

A Critical Appraisal of Surrogacy in Nigeria: Challenges, Opportunities and Policy Implications

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ABSTRACT

Background: Surrogacy has emerged as an important assisted reproductive option for addressing infertility, a condition affecting approximately 20–25% of couples in Nigeria. While surrogacy offers hope to individuals and couples experiencing reproductive challenges, its practice remains controversial due to legal, ethical, sociocultural and medical concerns.

Objective: This review critically appraised the opportunities, challenges and policy implications of surrogacy in Nigeria, with emphasis on its legal, ethical, sociocultural and healthcare dimensions.

Methodology: Relevant literature on surrogacy in Nigeria and globally published between 2010 and 2026 was reviewed using a multifaceted search strategy. Electronic databases, peer-reviewed journals, legal documents, policy reports and case studies were examined. The review synthesized evidence on the current landscape, opportunities, challenges and regulatory considerations surrounding surrogacy practice in Nigeria.

Conclusion: Surrogacy presents significant opportunities for addressing infertility, promoting reproductive autonomy and supporting the growth of assisted reproductive technologies in Nigeria. However, the absence of a comprehensive legal framework, ethical concerns regarding surrogate exploitation, sociocultural and religious resistance and inadequate regulatory oversight pose substantial challenges. Strengthening legislation, establishing ethical and clinical guidelines, enhancing public awareness and improving fertility care standards are essential to ensure safe, ethical and culturally sensitive surrogacy practices. Future research should explore the long-term outcomes of surrogacy for surrogates, intended parents and children.

Keywords: Surrogacy, Infertility, Reproductive Ethics, Health Policy

INTRODUCTION

Surrogacy, a reproductive practice where a woman carries and delivers a child for another individual or couple, has emerged as a significant option for addressing infertility worldwide (Mike-Oworodo, 2026). Surrogacy is broadly categorized into traditional surrogacy, where the surrogate is genetically related to the child through artificial insemination, and gestational surrogacy, where the surrogate carries an embryo created via in vitro fertilization (IVF) with no genetic link (Patel et al., 2018). Globally, surrogacy has gained prominence due to advancements in assisted reproductive technologies (ART) and shifting societal attitudes toward family-building. Countries such as the United States, India and Ukraine have established regulated surrogacy frameworks, whereas others grapple with ethical and legal complexities (Daftuar, 2024). In Nigeria, surrogacy is a relatively recent phenomenon, driven by increasing infertility rates and the expansion of private fertility clinics. Historically, informal arrangements akin to surrogacy existed in some Nigerian cultures, where family members assisted infertile couples through customary practices (Obadina, 2026). However, contemporary surrogacy in Nigeria, primarily gestational, operates in a largely unregulated space, with private clinics facilitating arrangements amidst growing demand (Abiola et al., 2024a).

This review has three primary objectives. First, it seeks to evaluate the opportunities and challenges of surrogacy in Nigeria, highlighting its potential to address infertility and empower participants while acknowledging barriers such as legal ambiguities and societal stigma. Second, it examines the legal, ethical and sociocultural implications of surrogacy, investigating how Nigeria's diverse cultural heritage and religious influences influence its acceptance and practice. Finally, the review proposes policy recommendations to establish a robust regulatory framework that protects all parties (surrogates, intended parents and children) while strengthening ethical surrogacy practices. By synthesizing recent literature and case studies, this article aims to provide a comprehensive appraisal of surrogacy in Nigeria, contributing to global discourses on reproductive technologies in developing contexts.

The significance of studying surrogacy in Nigeria lies in its potential to address the profound social and medical issue of infertility, which affects approximately 20-25% of Nigerian couples, one of the highest rates in sub-Saharan Africa (Gedef et al., 2025). Infertility carries significant social stigma in Nigeria, often leading to marital strain, social exclusion and psychological distress, particularly for women (Esan et al., 2022). Surrogacy offers a pathway to family-building, enabling couples to fulfill cultural expectations of parenthood, which are deeply entrenched in Nigeria's patriarchal and pronatalist society. However, the practice operates within a complex sociocultural and legal landscape, marked by diverse ethnic traditions, religious beliefs and a lack of clear legal guidelines. Examining surrogacy in this context is critical to understanding its implications for reproductive autonomy, social equity and ethical practice. This study is justified by the need to bridge the gap between Nigeria's growing fertility industry and the absence of regulatory oversight, which poses risks of exploitation, particularly for surrogates from vulnerable socioeconomic backgrounds. By analyzing surrogacy through Nigeria's unique lens, this review aims to inform policy and practice, ensuring that surrogacy aligns with ethical and cultural sensitivities.

Surrogacy in Nigeria: current landscape

Surrogacy is becoming increasingly common in Nigeria, particularly among infertile couples seeking alternatives to adoption, which is often stigmatized (Ezenwa et al., 2024a). The practice includes both formal arrangements facilitated by fertility clinics and informal private agreements. Gestational surrogacy, involving in vitro fertilization (IVF) and no genetic link between the surrogate and child, is more prevalent than traditional surrogacy due to legal and ethical complexities (Klock & Lindheim, 2020). A 2024 case report documented three sets of preterm triplets born via gestational surrogacy, with a 56% mortality rate (5/9 babies died), highlighting significant medical risks due to multiple embryo transfers aimed at increasing success rates (Ezenwa et al., 2024b). Unregulated practices, such as young women advertising as surrogates online (e.g., via platforms like surrogatefinder.com) and agencies matching surrogates with commissioning parents, raise concerns about exploitation and inadequate medical oversight (Richards, 2015). Reports also note instances of ovum trading and procedures by unqualified practitioners, further complicating the landscape.

Nigeria's cultural landscape places immense value on marriage and procreation, with infertility often leading to social stigma, marital strain and pressure for men to take additional wives (Labinjo, 2025). This stigma extends to surrogacy and adoption, driving some to illegal baby factories. Cultural attitudes vary across Nigeria's diverse ethnic groups, with many rejecting artificial conception as destabilizing family lineages. For instance, among the Yoruba, surrogacy is viewed cautiously due to concerns about lineage continuity (Alabi, 2021). Religious perspectives further shape acceptance: Catholicism deems surrogacy immoral, Protestant denominations are more liberal and Islamic teachings, citing Quranic verses (e.g., 23:5-7), generally prohibit gestational surrogacy (Nnamuchi, 2023). These factors create significant barriers to surrogacy's widespread acceptance, particularly in conservative communities.

Surrogacy in Nigeria is associated with considerable financial costs, with reported total expenses commonly ranging between approximately US\$18,000 and US\$25,000, covering components such as in vitro fertilization (IVF), surrogate screening and medical preparation, antenatal and delivery care, and surrogate accommodation and welfare support (Select IVF, 2026). These costs restrict access to the middle and upper socioeconomic classes, particularly those earning in foreign currencies or living abroad. Economic hardship makes many women vulnerable to exploitation, as the prospect of earning significant sums, potentially more than years of income, drives participation (Adjei & Otoo, 2026). High costs also lead to practices like multiple embryo transfers, increasing obstetric risks, as commissioning parents seek to maximize success rates.

Challenges of Surrogacy in Nigeria

Surrogacy in Nigeria, while offering a pathway to parenthood for infertile couples, is fraught with challenges across legal, ethical, sociocultural and medical domains. This section examines these challenges, drawing on recent literature to highlight the complexities.

Legal Ambiguities

The absence of comprehensive surrogacy legislation in Nigeria creates a legal vacuum that complicates the practice. Without specific laws, surrogacy agreements lack clear enforceability, leading to uncertainties regarding parental rights, citizenship and legal recognition (Umeora et al., 2014). Existing family and inheritance laws, designed for traditional family structures, do not adequately address surrogacy arrangements, resulting in potential conflicts over custody and inheritance. For instance, in traditional surrogacy, where the surrogate is genetically related to the child, determining legal parentage becomes particularly contentious, as Nigerian law typically recognizes only two parents. A 2024 case report highlighted practical challenges, such as delays in changing a child's name from the surrogate to the commissioning parents, underscoring the need for legal clarity (Ezenwa et al., 2024c). The proposed *Nigeria Surrogacy Regulatory Commission Bill* (2024) aims to address these gaps, but its passage remains pending, leaving parties vulnerable to disputes and exploitation.

Ethical Concerns

Ethical concerns in Nigerian surrogacy center on the potential exploitation of surrogates, particularly those from economically disadvantaged backgrounds. The absence of regulatory oversight increases the risk of unfair treatment, inadequate compensation and coercion (Abiola et al., 2024b). Informed consent is a critical issue, as surrogates may not fully understand the physical, emotional and legal implications of their agreements due to limited education or access to independent legal advice (Lane et al., 2021). The commercialization of reproduction raises concerns about commodifying human life, with surrogacy sometimes viewed as reducing women to reproductive vessels. Balancing the rights of surrogates, intended parents and children is challenging without ethical guidelines. For example, ensuring the child's right to identity and the surrogate's right to fair treatment requires robust frameworks that Nigeria currently lacks.

Sociocultural Barriers

Nigeria's cultural and religious environment remains a significant barrier to the acceptance of surrogacy. In many communities, procreation is closely linked to traditional notions of marriage, lineage continuity, and divine blessing, causing surrogacy to be perceived by some as a deviation from natural and culturally sanctioned

reproduction (Olajumoke et al., 2024). Religious perspectives vary; some Christian denominations, particularly Catholics, deem surrogacy immoral, while Islamic teachings often prohibit gestational surrogacy based on interpretations of Quranic verses (Adelakun, 2018a). Infertility carries a heavy stigma, often leading to social ostracism, which extends to surrogates and children born through surrogacy. A 2022 study in Ado-Ekiti found that Yoruba communities view surrogacy as a violation of cultural sanctity, further limiting its acceptance (Alabi, 2021). These sociocultural barriers discourage open engagement with surrogacy and influence policy reluctance to regulate it.

Medical and Health Challenges

Medical and health challenges in Nigerian surrogacy are exacerbated by limited access to advanced fertility clinics and inadequate regulatory oversight. Many clinics operate without standardized protocols, leading to inconsistent care quality (Ezenwa et al., 2024c). Surrogates face health risks, including complications from multiple pregnancies, which are common in surrogacy to increase success rates but pose significant dangers to both the surrogate and fetuses. The lack of mandatory medical screening and counseling further endangers surrogates, who may undergo procedures without fully understanding the risks (Abiola et al., 2024c). These challenges emphasise the need for regulated medical standards to ensure safety.

Opportunities of surrogacy in Nigeria

Surrogacy in Nigeria presents transformative opportunities in addressing infertility, fostering economic empowerment and driving social and cultural shifts. Infertility affects approximately 20-25% of couples in Nigeria, one of the highest rates in sub-Saharan Africa (Dattijo et al., 2016; Obeagu et al., 2023). Surrogacy, particularly gestational surrogacy, offers a critical solution for couples unable to conceive naturally due to medical reasons, such as uterine issues or recurrent pregnancy loss. By enabling intended parents to have biologically related children, surrogacy supports reproductive autonomy and fulfills the deep-seated cultural expectation of parenthood in Nigeria, where childlessness often leads to social stigma and marital strain (Olugbami, 2025).

Surrogacy holds potential for economic empowerment in Nigeria's developing economy. Although specific data on surrogate compensation in 2024-2025 is scarce, the total cost of surrogacy, estimated at \$18,000–\$25,000, suggests that surrogates may receive significant payments, potentially \$10,000 or more, which can be life-changing in a country where the average annual income is low (Select IVF, 2026). For women from lower socioeconomic backgrounds, this compensation can provide financial stability, fund education or support family needs. Additionally, the expanding fertility industry drives job creation, employing medical professionals, legal advisors and support staff in fertility clinics, which are increasingly prevalent in urban centers like Lagos and Abuja. However, the *Nigeria Surrogacy Regulatory Commission Bill (2024)*, which passed its second reading in October 2024, proposes banning commercial surrogacy, potentially limiting financial incentives for surrogates if enacted (Umetietie, 2026). Despite ongoing ethical, legal, and sociocultural debates, the global surrogacy market continues to expand rapidly, with recent analyses projecting its value to reach between USD 54.6 billion and USD 195.97 billion by 2034, highlighting the growing economic significance of assisted reproductive technologies and the potential for surrogacy-related services in countries such as Nigeria (Precedence Research, 2026).

Surrogacy is gradually reshaping social and cultural perceptions in Nigeria, though traditional norms pose significant barriers. In Nigeria's pronatalist society, infertility is heavily stigmatized, often blamed on women and linked to cultural notions of sin or failure (Esan et al., 2022). A 2020 study in Ado-Ekiti found that surrogacy is viewed as anti-cultural and anti-religious among the Yoruba, with womanhood tied to biological motherhood (Alabi, 2021). However, the increasing practice of surrogacy, particularly in urban areas like Lagos and Abuja, suggests a slow shift toward acceptance (Ezenwa et al., 2024c). Couples are beginning to see surrogacy as a legitimate alternative to adoption, challenging stigmas around infertility and non-traditional family structures. The proposed *Nigeria Surrogacy Regulatory Commission Bill (2024)* reflects growing recognition of surrogacy's role, potentially fostering greater societal acceptance by providing a legal framework (Adeola Ojo, 2025). While religious objections, particularly from Catholic and Islamic communities, persist, liberal Protestant views and

urban exposure to ART may encourage integration of surrogacy into modern Nigerian family dynamics over time. This gradual shift could reduce stigma and promote diverse family-building models.

Policy implications and recommendations

In the heart of Nigeria, where family is the cornerstone of society, surrogacy emerges as a beacon of hope for those grappling with infertility. Yet, this promising practice navigates a turbulent sea of legal ambiguities, ethical dilemmas, cultural resistance and medical inadequacies. The path forward demands a robust policy framework, one that safeguards the rights and well-being of surrogates, intended parents and the children they bring into the world. As Nigeria stands at a crossroads in 2025, recent developments, including the proposed *Nigeria Surrogacy Regulatory Commission Bill (2024)*, offer a chance to chart a new course, but bold action is needed to transform potential into reality.

The absence of a comprehensive surrogacy law in Nigeria casts a long shadow over the practice. Without clear guidelines, disputes over who holds parental rights, exploitation of surrogates and uncertainty about children's legal status are all too common. The *Nigeria Surrogacy Regulatory Commission Bill (2024)*, which passed its second reading in October 2024, is a promising step (Rotimi Agbana, 2024). It proposes a regulatory commission to oversee surrogacy, banning commercial arrangements and allowing only altruistic surrogacy for married couples or medically certified single individuals. Yet, this bill must be finalized and strengthened to ensure clarity and fairness. It should explicitly designate intended parents as legal guardians, especially in gestational surrogacy, where the surrogate has no genetic tie to the child. A streamlined process, like court orders or commission registration, could prevent delays, such as those seen in a 2024 case where transferring a child's name to the intended parents proved challenging (Ezenwa et al., 2024c). Surrogates, often vulnerable, need protection from coercion through mandatory legal counseling and access to healthcare and psychological support, even in altruistic setups. Children, too, deserve safeguards; laws must secure their right to identity and citizenship, aligning with Nigeria's *Child Rights Act* to prevent violations like child trafficking. Nigeria's legal system, which recognizes only two parents, complicates matters for non-traditional families. A new law must harmonize with family and inheritance frameworks, drawing inspiration from South Africa's *Children's Act (2005)*, which recognizes intended parents as guardians (Adelakun, 2018b).

Ethical guidelines are the moral compass Nigeria's surrogacy landscape desperately needs. Without them, surrogates (often from marginalized communities) face risks of exploitation. Clear standards must ensure informed consent, with surrogates fully aware of the physical, emotional and legal implications, backed by independent legal advice. In altruistic surrogacy, as proposed by the 2024 bill, surrogates should face no financial or social pressure, with limits on the number of surrogacy cycles and access to support services. A regulatory commission, modeled on the UK's Human Fertilisation and Embryology Authority, could monitor agencies, investigate complaints and ensure transparency, aligning with global standards while respecting Nigeria's communal values (Fertilisation & Authority, 2010).

Cultural and religious norms in Nigeria, which prize natural conception, cast surrogacy and infertility in a harsh light, fueling stigma. To shift this narrative, public education campaigns through media, workshops and online platforms can illuminate surrogacy's role in helping infertile couples, dismantling misconceptions. Engaging traditional and religious leaders (Islamic scholars, Christian clergy, and community elders) can frame surrogacy as a humanitarian act, aligning it with family values to foster acceptance. Support groups for surrogates and intended parents can further normalize the practice, reducing isolation and building community.

Regulating fertility clinics to meet safety standards, as seen in India, is essential (Tholeti et al., 2024). The proposed commission could accredit clinics, ensuring quality care. Training healthcare providers in the ethical and medical complexities of surrogacy, particularly managing high-risk pregnancies, is critical. Surrogates must receive comprehensive and respectful maternity care to protect their health and that of the newborns.

Nigeria stands on the cusp of change. By enacting a robust surrogacy law, establishing ethical guidelines, launching public awareness campaigns and strengthening medical infrastructure, the country can create a system that honors its cultural heritage while embracing modern reproductive solutions. The *Nigeria Surrogacy*

Regulatory Commission Bill (2024) is a foundation, but its success hinges on bold, inclusive policies that protect and uplift all involved in the surrogacy journey.

CONCLUSION

Surrogacy in Nigeria represents both a promising reproductive option and a significant ethical, legal and sociocultural challenge. It offers hope to the large proportion of couples experiencing infertility and may also provide economic opportunities for surrogates while reducing stigma associated with childlessness. However, the lack of a comprehensive legal framework continues to create uncertainty regarding parental rights, child welfare and protection of surrogates from exploitation. Cultural and religious resistance further contributes to societal stigma surrounding surrogacy, while inadequate medical infrastructure and poor regulation may increase maternal and neonatal risks.

Future research should examine the long-term physical, psychological, social and economic outcomes of surrogacy for surrogates, intended parents and children. Comparative evaluation of altruistic and commercial surrogacy models may also guide future policymaking, particularly in light of ongoing legislative efforts to regulate surrogacy in Nigeria. By adapting international best practices to local sociocultural realities, Nigeria has the potential to emerge as a regional model for ethical and regulated surrogacy practice in Africa.

Urgent multisectoral action is needed to strengthen legislation, improve fertility care standards, protect all parties involved and promote public awareness and acceptance through sustained engagement with healthcare providers, policymakers, traditional institutions and religious leaders.

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