



## THE 'EGGSPLOITATION' OF SURROGACY

Did you know that the 4th most watched NZ On Air funded TV programme is "David Lomas Investigates" – a series that reunites families and discovers lost family heritage.

It is so popular because it taps into our deep human longing and need to know who we belong to and where we come from - our whakapapa or our genealogy.

Surrogacy is a process that by its very intention separates a child from its biological parents.

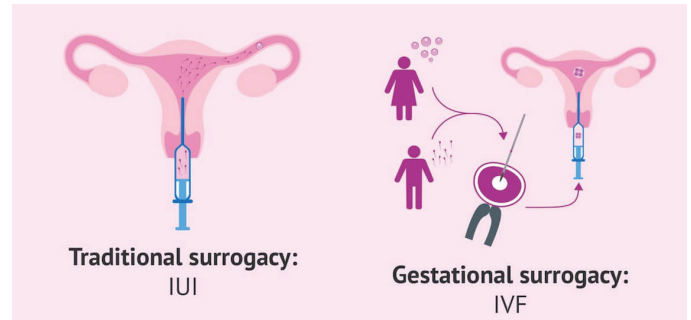
## DEFINITIONS

There are two types of surrogacy:

In **traditional surrogacy**, the surrogate mother's egg is used, making her the genetic mother. Pregnancy is usually achieved by artificial insemination using the sperm of an 'intended' parent or a donor – and the donor may have no desire to be an active parent of the child.

In **gestational surrogacy**, the surrogate does not use her own egg in conception. Instead, an embryo is created using an ovum and sperm from the 'intended' parents or donors. The embryo is then implanted in the surrogate. So the surrogate is not the genetic mother.

Surrogates are also sometimes called gestational carriers.



## WE UNDERSTAND THE DESIRE

It's important to say from the outset – **we all completely sympathise with couples who cannot have children.**

We fully understand why some consider going down the track of surrogacy in order to have children.

## CHILDREN ALSO HAVE RIGHTS

**However, the discussion around surrogacy tends to be focussed only on the adults' rights and needs – and ignores the rights and needs of the child.**

Children have a right to life and to be born free, not bought and sold (even non-commercially).

Surrogacy violates all three children's rights. **Surrogacy routinely severs a child's relationship with his or her genetic mother and/or father through the use of sperm and egg "donation."**

**What is it like to find out that your true biological father's only involvement in your life was the donation of his sperm? How do you deal with the feeling of loss and rejection from your biological mother who is labelled as your 'surrogate' or 'gestational carrier'? Is it normal that when you see someone who resembles you, you wonder if they are related?**

Can you be blamed for feeling disturbed that some money may have been involved in your conception? What if the biological parent or parents don't want any contact?

The identity of some donors can remain **anonymous**, or they may **refuse contact** – irrespective of what the child may want, and irrespective of what the lawmakers may hope will happen.

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

But the process leads to the commodification of children. There is this notion of *"renting a womb"*.

As child advocate and expert Jennifer Lahl, Founder of The Center for Bioethics and Culture, says:

***"Women are not easy bake ovens and our children are not cupcakes."***

## THE HARM TO SURROGATE MOTHERS

Surrogacy, even when done altruistically – that is, without payment - can objectify children and surrogate mothers and creates lifelong emotional issues for both.

The research shows that surrogate mothers can be at increased risk for emotional trauma and psychological burden.

Deep bonds are formed between mother and child during pregnancy 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.

Oxytocin's hormonal bond, firmly established between the mother and her preborn child 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 with a mother's postpartum recovery. It promotes bonding patterns between the mother and child, **and creates desire for further contact**.



**Maternal separation, a feature of surrogacy**, is a major physiological stressor for the infant and even brief maternal deprivation can permanently alter the structure of the infant's brain.

Many adoptees argue that their "primal wound" of maternal loss manifested as depression, abandonment/loss issues, and emotional problems throughout their lives. It hindered their attachment, bonding, psychological health, self-esteem, and future relationships.

## ENDANGERING WOMEN'S HEALTH

Surrogacy can also endanger women's health and lives. There are various health complications with any pregnancy, but there are many additional surrogacy-specific health risks.

Fertility Associates NZ acknowledges that "there is the possibility that your surrogacy pregnancy could be more difficult or have medical complications you haven't had before."

According to the Centre for Bioethics and Culture Network,

- *Multiple studies have found "increased in multiple births, NICU admission, and length of stay with hospital charges several multiples beyond that of a term infant conceived naturally and provided care in our nursery" for surrogate pregnancies.*
- *Studies show that women pregnant with donor eggs, very common in surrogate pregnancies (the definition of gestational surrogacy), have a more than three-fold risk of developing pregnancy induced hypertension and pre-eclampsia.*
- *Lupron use in preparing a gestational surrogate to receive transferred embryos has been documented to put a woman at risk for increased intracranial pressure.*

## EXPLOITATION

Even when done altruistically (non-commercially), surrogacy can involve treating women and children as objects of commerce or trade. International experience shows that 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.

While New Zealand's law is intended to prevent commercial fee-paying surrogacy arrangements, whether surrogates and intended parents can arrange it between themselves so that an effective fee is disguised within the scope of "reasonable surrogacy costs" remains to be seen.

## PICKING AND CHOOSING

**Surrogacy and IVF also opens the door to sex-selection and the prospective designing of children.** In NZ, you can choose a donor based on information around age of donor, ethnicity, physical features, eye colour, height, weight, education, and personality.

And there's been some disturbing examples of this 'picking and choosing' overseas. For example: a surrogate mother being ordered to abort a baby in the USA after the surrogate learnt she was having triplets. The Melbourne couple who aborted twin boys, conceived through IVF, because they already have three sons and wanted a daughter instead.

And the 2015 Australian case of baby Gammy, born to a Thai surrogate mother and abandoned by his Australian parents after they discovered the twin boy had Down syndrome. They took the healthy twin sister. 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".

## RIGHTS OF THE CHILD

The majority of children conceived via third-party reproduction want to know the essential parts of their own heritage. A number of donor-conceived children are starting to speak up – even here in New Zealand.

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

In 2020, the Commission on Parenthood's Future released

a report "*We Are Donor Conceived Survey Report*". Most of the participants were between 20 and 40 years old. They were asked to reflect on what it was like to learn they are donor conceived. The top five most frequently selected words were **shocked, confused, curious, numb, and sad**. 71% agreed with the statement "*the method of my conception sometimes causes me to feel distressed, angry, or sad*".

### IF YOU ATTEMPTED TO CONTACT A DONOR, HOW DID THEY RESPOND?



- They were happy to hear from me (50%)
- They ignored or refused communication (23%)
- Answered initial questions but didn't want further contact (7%)
- They sent me a cease and desist letter (2%)
- Other (18%)

**88% of respondents believe it is a basic human right to know the identity of both biological parents. That's because they naturally want to reach out to them.**

Sadly, when they did reach out, approximately one-quarter (23%) said the donor ignored their attempts to communicate or refused to communicate. Five respondents indicated they received a cease-and-desist letter from the donor.

## SPERM & EGG DONORS

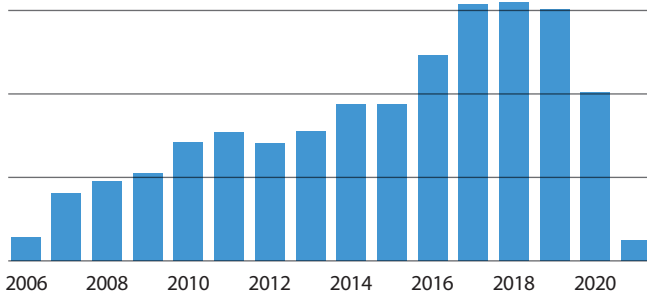
The number of people conceived using a donor in New Zealand has been increasing year on year, with a slight drop in 2020 (likely due to COVID, lockdowns etc). In fact, the Department of Internal Affairs recently "celebrated" the notification of the 3,000th birth of a donor-conceived child.

In New Zealand, a donor could be a 'father' to up to seven families. A sperm donor has to provide identifying information, but despite the greatest intentions of the lawmakers, **there's no mandate that a donor is to be**

**involved - or will want to be involved** - in the child's life. It may still effectively be 'unknown', except for the disclosure of their name and some of their genetic origin.

### MAKING BABIES

Number of people conceived using a donor per year



Note: Figures for 2020 and 2021 are still coming in from fertility clinics.

An egg donor can maintain anonymity – meaning that a child may never know who their biological mother is.

### BANS AROUND THE WORLD

In December 2015, the European Parliament condemned surrogacy stating that it;

*“undermines the human dignity of the woman since her body and its reproductive functions are used as a commodity”*

Many countries have banned surrogacy – Denmark, France, Germany, Ireland, Italy, Spain, Portugal, Bulgaria, Cambodia & Nepal. Other countries such as Britain, Sweden, Norway, Austria, the Netherlands and Switzerland have banned anonymous sperm and egg donation.



### ADOPTION V SURROGACY

Some may ask, how is surrogacy any different to adoption? Adoption is always a response to an existing pregnancy. While there are many motivations, often it is because the biological mother (and father) believes her child will have a better future with another family due to challenges with her own situation. Surrogacy on the other hand is pre-planned.



As a compassionate society, we should always come to the aid of motherless and fatherless families. This is why we support adoption. However, society should never intentionally create fatherless or motherless families, or remove children from their biological parent/s for the benefit of other adults. This is not in the child's best interests and goes against their rights.

### CONCLUSION

In all of this discussion, and although the media largely ignores the issue when talking about it, **the rights of the child should remain paramount.**

Biology matters – especially to the child. Connection, whakapapa, and genealogy matter.

This is not a 'sexuality' issue. **This is a biological issue.** Biology discriminates in that it takes a mum and a dad (a biological male and female) to create a child.

And children have a deep desire to know their mum and dad. We should take all steps we can as a society to meet this fundamental need of every child.

**We should speak up for the rights of children.**

To read more on this important issue (and view our YouTube interviews & overviews), visit

**SurrogacyLaws.nz**