

*Maternità al bivio: dalla libera scelta alla surrogata.
Una sfida mondiale*

Roma, 23 marzo 2017
Sala della Regina, Palazzo Montecitorio
ore 14:00 - 19:30

**A call for policies to prevent surrogacy motherhood - the Swedish experience
(Stephanie Thogersen)**

Thank you for the invitation and for the important initiative to bring the issue of surrogacy motherhood to the CEDAW Committee. I represent the Swedish Women's Lobby which is an umbrella organization for the Swedish women's movement. We work on all issues related to women's rights, including trafficking in women, men's violence against women, the right to abortion and bodily integrity -which all are issues that we see as linked to surrogacy. The Swedish Women's Lobby's work is based on the CEDAW Convention and the Beijing Platform for Action.

The Swedish Women's Lobby have been working on the issue of surrogacy for more than seven years, and we have founded a campaign and network called "Feminist no to surrogacy". Our understanding is that that surrogacy is a trade in women's bodies and trade in children and that needs to be ended. We are also part of the European Women's Lobby, which is the umbrella for women's organizations in Europe, with more than 2500 member organizations. The European Women's Lobby has also taken a stand against all forms of surrogacy.

Today I am going to present to you the Swedish experiences and perspective on surrogacy.

Currently there is no regulation on surrogacy in Sweden. As in other countries in Europe, a growing number of couples have had babies through surrogacy abroad and brought them to Sweden, causing a confusion on how to handle the case of citizenship for the children. This has led to a strong request for a policy on surrogacy in Sweden.

In the Swedish system, new laws must first be subject of a governmental commission. In 2013, the Swedish government initiated a commission to investigate if Sweden should introduce surrogacy. Their proposal was presented last year. After 3 years investigation, the Commission suggested that surrogacy motherhood should not be allowed in any form and that society should work to counteract commercial surrogacy abroad. The reasons for this are the following:

- 1. There is an international agreement and understanding that the human body and body parts cannot be subject of profit. This is stated in the prohibition of trade in organs and body cells. It would be incompatible to introduce a regulation that allows commercial surrogacy under existing international prohibitions.*
- 2. Allowing commercial surrogacy would be incompatible with the development within the EU. There is no EU country that explicitly allows commercial surrogacy arrangements.*

3. *Commercial surrogacy is incompatible with the prohibitions that exist against trade in women and children and other regulations that aim to ensure women's and children's rights.*
4. *There is almost no research on children that has been conducted through surrogacy.*
5. *There is an obvious risk for pressure and commercialization within the system of surrogacy. If introduced, many women would run the risk of being pressured to be a surrogate mother. Women could also feel an unspoken pressure to help a close relative or friend. The risk for this kind of pressure could possibly decrease if surrogacy between kindred or close relationships would be prohibited. But on the other hand, if there would be a criteria to not have any relationship with the surrogate mother, that would likely increase the risk for hidden commercialization.*

It should also be said that it is overall hard to not say impossible to beforehand imagine what it means to carry a child and then leave it to the contemplated parents. So even if a woman takes an "informed decision" and signs a contract, it is impossible to predict how she is going to feel carrying the baby and then leaving it to the intended parents.

6. *This leads us to the problem of the surrogate mothers possibilities to regret when the baby is born. The respect for a surrogate mothers autonomy demands that she could regret leaving the baby to the intended parents. But if the surrogate mother changes her mind, there is a risk for conflicts of interest that could affect the child.*
7. *So, the conclusion by the Swedish Commission (as well as the women's movement) is that neither altruistic nor commercial surrogacy should be legal. In order to prevent commercial surrogacy abroad there is a need for extensive information campaigns carried out by authorities, e.g. the authority responsible for family matters. Authorities should advise against surrogacy to couples that consider this method. Couples should get information that if they proceed with surrogacy, there are big risks for the surrogate mother and the baby, as well as legal problems that might affect the child. Authorities should advise against surrogacy and suggest alternative methods.*

The conclusions, arguments and suggestions I have presented are all formulated by the Governmental Commission, which the women's movement agree with.

Lastly I want to mention that I just arrived from the UN Commission on the Status of women in New York, where surrogacy was discussed in the context of violence against women and trade in women's bodies. These are just a few of all women who have started to speak out about their experiences, as well as children born through surrogacy. It was made clear that children should not be subject of trials and legal contracts. Although we all understand the suffering of childlessness, society and the international community cannot open up to trade in women and children.

This is a rapidly growing trade with strong economic interests, and it is crucial that the UN CEDAW Committee takes a clear stand and address surrogacy as a harmful practice.

The surrogacy industry claims that the international problems with custody and citizenship will be solved by distinct international agreements and contract enforcement. But there cannot be any contracts or contract enforcements when we are dealing with people. Then it is not called contract enforcement, then it is called human trafficking.