

Dear Senator,

The Health (Assisted Human Reproduction) Bill 2022 (the "Surrogacy Bill") as drafted is not in the best interest of the child and must be paused for in-depth discussion with child protection experts and others with expertise on the risks to children that surrogacy poses. This Bill prioritises the wishes and desires of adults, with no ability to determine if they are pure desires or harmful, over the safety and welfare of children.

Labelling the process "altruistic" does not in fact make it so and expenses will be claimed and that will create a loophole for commercial surrogacy. We are all well aware in Ireland how expenses work. A "reasonable sum" can be offered which opens the gates to exploitation of women and the sale of children.

Children in Ireland have Constitutional rights that cannot be ignored or legislated away. The commodification of children is not in children's best interest and violates the child's Constitutional rights. Article 42A 1 of the Constitution affirms the natural and imprescriptible rights of all children and puts an affirmative burden on you as a legislator to enact laws in relation to children that will protect and vindicate those rights. Therefore it is unconstitutional to enact laws that destroy those natural and imprescriptible rights.

Article 42A4 provides that in relation to all proceedings brought by the State for the purpose of preventing the safety and welfare of any child from being prejudicially affected or concerning the adoption, guardianship or custody of or access to any child, the best interest of the child shall be the paramount consideration. Not the best interest of the person or person(s) intent on procuring a child.

Removing children from their mothers is not in a child's best interest and violates their natural right to their family.

Constitutional expert and Special Rapporteur for Children Dr. Conor O'Mahony, previously called for the proposed bill to be slowed down, as the

issues here are complex. But there has been no in depth discussion and Minister Donnelly has stated it must be passed before the General Elections. Why would politics take precedence over the Constitutionally enshrined requirement to put the best interest of the child first when legislating matters pertaining to the guardianship of children?

Fifteen amendments to the Bill were proposed and all were rejected by Stephen Donnelly last week. They sought in part to prevent abandonment of children born via surrogacy.

And very shockingly, Amendment number 15 sought to bar any person who is a convicted paedophile or sex offender from entitlement to obtain a baby via surrogacy. The refusal to accept Amendment No. 15 is a clear violation of children's Constitutional Rights. It also violates the Child First Act which requires those in a safeguarding position to protect children from harm.

The US is further ahead in the surrogacy business so it is useful to see how children born from surrogacy are faring there.

Earlier this year a US veterinarian planned to sexually abuse a baby boy that a surrogate was carrying for he and his husband. The child was only weeks away from being given to this sick man when his plan was discovered and he was arrested.

<https://eu.usatoday.com/story/news/nation/2024/03/27/adam-king-chicago-vet-charged-child-porn/73117176007/>

There is a bill currently before the state of Massachusetts legislature that will allow pregnant women to sell their own biological babies to the highest bidder.

<https://www.votervoice.net/mobile/LifesiteNews/Campaigns/116387/Respond>

<https://thefederalist.com/2024/06/11/ma-bill-would-allow-women-to-sell-their-unborn-children/>

A US gay male couple sued a birth mother and fertility clinic because she gave birth to a baby girl via surrogacy and not the two boys that the couple special ordered.

<https://www.nationalreview.com/corner/two-fathers-sue-because-surrogate-gave-birth-to-a-daughter/>

What is the quality of care and life for that baby girl who wasn't special ordered?

Science tells us commodifying babies is not in the baby's best interest. Scientific research has shown that mother's brains change, most likely permanently, once they give birth to trigger parenting instincts. We are changed forever once we give birth to prioritise the survival of our babies. This is nature at work. Two men as parents do not have brains that are prioritised to ensure the survival of their offspring, A woman who does not give birth to that baby does not have the changes either.

<https://www.theguardian.com/lifeandstyle/2023/oct/05/pregnancy-leads-to-permanent-rewiring-of-brain-study-suggests>

What is the outcome of denying children a protective mother? The recent referendum result showed clearly that the Irish people revere their Irish mummies. Are we really still going to go ahead and legislate to deny babies and children the right to their mammy? Do we know the outcome of doing so and if we don't are you acting as you are commanded to do so by the Constitution in the best interest of the child?

Say no to this surrogacy bill and demand in-depth detailed discussions on the best interest of the child.

Yours sincerely,
Natural Women's Council