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To

Reem Alsalem

UN Special Rapporteur on Violence against Women and Girls

hrc-sr-vaw@un.org Surrogacy and violence against women and girls

Dear Ms Alsalem,

We want to begin by thanking you very much for addressing the important topic of surrogacy and violence against women and girls. Far too often surrogacy is seen as some kind of liberal harmless and indeed 'beautiful' service that kind women do who give babies to 'desperate' infertile people. In reality, surrogacy is an international billion-dollar ruthless industry that causes great harm to women and children born from surrogacy and is a *grave human rights violation* of the women, children and egg 'donors' involved.

FINRRAGE has been an international group criticising reproductive technologies and genetic engineering since the 1980s. Many FINRRAGE members have contributed to books, e.g. [*Surrogacy: A Human Rights Violation*](#); [*Broken Bonds: Surrogate Mothers Speak Out*](#); [*Towards the Abolition of Surrogate Motherhood*](#).

This Submission comes to you from our Australian branch.

We begin by answering your questions with brief comments:

Forms of violence against women and girls

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

Birth mothers and children born from surrogacy are exploited and commodified and often trafficked. The product 'child' is sold to the baby buyers(s) or their agents or other middlemen. Surrogacy breaches multiple UN Conventions (e.g. Convention on the Rights of the Child, Slavery Convention). So called egg donors risk grievous harm to their bodies. Newborn babies removed from their mothers risk life-long attachment problems.

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

Exploitation is everywhere including in so-called altruistic surrogacy. Here women are pressured to risk harm to their health (and even death) to begin a pregnancy for foreigners (or relatives) out of love and being 'kind'. This is patriarchal exploitation of the worst kind pinning women down into servitude due to, supposedly, our 'innate' female nature. Egg 'donors' risk the same kind of harm plus the child(ren) born

mostly never know where half their genes come from and have no way of finding out. This can lead to medical problems being ignored (or unknown).

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

In many instances, both embryos and then the babies are trafficked, often across national boundaries, e.g. embryos are created in Israel with eggs 'harvested' in the USA, flown to Cyprus where a woman trafficked from Moldova has the embryo inserted in her womb. She returns to Moldova for the duration of the pregnancy, but then gives birth in Greece from where the child is flown to their Israeli baby buyers.

4. What accountability mechanisms exist to provide redress and protection for women and children who are victims or at risk of violence, coercion, or abuse in the context of surrogacy?

Even in countries where some kind of regulations of surrogacy exists, the protections for mothers and children are minimal. Often, if the pregnancy fails, women are not paid. Or, if more than one embryo was implanted or if the growing child shows a disability, the baby buyers can force the so-called surrogate (a misnomer) to undergo selective reduction or abortion even if it goes against her (religious) beliefs. Should she wish to keep the child once s/he is born, she mostly cannot afford the lawyers. If she has ongoing medical problems after the pregnancy, no one pays for medical costs. If cancer develops from the dangerous hormones she had to take, neither the surrogacy agency, IVF clinic, middlemen, or the baby buyers will look after her and pay the bills. If she dies during her surrogacy pregnancy, nobody compensates her children emotionally or financially.

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

Women and children are harmed: physiologically and psychologically. It is well known that pregnancies undertaken with 'foreign' embryos lead to much greater health risks for the pregnant woman (e.g. gestational diabetes, placenta praevia, placental abruption etc). If the baby buyers (called 'commissioning parents') separate during the pregnancy and don't want their take-away child anymore, the child(ren) may end up stateless and in orphanages. Girl children are particularly endangered as they risk being sold into sexual slavery. There are many examples of single or coupled men expressly commissioning a girl child via surrogacy with sex selection so they can abuse her. They also order boys to abuse them.

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

Surrogacy encourages deeply patriarchal stereotypes of women: we are all kind and giving, we put our health (and indeed life) at the backburner for anyone else. We relinquish children grown of our own flesh and blood to foreigners without any problems, regret or grief. Surrogacy re-enforces sex stereotypes that feminists have tried to tear down since the Women's Liberation Movement in the 1970s. Surrogacy is a deeply regressive and disempowering act for women. Surrogacy is not about 'choice' as pro-surrogacy groups opine. Many women still feel compelled to uphold

the stereotypical female 'kind and caring' personality, and comply with baby buyers' wishes. In the case of commercial/paid for surrogacy, it is mostly poor (not affluent) women who are recruited as surrogates: trying to get some money for their and their children's survival is not choice. On top of that they only receive a small portion of the price the baby buyers pay: the majority goes into the pockets of middlemen including agents and IVF clinics. Despite the fact that India, Nepal, Cambodia and Thailand made international surrogacy illegal, other poor countries have taken up the trade: Kenya, Columbia and, notably, Ukraine where women are so poor (in part due to the ongoing war) that the 'choice' they have to survive is becoming a prostitute or a surrogate.

Drivers of surrogacy

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

GREED! Surrogacy 'entrepreneurs' internationally feed off the genuine grief of many women and men who are told they are infertile. Recently, a new group has been added that is immensely profitable for surrogacy entrepreneurs: cashed up gay couples who after the big wedding feel that the next thing they need is a child – and that they have a right to get one. (*Nobody has a right to a child, whether heterosexual, gay, single or coupled.*) A big group of people are making BIG money from surrogacy (lawyers, counsellors, agents, embryologists, IVF clinics, egg banks, travel agencies, hotels, nurses, nannies etc). They feed like parasites on people desperately wanting their own biological child. They promise them happiness – for a price. They often deliver nothing!

8. What is the demographic and socioeconomic profile of women who become surrogate mothers in your country? Please provide disaggregated data where possible.

In Australia, only 'altruistic' surrogacies are allowed. There are about 130 to 150 births a year. Most women who can be 'duped' to act as surrogates are relatives and friends. Some of them have documented horrible experiences, like 'Odette' in *Broken Bonds*. Her cousin (the commissioning mother) has not once allowed her to see her own son in eight years!!

Legal frameworks, safeguards, and jurisprudence

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

A 2015/16 Federal Inquiry prohibited commercial surrogacy throughout Australia. But 'altruistic' surrogacy is regulated separately by the six Australian states and two territories. In two states and a territory (New South Wales, Queensland and the Australian Capital Territory), going overseas for (commercial) surrogacy is declared a criminal act (up to two years of jail and fines up to \$AUD100,000). Unfortunately, no one has ever been prosecuted despite 200-300 Australians going overseas for surrogacy every year!

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

When a child is born, the mother (and her partner if there is one) are the registered parents on the birth certificate. The so-called commissioning parents then need to adopt the child(ren). This happens through the Family Court, is time-consuming and not cheap. The child's best interest would be to stay with her or his mother. This is not considered.

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?

It is NOT taken into account. In particular, children born from overseas surrogacy will rarely know who their mother is, let alone who their egg provider was. This is scandalous. We know from so-called donor children and adopted people how they sometimes seek their whole life to know who their birthmother (and sperm/egg donor) was.

12. In countries where surrogacy is permitted or otherwise tolerated, what safeguards exist to prevent violence against surrogate mothers and children born through surrogacy?

None. It is up to surrogacy lawyers and middlemen like 'Growing Families' to protect surrogate mothers and their children from harm. We know that in some cases they don't.

13. How effective have legislative, policy and regulatory frameworks been in preventing and responding to violence against women and children in the context of surrogacy?

It is a topic that is never discussed. 'Altruistic' surrogacy is presented as a beautiful thing by Australia's mainstream media. When there are disputes, they are handled by the Family Court. We do not know of a single judgment in which the birthmother gained access to her child, let alone keep her/him.

14. What legal precedents, rulings, or judicial interpretations have influenced States' approach to surrogacy and its impact on women's and children's rights?

To our knowledge they are none. The commissioning parents' demands prevail.

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?

ALL types of surrogacies should be abolished. Surrogacy cannot be regulated: no mother should ever go through a pregnancy to then have her child taken from her. There have been federal apologies by Prime Minister Rudd (2008) to Indigenous mothers whose babies were taken away (the Stolen Generation), and by Prime Minister Gillard (2013) to unmarried white women whose babies were taken from the 1950s to 1980s. In spite of these apologies, 'altruistic' surrogacy is legal in all Australian territories. It is a national disgrace.

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?

Italy has been at the forefront by banning ALL national and international surrogacies in October 2024. More nations should follow Italy's example!

Apart from that, many feminist organisations that are networked seek to abolish surrogacy globally (e.g. FINRRAGE, Stop Surrogacy Now, CIAMS, Stoppt Leihmutterchaft, ABSA, Stop Vientres de Aquiler, Declaration of Casablanca etc).

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

All surrogacy is an international human rights violation. It needs to be abolished everywhere in the world.

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

Yes, a UN Convention that abolishes all types of surrogacy.

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

Regulation would be a disaster for women and children. *Surrogacy needs to be abolished globally.*

1916 words

We now add some excerpts from a recently published essay by one of our members (Dr Renate Klein, Convenor of FINRRAGE) in *Arena Quarterly Magazine*, 28 March 2025; <https://arena.org.au/a-listers-and-baby-makers-the-return-of-surrogacy/>

“Let’s be clear. The implicit purpose of surrogacy is to create motherless babies. The body of a woman is used as if it were an empty vessel into which a foreign embryo is implanted. Nine months later, when a baby has been grown from its mother’s blood and bones, the child is lifted out of her womb and given to strange people—in the case of commercial surrogacy, the baby-buyers. This ‘product’ of surrogacy—the child—never consented to be a ‘take-away baby’.

There can be no question that surrogacy profoundly violates the rights of the child. Article 2 of the [United Nations Convention on the Rights of the Child](#) prohibits any discrimination against children, and Article 35 stipulates that ‘State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of, or traffic in children for any purpose or in any form’ [my emphasis]. Surrogacy also contravenes [Article 1 of the Optional Protocol to the Convention on the Rights of the Child](#) on the sale of children, which obligates governments to criminalise the sale of children.

In commercial surrogacy, children are clearly both sold and trafficked.

Surrogacy is a multifaceted practice of exploitation that violates a number of UN conventions and other international treaties. For instance, it can be likened to slavery, which [Article 1 of the United Nations Slavery Convention](#) defines as ‘the

status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised’.

This describes a ‘surrogate mother’ during her pregnancy when the baby buyers control her every move from her sex life to her choice of food.

It is also crucial to consider the specific wrongs to the child. Consider the case of Olivia Maurel, a French woman who only found out through a DNA test when she was thirty years old that she had been lied to and had a birth mother and other relatives living in the United States. Olivia has become an influential spokeswoman for surrogacy abolitionists worldwide and particularly for the Declaration of Casablanca. In her powerful speech to the [Parliament of Croatia](#) in 2024, she pointed out how she instinctively knew something was wrong in her life, which led to drug and alcohol addictions and even suicide attempts. She is adamant that with every surrogacy contract and payment that changes hands, we are asking the child-to-be to make huge sacrifices to fulfil the adults’ selfish desire to have their own biological child—and that surrogacy purposefully asks women to abandon their own children.

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Surrogacy thrives on disaster and catastrophe. On 20 August 2019, Australian journalist Samantha Hawley’s exposé of the dirty surrogacy business in Ukraine aired on *Foreign Correspondent* on ABC television as ‘[Damaged Babies and Broken Hearts](#)’. Hawley was the courageous journalist who had broken the news about Baby Gammy, who was left behind with his mother in Thailand in 2014 because he had Down syndrome, while his Australian baby buyers only took his able-bodied twin sister home (the father was later revealed to be a convicted paedophile). In 2015, Hawley had also tried to find a boy born of surrogacy in India who was [left behind by his Indian-Australian parents](#), who only brought his sister home to Sydney.

In Ukraine, Hawley reported how she found three-year-old Bridget, who was severely disabled, but improving with treatment in the Children’s Sonechko Home. Bridget, also called ‘Brizzy’ by her doting nurse, Marina Boyko, who had looked after her since her birth, was there because her commissioning parents, who lived in California, abandoned her after she was born prematurely and very ill, supposedly with brain damage. In fact, they sent a legal letter asking the hospital to [switch off Bridget’s life support](#), as they deemed her to be ‘in a vegetative state’ and incurable: ‘We will not take her to America’.

When the war between Russia and Ukraine escalated in February 2022 and bombs fell on Kyiv, worried baby buyers desperately tried to locate their ‘property’ and either rushed to Ukraine or wailed from afar. It was beyond belief and decency that their concerns were [mostly for the babies rather than the mothers who had given birth](#) to them, unless the birth had not yet happened. While the international media was initially full of photos of dozens of cribs lined up in hotels with babies waiting for the baby buyers to collect them, gradually interest waned. To this day, and regardless of war and destruction, Ukraine continues to be a main player in the international surrogacy trade, which [Global Markets Insights](#) expects to reach ‘US \$129 billion by 2032, with a compound annual growth rate of almost 25 per cent in the next decade’.

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And we must understand that the struggle between pro- and anti-surrogacy forces takes place against the background of other heated debates, such as the insistence of transgender activists (often supported by so-called progressives and leftish groups)

that people can change sex. Many who adhere to such biological impossibilities go one step further and see the future as one in which we become transhuman. In an ideology in which technology overtakes human flesh, reproduction would not be left to women—whether surrogates or ‘ordinary’ mothers. Babies grown in artificial wombs, eugenically checked for any defects, would render the whole idea of attachment between babies and mothers obsolete. Surrogacy, superficially less alienating, is in fact an expression of the current obsession with dissolving embodiment including motherhood.

As an eternal optimist with my feet grounded in the reality of female existence as well as female *resistance* to such life-endangering ideologies, I take courage from the Italian government’s decision on 16 October 2024 to criminalise *all* instances of surrogacy, whether altruistic surrogacy at home or commercial surrogacy abroad, with jail terms of up to two years and up to €1 million in fines. I hope many more countries will follow Italy’s example. We need to remember that no one has a ‘right’ to a child, whether in a couple or single, heterosexual or homosexual, and whether by ‘altruistic’ or ‘commercial’ surrogacy. The medical and psychological risks inherent in *all* surrogacies for the mothers, egg providers and babies are never acceptable. A world in which surrogate motherhood is *abolished* is possible.”

1,076 words

Total 2,992 words