



# SURROGATE MOTHERHOOD

*Woms for hire*

A NEW WAY OF EXPLOITING WOMEN AND HUMAN TRAFFICKING .

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- July 2015 -

# Executive Summary

## SURROGACY

### A NEW WAY TO EXPLOIT WOMEN AND HUMAN TRAFFICKING

#### 1º WHAT IS SURROGACY?

Surrogacy, also called gestational surrogacy is a financial transaction in which a woman rents her womb to gestate a baby, who may or may not have genetic ties with her, for which she will be compensated, giving rise to the violation of fundamental human rights and several international laws.

#### 2º WHY DOES IT VIOLATE FUNDAMENTAL HUMAN RIGHTS AND THE DIGNITY OF BOTH THE MOTHER AND THE CHILD?

Surrogacy contracts are unquestionably a way to exploit of women who sells or rents her body in exchange for money or for some other type of compensation. In many countries, surrogacy is regularly linked to prostitution and other criminal activities.

The child becomes a mere commercial product to satisfy the whim or desire of the certain people to become parents, and may be subject to certain quality standards, and may be returned in case of not fulfilling them.

#### 3º WHAT ARE THE IMPLICATIONS FOR THE PRTOAGONISTS OF THIS TRANSACTION? CONSEQUENCES FOR THE CHILDREN

##### 1. Children become a commercial products subject to quality control

When a large amount of money is invested in a product, obviously the quality expectations are very high, which leads to a mentality of claiming not only the right to receive the baby but also to receive a child with specific characteristics and bearing a certain guarantee of social and personal success.

##### 2. Children are prevented from knowing their origin and identity

As defined in Article 7 and 81 of the Convention on the Rights of the Child (CRC), up to 6 adults may claim the paternity of each child born of a surrogate. Apart from being a source of legal disputes, this is more likely to prevent the child from knowing its identity.

##### 3. Possible psychological damage

Experts have for decades stressed the importance of the bonds that are created between mother and child during pregnancy and its significance in the future development of children, and it can therefore be assumed that a pregnancy that is considered a business and the relationship with a child who has been surrendered in advance and is considered a product as well as a source of income, may affect the psychological development of children, especially when they discover their origin.

## CONSEQUENCES FOR THE WOMAN WHO RENTS HER UTERUS

### 1. The surrogate mother as an animal pedigree

Surrogates selection processes include a host of tests and personal requirements to ensure the “quality” of the eggs and uterus that will carry the future child.

### 2. Surrogate mothers as disposable products.

During pregnancy, the contact between the surrogate and the parents who hired her is close and everything is taken care of. But once the legal process is over and the contract has terminated, the commissioning couple disappear and the surrogate becomes an unnecessary, annoying and depreciated element in market terms while she feels the full weight of the exploitation, of the separation from the baby, the commodification of pregnancy and the vested interests of a commercial transaction that involves human beings instead of commercial products.

## CONSEQUENCES FOR THE PURCHASING PARENTS

Commissioning parents are also subjected to severe psychological pressure, since during pregnancy they can't be absolutely certain that the surrogate mother will not change her mind or that any of the donors will claim custody of the child.

Psychologically complex situations also arise between the commissioning father and the surrogate mother, or her husband, if any.

## 5° 5. ARE THERE FURTHER COMPLICATIONS?

The whole process gives rise to outlandish situations that are contrary to nature, which promote abuse, which represent the commodification of human beings and which lead to numerous ethical and legal problems.

In addition, unforeseen complications such as the possibility of a high-risk pregnancy and the health of the pregnant mother, the response of the commissioning parents to possible defects or the possibility that they might opt out halfway through the pregnancy, are other possible complications ... There are already cases in which the baby had malformations, or didn't have the “appropriate” sex and was rejected by the commissioning parents, or they demanded an abortion<sup>2</sup>.

## 6° WHAT IS THE SITUATION OF COUNTRIES TOWARDS SURROGACY?

There are countries with legislation (United States, Mexico, Russia, Ukraine, Georgia and Kazakhstan) that does not prevent human trafficking. For example, in America, a network of lawyers was dismantled which had created an inventory of unborn babies to using surrogacy sell for \$100,000.

In other countries that allow surrogacy and where it is a booming activity, there have been cases of exploitation and abuse, since the practice is a breeding ground for such. Examples of this are Asia, where a network was dismantled that sold babies and kidnapped young Vietnamese women were freed, or Nigeria, where the police rescued 32 pregnant girls between the ages of 15 and 17 from a house where they were kept to sell their babies.

Apart from these flagrant criminal situations, there are other hundreds of conflicting cases worldwide. In Europe, surrogacy is wholly or partially forbidden in most countries, but due to political inertia it

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<sup>2</sup> <http://www.profesionalesetica.org/2015/02/abolicion-de-los-vientres-de-alquiler-en-tailandia-un-triunfo-de-los-derechos-humanos-universales/>

is accepted and any ethical considerations are ignored under the alibi of creating “new rights” for a small part of the population, whilst current legislation is violated by the demands of lobbies’, business and financial interests. That is the case of Spain, Italy, Germany, France and Switzerland.

## 7° WHAT CAN BE DONE TO STOP THIS TREND?

Although we advocate for the universal abolition of surrogacy, the easiest way to end surrogacy would be the refusal to allow the registration of children born of surrogacy since it would work effectively as a deterrent and would radically reduce the business and exploitation that surrogacy implies.



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