

**La Manif Pour Tous**

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## **Contribution to the Commission on the Status of Women**

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La Manif Pour Tous and Juristes pour l'Enfance would like to thank the Commission on the Status of Women for the opportunity to pass on information concerning flagrant human rights violations particularly affecting the situation of women.

The two associations would like to draw the Commission's attention to the emerging pattern of sex-centric discriminatory practice: reproductive exploitation. This type of exploitation adds to the forms of exploitation to which girls and women the world over are already subjected. It confiscates their bodies and reproductive capacities by making their wombs available to third parties, in the case of surrogate motherhood, to be used to produce children.

Women are thus transformed into production tools and treated as objects. Reproductive exploitation is a major threat to women's rights.

In the Beijing Declaration and Platform for Action, governments committed themselves to:  
*“take measures, including the adoption of programmes and policies, to ensure that maternity, parenthood and the reproductive role of women are not used as a basis for discrimination against women, nor should they have the effect of limiting women's full participation in society”.*

Yet reproductive exploitation, and surrogacy in particular, poses serious dangers to women's health and dignity.

Such exploitation is on the increase throughout the world. Women are becoming the raw material for a flourishing market valued at over 13 billion dollars worldwide, according to the Observatoire de la Procréation Assistée.<sup>1</sup>

One country alone (according to Global Market Insight figures), the USA, accounts for almost 20% of the total size of this market. This large market share implies that hundreds of women are exploited across the country. As a result, women would not be protected and their rights would not be respected, even though the United States has agreed to all the Agenda 2030 goals.

Testimonies of exploited surrogate mothers are numerous. The Center for Bioethics and Culture Network (CBC), an organization with which La Manif Pour Tous and Juristes pour l'enfance work closely to combat reproductive exploitation, has collected dozens, all describing the same pattern of exploitation: a promise of easy money, a contract transforming them into a means of production, dehumanization throughout the process and a strong feeling of having been exploited and ultimately victimized by human trafficking.

📄 La Manif Pour Tous et Juristes pour l'enfance would like to share two of these testimonials with the Commission: Gloria's and Kelly Martinez's.

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<sup>1</sup> <https://procreation-assistee.fr/>

## 1- Gloria, twice a surrogate mother<sup>2</sup>

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Gloria is a mother with two children, one of whom is disabled. She is a military wife, like 15-20% of American surrogate mothers.

Interviewed in 2024, she first describes the promises that led her to begin her first surrogate pregnancy, then the pressures to continue:

*“The first time I researched what being a surrogate mother entailed, I realized it was a bit of a dream job. You can help your family by helping someone else build their family. It's not taxed, you can stay at home as a stay-at-home mom, and it's an almost perfect job since you're available for your family almost all the time.*

*The agencies tell you about something special, a “quest” of sorts. They tell you that you're going to be the most important person in someone's life, and I'm not going to lie to you, who wouldn't want to be the most important person in someone else's life? [...]*

*I gave birth the first time as a surrogate father in February 2020 and started the second surrogacy in July 2021. I hadn't planned to do it a second time. But the agency started calling me very soon after the birth, trying to pressure me to start a second surrogacy. The first surrogate was for a Spanish couple and the second was for an American couple from California.”*

She also highlights the role of agencies, commercial intermediaries who take the side of sponsors and maintain a stranglehold on surrogate mothers, going so far as to censor their expression.

*“At my first meeting with the intended parents, I was particularly clear about my specific needs as the mother of a child with a disability. Among other things, I wanted to make it clear that I really couldn't travel: as my husband is in the army, I absolutely have to be available all the time. Once the contract is signed, the intended parents take out additional insurance for the surrogate mother.*

*Once the contract is signed, the agency puts us in touch with a sort of social worker who is supposed to accompany us through the process. This person is supposed to give us advice, help us with medical appointments...but it's definitely not someone trained in medicine or anything else. Most of the time, it's a former surrogate mother. In fact, it reminds me of a kind of pyramid system, as well as being a surveillance system: every time a surrogate starts to say publicly on facebook groups what's wrong, she's immediately deleted by the assistant.*

*It happened to me: I was attacked for giving a bad image of surrogacy. During my first surrogacy, my testimony was all over the agency's networks, but the second time I said something was wrong, I was immediately deleted.”*

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<sup>2</sup> <https://www.youtube.com/watch?v=8JZR09oCyg8> « Gloria: Military Wife & Mother Speaks Out About Surrogacy Experience »

During pregnancy, it is the surrogate mother who suffers the full brunt of medical complications, without receiving adequate support.

*« While everything was going well with the intended parents, once the contract was signed, they quickly changed their tune. I called the agency several times, telling them I couldn't go on. But their answer was always the same: I'd have to reimburse legal fees, health insurance and medical examinations. So I really felt I had no choice.*

*And it all got worse during the pregnancy. On the day of the embryo transfer, the father of intention, with whom I'd had no exchange before, made a very inappropriate comment, I felt really bad and my social worker just laughed. Then I immediately became very ill during the pregnancy: I couldn't stand the daily hormone injections (necessary for the surrogacy to continue). I then had hyperemesis gravidarum, and received no help from the agency. And because of the insurance policy the parents had bought, I couldn't get treatment, even though I couldn't do anything on my own, not even shower.*

*The contract with the agency specified that I couldn't make any medical decisions on my own. I had to refer to the agency, otherwise I was in total breach of contract. The intended mother asked to see my medical records. The obstetrician told her no, but the agency gave her my password so she could access it. As a result, I no longer had any medical rights.*

*[...]*

*I managed to give birth vaginally, even though it was terribly painful. When he was born, I didn't want to see the baby. I was fighting to stay alive for my children, without any help: it was me, while I was struggling, who had to keep the intended parents informed. The agency's social worker was absent.*

*The intended parents didn't respond. At the time of the birth, they weren't there. The obstetrician got upset and told me I'd done my job, that it was time to focus on my health, and that he'd let the intended parents know that if they wanted to see their child, he'd be in the nursery.*

*I didn't want to see him anyway. The only link I got was a note from them from a nurse who just wrote "thank you".*

The exploitation of the surrogate mother continues, as she must consent to the administrative procedures of the surrogacy contract:

*After giving birth, I continued to bleed for 19 weeks. But nobody wanted to take me in: I was no longer interesting. It was at this point that the intended parents needed my original birth certificate for their procedures in Spain (where GPA is illegal).*

*They agreed to take care of my medical problems on the sole condition that I provide them with this certificate. It's really exploitation, extortion.*

*And that's not all: the intended mother wanted breast milk for the child. For this, I had to provide her with authorization, as the gestational carrier, to have access to the maternal milk bank. But I refused. So the agency's social worker took over my account and issued the authorization, pretending to be me. As a result, I was summoned by the hospital for fraud, which had spotted that someone had been impersonating me.*

*Once that was over, I realized. I was fired. I was treated like garbage. I was spoken to in a disgusting way. I realized that I was a victim of human trafficking and that I had signed a contract to be exploited. And as I was being paid, I was asked to keep quiet.*

*My mental health has been in danger ever since. I'm on medication, my children have been in therapy ever since, my marriage has been shaken. I have to cover these costs because the insurance has obviously stopped.*

*As a surrogate mother, our whole life is controlled by the agencies and the intended parents from the moment we sign the contract. They don't care about our happiness. Some contracts even stipulate that in the event of an accident, they must keep the surrogate alive until the child is born.*

*The agencies lie. I was told that my payments would not be taxed. This is not true. »*

## **2- Kelly Martinez, three-time surrogate mother<sup>3</sup>**

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Like Gloria, Kelly Martinez has suffered the long-term consequences of surrogacy.

She has testified publicly on several occasions, notably to the American authorities and the UN, about her experience. A mother of three, she has had three surrogate pregnancies, giving birth to twins for a French couple, a child for an American couple, and twins again for a Spanish couple.

For her first surrogate pregnancy, the agency did not explain to Kelly the legal steps she would have to take after the birth, and asked her to travel in a manner incompatible with her state of health, even going so far as to put her in danger:

*« The agency called to tell me that immediately after the twins were born, I would have to go to Des Moines to get the birth certificates. It was a surprise. This was a difficult trip for me to make, as I'd given birth to one twin vaginally and the other by C-section, so I wasn't quite over it yet. But I did what the agency asked.*

*And then I got another call from them saying that I now had to go to Chicago because something unexpected had happened and the couple couldn't leave the States without the babies' passports. I was battling an infection from childbirth but my husband & I put our two young children in our car and made the trip to Chicago. The couple then explained to us that surrogacy was not legal in France and that I had to go to the French consulate the next morning. I tried to call my lawyer, but it was 9pm and I couldn't reach him or the agency.*

*I went to the French consulate the next day, and everything was in French. I couldn't understand a word. I was asked to sign a seven-page document, and I had no idea what I was signing. No one translated for me. I was terrified, signed the papers and left. »*

Despite this traumatic experience, a surrogacy agency convinced Kelly to embark on a new surrogacy using one argument: that of her financial precariousness:

*“Money was still very tight for our family and I thought this might help”.*

A financial precariousness that would also be the driving force behind the third surrogacy:

*“time passed and our family continued to grow with the arrival of our third child and finances are still an issue for us.”*

This third surrogacy did not go well: Kelly developed pre-eclampsia which put her at risk. Financial troubles added to poor relations with the intended parents:

*“Things were going very well with the couple until they found out they had two boys. They had paid extra at the fertility clinic to implant a girl embryo and a boy embryo, so when they found out it was two boys, things changed.*

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<sup>3</sup> <https://www.youtube.com/watch?v=TxWvVcXKYZO>

*At 30 weeks, my Rapid City doctor admitted me to the hospital due to dangerously high blood pressure, bordering on stroke. After a few days in the hospital, my doctor said we had to do an emergency C-section or I could have a stroke. The boys were born 10 weeks premature. The couple came to the hospital just to check if they were really two boys.*

*They returned to Spain and there I discovered that they hadn't paid the medical bills. The hospital demanded \$8,000 and the agency completely abandoned me - they weren't responsible."*

From this experience, Kelly draws one conclusion:

*"I am a broken woman who has been used and exploited. I regret my decision to be a surrogate.*

*I thought that by being a surrogate, I would be able to continue what I love being pregnant, helping others while earning money. If that sounds too good to be true, it most likely is. My eyes are open now: I've been exploited, lied to and caused so much pain and heartache."*

**La Manif Pour Tous and Juristes pour l'enfance are alerting the Commission to the growing number of testimonies of this kind in the United States.**

Behind the "fairy tale" that the media and celebrities try to tell to make surrogacy acceptable, there are in reality women who are exploited, broken and who will suffer the consequences of this new form of trafficking for the rest of their lives.

In April 2024, the European Union took the first step by adopting a Directive classifying surrogacy as human trafficking, under conditions of deception or coercion.

Gloria's and Kelly's testimonies make one thing clear: no ethical precaution, no legislative safeguard can protect women against exploitation that is ever more shameful, ever more degrading and ever more reprehensible.

This is why La Manif Pour Tous and Juristes pour l'enfance call on the Commission :

- To carefully examine the testimonies of Kelly and Gloria and to fully appreciate the suffering of these women who have been reduced to wombs for hire;
- To reaffirm that surrogate motherhood of any kind is always human trafficking;
- To recognize the reality of reproductive exploitation as a new threat to women's rights worldwide;

- To propose that member states actively combat this exploitation by working towards universal abolition of the practice, as called for in the Casablanca Declaration.