

Surrogacy is a contract for providing 4 conception, pregnancy, abandonment and delivery of a child by a woman to one or more intended parents.

1 SURROGACY ESTABLISHES THE DELIBERATE ABANDONMENT OF A CHILD

The surrogate mother is merely carrying the child she must abandon at birth to deliver him or her to the intended parents. This goes against all the studies conducted over several decades that show the importance of physiological and emotional bonds created between the mother and the child during the pregnancy, and the influence of pregnancy on the mother and on child. The experience of adoption shows **how the separation of a child from the one who carried him is a test** for him as for the mother who has to leave him. To deliberate.

2 SURROGACY RESTRICTS WOMEN'S FREEDOM

To ensure that the child will meet all the standards set, **the mother is closely monitored during her pregnancy**. This can be done by various means, and in some cases in a coercive manner. In the United States for example, contract clauses explain in detail what the mother can do or eat during pregnancy and what she can't do or eat, to a point that can be very restrictive. In many countries, the agency shall regularly monitor the mother, sometimes with daily visits. Psychological support can also be a means of surveillance.

3 SURROGACY ENDANGERS THE MOTHER

Maternal mortality remains high in some countries, including India. Two cases were published in 2012: in May, a woman died after she gave birth to a child for an American couple. In autumn, another woman died after the birth of twins to a Norwegian couple, because she caught hepatitis during her pregnancy. (*Time of India, 17 May 2012; The Guardian, 5 June 2012...*)

4 SURROGACY BREAKS THE PARENTAGE OF THE CHILD

The parentage of the child is deliberately split between gamete providers, the surrogate mother and the intended parent(s). **Thus, a child can have up to six parents:** the genetic mother (oocyte donor), the genetic father (sperm donor), the surrogate mother, her husband (presumption of paternity) and finally the intended parents. This is contrary to the child's right to know and live with his or her mother and father. (Art. 7 Convention on the Rights of the Child).

5 SURROGACY GIVES RISE TO INEXTRICABLE LEGAL DISPUTES

Among the causes of dispute are: **the surrogate mother changing her mind**, the intended parents when the couple separates during the pregnancy or if the child is born carrying a handicap. Many questions also arise **if a disability is detected** on ultrasound and if the intended parents want to force the surrogate mother to have an abortion or, conversely, if she wants to abort because of a risk for her own health. Another cause of dispute can be the death of the child before and after birth that will influence the implementation of the surrogacy agreement.

6 SURROGACY LEADS TO PROCREATIVE TRAFFICKING

A glance on the Internet shows **that surrogacy is a market in full expansion:** hundreds of clinics, agencies and girls offer their services in this area. The annual turnover of the breeding market in India was estimated at \$400 million in 2011 and is now **\$2 billion, and \$6.5 billion in the United States.**

SURROGACY TRANSFORMS THE CHILD INTO A GOOD TO BE SOLD

The child is subject to a sales contract. Prices vary between \$25,000 and more than \$100,000. The contracting parties are arrogating **a right of ownership over the child**. The more or less mafia networks involved in the sale of children are not only present in developing countries.

In 2011 in the United States, a children's sales network has been dismantled. It was organized by lawyers who claimed that the children concerned were designed for intended parents who changed their minds. These children were sold \$100,000.

SURROGACY EXPLOITS WOMEN'S BODIES, PARTICULARLY THE POOREST

Women, especially the poor, are merely used for their reproductive capacity. They **rent their uterus to rich intended parents**, by submitting themselves to conditions and to strict supervision.

These young women are required to carry the child and give it up at birth, in exchange of a certain amount of money. After delivery, they will disappear from the child's parentage. An Indian NGO has recently shown that girls as young as 13 years old are used as surrogate mothers.

LEGAL REGULATION IS NOT ENOUGH

In Great-Britain, surrogacy was legalized in 1985. This has absolutely not prevented **many abuses in practice**. Most intended parents circumvent the law by going abroad for a cheaper surrogacy. An investigation conducted in 2011 and published by the Telegraph in 2012 revealed that in a year: 100 surrogacies took place in Great-Britain while 1,000 were made by British outside the country during the same year. Half of them took place in India.

SURROGACY IS CONTRARY TO HUMAN RIGHTS AND INTERNATIONAL LAW

The Convention against Slavery of 1926 states: "Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.»

Article 35 of the Convention on the Rights of the Child prohibit: "**the sale of or traffic in children for any purpose or in any form.**"

Article 1 of the Hague Convention invites: "to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child (...) and thereby prevent the abduction, the sale of, or traffic in children."

SURROGACY MUST BE FOUGHT AS ANY OTHER FORM OF TRAFFICKING OF HUMAN BEINGS

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No Maternity Traffic is an initiative launched by the "International Union for the Abolition of Surrogacy" on 20 November 2014, during the Universal Children's Day. The International Union for the Abolition of Surrogacy is dedicated to working through all legal means to implement the international prohibition of the commodification of the body, especially through surrogacy.

WHAT YOU SHOULD KNOW ABOUT SURROGACY



Projet de rapport et de résolution sur les Droits de l'Homme et questions éthiques liées à la gestation pour autrui.

Commission des questions sociales de l'Assemblée parlementaire du Conseil de l'Europe

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