

Surrogacy and unequal treatment based on sexual orientation: regulatory challenges in the Peruvian family

Gestación subrogada y trato desigual por orientación sexual: retos normativos en la familia peruana

Gustavo Carlos Córdova Morillo

<https://orcid.org/0000-0001-6417-6089>

gcordovam@ucvvirtual.edu.pe

Universidad César Vallejo

Lima-Peru



Received: 17-03-2025 Accepted: 14-06-2025

2026. V6. N1.

Abstract

Surrogacy and discrimination based on sexual orientation pose significant regulatory challenges for Peruvian family law. Despite scientific advances and sociocultural changes that promote new family forms, the national legal system lacks specific regulations on surrogacy, which creates legal gaps, legal uncertainty, and unequal access to reproductive rights. In this context, the objective of this research was to analyze the constitutional and legal challenges facing Peru regarding surrogacy and the unequal treatment of LGBTQ+ people in the exercise of their family rights. To this end, a qualitative methodology was employed, with an interpretive approach and documentary design, based on the analysis of legislation, jurisprudence, doctrine, and international treaties. The results reveal a lack of regulations on parentage in surrogacy cases, limitations in health legislation, and barriers to access to assisted reproduction for same-sex couples, which demonstrate structural discrimination. It is concluded that it is urgent to implement a comprehensive legal framework that regulates surrogacy, guarantees equality before the law, and protects fundamental rights, particularly the best interests of the child, reproductive autonomy, and family diversity.

Keywords: family law, surrogacy, sexual discrimination.

Resumen

La gestación subrogada y la discriminación por orientación sexual plantean retos normativos relevantes para el Derecho de Familia peruano. A pesar de los avances científicos y cambios socioculturales que impulsan nuevas formas de familia, el ordenamiento jurídico nacional carece de regulación específica sobre la gestación subrogada, lo que genera vacíos legales, inseguridad jurídica y desigualdad en el acceso a los derechos reproductivos. En este contexto, el objetivo de esta investigación fue analizar los desafíos constitucionales y legales que enfrenta el Perú en torno a la gestación subrogada y el trato desigual hacia personas LGBTQ+ en el ejercicio de sus derechos familiares. Para ello, se empleó una metodología cualitativa, de enfoque interpretativo y diseño documental, basada en el análisis de legislación, jurisprudencia, doctrina y tratados internacionales. Los resultados revelan una ausencia normativa sobre la filiación en casos de subrogación, limitaciones en la legislación sanitaria, y barreras de acceso a la reproducción asistida para parejas homosexuales, lo que evidencia una discriminación estructural. Se concluye que resulta urgente la implementación de un marco legal integral que regule la gestación subrogada, garantice la igualdad ante la ley y proteja los derechos fundamentales, particularmente el interés superior del niño, la autonomía reproductiva y la diversidad familiar.

Palabras clave: derecho de familia, gestación subrogada, discriminación sexual.

Introduction

The relationship between surrogacy and sexual orientation inequality in Peruvian families is characterized by a legacy of coercion and exclusion of families from sexual diversity. Exclusion and familial isolation are effects of discrimination against LGBT adolescents in schools. Parents make decisions regarding access to motherhood, which may differ from those of heterosexual women, and family relationships are structured around the privacy claims inherent in surrogacy contracts. LGBT individuals have not always exercised their sexual freedom as they would have wished. In the context of sexual and familial freedom, considering that until just a few years ago, homosexuality was criminalized, adolescents do not envision rejecting their oppression, which creates systematically active expectations towards a negative intentionality that minimizes LGBT sexuality and motherhood.

In this sense, the area of law regulating family relationships has undergone profound transformations in recent decades, driven by scientific advancements and sociocultural changes that have challenged traditional notions of family and kinship. Surrogacy and discrimination based on sexual orientation are controversial issues that pose normative, constitutional, and international challenges. Furthermore, it is essential to recognize that assisted reproductive technology presents ethical, legal, and social challenges that vary by geographical context.

However, there is no explicit law in Peru regulating surrogacy. Various legislative proposals have been presented to regulate the matter, but none have been approved. The Civil Code, in Article 883, states that the consent of spouses is valid as a manumission of the adopted child, and that spouses, once married or in a de facto union, cannot revoke their consent. However, this provision only applies once the gestation period is completed and the birth has occurred. Therefore, there is no criminal liability for the surrogate mother if she improperly claims a revocation. Additionally, the legislative projects that have been discussed in various legislatures have generated speculation about the conditions of surrogacy, lacking serious clarity from the legislator (Pretell, 2024).

Consequently, Peruvian law lacks a precise regulatory framework regarding surrogacy. This is manifested through restrictions related to the conditions for its development, utilizing tools present in the context, such as the Law on Non-Vital Organ Donation, the Law for the Protection of Personnel for Anonymous Donation of Preserved Cells, the Law for the Protection of Children, and Law 28932, concerning the Treaty to Swim by Examinations (Guío & Woolcott, 2024).

Some regulations used to attempt to regulate this practice include those mentioned in the previous paragraph; Law 29425, concerning the Protection of Minors; Law 30049, pertaining to the communication of necessary data for consideration by the financial system; and specific conditions for the operation of the Prenatal Donation Law. According to legal scholars, the ruling is clear that there cannot be a specialized treatment of the right to protection for minors, nor the management of the unborn child. A human embryo is only recognized in the Peruvian legal system regardless of its legal value, perhaps simply because it must be sheltered by the fundamental care and guarantees of the State, without this determining the nature of the inherent rights of human or non-human entities (Salas et al., 2022).

The Political Constitution of Peru establishes in Article 2: "Every person has the right to their free development of personality (...) to formulate their intimate life, to freely decide about their own health and well-being (...)". In compliance with this rights-based approach, the obligation of the Peruvian State to safeguard the human rights of all individuals residing in its territory, without distinction, was emphasized, requesting "that it adopt, as far as possible, the necessary measures to protect the integrity of all groups engaged in public and private life, regardless of their sexual orientation." However, in Peru, there are still no regulations that specifically classify certain behaviors as crimes, and thus, members of the LGBTQI community continue to face rejection, violence, and other forms of discrimination (Zambrano, 2025).

The experience of family within the LGBTQ community is generally overshadowed by the category of "alternative," and the existing legal norms affect decisions or social judgments in various aspects of daily life, ranging from property rights to the exercise of the right to love a spouse, to residency. There exists a set of fundamental rights that structure the current legal regime and, when integrated into the normative system, impose themselves as positive law applicable to concrete cases and family relationships in general (Cerpa-Reyes et al., 2023).

Despite the legal controversies, it is important to mention that the Inter-American Court of Human Rights has also tangentially addressed the issue through its jurisprudence, supporting protection measures that combine Article 7.3 with Article 8.1, as the maternal aspect, alongside phenomena attributed to it, may continue to be regulated through surrogacy methods (Rúa & Jaramillo, 2023).

Thus, there is a need to address the legal gaps and constitutional controversies surrounding surrogacy and discrimination based on sexual orientation, as these represent normative and constitutional challenges requiring interdisciplinary analysis that considers scientific advancements, principles of equality and non-discrimination, and human rights.

Methodology

This research is framed within a qualitative approach, as it is the most suitable for analyzing complex legal phenomena, particularly those related to surrogacy and discrimination based on sexual orientation in the context of Peruvian Family Law. The study adopts an interpretative and hermeneutical paradigm, which allows for understanding normative evolution and constitutional tensions from a critical perspective, integrating human rights, public policy analysis, and the development of contemporary legal principles.

A documentary research design was utilized, focusing on the systematic analysis of primary and secondary legal sources. This method is widely recognized in legal and social sciences for addressing normative phenomena in contexts of ambiguity or legal gaps. Information was collected through a thorough review of national and international legislation, constitutional and supranational jurisprudence, legislative proposals, reports from international organizations, specialized doctrine, and indexed academic articles.

The analytical process included source triangulation to ensure the argumentative validity and theoretical coherence of the study. Additionally, a legal content analysis technique was applied, allowing for the identification of relevant categories such as legislative gaps, constitutional tensions, the impact on fundamental rights, and challenges to the legal equality of diverse families.

The normative and jurisprudential corpus analyzed included, among others, the Peruvian Civil Code, the Political Constitution of Peru, international human rights treaties ratified by the Peruvian State, as well as pronouncements from the Inter-American Court of Human Rights and constitutional courts in Latin America. The reviewed literature included recent studies on comparative regulation of surrogacy, models of filiation in assisted reproduction contexts, and normative frameworks regarding equal treatment based on sexual orientation.

This methodological approach allowed for the demonstration of the absence of a clear legal framework concerning surrogacy in Peru and its impact on the protection of reproductive and family rights of LGBTIQ+ individuals. Similarly, normative contradictions and gaps affecting legal security and equality of treatment were identified, elements that substantiate the need for comprehensive legislative reform.

Results

The analysis of the research results reveals a significant legal gap surrounding surrogacy in Family Law, both in Peru and in several Latin American countries. Callejas (2023) emphasizes that the absence of specific regulations on surrogacy is not exclusive to the Peruvian State but constitutes a regional issue. This lack of regulation creates a scenario of legal uncertainty affecting intended parents, surrogates, and children born through this practice. Martínez & Rodríguez (2021) add that the absence of a clear regulatory framework has led to

disparate judicial interpretations, resulting in inconsistent jurisprudence and, consequently, legal uncertainty for the parties involved.

In response to this gap, Castro & Ticse (2023) have proposed amendments to the Peruvian Civil Code to address surrogacy, although no specific regulation has yet been implemented. Arévalo (2022) underscores the need for legislators to integrate or create laws that protect the rights of the parties, considering scientific advancements in assisted reproduction and ensuring fundamental rights.

From the Mexican legislative perspective, Simental & Ortega (2022) warn that the anomalies and antinomies surrounding surrogacy generate legal inconsistencies and situations of vulnerability for all involved. They propose the creation of coherent and socially relevant norms. In Peru, the Constitution (Article 2, Section 1) guarantees the right to life, identity, integrity, and well-being for all individuals; however, the General Health Law only permits assisted reproduction when the genetic mother and the surrogate are the same person, leaving surrogacy without legal protection. The Civil Code, meanwhile, regulates extramarital filiation but does not address parental relationships in surrogacy cases, perpetuating the legal void.

One of the most notable effects of the lack of regulation is discrimination against same-sex couples wishing to access surrogacy. Although there is no explicit constitutional impediment, in practice, these couples face bureaucratic obstacles that hinder access to assisted reproductive methods, leading to frustration and emotional strain (Fantus, 2021; Berkowitz, 2020). Molina & Torres (2022) identify this phenomenon as a clear manifestation of discrimination, as the intersection of sexual orientation and the desire for parenthood through surrogacy poses challenges that current legal systems are ill-equipped to address. Thus, there is a strong need for public policies and local laws to adopt a holistic approach, considering the reproductive rights of LGBTQ+ individuals and equal access to assisted reproduction.

International jurisprudence has also begun to address this phenomenon. Gómez & Mora (2023) cite a decision by the Colombian Constitutional Court recognizing the right to maternity leave in surrogacy cases, highlighting the need to adapt legislation to protect labor rights and the welfare of the child. Correa (2023) emphasizes the primacy of the best interests of the child as a guiding principle for developing laws that ensure full protection of their rights in surrogacy cases. In Peru, the Ricardo Morán case before the Constitutional Court set a precedent by allowing the registration of children born abroad through this method, representing progress in the protection of children's rights and the recognition of new family forms. However, the case also illustrates the need for a more comprehensive and specific legal framework.

From a biological perspective, Ayala & Roca (2024) highlight that same-sex families face complex decisions regarding genetics in surrogacy, which is particularly relevant in the Peruvian context. The challenge for the legal system lies in harmonizing scientific advancements in assisted reproduction with fundamental human rights principles, ensuring the right to reproduction as an essential right for all individuals, regardless of sexual orientation.

Despite Peru being a party to international treaties, there remains a gap between domestic legislation and international human rights standards. The Inter-American Commission on Human Rights (CIDH, 2022) has noted that discrimination against LGBTIQ+ individuals continues to be a problem, particularly in the family sphere. Therefore, the legal system must ensure inclusive and non-discriminatory legislation regarding surrogacy.

The lack of specific regulation on surrogacy generates legal uncertainty and undermines fundamental rights. Castro & Ticse (2023) warn that the absence of clear norms leaves intended parents, the surrogate, and the child in a legal void, especially when defining filiation. Mantilla (2023) adds that this void creates tensions between principles such as human dignity and private autonomy, and that delegating these decisions to judges can result in inconsistent and arbitrary rulings.

The General Health Law recognizes the right to receive treatment for infertility and to procreate through assisted reproductive techniques but requires that the surrogate and genetic mother be the same person, which has been interpreted as an implicit prohibition of surrogacy. Góez (2024) criticizes these restrictive interpretations for not addressing the complexity of the phenomenon and potentially violating constitutional rights. Ricaurte (2022) points out that the lack of specific regulation also creates challenges in private international law, especially in cross-border surrogacy cases where children may face legal recognition and nationality issues.

The absence of clear norms leaves room for unresolved ethical debates regarding the commodification of the human body, reproductive rights, and the protection of children's rights (Medina & Regalado, 2021). Article 2, Section 24, Literal a) of the Peruvian Constitution states that no one is obliged to do what the law does not require nor prevented from doing what it does not prohibit, which could be interpreted as an implicit authorization of surrogacy. However, Simental & Ortega (2022) caution that this interpretation is problematic without a legal framework that guarantees the protection of all parties' rights.

Constitutional controversies revolve around the need to balance rights and principles such as human dignity, personal autonomy, reproductive rights, the best interests of the child, equality before the law, and the right to identity. The legal void has led to these conflicts being resolved on a case-by-case basis in courts, which can result in inconsistent decisions and violations of fundamental rights.

Comparative law shows a diversity of approaches in the region. Martínez & Rodríguez (2021) highlight that some countries explicitly prohibit surrogacy, others allow it under strict regulations, and in many cases, legal gaps persist. Callejas (2023), as well as Simental & Ortega (2022), compare the legal systems of Mexico and Brazil: some Mexican states have legalized and regulated the practice, while Brazil allows it only in altruistic cases and under strict conditions. This diversity reflects different ethical, social, and legal considerations.

The analysis demonstrates that the challenges of normative integration and constitutional control regarding surrogacy and equal treatment based on sexual preference are numerous and complex. An interdisciplinary approach is required that integrates biological, legal, and human rights aspects, as well as a thorough review of traditional concepts of family and filiation. The legal system must adapt to fully protect the fundamental rights of all parties involved, eliminating all forms of discrimination based on sexual orientation in access to assisted reproduction.

The lack of specific regulation on surrogacy in the Peruvian Civil Code generates legal uncertainty, particularly in defining filiation, and may leave those involved in a legal void that undermines their rights. Furthermore, the absence of clear rules compromises the protection of children's constitutional rights, especially regarding filiation and identity. The regulation of surrogacy must address both legal and ethical challenges, ensuring the protection of the rights of all parties and equality before the law.

Discussion

The primary challenge identified is the absence of a comprehensive regulatory framework governing surrogacy, which generates legal insecurity and undermines fundamental rights, particularly for same-sex families, in violation of Articles 2, Section 2, and 4 of the Political Constitution of Peru. As noted by Castro & Ticse (2023) and Góez (2024), this legal void prevents the State from guaranteeing equal protection for all families, perpetuating situations of discrimination and exclusion.

From a biological standpoint, the research indicates that advancements in assisted reproduction outpace the current legal framework, especially in situations where biological and gestational motherhood do not coincide in the same individual. Authors like Ayala and Roca (2024) and Medina & Regalado (2021) agree on the necessity to update legislation to bridge the gap between science and law, ensuring the protection of all parties' rights involved.

The theory of parental intent, supported by Crockin et al. (2020) and Sydsjö et al. (2019), posits that the desire to be parents should be the central criterion for determining filiation in surrogacy cases, challenging the traditional predominance of biological ties in the assignment of parental rights. This perspective necessitates an adaptation of Family Law to recognize new forms of parenthood and filiation, in line with scientific advancements and current social demands.

From a human rights perspective, the lack of legal recognition for diverse families and discrimination in access to assisted reproductive techniques constitutes violations of the principles of equality and non-discrimination enshrined in international treaties ratified by Peru. This urgency for inclusive legislation is highlighted by the Inter-American Commission on Human Rights (CIDH, 2022), Molina and Torres (2022), and Crockin et al. (2020), who stress the need for equal access to assisted reproduction and full recognition of same-sex families.

Social constructivism regarding family, supported by Berkowitz (2020), Sydsjö et al. (2019), and Fantus (2020), argues that legal definitions of family must evolve to reflect contemporary social realities, including families formed through surrogacy and other reproductive technologies. This perspective challenges Family Law to adapt and effectively protect the existing diversity of families in Peruvian society.

The theory of reproductive rights and bodily autonomy, backed by Kneebone et al. (2022) and Fabian (2023), argues for the legal recognition of these rights to extend to surrogacy, balancing reproductive autonomy with the protection of all parties' rights, especially the best interests of the child. However, this recognition generates constitutional tensions between private autonomy, human dignity, and child protection, necessitating careful and specific regulation.

In light of these challenges, the literature proposes solutions aimed at creating a comprehensive legal framework based on ethical and human rights principles. Simental & Ortega (2022) advocate for the development of specific legislation regulating surrogacy, establishing clear legal figures for intended parents, surrogates, and

children's rights, along with procedures for determining filiation and constitutional control to prevent exploitation of surrogate mothers.

Callejas (2023) suggests adopting a comparative approach based on experiences from other Latin American countries, while Ricaurte (2022) emphasizes the need for an interdisciplinary approach involving experts in law, bioethics, and psychology to comprehensively address the biological, legal, and ethical aspects of surrogacy.

Regarding discrimination based on sexual orientation, the sociocultural evidence of discrimination faced by the LGBTQI community in Peruvian society—such as homicide rates among LGBTQ individuals, mental health issues, lack of access to specific health services, limited access to public goods and services, and the fear reflected in the magnitude and importance of institutional violence—illustrates the urgent need to reform existing laws in Peru related to these issues.

Fantus & Newman (2022), Sydsjö et al. (2019), and Berkowitz (2020) agree that existing norms lack specificity and, rather than ensuring access, restrict it for LGBTQI individuals interested in pursuing surrogacy. The creation, modification, and reform of potential laws would not only entail changes in regulations but also the monitoring of their proper enforcement by the State.

Furthermore, Olaye et al. (2023) point out that the history of discrimination and violence experienced by the LGBTQI community affects the national family culture. Stereotypical and erroneous information, along with fear of differences, cultivates an environment for domestic violence, particularly feminicides, as violence and abuse become normalized and minimized. Thus, while the State has made this reality visible, it is insufficient: it is imperative that this suffering and violation of rights be confronted, made visible, and fought against by civil society as a social issue affecting all members of the nation.

Conclusions

Normative integration and constitutional control in Peruvian Family Law face significant challenges regarding surrogacy and discrimination based on sexual orientation. These challenges include the need to adapt legal frameworks to recognize parental intent, broaden definitions of family, protect reproductive rights and bodily autonomy, and ensure non-discrimination. The Peruvian legal system must evolve to address these issues in ways that respect constitutional principles of equality and family protection while adapting to the changing realities of society and advancements in reproductive technology.

Additionally, the normative gaps and constitutional controversies in Peruvian Family Law concerning surrogacy are significant and complex. Addressing these challenges requires a comprehensive approach that considers constitutional principles, advancements in reproductive technology, and Peru's international human rights obligations. There is a clear need to develop specific legal frameworks regulating surrogacy, subject to rigorous constitutional control to ensure alignment with fundamental principles of Peruvian law and international human rights standards.

Lastly, forms of discrimination based on sexual orientation within the family context in Peru are diverse and complex, affecting various fundamental rights guaranteed by the Constitution and international agreements. Addressing this issue requires a comprehensive approach that includes legal reforms, inclusive public policies, and efforts to change social attitudes. It is imperative for the Peruvian legal system to evolve to recognize and protect family diversity, in accordance with the constitutional foundations of equality, non-discrimination, and protection of the family in its various manifestations.

References

- Arévalo Martos, C. R. (2022). La maternidad subrogada en la reproducción humana asistida. *Ius Inkarri*, 11(11), 87–125. <https://doi.org/10.59885/iusinkarri.2022.v11n11.04>
- Ayala, E. V., & Roca, A. R. (2024). Entre elecciones y decisiones. La genética en familias homoparentales por gestación por sustitución en Argentina. *Ciência & Saúde Coletiva*, 29(4). <https://doi.org/10.1590/1413-81232024294.19122023>
- Berkowitz, D. (2020). *Gay Men and Surrogacy*. In: Goldberg, A.E., Allen, K.R. (eds) LGBTQ-Parent Families. *Springer, Cham*. https://doi.org/10.1007/978-3-030-35610-1_8
- Callejas Arreguin, N. A. (2023). Maternidad subrogada en México y Brasil, un estudio jurídico comparado entre dos naciones latinoamericanas. *Revista De Bioética Y Derecho*, (59), 165–179. <https://doi.org/10.1344/rbd2023.59.42210>
- Castro Pérez, L., & Ticse Alfaro, D. (2023). Maternidad subrogada y filiación en el anteproyecto de la reforma del código civil peruano. *Dustin Douglas Ticse Alfaro, editor*. <https://doi.org/10.13140/RG.2.2.25699.84003>
- Córdova Morillo, G. C. (2026). Surrogacy and unequal treatment based on sexual orientation: regulatory challenges in the Peruvian family. *Revista InveCom*, 6(1). 1-8. <https://zenodo.org/records/15675202>

- Cerpa-Reyes, C., Vargas-Toledo, M., & García-Betanzo, V. (2023). Orientación sexual, identidad de género y participación de estudiantes: Creencias de docentes. *Revista latinoamericana de educación inclusiva*, 17(2), 177-191. <http://dx.doi.org/10.4067/s0718-73782023000200177>
- Comisión Interamericana de Derechos Humanos (CIDH). (2022). *Informe sobre los derechos de las personas LGBTIQ+ y la discriminación en las Américas*. CIDH. <https://www.oas.org/es/cidh/informes/pdfs/LGBTI-ReconocimientoDerechos2019.pdf>
- Correa da Silva, W. (2023). La protección del interés superior de la persona menor nacida en supuestos de maternidad subrogada. *Revista de Direito Internacional*, 20(2). <https://doi.org/10.5102/rdi.v20i2.9099>
- Crockin, S. L., Edmonds, M. A., & Altman, A. (2020). Legal principles and essential surrogacy cases every practitioner should know. *Fertility and Sterility*, 113(5), 908-915. <https://doi.org/10.1016/j.fertnstert.2020.03.015>
- Fabian Carrillo, A. (2023). Maternidad subrogada, cuestionamientos. *Revista Universidad y Sociedad*, 15(3), 499-508. http://scielo.sld.cu/scielo.php?script=sci_arttext&pid=S2218-36202023000300499&lng=es&tlng=es
- Fantus, S. (2020). Experiences of gestational surrogacy for gay men in Canada. *Culture, Health & Sexuality*, 23(10), 1361-1374. <https://doi.org/10.1080/13691058.2020.1784464>
- Fantus, S. (2021). Two men and a surrogate: A qualitative study of surrogacy relationships in Canada. *Family relations*, 70(1), 246-263. <https://doi.org/10.1111/fare.12450>
- Fantus, S., & Newman, P. A. (2022). The procreative identities of men in same-sex relationships choosing surrogacy: A new theoretical understanding. *Journal of Family Theory & Review*, 14(2), 254-274. <https://doi.org/10.1111/jftr.12456>
- Góez Colorado, J. P. (2024). Efectos negativos de la ausencia de regulación de la maternidad subrogada en Colombia. *Opinión Jurídica*, 23(49), 1-28. <https://doi.org/10.22395/ojum.v23n49a41>
- Gómez Rúa, N. E., & Mora Sánchez, H. V. (2023). La gestación subrogada y la licencia de maternidad según la Corte Constitucional. *CES Derecho*, 14(2), 1-4. <https://doi.org/10.21615/cesder.7470>
- Guío Camargo, R. E., & Woolcott Oyague, O. (2024). Confrontación de principios en la regulación de la maternidad subrogada: Mirada desde la experiencia comparada y el derecho colombiano. *Revista chilena de derecho y ciencia política*, 15. <http://dx.doi.org/10.7770/rchdcp-v15n1-art400>
- Kneebone, E., Beilby, K., & Hammarberg, K. (2022). Experiences of surrogates and intended parents of surrogacy arrangements: a systematic review. *Reproductive Biomedicine Online*, 45(4), 815-830. <https://doi.org/10.1016/j.rbmo.2022.06.006>
- Mantilla Yarango, D. E. (2023). Maternidad subrogada: entre Dignidad humana y autonomía privada. *Chomancap Revista Jurídica*, 1(1), 105-127. <https://doi.org/10.61542/rjch.22>
- Martínez Muñoz, K. X., & Rodríguez Yong, C. A. (2021). La maternidad subrogada: tendencias de regulación en Latinoamérica. *Jurídicas*, 18(1), 74-90. <https://doi.org/10.17151/jurid.2021.18.1.5>
- Medina Gamero, A. R., & Regalado Chamorro, M. E. (2021). La maternidad subrogada: ¿una controversia ética? *Atención Primaria Práctica*, 3(3), 100096. <https://doi.org/10.1016/j.appr.2021.100096>
- Molina Ricaurte, C., & Torres Buelvas, J. (2022). Male same-sex couples and surrogate motherhood: at a crossroads. *Ius et Praxis*, 28(3), 155-170. <https://dx.doi.org/10.4067/S0718-00122022000300155>
- 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>
- Pretell, B. F. A. (2024). Estudio integral de las implicancias jurídicas de la maternidad subrogada en el ordenamiento jurídico peruano. *YACHAQ*, 7(1), 210-233. <https://doi.org/10.46363/yachaq.v7i1.9->
- Ricaurte, C. J. M. (2022). La maternidad subrogada: retos para el derecho en un mundo globalizado. *Revista de Direito Sanitário*, 22(2). <https://doi.org/10.11606/issn.2316-9044.rdisan.2022.185547>
- Rúa, N. E. G. & Jaramillo, S. H. (2023). Gestación subrogada: un análisis de la regulación en algunos países de américa latina. *Estudios Socio-Jurídicos*, 25(2). <https://doi.org/10.12804/revistas.urosario.edu.co/sociojuridicos/a.12781>
- Salas Valdivia, C., Carpio Valderrama, G., Bernedo Moscoso, A. A., Torres Flor, A., y Berríos Garaycochea, M. (2022). Adopción embrionaria: estado de la cuestión ético-jurídica en el Perú. *Persona y Bioética*, 26(2). <https://doi.org/10.5294/pebi.2022.26.2.7>
- Simental Franco, V., & Ortega Laurel, C. (2022). La maternidad subrogada. Anomias y antinomias en la legislación mexicana. *DIKE Revista de investigación en Derecho y criminología*, 31, 1-34. <http://dx.doi.org/10.32399/fder.rdk.2594-0708.2022.31.1865>
- Sydsjö G, Skoog Svanberg A, Lampico C. (2019). Cross-border surrogacy: Experiences of heterosexual and gay parents in Sweden. *Acta Obstet Gynecol Scand*, 98, 68 – 76. <https://doi.org/10.1111/aogs.13456>
- Córdova Morillo, G. C. (2026). Surrogacy and unequal treatment based on sexual orientation: regulatory challenges in the Peruvian family. *Revista InveCom*, 6(1). 1-8. <https://zenodo.org/records/15675202>

Zambrano, K. G. (2025). Género y diversidades: derecho constitucional a la identidad en niñez desde una perspectiva de los feminismos deconstructivistas. *Revista Científica de Educación Superior y Gobernanza Interuniversitaria Aula 24*, 1(1), 126-139. <https://doi.org/10.56124/aula24.v7i1.008>

Córdova Morillo, G. C. (2026). Surrogacy and unequal treatment based on sexual orientation: regulatory challenges in the Peruvian family. *Revista InveCom*, 6(1). 1-8. <https://zenodo.org/records/15675202>