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**International Coalition for the Abolition of Surrogate Motherhood**

Surrogacy, as system of reproductive prostitution

Surrogacy and prostitution are two distinct and complex issues with significant differences. They do share some common features, which are explored below: mechanisms, players, beneficiaries, issues, legislative approaches, etc.… Surrogacy must be seen a violence against women who are exploited for their reproductive capacity. Reproductive violence  also includes the commercialisation of oocytes, forced sterilisation, forced abortion and lack of legal access to abortion.  
Prostitution, and pornography, must also be considered as violence against women exploited for sexual purposes.

# Two SYSTEMS of exploitation

We have shown on numerous occasions how surrogacy is the exploitation of women’s bodies (<http://abolition-ms.org/actualites/sept-points-contre-la-maternite-de-substitution/>). Prostitution is similar. It is logical to speak of exploitation when a woman is induced in a childbearing project that is not her own, or in sexual relations that are not the result of her own sexual desire,.

## The sexual and reproductive exploitation of women has become commonplace.

This industry has marketed and commodified human reproduction and sexual relations. In order to make it socially acceptable and to relieve the clients of any feeling of guilt, the terminology chosen to describe and market it is that of “care”, with the introduction of the notions of sexual “service” and gestational “service”, equating it with personal service. In both surrogacy and prostitution, what is offered is not a service but access to a woman’s body in exchange for financial compensation. The so-called “service” referred to must be qualified as exploitation: either reproductive or sexual.

## Financial transaction

In surrogacy, surrogate mothers are paid to become pregnant and give birth to a child on behalf of clients (commissioning people). The actors involved in this practice – brokers, agencies, clinics, hospitals, etc. – are paid to organise this exploitation. When surrogacy is regulated and falsely described as altruistic or ethical, the payment to the surrogate mother is described as compensation. It is limited to a list of approved expenses, which can vary considerably from one country to another. On the other hand, there are no limit to the fees received by anyone other than the surrogate mother.  
In the case of prostitution, sexual acts are provided in return for payment, which is then shared between the various parties involved: pimps, internet platforms…..

## Commercialisation / commodification

The widespread neoliberal argument that everything can be bought and sold, and that the freedom to dispose of one’s own body takes precedence over respect for the person. Ultimately it reduces the freedom of certain women to the benefit of third parties. These commercial transactions undermine the integrity and dignity of the individual, who is treated as an object. The marketing of women’s and girls’ bodies affects all women who may one day be marketed themselves. A transaction in which a person’s body is used as a commodity or service directly affects the whole of humanity.

## Who benefit from this?

In both these systems, the majority of beneficiaries are men. In surrogacy, demand is largely based on the requirement of a genetic sperm link between the unborn child and one of the clients (so called intended parents). This requirement is questionable in different ways. The genetic link through the sperm is considered fundamental, while the genetic link through the egg is ignored and completely invisible, as is the surrogate mother. This reviving the patriarchal myth that the sperm becomes the child and that the woman is merely a vessel. This demand also reflects the preoccupation with patriarchal lineage and the “blood bond”, notions that have led, and continue to lead to the hierarchisation of our societies into casts.  
Almost all clients of prostitutes are men, while over 85% of victims are women or girls. As clients, men benefit from the  “right of access to a woman for sex”,  and as pimps they profit from the sexual exploitation of these women.

## Vulnerability

Social and economic vulnerability is a prime recruiting ground for surrogacy and prostitution. The women exploited are never in a secure social and economic position. In the case of surrogacy, the economic asymmetry between clients and surrogates is striking. The money received is often used to meet the needs of the surrogate mother’s family, her children’s housing and education, and very rarely for her own needs. It does not really enable her to overcome her situation.

## Trafficking and mafia networks

In Europe, “96% of victims of sex trafficking are women and girls”[[1]](http://abolition-ms.org/en/ressources-en/facts-sheets/thematic-files-surrogacy-and-prostitution/" \l "_ftn1). In the case of surrogate motherhood, cross-border surrogacy and reproductive tourism are becoming as commonplace a means of reproduction. However, surrogacy, as defined by the Palermo Protocol[[2]](http://abolition-ms.org/en/ressources-en/facts-sheets/thematic-files-surrogacy-and-prostitution/" \l "_ftn2) or the Warsaw Convention, should be considered human trafficking. Brokers are responsible for recruiting and selecting surrogates, and in some countries the mafia are already investing in this new and lucrative field.  
Trafficking, as defined by the Palermo Protocol and the original 2011 Directive, occurs when a woman is recruited and induced to become a surrogate mother through **deception**. This deception is based on a triple lie,

* That she is not the mother of the child she is about to give birth to, even though she is responsible for the entire biological process of pregnancy and birth.
* That this child is not hers, but that of the commissioning parents, who want to be called the child's parents because they "conceived" it intellectually, obtained genetic material and paid the required sum in return for the newborn child and its parentage.
* That the child the surrogate mother has given birth to will not be sold. (See article 4 of the "Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption[[1]](#footnote-1) ", which defines the boundary between adoption and the sale of children).

# For and against

Market arguments are increasingly gaining ground in the public and political arena, trivialising exploitative practices such as prostitution and surrogacy. Let us take a look at the people who defend or condemn these practices.

– People who defend prostitution are also those who promote surrogacy. Using the market’s arguments about  individual autonomy, they justify these practices as a right to decide about the use of one’s own body and one’s ability to provide paid services. They hijack those feminist principles that show that the body and the person are one and the same under the slogan “our body, ourselves”. To have access to a woman’s body is to have access to a human being; and no one can have access to a person, which a fundamental principle of equality.

– The Opponents of surrogacy and prostitution share the same their ethical position. They denounce the violation of human dignity that turn the human body into a commodity, reducing the individual to an object (the woman, but also the child in surrogacy) or to a so-called “service”, considering that putting another person’s body on the market is exploitation and an attack on the fundamental rights of the individual.

# Institutions complicit in reproductive exploitation

There are many similarities between prostitution and surrogacy, but surrogacy involves a heavy mobilisation of institutions in its favour :

* **The national health service.** It should address the health problems of the population as a whole and not, as one journalist pointed out, with reference to South Africa «*Can we continue to legitimise investment in cutting-edge technologies and five-star luxury fertility clinics when our reproductive health sector is riddled with systemic inequalities? Can we justify assisted reproductive technologies as essential when they continue to serve only a privileged few?*»[[3]](http://abolition-ms.org/en/ressources-en/facts-sheets/thematic-files-surrogacy-and-prostitution/" \l "_ftn3)
* La**wyers**  involved in drawing up surrogacy contracts or helping to draft the regulations that pave the way for surrogacy, are far removed from issues of social justice.
* **Governments, national regulators and elected representatives** who should be serving the people, not the market.

All these institutions bear a heavy responsibility for the development of this practice, which is contrary to human rights. Perhaps one day they will be held to account.

1. https://assets.hcch.net/docs/8fefcb0a-9479-426e-9830-31827ed22c74.pdf [↑](#footnote-ref-1)