



## WHERE WE STAND: SURROGACY

**Merched Cymru believes that surrogacy is a form of exploitation against women and children. It is a human rights violation, inherently abusive and damaging to both the mother and child. As long as the buying and selling of babies exists, and women's wombs are seen as 'for rent', women will never achieve true equality.**

### Human Rights

For too long surrogacy has been viewed through the lens of the powerful and those with money. This gives a false picture of how it affects the women and children involved. We understand and in no way negate the deep longing that many people have to be parents. Yet, as with many desires there must be limits. An important marker for identifying what those limits should be is human rights, specifically those of women and children.

We believe that surrogacy should be stopped because it is an abuse of women and children's human rights. It is particularly concerning how the UN Rights of the Child<sup>1</sup> can be so quickly ignored and how buyers expect a woman to sign away her rights as a mother before the baby is born and without ever seeing the child.

No one has a right to a child, no matter their sex, sexuality or relationship status.

Merched Cymru does not accept that there is a difference between commercial surrogacy and 'altruistic' surrogacy. The notion of 'altruistic' surrogacy is a red herring, as if only the giving of money makes the transaction exploitative. In fact, they are both based on a model of exploitation, and both carry the same risks for mother and children.

### The Law

Surrogacy law is complex in the UK.<sup>2</sup> It is legal, but a surrogacy agreement cannot be enforced by the law. The birth parents of a child born through surrogacy will be recognised as the legal parents at birth but legal parenthood can be transferred by parental order or adoption after the child is born.

You cannot advertise for a surrogate or pay a surrogate mother, but reasonable expenses are allowed. However, 'reasonable' has not been defined. This is purchasing a baby by stealth.

Surrogacy is currently subject to a Law Commission Review after going out to public consultation. This is expected to result in a range of reforms which will create more 'certainty' around the issue. This will inevitably result in 'certainty' for the business model; enabling the purchasing parents to take ownership of the baby without hassle. However, for the mother and child there can never be certainty. Many things can go wrong.

### UN Report

The UN Special Rapporteur on the sale and sexual exploitation of children, made clear in her 2018 Report<sup>3</sup> that to comply with the Convention on the Rights of the Child (CRC), surrogacy legislation *must* ensure a number of safeguards to protect the birth-mother and child. The proposals the UK has made stand in direct opposition to these guidelines.

The UK wants to:

- Remove all restrictions on advertising
- Give immediate parental rights to the purchasing parents
- Remove all rights from the birth mother prior to giving birth
- Set the age at which a woman can be a surrogate to 18 years
- Allow legal surrogacy agencies and businesses to be set up as brokers
- Remove any limit on how many times a woman can be a surrogate

Removing all restrictions on advertising will normalise surrogacy and lead to a rise in demand – as is currently happening in the US. Facebook and Google will bombard young women with a rosy picture of how much money can be made. The more complex emotional and physical reality, and the ethical issues raised by the commissioning and purchase of a child, are not considered.

If passed, these reforms will normalise the commissioning and purchase of children and send out a message that for women, it is a reasonable way of solving financial problems.

### Exploitation

Surrogacy often depends on the exploitation of poorer women. In most cases, it is the poor who have to sell and the rich who can afford to buy. These unequal transactions result in consent that is under-informed if not uninformed, low levels of payment, coercion, poor health care, and severe risks to the short- and long-term health of women who carry surrogate pregnancies. The richer West has created an industry in surrogacy in poorer countries; citizens of countries such as the UK and the US dominate as buyers in countries like India and Nepal. These countries do not want their female citizens to become the baby factories of the world and the West need to take action to stop this from happening. As ever, the rights of the rich and powerful take precedence over poor, young, marginalised women and girls. The inherent racism involved in surrogacy is also stark.

The exploitation of women's reproductive capacities has far-reaching implications. Surrogacy has been awash with abuse, exploitation and scandals for decades, including stories such as the infamous 'Baby M' case, where the birth-mother changed her mind and was forced to hand over her baby against her will, disabled babies being handed back to the birth-mother, birth-mothers dying, and baby factories in Asia.

There are many parallels with organ harvesting, which is rightly seen as unethical. Poverty acts as a gun to the head.

Merched Cymru believes that high profile celebrities who bask in the limelight with their children born through surrogacy are providing a false narrative around the issue which normalises and celebrates this trade, and which erases the harm involved. 'Altruistic' surrogacy only accounts for a small proportion of all cases but is the predominant media narrative. A child's eye colour, hair colour, sex, ethnicity and more can all be ticked off like a matching accessory that can be bought at will. Behind all this is the commodification of human beings and an industry that buys and sells babies.

### Risks

The medical process for surrogacy entails risks for the surrogate mother, the young women who sell their eggs, and the children born via the assisted reproductive technologies employed. The risks to women include Ovarian Hyper Stimulation Syndrome (OHSS), ovarian torsion, ovarian cysts, chronic pelvic pain, premature menopause, loss of fertility, reproductive cancers, blood clots, kidney disease,

stroke, and, in some cases, death. Women who become pregnant with eggs from another woman are at higher risk for pre-eclampsia and high blood pressure.<sup>4</sup>

Children born of assisted reproductive technologies, which are usually employed in surrogacy, also face known health risks that include: preterm birth, stillbirth, low birth weight, foetal anomalies, and higher blood pressure. A surrogate pregnancy intentionally severs the natural maternal bonding that takes place in pregnancy—a bond that medical professionals consistently encourage and promote. The biological link between mother and child is undeniably intimate, and when severed has lasting repercussions which are felt by both mother and child. This happens in both commercialised and altruistic exchanges.

In places where surrogacy is legalised, these potential harms are institutionalised – part of the transaction. Children can be born with abnormalities, for example, have been given back to the birth mother by the buying parents. Children commissioned by couples have remain ‘uncollected’ when the couple separate. Buyers can change their minds. The mother and child cannot. In the surrogacy marketplace, children, like ‘faulty or unwanted products’, are rejected if things go wrong.

### **Banning Surrogacy**

In a ground-breaking decision in 2021, Sweden took a firm stand against surrogacy. This included banning all surrogacy, commercial as well as altruistic, and taking steps to prevent citizens from going to clinics abroad.

In early 2021, feminist and human-rights activists from all over the world met in Paris to sign the charter against surrogacy, and the European Parliament has also called on states to ban it. Merched Cymru supports this action.

Commodifying women and children devalues the individuals concerned and changes the way we view and treat them. Children are seen as property, products designed to order, not as full members of society. This is profoundly damaging and undermines all the work being done globally to safeguard and improve the rights of children.



**Merched Cymru believes that patriarchal attitudes are woven so deeply into the fabric of our lives that many cannot see the effects of renting out wombs and the buying and selling of babies, and many others choose to turn away rather than face them. We support a different world; one where women can choose and enjoy pregnancy and motherhood free from exploitation and abuse.**

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<sup>1</sup> [www.ohchr.org](http://www.ohchr.org) | <sup>2</sup> [www.gov.uk](http://www.gov.uk) | <sup>3</sup> [www.ohchr.org](http://www.ohchr.org) | <sup>4</sup> Human Fertilisation & Embryology Authority 2018

Further reading;  
[www.nordicmodelnow.org](http://www.nordicmodelnow.org)  
International Coalition for The Abolition of Surrogate Motherhood  
MBRRACE -UK Report 2019