CoAL (Coalition of Activist Lesbians) Inc Australia
A Lesbian Feminist U.N. Accredited Human Rights Lobby Group
Address: 81-83 Campbell Street, Surry Hills, NSW 2010
www. coal.org.au
admin@coal.org.au
ABN: 68 118 110 269

Submission to the Australian Law Reform Commission on Surrogacy

11 July 2025

The Coalition of Activist Lesbians (CoAL) is writing this submission because of surrogacy's negative effects on women, and on children born by surrogacy. We are also writing it, because gay men play a significant role in promoting surrogacy and in using the 'services' of women as egg donors and as carriers – i.e. as bearing a child through pregnancy and to birth. It is therefore important to have a voice speaking up about that and for which we cannot be accused of being homophobic. We work with organisations that include gay men.

We support the words of Julie Bindel and Gary Powell who write:

> We are a lesbian and a gay man who have been involved for many years in the struggle for gay and lesbian equality and for broader human rights issues. We both unequivocally oppose all forms of surrogacy as unethical; as legally, medically and psychologically dangerous; and as an abusive commodification of women and of babies that also carries significant and barely-reported health risks for the women and babies involved (Bindel and Powell, 2018).

Under Australian law it is not allowable for a person to sell themselves into slavery, and yet the practice of surrogacy shares many of the same features of slavery. At the centre of the surrogacy industry is a system of classism, racism, ableism and misogyny.

Class
Class is one of the most visible features of surrogacy. We see film stars (Nicole Kidman), pop stars (John Elton) showing off their wealth and power by obtaining a child by surrogacy.

Racism
Less visible but a major issue of power within surrogacy, racism plays out wherever poor women become 'surrogates' for white or western women and men.

> At a clinic in Anand in northern India, women give birth to Western children. White women's eggs are inseminated with white men's sperm, and the embryo is implanted in the wombs of Indian women. The children will show no traces of the women who bore them. They will neither bear her name nor get to know her. After giving birth to the children, the Indian women surrender them (Ekis Ekman, 2013, p. 125).

Ukraine has become a mecca for surrogacy, despite the war with Russia. In the book *Broken Bonds: Surrogate Mothers Speak Out* women who have been surrogates in Romania, Russia, Georgia and Hungary have written about their experiences (Lahl *et al*, pp. 25-26; pp. 43-46; pp. 71-74; pp. 107-110; pp. 117-120). This is not the way to contribute to an equitable society in Australia. In the US it is African American and Hispanic women who are frequently used by the surrogacy industry and if white women are, they are poor white women (Lahl *et al*, pp. 121-126).

Ableism
In Australia, in 2014, we heard a great deal about the case of Baby Gammy, a child born with Down Syndrome. The philosophy of eugenics plays a major part in the surrogacy industry. Any embryo, foetus or child perceived as 'less than perfect' (Place, 2019; Hawthorne 2020) can be eliminated. Whenever we hear of acts such as ethnic cleansing, and mass rape it is generally regarded negatively. But the erasure of a person with a disability is not seen that way by many. Surrogacy enables the intending parent(s) to specify the genetic characteristics of the child and that the child should not be born with a disability. Foetal reduction will be carried out on women whose pregnancies suggest a possible disability. In the case of Baby Gammy, the birth mother was literally left 'holding the baby'.

Misogyny
Surrogacy could not exist if women were not reduced to 'breeders'. Renate Klein in her book *Surrogacy: A Human Rights Violation* (2017) writes at length about the inherent misogyny in the surrogacy industry. Her view is reinforced by the contributors to the international anthology *Towards the Abolition of Surrogate Motherhood* (2021) with contributors from a dozen countries.

These writers highlight the negative effects on the birth mother – the surrogate – the egg donor and the new mother. Furthermore, the child born of surrogacy may ask later in life why s/he was a bought baby and who gave birth to her/him?

Rights
Whose rights are paramount? There are many competing rights at issue. But it is clear from the parameters of the Commission that, in the main, the rights of the procuring parents are being presented as more important than the rights and potential injuries to the birth mother, potential donor and the resulting child. Are the rights of men more important that the rights of women or children? As Renate Klein points out the surrogacy industry violates Article 7 and Article 35 of the Convention on the Rights of the Child (Klein 2017, pp. 100-101).

Spanish writer, Raul Solis (2017 cited in Klein, 2017, pp. 153) coins the word 'gaypitalismo' to express his concern that gay men are swapping 'being oppressed' with becoming the oppressor after years of support from lesbians and heterosexual feminists in their battles against criminalised homosexuality.

CoAL's conclusion
The ALRC's call for submissions is important. But the way it is framed ignores many of the arguments that have been made around the world. Such debate is critical in framing policies that take account of the harms that can result from making it easier for the surrogacy industry to grow in Australia. CoAL stands for supporting the rights of those subjected to classism, racism, ableism and misogyny ahead of those who have more resources and options than individuals and groups they are oppressing through their consumerism of bodies. As we argue above, surrogacy – altruistic, compensated and commercial – should be abolished in Australia.

CoAL (Coalition of Activist Lesbians) Inc Australia
A Lesbian Feminist U.N. Accredited Human Rights Lobby Group
Address: 81-83 Campbell Street, Surry Hills, NSW 2010
www. coal.org.au
admin@coal.org.au
ABN: 68 118 110 269

References

Bindel, Julie and Gary Powell. 2018. 'Gay Rights and Surrogacy Wrongs: Say "No" to Wombs-for-Rent" '. Stop Surrogacy Now.

Devillers, Marie-Josèphe and Ana-Luana Stoicea-Deram (eds.) 2021. *Towards the Abolition of Surrogate Motherhood.* Mission Beach: Spinifex Press.

Ekis Ekman, Kajsa. 2013. *Being and Being Bought: Prostitution, Surrogacy and the Split Self.* North Melbourne: Spinifex Press.

Hawthorne, Susan. 2020. *Vortex: The Crisis of Patriarchy*. Mission Beach: Spinifex Press. pp. 37-56.

Klein, Renate. 2017. *Surrogacy: A Human Rights Violation*. Mission Beach: Spinifex Press.
Lahl, Jennifer, Melinda Tankard Reist and Renate Klein (eds.) 2019. *Broken Bonds: Surrogate Mothers Speak Out*. Mission Beach: Spinifex Press.

Place, Fiona. 2019. *Portrait of the Artist's Mother: Dignity, creativity and disability*. Mission Beach: Spinifex Press.

Solis, Raul. (25 March 2017). 'Los Vientres de Alquilar: La cara mas brutal del "Gaypitalismo"'. Paralelo 36 Andalucia; https://www.paralelo36andalucia.com/los-vientres-de-alquiler-la-cara-mas-brutal-del-gaycapitalismo/

Dr Susan Hawthorne,
Convenor.
Coalition of Activist Lesbians