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Te Kōpū Whāngai: He Arotake | Review of Surrogacy
Law Commission
PO Box 2590
Wellington 6140

Via email surrogacy@lawcom.govt.nz

THE 'EGGSPLOITATION' OF SURROGACY

BABIES FOR SALE

Family First opposes surrogacy because the process leads to the commodification of children. There is something ethically questionable about the very notion of “*renting a womb*”. If we allow babies to be bought, why not a two-year-old child? Should we allow babies to be sold at auction?

OVERVIEW

What is it like to be a child and know that you were ‘bought and sold’? Can you be blamed for feeling disturbed¹ that money was involved in your conception? How do you deal with the feeling² of loss and rejection from your biological mother who is labelled³ as your ‘gestational carrier’? Is it normal that when you see someone who resembles you, you wonder if they are related? What is it like to find out that the man you thought was your dad is not your biological father, that your true biological father donated his sperm and is known only by a number?

Children have a deep longing to know who they belong to, where they come from, and who they look like.

While completely sympathising with couples who cannot have children and understanding why some consider going to these extreme lengths in order to have children, surrogacy is not in the best interests of the parties concerned – including the children themselves. But the media is only focussed on the adults’ side – and ignoring the rights and needs of the child.

Australian commentator Miranda Devine argues⁴ that “*to have carried a baby in your womb, shared a blood supply, felt its little feet kick against your abdomen, heard its little heartbeat, sensed it growing bigger and stronger, while it changes your metabolism, and the way you sleep, breathe and eat, and then to have given birth to a living, breathing human child you have been longing to cuddle is not a trivial act. So to have it described in such clinical, remote terms is*

insensitive and thoughtless, to say the least. It is so much more than being "born through a gestational carrier", as if the woman was some sort of ceremonial archway through which the child was magically conveyed.

"Women are not Easy Bake Ovens and our children are not cupcakes."
Jennifer Lahl – President, The Center for Bioethics and Culture⁵

EXPLOITATION

Commercial surrogacy can be exploitative because the contracting parties are not always free and equal. Surrogacy involves treating women and children as objects of commerce or trade, whether or not payment is rendered. **Surrogacy is a form of human trafficking⁶**. Surrogacy involves the commodification of women, whose bodies and wombs are used as incubators. The women most at-risk of being exploited in this industry are poor and vulnerable women, especially women in poor areas around the world who oftentimes agree as a result of financial incentives.

PICKING AND CHOOSING

Surrogacy often facilitates abuses of young life, including multiple embryo creation and embryo destruction via selective reduction abortions of *"less perfect"* or extra embryos, even when payment is not rendered. Surrogacy opens the door to sex-selection and the prospective designing of children. For example - a surrogate mother being ordered to abort a baby in the USA after surrogate learns she's having triplets⁷, and baby Gammy with Downs Syndrome in Australia.⁸

Then there is the Melbourne couple who aborted twin boys, conceived though IVF, because they already have three sons and wanted a daughter instead.⁹ The father told the Herald Sun it was *"our right"* to decide the gender of their future child.

THE HARM TO SURROGATE MOTHERS

Surrogacy, even when done altruistically, objectifies children and surrogate mothers and creates lifelong emotional issues for both. **Surrogate mothers are at increased risk for emotional trauma and psychological burden.** Deep bonds are formed between mother and child during gestation and the inability of some surrogate mothers to relinquish their babies has resulted in excruciating levels of anguish for the surrogate and in high-profile lawsuits on the side of the sociological parents.

For example – *"Australian Gay couple's lives 'destroyed' by custody war with Thai surrogate"*¹⁰
Also – *"Spanish / American couple battle Thai surrogate for custody – 14-month legal war"*¹¹

*"Breeders: A Subclass of Women?"*¹² contains very moving stories of four surrogate mothers, revealing a much darker and more serious side to the whole industry.

One of these surrogates is Angelia Robinson, 51, who agreed to carry twins for her brother and his male partner. But the arrangement turned sour and degenerated into a three-year legal stoush, resulting in a 2009 court decision in which she was legally recognised as the twin girls' mother, and later given limited custody.

Robinson said this about the situation: *"I think all surrogacy should be banned. The whole idea that you can just pay a fee and get a child is horrifying. Everything is focused on the people that can't have children. Nothing is focused on the children themselves or the breeding class of women we're creating."*

As a form of “third-party reproduction,” surrogacy raises many ethical concerns that are poignantly highlighted by the women’s experiences in Lahl’s documentary.¹³ The commodification of women’s bodies to be rented, the lack of consideration for long-term effects on the child of surrogacy, difficulties with the separation of surrogate mother and child, lack of federal law to regulate the industry and help resolve disputes, the precarious path towards creating a subclass of women paid to be “breeders” for those who can afford surrogacy, and finally abortion as a solution when something goes wrong among any of the four parties (mother, father, surrogate mother, and child) involved – these all are real harms present in the lives of the surrogate mothers Lahl interviewed.

Oxytocin’s hormonal bond, firmly established between the mother and her preborn during gestation, is meant to be reinforced after birth by mother-to-baby physical interactions—skin-to-skin contact, eye gazing, and breast-feeding. This oxytocin link not only facilitates key physiological processes in the baby’s development, but also helps the mother to recover after delivery. It promotes bonding patterns between the mother and neonate and *creates desire for further contact*.¹⁴

ENDANGERING WOMEN’S HEALTH

Surrogacy needlessly endangers women’s health and lives, whether payment is rendered or not. There are various health complications with any pregnancy, but there are many surrogacy-specific health risks including the risks associated with fertility drugs and hormonal injections, higher risks of pregnancy complications associated with the use of donor eggs,¹⁵ risk of transferring HIV and hepatitis through in-vitro fertilization (IVF), ovarian hyper-stimulation syndrome (OHSS), multiple births leading to pre-term birth and others.¹⁶

WHEN IT ALL GOES WRONG

Who is responsible for surrogate children born with **severe disabilities**; e.g. the 2015 Australian case of baby Gammy, born to a Thai surrogate mother and abandoned by his Australian parents after they discovered he had Down syndrome.¹⁷ They took the healthy twin sister. It was revealed that the biological father was a convicted child sex offender. But it was later reported that the surrogate mother had “*fallen in love with the twins she was carrying and decided she was going to keep the boy*”.¹⁸

What to do when the surrogate mother has **multiple births**? There are many examples just from Australia of the scenarios above.¹⁹

On July 27, Cindy Close gave birth to twins in Texas.²⁰ The twins were conceived via donor eggs and with sperm from Marvin McMurray, an acquaintance of Close. While Close and McMurray were not in a romantic relationship, her understanding was that they would co-parent the children together. In court documents she says she did not learn until the day the twins were born that McMurray is gay, planned to raise the twins with his partner, and considered Close “*just a surrogate*.” Close never agreed, verbally or in writing, to be a surrogate mother.

FINANCIAL ISSUES

Legal liabilities may develop due to the unknown outcome of a host of factors, including incurring unforeseen medical costs due to complications, payment issues, coercion to abort one or more of the children, custody battles, and abandonment of children by sponsors mid-gestation. Examples – “*Kiwi 'triplings' trapped after red-tape nightmare in Mexico*”²¹ and “*Surrogacy couple's pleas for help from Mexican 'hell hole' draw anger and offence*.”²²

RIGHTS OF THE CHILD

The rights of the child to have relationships with surrogate parents and vice versa become an important issue. Biology tells a story - and the majority of children conceived via third-party reproduction are prevented from knowing essential parts of their own heritage, including vital information such as a family's medical history. A number of donor-conceived children in the US are campaigning for tighter controls on the law governing assisted reproduction.²³

A wealthy sperm donor who has more than 24 children pleaded with Australia's Victorian government to keep his identity secret because he feared his offspring would want to contact him and establish relationships.²⁴

In 2010, the Commission on Parenthood's Future released a groundbreaking report "*My Daddy's Name is Donor: A New Study of Young Adults Conceived Through Sperm Donation*". The report revealed stunning findings about the lives of adult offspring of sperm donation, one of the most common reproductive technologies and one that has been practiced widely in the U.S. and around the world for decades.

The study revealed that, on average, young adults conceived through sperm donation are hurting more, are more confused, and feel more isolated from their families. They fare worse than their peers raised by biological parents on important outcomes such as depression, delinquency, and substance abuse.

Moreover, the study found that:

- Two-thirds agree, "*My sperm donor is half of who I am;*"
- About half are disturbed that money was involved in their conception;
- More than half say that when they see someone who resembles them, they wonder if they are related;
- Two-thirds affirm the right of donor offspring to know the truth about their origins;

BANS AROUND THE WORLD

Britain, Sweden, Norway and Switzerland have banned anonymous sperm and egg donation. Many countries also have limited the number of children a sperm donor can father to well below the 25 that the American Medical Association recommends.

Thailand's parliament voted to ban commercial surrogacy after outrage erupted over the largely unregulated industry following allegations an Australian couple abandoned a baby with Down's syndrome.²⁵

In December 2015, the **European Parliament** condemned surrogate motherhood, even as it is being offered in Europe for \$37,500.²⁶ The Parliament adopted a resolution condemning "*the practice of surrogacy, which undermines the human dignity of the woman since her body and its reproductive functions are used as a commodity.*"

The resolution continues, "*The practice of gestational surrogacy which involves reproductive exploitation and use of the human body for financial or other gain, in particular in the case of vulnerable women in developing shall be prohibited.*"

SPERM DONORS

Anonymous Father's Day (2013)²⁷ explores the stories of women and men who are the children of sperm donors. From The Center for Bioethics and Culture, it says "*Thousands of donor-conceived people have a deep longing to know who they belong to, where they come from, and who they*

look like. What is it like to find out that the man you thought was your dad is not your biological father, that your true biological father donated his sperm and is known only by a number? How does it impact your self-perception, the choices you make, and your view of life and the world? Donor-conceived people are demanding answers to these basic questions about their origins, their lives, and their identities.”

In a recent example, Australian Geraldine Hewitt who cannot get access to the names of her biological parents, resulting in pain and grief for these people.²⁸

Surrogacy carries risks to women and children that are not present in an otherwise natural pregnancy.²⁹ These high-tech assisted reproductive technologies (ART) are not only risky to the women but also the children born through ART/surrogacy. Surrogate mothers suffer higher rates of preeclampsia, maternal hypertension, and gestational diabetes, and the children suffer with higher rates of preterm birth.³⁰ Often there are also all the complications of a multiple pregnancy as surrogate mothers frequently carry twins, triplets, or more—because these technologies are very expensive and have a high failure rate.³¹

CONCLUSION

Although largely ignored by the media, the rights of the child should remain paramount. Many children conceived via surrogacy are prevented from knowing intimate aspects of their heritage and biology.

We reiterate - Family First opposes surrogacy because the process leads to the commodification of children.

A handwritten signature in black ink, appearing to read 'Bob McCoskrie', written in a cursive style.

Bob McCoskrie JP, MCom (Hons), Dip.Tchg, CA (Ret'd)
NATIONAL DIRECTOR

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- ³ <http://www.dailymail.co.uk/tvshowbiz/article-1359020/Nicole-Kidman-shares-photo-new-baby-Faith-talks-fertility-battle.html>
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- ⁶ http://www.thepublicdiscourse.com/2015/05/15037/?utm_source=The+Witherspoon+Institute&utm_campaign=139c27f0ad-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_15ce6af37b-139c27f0ad-84094405
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- ⁸ <http://www.independent.co.uk/news/world/australasia/hope-for-gammy-fund-set-up-after-australian-couple-refuse-to-take-downs-syndrome-baby-from-thai-surrogate-9642364.html>
- ⁹ <http://www.news.com.au/national/desperate-couple-abort-twin-boys-in-desperate-bid-for-ivf-girl/story-e6frfkvr-1225983907853>
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- ¹¹ http://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=11614335
- ¹² <http://www.youtube.com/watch?v=GNNCqs52jFU>
- ¹³ <https://lozierinstitute.org/center-for-bioethics-and-culture-founder-releases-documentary-on-harmful-effects-of-surrogacy/>
- ¹⁴ Golombok, Susan et al, "Families created through surrogacy: Mother-child relationships and children's psychological adjustment at age 7," *Dev. Psychol.* 47:6(2011):1579-1588.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3210890/>
- ¹⁵ <http://www.nationalreview.com/human-exceptionalism/381740/ivf-donated-eggs-can-be-deadly-wesley-j-smith>
- ¹⁶ <http://www.nationalreview.com/human-exceptionalism/381740/ivf-donated-eggs-can-be-deadly-wesley-j-smith>
- ¹⁷ <http://www.independent.co.uk/news/world/australasia/hope-for-gammy-fund-set-up-after-australian-couple-refuse-to-take-downs-syndrome-baby-from-thai-surrogate-9642364.html>
- ¹⁸ <https://www.tvnz.co.nz/one-news/world/aussie-parents-cleared-abandoning-baby-gammy-allowed-keep-twin>
- ¹⁹ <https://www.theaustralian.com.au/nation/politics/abandoned-surrogate-child-is-only-one-of-many-such-tragedies/news-story/351d926652de51ee831286a71d63ab4a>
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- ²¹ http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11613005
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- ²³ <http://theothersideofsurrogacy.blogspot.com/>
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- ²⁹ <http://cbc-network.us7.list-manage.com/track/click?u=854a02957234313d134e9865d&id=36736eecb2&e=e458a49e38>
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