

Submission by Stop Surrogacy Now UK in response to the call for input on addressing the vulnerabilities of children to sale and sexual exploitation in the framework of the Sustainable Development Goals

11<sup>th</sup> March 2022

For the attention of **Special Rapporteur Ms. Mama Fatima Singhateh, United Nations Office of the High Commissioner for Human Rights.**

The call for input requests that submissions be related to the Sustainable Development Goals (SDGs), and in particular to the targets 5.2, 8.7 and 16.2.

For the purposes of this submission we will focus on the human trafficking of newborn babies facilitated by international commercial surrogacy.

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Dear Ms. Mama Fatima Singhateh,

We are a grassroots campaign groups that seeks to challenge proposed reform of the UK 1985 Surrogacy Act. However, as a UK based group focused on a single issue, we could not ignore the significant global threat that International Commercial Surrogacy places on women and children.

As travel restrictions during the COVID pandemic demonstrated, the Russian invasion in Ukraine has again highlighted the extent of the international commercial surrogacy there and the true depths of this are being exposed for a second time.

Earlier this week I read, from an international 'baby broker' and his a current estimate 800 'pregnancies'.

['I'm sending SWAT teams to rescue surrogate babies from Ukraine' - MyLondon](#)

It appears likely that there are at least 800 Ukrainian women currently being paid to be pregnant and give birth to babies that are effectively the 'products' delivered of the service she has provided: Pregnancy.

These pregnancies are likely to be high-risk due to the nature of medicated implantation of foreign DNA into her body (commissioning mother's donor egg) and, should the pregnancy result in a live birth, the newborn baby will suffer from the immediate removal from the mother which, until that point, is the only experience the child has, having never been outside of her. These are the immediate risks of trauma to a newborn.

Due to Ukrainian laws permitting the sale of children, Ukrainian agency owners are profiteering from the reproductive capacity of women. Various numbers are quoted and reliable numbers may vary but trusted news sources claim that during a period of travel

restrictions in 2020, up to 100 newborns were in one hotel in Kyiv. We believe that the quoted estimate number of 2,000 babies born through surrogacy per year in Ukraine are conservative.

Women who engage in surrogacy are overwhelmingly doing so due to their socio-economic conditions and for them it can be a 'way out' of poverty to a 'better life' (SDG1). Their bodies can be 'used' by those able to pay to 'rent' them and in circumstance like that of the investigative article below, to prevent their husbands or partners from selling an internal organ.

"These are women whose lives are marked by poverty - as is the case of a woman married to a man who had considered [selling a kidney](#) before she agreed to gestate a baby for another couple for money. With the biological parents of these unable to collect them because they can't travel to Ukraine, the fear is that these women won't be paid, and for some women this amount of money is mostly impossible to earn in other ways."

#### [Ukrainian Women in Womb Rental Industry Facing Unique Challenges after Russian Invasion \(4w.pub\)](#)

These women often have families and children of their own they want to feed, clothe and educate, they may have a poor obstetric history, with difficult pregnancies and risky labours; nevertheless they will participate in surrogacy despite the risks, so to financially benefit their families. Based on the financial incentive, commercial surrogacy is naturally coercive and as consent can only be freely given if it can also be withdrawn at any time a surrogacy arrangement can quickly become dehumanising for the woman. Complex issues of ownership may begin to impact a woman's body autonomy and questions arise as to who 'owns' the baby inside of her. There are may be medical decisions, instructions, demands; this is evidenced in a short extract from an interview between journalist Alison Motluk and a Canadian couple, who have paid a Ukrainian woman to give birth to a son. The surrogate mother is due to give birth next month and the conversation largely focuses on her changing her location of residence in the later stages of pregnancy, following the Russian invasion. We believe that both the tone and the language in responses indicate coercion and control:

#### **How much input did you have into the decision to move her? And did you talk to her about it?**

We talk almost daily, via text. And yes, we were very involved in the decision to have her moved. But our agency was one of the very first ones that moved anybody. At the time, it was sort of thought that they're just being very cautious. But ultimately we did have a say. And she was also, of course, consulted. I mean, it's her body and her person, and she should be consulted on all decisions, and be okay with them.

#### **And how did she feel about the idea of moving?**

To be honest, she wasn't very happy about it. I think a lot of Ukrainians at the time were not

convinced that this was a real threat. And, you know, she's got family, and I think there was a concern about her going to Lviv. In her particular case, it puts her even farther away from her family. It wasn't that she was saying no, it was just that she needed to understand why the move was taking place.

**Did she end up bringing her family with her?**

I don't know if she doesn't want them to come or if they physically can't come — it was lost in translation. We obviously said if she wants them to be with her, we would cover all costs related with that, and support her in whatever way needed.

**And now there has been an invasion. What is the plan now?**

I don't think that there is a plan. I think there are a number of different plans. It literally, I think, will be a day-by-day thing.

**So sometime towards the end of April you're going over.**

We're going somewhere. I don't know where that will be. I think there's a number of different options. Poland is one. Moldova is another. It'll be dependent on where she gives birth, first of all, and then, what the process is to get into the country and bring our son home.

The business networks which facilitates commercial surrogacy profits from the commodification of women's bodies. Clinics, lawyers and other professionals receive salaries based on the supply and demand of surrogacy. We understand that the payment these professional services receive to be far in excess of what the woman who grows, carries and births a baby, receives in total (approx. \$13,000 for 40 weeks, if the baby is not born prematurely = \$1.71 per hour).

**We believe that these all risk factors fall within 5.2 of the SDG framework.**

What may follow the immediate removal of the baby from the mother can be enormously distressing for the child. A newborn human being knows nothing other than the mother and her body, from which they grew. Whilst we have decades of research to support the theory of the 'primal wound', there is little specific research available on surrogate-born children, though we believe that some research on donor-conceived children is applicable.

A child born of surrogacy may experience childhood as one of needing to please their legal parents as they were commissioned for that reason. There may be various degrees of harm from genealogical bewilderment, a sense of being purchased, possibly a sense that their childhood and family life is based on a 'lie'.

There is no international law that can ensure that the truth be told to the child, nor does there appear to be any consideration given to the child who may grow up to find out their parents abandoned their mother immediately after birth to escape a conflict, leaving her behind.

Surrogacy remains an issue in regards to the exploitation of women and children. You will be aware that in 2018, UN Special Rapporteur on the sale and sexual exploitation of children, Maud de Boer-Buquicchio, expressed clear concern that children faced becoming commodities as surrogacy expands and becomes a more popular route to 'family building'.

In her report to the Human Rights Council in Geneva, she stated:

*"Children are not goods or services that the state can guarantee or provide. They are human beings with rights. [...] Commercial surrogacy, as currently practised in some countries, usually amounts to the sale of children."*

As surrogacy is promoted in the international press, and wealthy people and celebrities are able to buy the 'perfect child', surrogacy becomes something to strive towards. We are unclear on the impact this has on the rates of adoption which serves to place existing children, orphaned or unsafe with their parents, into loving homes and families. Surrogacy does not exist in a vacuum, politically, socially or as is clear, geographically.

As with the UK law reform, we remain deeply concerned that any such arrangement be given a 'light touch' when considering aspects of safeguarding, security and wellbeing of any child. With examples of commissioning parents of Mark and Peter Truong and David and Wendy Farnell, it is essential that any practice of surrogacy, should it be permitted, be conducted with the best interests of the child. This can only be guaranteed with strict checks and balances, prior to the embryo implantation, and repeated prior to leaving the country to return to the country of residence of the commissioning parents. The child is taken from their country of birth, with no knowledge or connection to their genetic roots and prevents connection to their place of birth.

**We believe that these risk factors fall within 16.2 of the SDG framework**

**In regards to children, International Commercial Surrogacy is in direct conflict of the UN Convention of the Rights of the Child under Articles 7, 8, 9, 12, 13, 17, 18, 20, 35, 37, 39**

**(Where Article 21. Refers to international adoption, we believe that international commercial surrogacy should be considered under the same.)**

In conclusion, a child born through commercial surrogacy is commissioned into existence in a transactional setting and is inextricably linked to exploitation resulting from social-economic disadvantage, which in turn, is connected to vulnerability. Even if the process was limited to involve well-meaning commissioning parents, with wholesome, law-abiding aims, a woman remains at risk of exploitation, and through her the child is also at risk.

We hope you will consider our submission in this respect of modern day slavery, exploitation, the commodification of women and children and explore this under the Sustainable Development Goals as noted.