

Call for input UN Special rapporteur VAWAG Surrogacy april 2025

The Swedish Women's Lobby is a politically and religiously independent umbrella organization for the Swedish women's movement. We bring together 57 associations that together represent over 130 000 women and girls. We work for the liberation of women and girls, their full human rights, and a gender equal society. Everything that we do is based on feminist values and specifically on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and Sweden's national gender equality goals. We have an abolitionist stance on all forms of trafficking in women, including surrogacy. This input has been written by Astrid Carsbring, expert on men's violence against women at the SWL and Susannah Sjöberg, Secretary General at the SWL.

Forms of violence against women and girls

1. What specific forms of violence are women and girls subjected to in the context of surrogacy?

Reproductive violence, as it undermines their reproductive autonomy and therefore constitutes a form of violence.

Economic violence due to financial desperation. In such cases, the compensation the surrogate mothers receive often does not reflect the physical and emotional toll of the process, making it a form of economic exploitation.

Physical violence as surrogacy involves medical procedures that impose serious risks on the woman's body. Being pregnant is in itself a risk for women and if hormonal treatments, embryo transfers etcetera are added this constitutes big risks for the women. When surrogate mothers are not given adequate healthcare or undergo multiple pregnancies, it can amount to physical violence or neglect.

Pregnancy also puts women in a very vulnerable position, which has put women in conflict areas at a greater risk. There are for instance examples of how some pregnant surrogate mothers in the Ukraine were not allowed to leave the country when Russia invaded and war broke out. Furthermore, some surrogate mothers who wanted to stay with their families in Ukraine felt pressured from the buyers and/or the surrogate agency to escape to safer areas. This is a clear exemple as to how their bodily autonomy is compromised either way. The war

also prohibited many buyers to go to Ukraine and pick up the babies, resulting in babies being left without a proper caregiver, potentially traumatizing them for life.

2. How prevalent is the exploitation of women and girls in the practice of surrogacy?

All forms of surrogacy are prohibited in the Swedish healthcare system. The biggest problem in Sweden is however Swedish couples that use Nordic surrogacy agencies¹ that operate abroad - thus enabling Swedes to pay economically disadvantaged women in poorer countries to have babies for them. The agencies have specialized in bypassing and finding loopholes in Swedish laws and aid the buyers in getting the babies to Sweden and to get them adopted by the buyers. Some of these agencies have been around for more than 15 years but are getting increasingly normalized and more and more Swedes use these agencies.

In 2023 the Swedish Women's Lobby released a report mapping and reviewing the Swedish media reporting on surrogacy, called *De Osynliga* (In english *The Invisible Ones*).² It showed that as many as 70 % of all reviewed features and articles about surrogacy describe it in a normalizing way, with a tendency to have a positive bias. Only nine percent of features reported on surrogacy in a critical way. Despite the fact that surrogacy is prohibited in Sweden, only 40% of the material included information on this. It was also clear who was, and was not, visible in the media reporting on surrogacy – only 26% of the articles and features mentioned the surrogate mothers, whilst the buyers were mentioned in 55% of them. Recently the number of babies in Sweden conceived via surrogacy have exceeded the number of babies who come to Sweden via adoption.³

3. To what extent does surrogacy intersect with human trafficking, including for the purposes of exploitation, sale of children, or forced reproductive labour?

There are many reasons to see surrogacy as a form of human trafficking; among other the very fact that it involves the sale and purchase of a child and thus – human beings. There is nearly always a power imbalance between wealthy intended parents (often from abroad) and low-income surrogate mothers that inevitably will lead to coercive situations where women and children are at a huge risk of being trafficked.

CEDAW is very clear about the importance of women's role in procreation. It shall not be a basis for discrimination and women's bodies being exploited in surrogacy is a direct violation of CEDAW. The fact that surrogacy is so common in very poor countries also adds to the importance of recognizing women's vulnerability and protecting their bodies and lives from

¹ For example Tammuz Nordic, Surrogacy Sweden and Nordic Surrogacy

² <https://sverigeskvinnoorganisationer.se/wp-content/uploads/2024/01/De-osynliga-en-granskning-av-medias-rapportering-om-surrogatmoderskap.pdf>

³ [Strandhäll kräver förbud: "Metoden har gått om adoptioner"](#)

this exploitation. Just recently several media reported on officials from Thailand and Georgia investigating a human trafficking ring that a Thai NGO claims to be engaged in harvesting human eggs of Thai women brought to the South Caucasus country.⁴ This shows how surrogacy exposes not only the surrogate mother to trafficking, but other poor women also risk other types of trafficking to supply the reproductive industry with e.g. human eggs. It is also telling that several countries, for instance Nepal, who formerly were big markets for surrogacy, later have made it more regulated, for example prohibiting foreign surrogacy arrangements all together.

4. What are the consequences of surrogacy for all parties involved? What are the gendered risks for surrogacy-born children particularly girls?

The consequences for the surrogate mother are many. Pregnancy always entails many medical risks for the pregnant woman, both physically and mentally, such as for example postpartum depression, blood clots, rupture of membranes and pre-eclampsia. The maternal mortality rate differs from country to country but is never zero. Some medical risks increase with the number of pregnancies, such as the risk of prolapse - which is relevant for surrogate mothers, as surrogacy contracts often require the surrogate mother to have born children before. Medical risks during pregnancy are higher in the case of pregnancies resulting from IVF treatment and with an embryo foreign to the body, which is always the case with surrogate pregnancies. These risks include amniotic fluid embolism, placental abruption, high blood pressure, gestational diabetes, postpartum hemorrhage, need for antibiotics, preterm birth and low birth weight. Surrogate pregnancies also carry higher risks than other pregnancies because of the higher incidence of multiple births and higher rate of caesarean section. Thus, research shows that surrogate motherhood is considered a high-risk pregnancy by definition.⁵

⁴ <https://www.reuters.com/world/georgia-thailand-probing-human-egg-trafficking-ring-2025-02-07/>

⁵ Saravanan (2019). Surrogacy in India: Bioethics, Human Rights and Agency. Paris: L'Observatoire Européen de la NonDiscrimination et des Droits Fondamentaux, [http://europeanobsndfr.org/wpcontent/uploads/etudesetrappports/final surrogacyreport inindia17thjune2019drshe elasaravanan.pdf](http://europeanobsndfr.org/wpcontent/uploads/etudesetrappports/final%20surrogacyreport%20in%20india17thjune2019drshe%20elasaravanan.pdf)

C. Grunewald et al. (2019). Mödradöd i Sverige: vad kan vi lära?, Svensk Förening för Obstetrik och Gynekologi (SFOG).

I. Bergman & M. Ek. "Vaginal prolaps.", <https://www.internetmedicin.se/behandlingsoversikter/gynekologiobstetrik/vaginalprolaps/>, 20230317.

K. Aittomäki et.al. (2016), "Surrogacy: outcomes for surrogate mothers, children and the resulting families – a systematic review.", Human Reproduction Update, Vol. 22, nr. 2, 2016: 260276; Y. Fu et. al. (2022), "Complications Following InVitro Fertilization: Based on National Hospitalized Data in China.", Frontiers in endocrinology, Vol. 13, 20220630.

A.B. Caughey et.al. (2010), "The role of embryonic origin in preeclampsia: a comparison of autologous in vitro fertilization and ovum donor pregnancies.", Obstetrics & Gynecology, Vol. 116, nr. 6, 2010: 13871392; S. Rudrappa.(2014), "Conceiving fatherhood: Gay men and Indian surrogate mothers." i W. Chavkin et.al. (red.) (2014), Globalized Fatherhood; K. Chung et.al. (2017), "Perinatal outcomes after natural conception versus in vitro fertilization (IVF) in gestational surrogates: a model to evaluate IVF treatment versus maternal effects.", Fertility and Sterility, Vol. 108, nr. 6, 2017: 993998; K. Bassett et.al.

Through the contracts, the surrogate mothers also have to give up their right to abortion (if they have that right in their country to begin with) and the contracts often include various lifestyle rules, such as that the surrogate mother must eat certain nutritious food and that she may not work or have sex.⁶ This means that the buyers buy the right to decide over these women's bodies for nine months straight – there are no breaks or vacation from pregnancy. Thus, it is more akin to slavery or prostitution than work.

Like all mothers, surrogate mothers bond with the baby in their womb – which makes the separation from her baby after birth very painful. A study from India showed that almost all surrogate mothers carried sorrow over giving the baby away. This sorrow was also prevalent among the surrogate mothers' own children.⁷ The surrogate mother's own children are often forgotten in discussions on surrogacy; these are children whose mother has to resort to selling her body in surrogacy, which always entails a risk of these children's mother becoming injured, disabled, traumatized, or in the worst case, dead – thus leaving her children motherless. And, as stated above, these children also bond with the baby in their mother's womb, leading them to grief when the baby is given away.

The consequences for children born by surrogacy have arisen as a topic more recently, since more and more surrogacy conceived people are growing up and starting to advocate for their rights. Being treated as a commodity that can be bought and sold of course has impacts on the surrogacy-born children, as well as being separated from the mother immediately after birth. Research clearly shows that maternal-neonatal separation is a trauma for all babies.⁸ Commercial surrogacy is entirely based on separating newborn babies from their mothers, resulting in trauma for both mother and child.

There is also the risk of children born by surrogacy to be sexually abused by the buyers – there are several cases with men that have bought children via surrogacy and then have been convicted of child pornography or sexually abusing children in various ways.⁹ Since girls are especially vulnerable to sexual violence, a conclusion is this risk is greater for surrogacy-born girl children.

(2022), "A Comparison of American Women's Experiences with Both Gestational Surrogate Pregnancies and Spontaneous Pregnancies.", *Dignity: A Journal of Analysis of Exploitation and Violence*, Vol. 7, nr. 3, 2022: Artikel 1.

⁶ Uppdrag granskning, (2018), *De nya surrogatmödrarna*, season 18, episode 4, Swedish Television (SVT), 20181119.

⁷ [\(PDF\) Surrogacy in India: Bioethics, Human Rights and Agency](#)

⁸ [\(DOC\) What Adoption Can Teach Us About Altruistic Surrogacy: Canvassing Neonatal Experience](#)

⁹ [A case exposing the double standards of Norway's CPS - The Sunday Guardian Live](#)
<https://www.svt.se/nyheter/inrikes/skaffade-dotter-via-surrogat-begick-sexbrott-mot-barn>

Surrogacy arrangements have also enabled people unfit to have children otherwise, because of various reasons such as old age, to have children. One case that got a lot of attention in Sweden was of a Swedish couple aged 64 and 69 (far too old to be approved for adoption) when they ordered their babies via the surrogacy agency Tammuz Nordic. The parents themselves realized that they would be too old and tired to take care of these children and had made statements about 'giving them away' when they became older. The children were later on taken into custody by the Swedish Social Services when they were three years old.¹⁰ This happened after people around the elderly couple alarmed the Social Services of the case, the surrogacy agency did not hesitate in taking their money. This case is just one of many that shows how surrogacy enables unethical procedures where children are seen as mere commodities.

To summarize, the surrogate industry is in its core based on separating newborn babies from the mothers who gave birth to them after having gone through high-risk pregnancies, leaving both mothers and children exposed to an alarming number of risks for their health and wellbeing. Such an industry can never be in line with for instance The UN Convention on the Rights of the Child.

5. What link exists between surrogacy and stereotypes against women? How can surrogacy influence the image of women in society?

Surrogacy reinforces stereotypes against women as self-sacrificing Madonnas who give up their own life and well-being for others (in this case, childless people), when in fact, the surrogate mothers often do not have a choice and do it because of poverty, or, in cases of so called altruistic surrogacy, because of pressure to conform to the idea of being a good, loving and self-sacrificing woman.

Surrogacy is also heavily impacted by colonialism, class and race; stereotypes of the "other" women, whose children should be happy to be raised by rich, western parents. Colonial ideas that these women from poor countries are not as attached to their children and can happily give them up.

So called altruistic surrogacy is problematic for the same reasons; it is often said by pro-surrogacy advocates that a sister or friend should be able to carry a baby for someone they love. But asking that of a woman – that she sacrifices her life and wellbeing in a high-risk pregnancy for you to have a baby - is not an act of love. Women are taught to be self-sacrificing, and it can be incredibly hard for a woman to 'deny' a friend or relative asking you

¹⁰ Uppdrag granskning, (2018), De nya surrogatmödrarna, season 18, episode 4, SVT, 20181119. Or <https://www.hemmetsvan.se/ledare/skakande-inblick-i-surrogatindustrin/104901>

to carry a baby for them, especially if she doesn't know the risks of surrogate pregnancies.¹¹ Also, one can never assure that a woman isn't pressured or forced into so called altruistic surrogacy, or that she is paid, or compensated in other ways, in secrecy. We know that women are subjected to all kinds of domestic violence, and the aggressors are often partners or close relatives - i.e. those that should be loving are often women's greatest oppressors. Thus, it is naive not to think that relatives could in various ways pressure a woman to become a surrogate mother.

Drivers of surrogacy

7. What are the main factors driving the demand for surrogacy?

Financial factors – the demand for children is huge all over the globe. Children and women's bodies are one of the most profitable commodities in the world. The dangers of pregnancy makes it appealing for rich western people to pay for some poorer woman to take on these risks instead, but most of the money go to the surrogacy agencies and clinics – not the surrogate mother.¹²

Legal frameworks, safeguards, and jurisprudence

9. What are the legal, policy or regulatory frameworks governing surrogacy in your country?

Surrogacy is not allowed in the Swedish healthcare system, but it is not criminalized either. This has made it possible for Swedes to bypass the Swedish regulation and make surrogacy arrangements abroad. Although it is not allowed Swedes go abroad and have babies with surrogate mothers and when they come back to Sweden the social services allow the babies to be adopted by the non-biological parent. This despite a governmental inquiry from 2016 that stated that Swedish authorities should discourage Swedes from entering into international surrogacy arrangements.¹³

10. How is the requirement to consider the child's best interests reflected and implemented in relevant laws, policies and regulations concerning surrogacy?

11. How is the child's right, wherever possible, to know and be cared for by his or her parents (Article 7.1 of the UN Convention on the Rights of the Child) taken into account in relevant laws, policies and regulations regarding surrogacy?

¹¹ [I was an altruistic surrogate and am now against ALL surrogacy | Nordic Model Now!](#)

¹² International Coalition for the Abolition of Surrogate Motherhood (ICASM), "Fact sheet: Surrogacy in Figures", <http://abolitionms.org/en/ressourcesen/factsheets/thematicfilesurrogacyinfigures/>

¹³ SOU 2016:11. Olika vägar till föräldraskap, s.385ff, 445f.

It is not properly taken into account – since surrogacy innately goes against this right of the child, simply allowing for surrogacy goes against it.

Recommendations

15. What steps should States, regional bodies, and international institutions take to address violence and other human rights violations and abuses linked to surrogacy?

The Swedish Women's Lobby has an abolitionist stance on surrogacy as a form of trafficking of women and children. Since a government enquiry from 2016 stated that no form of surrogacy should be allowed in Sweden, a next step should be to actually criminalize it, and in doing so also criminalize the act of buying children via surrogacy abroad. The inquiry also stated that Swedish authorities should discourage Swedes from entering into international surrogacy arrangements.

16. How can international cooperation be improved to prevent, investigate, and hold perpetrators to account for violence and other human rights violations and abuses in connection with surrogacy?

Law enforcement agencies, social services, judicial agencies and governments must cooperate to find the perpetrators and hold them accountable. Countries such as Sweden where surrogacy is prohibited must ensure that the social service agencies follow these laws. The Swedish government could for instance have national campaigns on the fact that surrogacy is not allowed and the same could be done by other governments that want to ensure women are not exploited through surrogacy.

17. How can existing international human rights instruments be leveraged to address the human rights concerns related to surrogacy?

Several international human rights laws can be used to address the harms of surrogacy, for example concerning women's reproductive rights, including the right to bodily integrity and bodily self-determination. To sign away the right to self-determination and expose oneself to physical, medical and psychological risks for the sake of someone else is contrary to the principle of human dignity, which is enshrined in the Universal Declaration of Human Rights (Article 1) and in the EU Treaty on European Union (Article 2) and the Charter of Rights (Article 1).

Several articles of the CRC are applicable, for example Article 7, which states that children have the right to know who their parents are and to receive their care and Article 9, which states that children shall not be separated from their parents.

Also, the UN Declaration on Medical Ethics states that technological advances in medical science must be ethically sound and respect human dignity and human rights and freedoms

– which surrogacy clearly does not.

Agreements that require the surrogate mother to eat healthily and restrict her right to move freely and gainful employment during pregnancy are contrary to the UN Universal Declaration of Human Rights, (e.g. Articles 9 and 14).

18. Should the possibility of developing a dedicated international instrument governing surrogacy be explored, and if so, what form should it take?

Surrogacy, both altruistic and commercial, should not be allowed in any countries around the world. We advocate for the total ban of surrogacy in all the UN countries in accordance with the CEDAW-convention and The UN Convention on the Rights of the Child.

19. Should a specific international instrument focus on banning or regulating surrogacy?

It should focus on banning surrogacy completely, both altruistic and commercial surrogacy, as it is a violation of women's human rights and freedoms and a form of human trafficking of women and children. Such an instrument should not e.g. minimize the risks of surrogacy in order for it to proceed, or in other ways normalize it.