

Lesbian Persistence

Input to the report of the Special Rapporteur on
Violence Against Women and Girls

on

Surrogacy and violence against women and girls

April 2025

A Scottish civil society organisation
Working to increase the profile of lesbians socially, politically and culturally
lesbianpersistence@gmail.com

Lesbian Persistence

lesbianpersistence@gmail.com

Introduction

Lesbian Persistence (LP) works to raise the profile of lesbians socially, culturally and politically. It is open to any Scottish based lesbian who believes in women's sex-based rights. Our activities include organising social and cultural events, advocating for improved lesbian visibility and rights, and research.

Our position on the practice of surrogacy - both commercial and so called "altruistic" - is that it represents a form of sex-based discrimination and violence against women as it commodifies and commercialises women and our reproductive capacity. It is also a form of commodification and commercialisation of children, who become a "product" obtained through a contract by a commissioning party (a couple or an individual) and the surrogate mother.

This submission highlights the aspects of surrogacy related to the scope of LP's work: the way homosexual individuals (gay or lesbian) are, or may become, part of the demand driving this practice. It also touches on the way that men who identify as "lesbians" contribute to driving demand for surrogacy.

The surrogacy market

Surrogacy is one of the fastest growing global markets, estimated to be generating over USD 200 billion revenue annually by 2034¹. As any market, it requires both demand and supply, and it is the demand side that drives the market expansion. One group of purchasers of babies produced through surrogacy are gays and lesbians; we find the latter to be particularly disappointing considering the harm that surrogacy does to the birth mothers and their children.

There are, today, numerous agencies and 'fertility clinics' around the world that cater specifically to buyers from the gay and lesbian community² (among them "Men Having Babies" has been particularly instrumental in promoting surrogacy among gay men). The dehumanising language used by these agencies to describe the women exploited in surrogacy speaks for itself: e.g. "dwindling supply of well qualified U.S. surrogates"³, and "get a feel for

¹ <https://www.gminsights.com/industry-analysis/surrogacy-market>

² E.g. <https://brilliantbeginnings.co.uk/surrogacy-for-male-same-sex-parents/>; <https://www.gayparentstobe.com/for-gay-men/surrogacy-process>; <https://www.circlesurrogacy.com/intended-parents/who-we-help/lgbtq-parents>; <https://menhavingbabies.org>

³ https://www.fertility-docs.com/programs-and-services/gay-surrogacy/surrogacy-options-for-lgbt-parenthood/?gad_source=1&gbraid=0AAAAADrCswdL77za2_0vl-

the high quality of the young women available”⁴. These agencies usually rely on sexist and racist tropes offering a “choice” of women to be used in surrogacy (for gestation and as egg “suppliers”) based on their genetic characteristics, racial and ethnic features.

Gay and lesbian buyers

While gay men constitute by far the largest segment of LGB buyers of babies through surrogacy, lesbians have also been increasingly participating in this practice. We believe this demand from lesbian women is being driven by two issues.

Firstly, the difficulty lesbians have accessing IVF, which is a very costly and complicated procedure in the UK, and one which many lesbians cannot afford⁵.

Secondly, the rapidly growing number of young lesbians who are being surgically and hormonally sterilised as a result of the homophobic gender-identity movement which encourages them to see themselves as boys, or as non-binary, and to have their breasts removed and/or to take testosterone which can lead to loss of sexual function and atrophy of the womb (often requiring a hysterectomy).

There is a new segment of the surrogacy industry which is developing to cater for this demographic. For example, surrogacy is promoted by the UK’s public health authorities as a form of assisted reproduction for “LGBTQI+” persons and an alternative to IVF.⁶ The British Human fertilisation and embryology authority (HFEA) advises women intending to medically “transition”, to freeze ovarian tissue and eggs. It also provides this recommendation for pubescent children who wish to suppress their sexual development:

“If you haven’t gone through puberty yet and you’re keen to start hormone therapy or puberty suppressing medication as soon as possible, it may be possible for you to store your ovarian tissue or testicular tissue, which can be collected via a surgical procedure. These treatments are experimental and there have only been a very small number of resulting live births worldwide following replacement of the ovarian tissue.”⁷

The HFEA continues, *“If surrogacy is something you may consider in the future discuss this with your fertility clinic before storage.”*

FqRLIOGHPRp&gclid=Cj0KCQjwzYLABhD4ARIsALySuCTh-6VYesvBvqpVveGhIBQbsM_3rYxnwqomRaKMWGoqN8JFR44IkMUaAodEEALw_wcB

⁴ Ibid.

⁶ E.g. England: <https://www.nhs.uk/pregnancy/having-a-baby-if-you-are-lgbt-plus/ways-to-become-a-parent-if-you-are-lgbt-plus/>; Wales:

<https://111.wales.nhs.uk/lgbt/havingchildren/#:~:text=Assisted%20reproduction%2C%20e.g.%20fertility%20treatment,on%20how%20to%20get%20pregnant.>

⁷ <http://archive.today/2025.04.17-191413/https://www.hfea.gov.uk/treatments/fertility-preservation/information-for-trans-and-non-binary-people-seeking-fertility-treatment/>

There has been an exponential increase in young women – most of whom are lesbians – referred to the so-called gender-identity clinics in the UK in the recent years. The surrogacy market is geared to benefit from this segment of “clients”, many of whom wish to become parents at a later stage in their lives.

We are also concerned about the related market in babies for men who have medically or surgically transitioned, and who are now unable or unwilling to father babies. Some may be in relationships with women, that they falsely describe as “lesbian”. Others, however, are in homosexual relationships with other men. This relates to the very large existing market for surrogate babies from gay men mentioned earlier. There have been multiple high-profile examples of this, which have made it seem both acceptable and normal (eg. Elton John and his partner; Tom Daly and his partner).

Lack of safeguarding

There have been cases of gay men suing fertility clinics because a child they obtained via surrogacy turned out to be a girl when they ordered a boy-child⁸. There are also cases of gay men demanding that the woman who is carrying a child for them has an abortion, including one where a newborn was provided with no life-saving treatment, when they discovered the mother had cancer⁹. There also exist cases of gay couples sexually abusing the children they obtained through surrogacy¹⁰. We are aware of at least one instance where a gay couple refused to take custody of the baby after she was born because they had wanted a boy.

Unlike adoption, which typically has strict checks on potential adoptive parents, and follow-up mechanisms to ensure the well-being of an adopted child, surrogate arrangements fall in a grey area of law. They require no verification of either commissioning parents or the child once she or he is handed over to the buyers (and in cross-border surrogacy such verification is unenforceable). This lack of safeguarding alone presents a grave risk to children bought through surrogacy, and creates a fertile environment for intentional child abuse.

Conclusion

Regardless of the route to surrogacy, we believe the impact on the surrogate mothers and on the babies born to them is the same. A woman used in surrogacy is always reduced to a reproductive commodity, whereas the child obtained through surrogacy is always treated as a product.

Lesbian Persistence is firmly opposed to all types of surrogacy, in order to protect both the surrogate mothers and the children born through such arrangements.

⁸ <https://www.cbsnews.com/losangeles/news/same-sex-couple-sues-fertility-clinic-over-alleged-wrong-sex-embryo-implant/>

⁹ <https://www.californiafamily.org/2023/07/gay-couple-demands-surrogate-mother-with-cancer-abort-baby/>

¹⁰ <https://www.smh.com.au/national/couple-offered-son-to-paedophiles-20130630-2p5eg.html>