

Resources on surrogacy (EWL Secretariat, 23/07/2013)

Here are some resources for EWL members to reflect on the issue of surrogacy from a feminist perspective. Don't hesitate to send us more! (pape@womenlobby.org)

- *Surrogacy from a feminist perspective*
- *On surrogacy in general*
- *Surrogacy in France*
- *Surrogacy in Ireland*
- *Surrogacy and India*
- *The reality of surrogacy: websites of clinics...*

Surrogacy from a feminist perspective

Varat och Varan, Kajsa Ekis Ekman, 2010 = "Prostitution, the abolition of the victim and post-modernism's defence of the status-quo"

- [Article in English](#) about her book.
- [Article in Danish](#) about her book.
- [Article en français](#) sur son livre.
- Traduction en français du livre : [L'être et la marchandise. Prostitution, maternité de substitution et dissociation de soi](#), Kajsa Ekis Ekman, 2013, M éditeur
- Blog of Kajsa Ekis Ekman: <http://kajsaekisekman.blogspot.be/>.

Corps en miettes, Sylviane Agacinski, 2011. Article de presse sur le livre : [La « barbarie » des mères porteuses](#), Libération, 15/04/2009.

Christine Le Doaré, feminist activist, ex-director of the LGBT center of Paris-Ile-de-France :

- [Asymétrie reproductive et gestation pour autrui \(GPA\)](#), 2011, in Têtu magazine
- [GPA, depuis quand l'Etat français cède-t-il au chantage par voie de circulaire ?](#), 2013

Press release / communiqué de presse, Femmes Prévoyantes Socialistes, 16 mai 2013, [« Femmes à louer : assez ! »](#)

[Campaign](#) of the Swedish Women's Lobby against surrogacy: [Feminist no to surrogacy](#)

[Abuses of women's human rights in third-party reproduction](#), Kathleen Sloan, human rights advocate specializing in global feminism and a member of the Board of Directors of the National Organization for Women (NOW).

On surrogacy in general

[A Comparative Study on the Regime of Surrogacy in EU Member States](#), European Parliament, May 2013. This study provides a preliminary overview of the wide range of policy concerns relating to surrogacy as a practice at national, European and global level. It undertakes an extensive examination of national legal approaches to surrogacy. It also analyses existing European Union law and the law of the European Convention of Human Rights to determine what obligations and possibilities surround national and transnational surrogacy. The study concludes that it is impossible to indicate a particular legal trend across

the EU, however all Member States appear to agree on the need for a child to have clearly defined legal parents and civil status.

[Why surrogacy should not be allowed](#), Riitta Burrell, dosent, University of Helsinki, October 22, 2012, Copenhagen, PPT presentation.

[Historical lineages of commercial surrogacy and the contemporary Indian gestational market](#), Catherine Waldby, professor, University of Sydney, Australia, October 22, 2012, Copenhagen, PPT presentation.

[Gestational Surrogacy: Could be a way to reproduction? Pros and Cons](#), Peris Clementina, Turin, Italy, 2011, Georgian Medical News, Page 11. Medical aspects of surrogacy.

[Transnational surrogacy and international human rights law](#), Barbara Stark, USA, July 26, 2012. Why the domestic family laws of the participating states are inadequate to address the surrogacy problem, how international human rights law provides some useful guidelines. The argument is that, at the very least, where surrogacy is allowed, the protection of well-established human rights norms should be assured. In some cases, this may be accomplished through regulation or contractual provisions, such as the assurance for the gestational mother of free pre-natal care. In other cases, this may be more difficult, such as treatment for as yet unknown conditions that may result from the hormonal treatments necessary for surrogacy. If such assurances are impossible, surrogacy should be barred as a violation of human rights.

[Surrogacy: Exploitation or Violation of Intimacy?](#), John Ozolins. Human flourishing cannot be separated from one's relationships with others and any circumstance which is destructive of such relationships must be considered immoral. The surrogate, unless she is treated as an object or merely as a means to an end, is intimately involved in the relationships between the child and its putative parents and important relationships become ambiguous and so harmed. Furthermore, if this view is rejected, then the feminist argument that surrogacy always involves the exploitation of the surrogate renders it immoral.

[The socio-economic struggle for equality: the black surrogate mother](#), Anita L. Allen, 1991, Harvard university. This third article contemplates another facet of surrogacy-gestational surrogacy. I will comment on Johnson v. Calvert, a case involving a Black surrogate mother, and on whether gestational surrogacy by Black women simply puts a new face on an old problem: whites owning Black women's wombs.

Surrogacy in France

[Mères porteuses: extension du domaine de l'aliénation](#), Terra nova, 2010. Plusieurs initiatives ont vu le jour, à gauche, en faveur d'une légalisation de la pratique des mères porteuses (Gestation Pour Autrui), associée à l'idée d'une vision « progressiste » de la parentalité. Le recours aux mères porteuses est, en réalité, absolument contraire à tout engagement de nature « progressiste ». Tandis que les partisans de la GPA soutiennent que la pratique des mères porteuses, là où elle est légale, se déroule dans l'ensemble de manière positive, une étude concrète de ces pratiques aboutit à une conclusion inverse.

[L'Agence de la biomédecine se prononce contre les mères porteuses](#), Marianne Gomez, 2011, France. Le conseil d'orientation de l'Agence est contre la pratique due à la liste impressionnante des conditions qu'il faudrait remplir pour pouvoir contrôler cette pratique.

[Should surrogate mothers be legalised? Ten keys to the debate](#), Sophie Caillat, 2009. Pros cons and the situation in France.

Surrogacy in Ireland

[Surrogacy, parentage, and citizenship: Ireland in the wider world](#), National Parliament of the Republic of Ireland, 2013. Surrogacy in Ireland: debate on consequences on children protection revealing from problematic parentage. The article presents the complexity of the problem highlighting the ethical issues, general concerns, presenting definitions, parentage and guardianship, international surrogacy and the Irish legislation case study

[The ethical case against surrogate motherhood: what we can learn from the law of other European countries](#), The Iona Institute promotes the place of marriage and religion in society; member of the Fundamental Rights Platform of the European Union; 2012, Ireland, Dublin. One of the chief reasons is that surrogacy commodifies the human body. With surrogacy the child becomes the mere object of a legal transaction, while the surrogate mother is used, effectively, as an incubator. Such commodification in itself violates the dignity of both the surrogate mother and the child. A child born after a surrogacy agreement may have up to five adults claiming parent's rights over him or her. Surrogacy is presented as a method of medically assisted reproduction among others, a treatment for infertility. It is often depicted as a generous altruistic action meant to help couples who cannot naturally have children.

Surrogacy and India

[Surrogate Motherhood- Ethical or Commercial](#), Centre for Social Research (CSR), India, 2011. In depth analyses of the situation of surrogate mothers in India.

[Ethical concerns for maternal surrogacy and reproductive tourism](#), Raywat Deonandan, Samantha Green, Amanda van Beinum, 2012, Journal of Medical Ethics. Reproductive medical tourism is by some accounts a multi-billion dollar industry globally. The seeking by clients in high income nations of surrogate mothers in low income nations, particularly India, presents a set of largely unexamined ethical challenges. In this paper, eight such challenges are elucidated to spur discussion and eventual policy development towards protecting the rights and health of vulnerable women of the Global South.

[Reproductive Tourism in India: Ethical and Legal Concerns](#), University of Bonn, 29 July 2010. Debrief review of articles. Panel to be held at the European Conference on Modern South Asian Studies

[Commercial surrogacy and fertility tourism in India](#), Kari Points, India. Japanese couple traveled to India in late 2007 to hire a surrogate mother to bear a child for them. The doctor arranged a surrogacy contract with a married Indian woman with children but one month before the child was born the couple divorced. Although the husband wanted to raise the child, his ex-wife did not. Suddenly, Baby Manji had three mothers—the intended mother who had contracted for the surrogacy, the egg donor, and the gestational surrogate—yet legally she had none. The surrogacy contract did not cover a situation such as this. Nor did any existing laws. The situation soon grew into a legal and diplomatic crisis. The case of Baby Manji illustrates the complexity and challenges faced by institutions in the face of emerging technologies.

The reality of surrogacy: websites of clinics...

Ukraine: <http://en.surrogacy-ukraine.com/>

USA: <http://www.surrogacygroup.com/page3.html>

India: <http://surrogacycentreindia.com/>