

Online discussion on surrogacy WHRC - Germany 10/01/2021

Thank you very much to WHRC Germany to invite me to talk on surrogacy.
I have been involved in this difficult question for nearly 10 years.

This presentation will go over 2 main topics:

- How cross-border surrogacy cancels national legislation prohibiting surrogacy.
- In what way is surrogacy to be included among violence against women?

And then I will give you a few informations about our international feminist Coalition fighting against surrogacy.

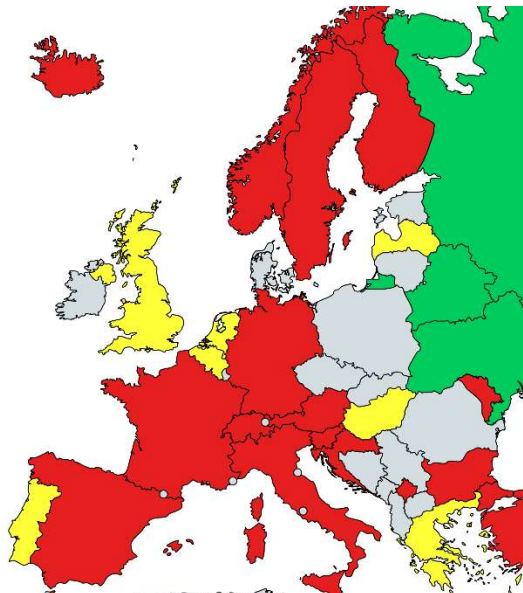
HOW TO WE DEFINE SURROGACY

Let's have a very simple definition of surrogacy

Surrogacy is a practice:

- ✓ of recruiting a woman,
- ✓ whether for money or not,
- ✓ to bear one or more children,
- ✓ whether or not conceived with her own oocytes,
- ✓ for the purpose of handing them over to a person or persons who wish to be assigned as parents of those children.

AT THE INTERNATIONAL LEVEL, WHAT DO WE SEE?



In Europe, the practice of surrogacy is banned in about twenty countries: the countries in red.

In yellow surrogacy is regulated,

in green are the countries allowing commercial surrogacy.

BUT THIS BAN IS VERY FRAGILE

the pressure on states to end the ban on surrogacy is the same nearly everywhere
The media present the practice in a deceptive way as a major medical and social breakthrough.
Polls are launched to work on public opinion in favour of its regulation.
In Germany also there is a pressure to regulate surrogacy as shown here

WHERE SURROGACY IS REGULATED, THERE IS A STRONG PRESSURE TO WEAKEN THE LAW

The United Kingdom has the oldest law regulating surrogacy: the 1985 Act. Since October 2019 There is a national consultation for change the law. The aim is clearly to remove all the restrictions provided for by the law in order to bring it closer to commercial practices. For example, the surrogate mother has 6 weeks after the birth of the baby to decide to give the baby away (or to keep it). There is a pressure to get away with this article of the law

In Greece, the law on surrogacy was issued in 2002. To prevent trafficking, it provided that both the intended parents and the surrogate mother had to be permanently resident in Greece. This restriction was lifted in 2015, making Greece a sought-after destination for its low cost and the good level of medical services.

In the United States two states switched recently from regulated to commercial surrogacy. Washington state and more recently New York state.

CROSS-BORDER SURROGACY IS A WAY TO BY-PASS ANY PROTECTIVE LEGISLATION

If Surrogacy is banned, cross-border surrogacy is available.

Clients are looking either for “quality” and they turn to the United states or to Canada or they are looking for low cost places like Russia, Ukraine or to new places like Kenya for example.

The promotion of surrogacy is rarely meant to meet the needs and interests of the national population. It is developing under the pressure of the globalized market.

If surrogacy, as a protection of women and children, is prohibited in most European and now in most Asian countries, why should it be tolerated outside? Why do we have a double standards? How can we stand that categories of women are being exploited and instrumentalized as breeders, as baby producers?

OUR FEMINIST POINT OF VIEW

Surrogacy is a high potential market. It is a potential market for lawyers, for clinics, for the medical industries, for brookers. We don't see any human concern in it.

For us, regulation is not a solution.

It implies that a category of women are used as breeders. Some of you might have read the book of Margaret Atwood: The Handmaid's Tale which is a good picture of what surrogacy is.

And also regulation helps make the practice socially acceptable

Therefore we came to the conclusion that banning surrogacy is a matter of human dignity and the only solution.

Now we are going to zoom on a specific aspect of surrogacy:

SURROGACY, A VIOLENCE AGAINST WOMEN

Let's read now the official definition of Violence.

Declaration on the Elimination of Violence Against Women, adopted by the United Nations General Assembly in 1993

“any act of gender-based violence that results in, or is likely to result in, **physical, sexual, or psychological harm or suffering to women**, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life”.

SURROGACY A MEDICAL VIOLENCE AND NOT A MEDICAL SOLUTION

Most people think surrogacy is a medical practice ranking as an assisted reproductive technology. It is not. It is a social and commercial practice. The only medical part in it is the IVF procedure (In vitro Fertilization).

Does surrogacy cure anybody?

It does not cure the commissioning parents

It doesn't cure the surrogate mother

The surrogate mother is a women:

in good health

without any desire to have children

She will undergo heavy medical treatments and risk her life

She has to relinquish most of her rights during the procedure according to the contract

THE SURROGATE MOTHER HEALTH IS AT RISK AT ALL STAGES OF THE PROCESS

This risks are well documented

Before pregnancy

Surrogate mothers are overmedicalized with hormones, antibiotics and so on to improve the IVF success rate (a commercial argument for the bookers and the clinics.).

During pregnancy

Surrogate mothers have to undergo Intrusive practices. They are often unnecessary, but carried out for the sole pleasure/comfort of the commissioning parents, like uterine ultrasounds, amniocentesis,

There are higher risk in surrogacy according to a study than in a usual pregnancy (Peters, Henrike & al. (2018), „Gestational surrogacy: results of 10 years of experience in the Netherlands”)

For example high risk of preeclampsia. If we have time we will talk about Preeclampsia. It helps understand why surrogacy is a high risk practice.

At delivery

The modalities of delivery like C. section can be decided by the commissioning parents (India, United States, Ukraine, Greece)..

THERE ARE ALSO OTHER FORMS OF VIOLENCE INVOLVED IN OR GENERATED BY SURROGACY

This sort of violence are now well documented

Psychological violence

Risk of anxiety or depression - study S. Golombok "The psychological well-being and prenatal bonding of gestational surrogates", Hum Reprod. 2018 Apr; 33(4): 646-653

Economic violence

Using economic inequalities to take advantage of women - negotiating price/ services. Require twins to optimize the surrogacy cost.

Contractual violence

Contracts allow clients to request and obtain confidential information, which is illegal.

Physical violence

Human trafficking for reproductive purposes. We read about cases in Ukraine, Greece, Myanmar and recently in Senegal

WHY AN INTERNATIONAL ORGANIZATION?

Being conscious that surrogacy has to be dealt with at an international level we organized an international conference in Paris in 2016 and then launched a few campaigns against surrogacy.

But campaigning was not enough and two years later we decided to set up a dedicated feminist organization: ICASM International Coalition for the Abolition of Surrogate Motherhood.

Starting with 4 founding members we have now 36 organizations members in 11 countries. Feminist organizations are more and more aware that surrogacy is against women's rights

Lately, 250 feminist organizations and 2100 individuals from 55 countries supported our draft international convention for the abolition of surrogate motherhood.

Status extract.

The Association thus created is defined as a structure that promotes the rights of women on feminist positions and in particular:

- **equality between men and women;**
- **emancipation and autonomy of women;**
- **legal access to abortion and contraception;**
- **equality between heterosexual and homosexual.**



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