liable for the high cost of its "special needs" upbringing (Heng, 2007).
	12. Establish Legal Parenthood Mechanism	Codify laws to transfer legal parenthood to the commissioning parents via adoption (Sim & Ray, 2021). This process is crucial because under current Singapore law, the woman who gives birth is generally considered the legal mother (Sim & Ray, 2021). The adoption framework may need amendment to accommodate the legal transfer of parentage following surrogacy (Tan, 2020).
Final Phase	Implementation & Ongoing Review	The legal framework for surrogacy must be continuously reviewed and enforced by the Ministry of Health (MOH) of Singapore (Au-Yong, 2019; Chin, 2023; Heng, 2007; Sim & Ray, 2021).