

## **Surrogacy: Human Rights – Or The Right to Buy?**

*A critical submission to the Australian Law Reform Commission on surrogacy and human rights.*

Frank Wright, for LifeSiteNews

### **Summary: Rights for Wrongs**

Surrogacy is the transactional hire of women to produce children for sale. In essence this replaces human rights, and the value of human life, with price. This is a position shared across the political spectrum, summarised in the report of the Special Rapporteur of the United Nations and expressed, for example, by the government of Italy in recognising that surrogacy is “a universal crime”.

The UN report found in practice there is no difference between so-called “altruistic” surrogacy as permitted in Australia, Canada and the UK, with expenses paid to “gestational carriers” (surrogate mothers) being commensurate with the price of commercial surrogacy arrangements.

The industry of surrogacy relies on the replacement of human rights with property rights and as such no reform can safeguard the rights of the women and children whose bodies and persons are the processes and products of this lucrative business.

### **Proposed reform permits the sale of children internationally**

The framework for the reform of surrogacy laws in Australia does not include any legal sanction on Australians buying babies abroad.

With no plans for penalising international commercial surrogacy, babies can be purchased abroad and brought back to Australia by anyone, for any reason. There are no effective background checks on commissioning parents in the USA – a strategic move which has secured its status as the leading international surrogacy market.

## An emerging global consensus to stop surrogacy

Nations across the world have criminalised surrogacy, recognising along with the European Union's Eurojust that the surrogacy industry shares characteristics with organised cross border human and child trafficking. Despite these grave concerns the Law Reform Commission of Australia is considering moves in favour of international surrogacy<sup>1</sup> – the sale of children across borders worldwide.

As the United Nations heard in October 2025, surrogacy in all its forms reduces to “the sale of children, which is a crime”.

## Legal reform in favour of surrogacy degrades human life

With the majority of surrogacies produced by IVF implantation of foreign genetic material into surrogate mothers, surrogacy carries a dramatically increased risk of fatal complications.

Further, the recent liberalisation of surrogacy laws in Western Australia now permission the recruitment of teenage girls into a transaction carrying a risk of death or life-changing injury<sup>2</sup>.

Here as everywhere, legal reform which further permissions surrogacy degrades the value of human life and suborns the noblest instincts of women into its hire and sale.

I ask The Commission note that this reform was enacted without consultation or review, expanding the business of surrogacy in bargaining the typical compassion and altruism of young women into the risk of death or medical trauma.

## Is the right to buy a human life a human right?

This reform, permitting the recruitment of 18 year old girls as surrogates, is presented as a progressive measure towards securing the right to buy for non-heterosexuals. It is noteworthy that the expansion of the market in human life is celebrated by widening the right to buy.

Again, the surrogacy industry rests on the replacement of the value of human life with price. Welcoming more consumers into the marketplace does less than nothing to defend human rights. It replaces them with purchase power. That the intensifying commodification of human life is presented as progress is itself a remarkable perspective. Marketing this as enlightened and equitable is misleading and deceptive in many ways, obscuring the risks to women and children alongside their reduction to components in a profit making machine. Surrogacy is the privatisation of human life, and its values are restricted to and driven not by progress but by those of the free market.

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1 <https://www.alrc.gov.au/inquiry/review-of-surrogacy-laws/>

2 [https://www.health.wa.gov.au/Articles/N\\_R/New-assisted-reproductive-technology-and-surrogacy-legislation-for-WA](https://www.health.wa.gov.au/Articles/N_R/New-assisted-reproductive-technology-and-surrogacy-legislation-for-WA)

## Surrogacy industry: Market expansion dressed as human rights

Figures from the US market show the interest of single and coupled homosexual men in acquiring children is a major driver of market expansion.

This market was permissioned by legal activism undertaken by the major surrogacy agents, who were lawyers and LGBTQ rights-based activists. Circle Surrogacy was founded by John Weltman in 1995, two years after a landmark US case saw the rights of ownership replace the human rights and dignity of surrogate mothers and the children produced in this process.

## The LGBTQ Market: Secured By Psychological Violence Against Women

Weltman admitted that women were reluctant to sell babies to homosexual men like himself in the 1990s. He stated in 2005 that this attitude had changed, with most women now happy to do so<sup>3</sup>. How did this happen?

### **B. Psychological violence**

29. Women experience psychological pressure amounting to violence in order to serve as surrogates. They are often pressured into surrogacy by its presentation as an exercise in demonstrating the values of “love” and “solidarity” – particularly in relation to homosexual couples.<sup>3</sup> Such pressures discourage women from seeking help or voicing dissent, as they may already feel bound by the commitment to transfer a child to commissioning parents with whom they may have emotional ties.<sup>96</sup>

The UN report of July 2025<sup>4</sup> found that women had been pressured into showing “love” and “solidarity” with “homosexual couples”, a tactic which weaponises the empathy and compassion of women against their own interests, to deliver them into arrangements which place both themselves and the children they produce at risk.

There are numerous cases of neglect and abuse of children purchased under such arrangements in every country in which surrogacy is permitted. This is permissioned in every case by the argument of the “right to a family”, which supersedes the right of children to a natural mother.

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3 <https://www.nytimes.com/2005/05/27/us/surrogate-mothers-new-niche-bearing-babies-for-gay-couples.html>

4 <https://docs.un.org/en/A/80/158>

## Surrogacy replaces human rights with property rights

Surrogacy cannot continue without the legal priority of the recognition of ownership over the dignity and value of human life. This is brokered through a financial transaction and secured by contracts. The statement that surrogacy in all its forms reduces human life to a consumer product is not a mere objection, but a fact which reveals the insoluble paradox of rights at the crux of this industry.

If rights are secured by law through property over life, then life becomes a commodity, and the people traded in it mere goods and services.

Without this legal recognition of property rights there can be no surrogacy industry, as the surrogate mother is routinely genetically unrelated to the product she is gestating – a process which is paid for in every case. That the commissioning parent or parents are not bearing the child or children means that for the transaction to complete some device must be established of separating mother from baby – a predicament which postpartum mothers understandably find difficult.

## Surrogacy: The Right to Hire and Buy Human Life

That device is the establishment of the baby as the property of the purchasing party, whose rights over the child begin with the viable fertilisation of the donor eggs. Surrogacy is the cultivation of life for sale under contract. As cases from (say) Canada have shown<sup>5</sup>, expenses to so-called “altruistic” surrogates closely match those paid in openly commercial transactions<sup>6</sup>.

In view of the foregoing, in the light of the decades of evidence in support of these points, no reform of surrogacy laws can guarantee the safety of children or women consumed by this industry.

The legal permission of surrogacy is founded on the de facto annihilation of the human rights of women and children, which are necessarily dissolved into the property rights of the commissioning parties. This is the point from which arguments of rights concerning surrogacy proceed – a moral void which negates the value of human life in order to make this business practically possible.

Aside from the morally abhorrent aspects of this trade it is logically impossible to speak seriously of human rights in a business model founded on the hire and purchase of human life.

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5 <https://www.cbc.ca/news/health/surrogacy-agencies-expenses-costs-oversight-canada-1.5476965>

6 *In her 2018 thematic report on the sale and sexual exploitation of children (A/HRC/37/60), the United Nations Special Rapporteur on the sale of children recognized that the criteria for the sale of children were applicable to most surrogacy arrangements<sup>14</sup>. There are three elements in the definition of sale of children: (a) “remuneration or any other consideration” (payment); (b) transfer of a child (transfer); and (c) the exchange of “(a)” for “(b)” (payment for transfer)”. She invited States to “adopt clear and comprehensive legislation prohibiting the sale of children, (...) in the context of surrogate motherhood”. <https://www.alrc.gov.au/wp-content/uploads/2025/12/199.-Casablanca-Declaration-Organisation.pdf>*

## Res Ipsa Loquitur

We at LifeSiteNews strongly support the submission made by StopSurrogacyNowUK<sup>7</sup> which recognises that the relaxation of surrogacy laws in Australia will undermine its de jure prohibition of commercial surrogacy in a time when the industry is being criminalised worldwide.

Surrogacy is not only a violation of human rights, it replaces them with the right to buy. Opposition to surrogacy is not a matter of left and right. Surrogacy is a grave wrong dressed up as rights. Atheists, feminists, Christians, progressives and conservatives across the globe now demand this trade be outlawed. The needle is moving in the United States towards condemnation of surrogacy, as the facts of this degrading business emerge from a haze of industry marketing and influence campaigns.

I ask that the Commission look again at the facts of the case of the surrogacy industry, as despite the well crafted messages from its sponsors the facts speak for themselves.

Frank Wright

Hampshire, England, December 17<sup>th</sup> 2025

*For and on behalf of LifeSiteNews*

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7 <https://www.alrc.gov.au/wp-content/uploads/2025/11/303.-Stop-Surrogacy-Now-UK.pdf>