

25 November 2022

## Joint statement

**Women's and human rights organisations call on the European Commission and Parliament to include the crime of reproductive exploitation of women in all their legislative initiatives as violence against women and as trafficking in human beings.**

## Forward

By reproductive exploitation, we refer to: prohibition of abortion, forced abortion, forced pregnancy, surrogacy, oocytes sales. These practices lock women into the role of reproducers for others, to the detriment of their health and human rights. Therefore, they have to be included in any instruments dealing with violence against women.

This statement focuses on surrogacy.

Surrogacy is the social practice that consists of recruiting a woman to gestate and give birth to one or more children, whether they are conceived with her own oocytes or not, in exchange for payment, and through a contract, to give the baby away, thus renouncing her parental rights, to one or more people (called commissioners, clients or buyers<sup>1</sup>) who wish to be designated as the parents of the new-born<sup>2</sup>.

Surrogacy entails the objectification of women, the commodification of the new-born, the trafficking of human beings, and the violation of human dignity of the woman exploited as 'surrogate mother' and the child, thus undermining women's and child's rights.

## **Directive of the European Parliament and of the Council on combating violence against women and domestic violence.**

**In its efforts to update the notion of violence in this directive,  
the European Commission should go further  
and include reproductive violence that exclusively affects women**

**Today, in Europe, the benchmark on male violence against women is the Istanbul Convention<sup>3</sup>**

The Istanbul Convention defines VIOLENCE AGAINST WOMEN as "all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercive or arbitrary deprivation of liberty, whether occurring in public or private life". It also recognises that violence against women constitutes "a violation of human rights and a form of discrimination against women".

**However, the Istanbul convention is** more than 10 years old. Globalisation and new technologies have facilitated new forms of male violence, such as, for example, the cyberviolence. For this reason and given the lack of ratification by certain EU states, the European Commission has undertaken to create a new Directive that would address, in a

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<sup>1</sup> commissioning or intending parents according to the surrogacy market

<sup>2</sup> <http://abolition-ms.org/en/news/draft-international-convention-for-the-abolition-of-surrogacy/>

<sup>3</sup> <https://rm.coe.int/168008482e>

comprehensive manner, all forms of violence against women, binding member states to preventing and eradicating them.

In order to become a truly comprehensive EU legal instrument that leaves no woman or girl behind, the **violence inflicted upon women through reproductive exploitation must be included in the new Directive.**

Reproductive exploitation is a fast growing global multi-million industry and a form of violence against women. To satisfy someone else's parental wishes, women are subjected to physical, economic, medical and psychological violence which has been widely documented<sup>4</sup>. Women's reproductive capacity should only serve their own parental projects, not that of others, which is exploitative.

In surrogacy, the mothers exploited as "surrogates" relinquish all their rights throughout the process. Worldwide, the contract and/or regulation governing this practice disposes of human beings, both the mothers exploited as surrogates and the future child (making use of them depriving them of their freedoms and rights). In Europe, most countries aware of this violation of the fundamental human rights enshrined in the EU Charter, have outlawed this practice on their territory. However, these provisions are systematically undermined by the development of cross-border surrogacy.

Legitimising or facilitating this practice is tantamount to fostering the demand for the exploitation of the most vulnerable by the most well-off social classes. To satisfy their desire for a child an exemption to human rights is granted, to the detriment of women, especially those from the most economically and socially vulnerable groups.

Considering all these elements, the practices described above as reproductive violence, rooted in inequality between women and men and a manifestation of structural discrimination against women, fall within the definition of violence against women<sup>5</sup> of the Istanbul Convention and, as such, should be covered by the directive.

## **Communication from the Commission to the European Parliament, the Council, the European Economic, and Social Committee, and the Committee of the Regions on the EU anti-trafficking strategy (2021-2025).**

### **Trafficking in human beings invents new methods every day. Alongside trafficking for prostitution and child trafficking, trafficking for reproductive purposes is growing faster and faster.**

The United Nations Palermo Protocol uses three criteria for trafficking to occur<sup>6</sup>:

- The activity (recruitment, transportation, harbouring or receipt of persons);
- The means (threat, use of force, deception, coercion, abuse of power, position of vulnerability, giving or receiving of payments or benefits to achieve the consent );
- The purpose (exploitation of victims).

These criteria have been adopted by the European Union in its 2011 EU Anti-Trafficking Directive in its definition of trafficking. The victim's consent to the intended exploitation is irrelevant if any of the above *means* have been used.

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<sup>4</sup>about the high medical risks incurred by surrogate mothers, healthy women who have no parental plans for themselves but for third parties : Gestational surrogacy: results of 10 years of experience in the Netherlands

<https://www.sciencedirect.com/science/article/abs/pii/S1472648318305212> and also see "Risk of preeclampsia in pregnancies resulting from double gamete donation and from oocyte donation alone" <https://pubmed.ncbi.nlm.nih.gov/30177040/>

<sup>5</sup> Istanbul Convention. Article 3(a)

<sup>6</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>

**Human dignity** is the **very basis of fundamental rights** and a **foundational value of the European Union** (Article 2 TEU). According to Article 1 of the Charter of Fundamental Rights of the European Union, "*human dignity is inviolable. It must be respected and protected*". Every human being has an inviolable and intrinsic dignity, which is a universal value, and her or his body must be respected as part of the whole human person.

Not only does surrogacy directly destroys human dignity, but it meets all three criteria for the classification of trafficking. Mothers recruited as surrogates by brokers or clients may be "transported" to the clients' country, or to a third country to circumvent regulations, or subject to mobility within their own country. Their so-called "consent" is often based on manipulation, deception, or pressure, because of their social and economic vulnerability. The result is financial gain for the stakeholders involved (brokers, psychologists, lawyers, clinics, medical personnel, travel agencies), and the procurement of new-born human beings for the clients.

Cross-border surrogacy is emerging as a new form of human trafficking due to globalization, increased mobility, and the development of new digital and/or medical technologies as it has been highlighted by certain bioethics committees<sup>7</sup>. As such, it should be specified and added into the revised directive on trafficking.

The Directive on violence against women that includes in its scope reproductive exploitation will contribute to better prevention of crime, improve protection of women victims and of children's rights. It will contribute to strengthening another foundational value of the European Union, i.e. equality between women and men and the access to fundamental rights stemming from the Charter of Human Rights of the European Union. To do so, the European Union already has strong foundations as it has repeatedly condemned surrogacy:

- In 2015, as an infringement of human dignity<sup>8</sup>;
- In 2017, as a source of human rights violations, in the context of human trafficking<sup>9</sup>;
- In 2021, its impact on the health of mothers exploited through surrogacy and the breach of equality between women and men it represents<sup>10</sup>;
- In 2021, as sexual exploitation, on the same level as sexual exploitation of women through forced marriages, prostitution and pornography<sup>11</sup>;
- In 2022, it reiterated all its condemnations of practice of surrogacy in relation to the situation of women in the context of the war in Ukraine<sup>12</sup>.

**We, the signatories of this joint statement, demand that the European Commission and the European Parliament systematically take surrogacy into account in their legislative work, as a reproductive violence inflicted on women, as human trafficking, and a violation of children's rights.**

**EWL – European women's Lobby**

**ENoMW – European Network of Migrant Women**

**CAP International – International Coalition Against Prostitution**

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

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<sup>7</sup>Spanish bioethics committee points out that "One reason to support the prohibition of altruistic surrogacy could lie in the inability of the law to prevent commercial surrogacy once altruistic surrogacy has been accepted"

[http://assets.comitedebioetica.es/files/documentacion/en/spanish\\_bioethics\\_committee\\_report\\_on\\_the\\_ethical\\_and\\_legal\\_aspects\\_of\\_surrogacy.pdf](http://assets.comitedebioetica.es/files/documentacion/en/spanish_bioethics_committee_report_on_the_ethical_and_legal_aspects_of_surrogacy.pdf) (page 26)

<sup>8</sup> [http://www.europarl.europa.eu/doceo/document/TA-8-2015-0470\\_FR.html](http://www.europarl.europa.eu/doceo/document/TA-8-2015-0470_FR.html)

<sup>9</sup> [https://www.europarl.europa.eu/doceo/document/TA-8-2018-0515\\_FR.html](https://www.europarl.europa.eu/doceo/document/TA-8-2018-0515_FR.html)

<sup>10</sup> [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0041\\_FR.htm](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0041_FR.htm)

<sup>11</sup> [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0025\\_FR.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0025_FR.html)

<sup>12</sup> [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0206\\_FR.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0206_FR.html)

## Feminist and human rights organisations signatories

- 1000 OPPORTUNITIES/ 1000 MÖJLIGHETER - SWEDEN
- 44 VILAINES FILLES - FRANCE
- ABOLICIONISTAS HUESCA - SPAIN
- ADAVAS - LEÓN - SPAIN
- AMICALE DU NID - FRANCE
- ANTI PORNOGRAPHY AND PROSTITUTION RESEARCH GROUP - JAPAN
- ANYDES - SPAIN
- ARCILESBICA ITALIA - ITALY
- ASOCIACIÓN DE PROFESIONALES DE LOS CENTROS DE INFORMACIÓN A LAS MUJERES - SPAIN
- ASOCIACIÓN FEMINISTA LEONESA "FLORA TRISTÁN" - SPAIN
- ASOCIACIÓN MUJERES JURISTAS DE LA PROVINCIA DE JAÉN - SPAIN
- ASOCIACIÓN MUJERES PARA LA SALUD - SPAIN
- ASSEMBLÉE DES FEMMES - FRANCE
- ASSOCIATION BAGDAM ESPACE LESBIEN - FRANCE
- ASSOCIAZIONE DORAD - ITALY
- ASSOCIAZIONE IROKO ONLUS - ITALY
- ASTERIA AGRUPACIÓN FEMINISTA - MEXICO
- AUTONOMOUS WOMEN'S CENTER - SERBIA
- AWSA-BE - ARAB WOMEN'S SOLIDARITY ASSOCIATION - BELGIUM - BELGIUM
- BEBEBIENVENU ASSOCIATION - ROMANIA
- BULGARIAN PLATFORM EWL - BULGARIA
- CAMINOS PARA CONVIVIR SC - MEXICO
- CAMT - MEXICO
- CAP INTERNATIONAL SPAIN - SPAIN
- CENTER AGAINST HUMAN TRAFFICKING AND EXPLOITATION, LITHUANIA - LITHUANIA
- CENTRE ÉVOLUTIF LILITH (CEL) - FRANCE
- CENTRE FOR SOCIAL AND GENDER RESEARCH "NEW LIFE" - UKRAINE
- CENTRE FOR WOMEN WAR VICTIMS - ROSA - CROATIA
- CHIENNES DE GARDE - FRANCE
- CNFF ET CIF - FRANCE
- COALITION AGAINST TRAFFICKING IN WOMEN - USA
- COLECTIVO DE MUJERES CONTRA LA VIOLENCIA DE GÉNERO - MEXICO
- COLETIVA SOCIEDADE Matriarcal - BRAZIL
- COLLECTIF FÉMINICIDES PAR COMPAGNONS OU EX - FRANCE
- COLLECTIF LIBERTAIRE ANTI-SEXISTE - FRANCE
- COLLECTIF POUR LE RESPECT DE LA PERSONNE CORP - FRANCE
- COMISION PARA LA INVESTIGACIÓN DE MALOS TRATOS A MUJERES - SPAIN
- CONSEIL NATIONAL DES FEMMES FRANÇAISES CNFF - FRANCE
- CONSEIL NATIONAL DES FEMMES FRANÇAISES CNFF-ICW - ICW - FRANCE
- CONSELL NACIONAL DONES D'ESPANYA CNDE - SPAIN
- CONSULTORÍA EN GÉNERO, PERIODISMO Y COMUNICACIÓN - MEXICO
- CQFD LESBIENNES FEMINISTES - FRANCE
- DEMOCRACY DEVELOPMENT CENTER - UKRAINE
- DOFEMCO - SPAIN
- ECVF ÉLU-ES CONTRE LES VIOLENCES FAITES AUX FEMMES - FRANCE
- EHULEAK - SPAIN
- ELEANOR M. & OSCAR M. CARLSON ENDOWED CHAIR IN WOMEN'S STUDIES, EMERITA, UNIVERSITY OF RHODE ISLAND - USA
- EMISSION FEMMES LIBRES SUR RADIO LIBERTAIRE 89.4 - FRANCE
- EN CLAU DE DONA - SPAIN
- ENCORE FÉMINISTES ! - FRANCE
- END DEMAND SWITZERLAND - SWITZERLAND
- EUROMED FEMINIST INITIATIVE - FRANCE
- EUROPEAN CENTER OF THE INTERNATIONAL COUNCIL OF WOMEN - BELGIUM
- FEDERACIÓN DE MUJERES PROGRESISTAS - SPAIN
- FEDERACIÓN MEXICANA DE UNIVERSITARIAS - MEXICO
- FEDERACIÓN MUJERES JÓVENES - SPAIN
- FEMES. FEMINISTAS SOCIALISTAS. - SPAIN
- FEMICANAS: EL AQUELLARRE. - COLOMBIA
- FEMINISTAS AL CONGRESO - SPAIN

- FEMMES DU MONDE ET RÉCIPROQUEMENT - FRANCE
- FEMMES ICI ET AILLEURS - FRANCE
- FEMMES POUR LE DIRE, FEMMES POUR AGIR - FRANCE
- FEMU - MEXICO
- FEMU, A.C. - MEXICO
- FEVIMI - FEDERACIÓN PARA LA ERRADICACIÓN DE LA VIOLENCIA EN LAS MUJERES Y NIÑAS - SPAIN
- FINRRAGE - AUSTRALIA
- FONDATION SCELLES - FRANCE
- FÓRUM DE POLÍTICA FEMINISTA DE MÁLAGA - SPAIN
- FORUM FEMMES JOURNALISTES DE LA MÉDITERRANÉE - EUROPE
- FORUM FEMMES MÉDITERRANÉE - FRANCE
- FORUM POLÍTICA 8 - SPAIN
- FRENCH COORDINATION FOR THE EUROPEAN WOMEN LOBBY (LA CLEF) - FRANCE
- FRENTE FEMINISTA NACIONAL - MEXICO
- FRENTE NACIONAL FEMINISTA ABOLICIONISTA - MEXICO
- FRONT ABOLICIONISTA DEL PAÍS VALENCIÁ - SPAIN
- FRONT FÉMINISTE - FRANCE
- FUERZA DEMOCRÁTICA DE GUERRERO - MEXICO
- GAMS FEDERATION - FRANCE
- GES ASOCIACIÓN CIVIL - ARGENTINA
- GREEK LEAGUE FOR WOMEN'S RIGHTS - GREECE
- GROUPE EUROPE DES FEDERALISTES EUROPÉENS - BELGIUM
- HEURA LILA - SPAIN
- HUNGARIAN WOMEN'S LOBBY - HUNGARY
- INITIATIVE FÉMINISTE EUROMED - FRANCE
- IRUÑA ARANCIBIA CRISTÓBAL - SPAIN
- ISALA ASBL - BELGIUM
- ITALIAN COORDINATION OF THE EUROPEAN WOMEN'S LOBBY - ITALY
- JAPAN COALITION AGAINST SURROGACY PRACTICES - JAPAN
- JUSTICE FOR WOMEN - UK
- KASANDRXS-FEMINISTAS ABOLICIONISTAS- - ARGENTINA
- KLAIPEDA SOCIAL AND PSYCHOLOGICAL SUPPORT CENTRE - LITHUANIA
- LA RÉVOLUTION SERA FÉMINISTE- EMISSION RADIO GALERE MARSEILLE - FRANCE
- LA REVUELTA SUBVERSIVA - URUGUAY
- LABORATORIO FEMINISTA DE DERECHOS DIGITALES - MEXICO
- LAS DEL AQUELARRE FEMINISTA - MEXICO
- LE MONDE SELON LES FEMMES ASBL - BELGIUM
- LIBRES MARIANNES - FRANCE
- LIGUE DU DROIT INTERNATIONAL DES FEMMES - FRANCE
- LOBBY EUROPEO DE MUJERES EN ESPAÑA- LEM ESPAÑA - SPAIN
- LUZ ULTRAVIOLETA - SPAIN
- MAISON DES FEMMES DE PARIS - FRANCE
- MALEN ETXEA, MUJERES INMIGRANTES - SPAIN
- MALVA - SPAIN
- MARCHE MONDIALE DES FEMMES FRANCE - FRANCE
- MARIZ / GLOBAL WOMAN PEACE ACTIONS - BRAZIL
- MARTA CENTRE - LATVIA
- MATERFEM MATERNIDADES FEMINISTAS GALEGAS - SPAIN
- MEDITERRANEAN INSTITUTE OF GENDER STUDIES - CYPRUS
- MÉMOIRE TRAUMATIQUE ET VICTIMOLOGIE - FRANCE
- MIGRANT WOMEN HUNGARY ASSOCIATION.(SHE4SHE) - HUNGARY
- MILLENNIA2025 WOMEN AND INNOVATION FOUNDATION - BELGIUM
- MORADA RADICAL - MEXICO
- MOUVEMENT DU NID - FRANCE
- MUJERES ABOLICIONISTAS CANARAS - SPAIN
- MUJERES POR LA ABOLICIÓN - SPAIN
- MUSEO DE LA MUJER (CABA) - ARGENTINA
- NACIÓN MUJERES - SPAIN
- NATIONAL COUNCIL OF WOMEN OF UKRAINE - UKRAINE
- NETWORK OF EAST-WEST WOMEN, NEWW- POLAND - POLAND
- NGO "RURAL WOMEN OF UKRAINE" - UKRAINE
- NGO INTERNATIONAL SCHOOL OF EQUAL OPPORTUNITIES - UKRAINE
- NGO KYIV SCHOOL OF EQUAL OPPORTUNITIES - UKRAINE

- NKARI FUNDACJA IM. KAZIMIERZA ŁYSZCZYNSKIEGO - POLAND
- NORDIC MODEL NOW! - UK
- NOUSTOUTES70 - FRANCE
- NUEVA ALIANZA PUEBLA - MEXICO
- OBJECT UK – UK
- OBSERVATORIO DE VIOLENCIA SOCIAL Y DE GENERO EN EL ESTADO DE CHIAPAS - MEXICO
- ONGD AFRICANDO - SPAIN
- OSEZ LE FÉMINISME ! - FRANCE
- OSEZ LE FEMINISME 17 - FRANCE
- PARTI COMMUNISTE FRANÇAIS - COMMISSION FEMINISTE - FRANCE
- PARTIDO FEMINISTA DE ESPAÑA - SPAIN
- PARTIDO FEMINISTA DE ESPAÑA EN CANARIAS - SPAIN
- PATENT ASSOCIATION - HUNGARY
- PECOLA PRODUCTIONS - BELGIUM
- PERSONS AGAINST NON-STATE TORTURE - CANADA
- PORTUGUESE PLATFORM FOR WOMEN'S RIGHTS - PORTUGAL
- POUR LES DROITS DES FEMMES DU QUÉBEC - PDF QUÉBEC - CANADA
- RADICAILÍN - IRELAND
- RAJFIRE - FRANCE
- REBELLES DU GENRE - FRANCE
- RECAV, RED ESTATAL CONTRA EL ALQUILER DE VIENTRES - SPAIN
- RED PARA EL AVANCE POLÍTICO DE LAS MUJERES GUERRERENSES - MEXICO
- REDE DE JOVENS PARA A IGUALDADE DE OPORTUNIDADE ENTRE MULHERES E HOMENS - PORTUGAL
- REGARDS DE FEMMES - FRANCE
- REGIONAL COALITION AGAINST TRAFFICKING IN WOMEN AND GIRLS IN LATIN AMERICA AND THE CARIBBEAN (CATWLAC) - MEXICO
- REMUE MÉNINGES FÉMINISTE, RADIO LIBERTAIRE 89,4 - FRANCE
- RÉSEAU FÉMINISTE "RUPTURES" - FRANCE
- RÉUSSIR L'ÉGALITÉ FEMMES HOMMES - FRANCE
- SAFE SCHOOLS ALLIANCE - UK
- SE NON ORA QUANDO LIBERE - ITALY
- SECULARISM IS A WOMEN'S ISSUE - SIAWI.ORG - INTERNATIONAL
- SISTERS - FÜR DEN AUSSTIEG AUS DER PROSTITUTION! E.V. - GERMANY
- SOCIETATEA DE ANALIZE FEMINISTE ANA, BUCURESTI, ROUMANIE - ROMANIA
- SOCIETY KLJUC - CENTRE FOR FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS - SLOVENIA
- SOLIDARITE-FAMILLES - FRANCE
- SORTIR DU SILENCE - FRANCE
- STOP SURROGACY NOW UK - UK
- STOP VIENTRES DE ALQUILER - SPAIN
- STOPPT LEIHMUTTERSCHAFT - AUSTRIA
- SWEDISH WOMEN'S LOBBY - SWEDEN
- TERTULIA FEMINISTA LES COMADRES - SPAIN
- UAM - SPAIN
- UDI DI NAPOLI - ITALY
- UKRAINIAN ASSOCIATION FOR RESEARCH IN WOMEN'S HISTORY - UKRAINE
- UKRAINIAN WOMEN IN GREECE - GREECE
- UNION EUROPÉENNE DES FEMMES - FRANCE
- UNIVERSIDAD COMPLUTENSE DE MADRID (members of) – SPAIN
- UNIVERSIDAD DE CONCEPCIÓN (members of) - CHILE
- UNIVERSIDAD DE GRANADA (members of) - SPAIN
- UNIZON - SWEDEN
- VADMC - FRANCE
- VILLE DE CLERMONT-FERRAND (CM) - FRANCE
- WOMEN WORLDWIDE ADVANCING FREEDOM & EQUALITY (WAAFE) - UK
- WOMEN@THEWELL - UK
- WOMEN'S BALTIC PEACEBUILDING INITIATIVE - SWEDEN
- WOMEN'S ASSOCIATION VUKOVAR - CROATIA
- WOMEN'S DECLARATION ARGENTINA - ARGENTINA
- WOMEN'S DECLARATION INTERNATIONAL - FRANCE - FRANCE
- WOMEN'S DECLARATION INTERNATIONAL - INTERNATIONAL
- WOMEN'S DECLARATION INTERNATIONAL SPAIN - SPAIN
- WOMEN'S NETWORK OF CROATIA - CROATIA
- YAOTLYAOCIHUATL AMEYAL AC - MEXICO
- ZÉROMACHO- DES HOMMES CONTRE LE SYSTÈME PROSTITUEUR - FRANCE