The National Anti-Trafficking Unit
Social Rights Division
Ministry of Justice

Notice by the National Anti-Trafficking Unit, and information to the public regarding the procedures of surrogacy abroad in Northern Cyprus, Albania and Kenya

The National Anti-Trafficking Unit in the Ministry of Justice wishes to bring to the attention of the public considering using surrogacy procedures outside of Israel, relevant information and a warning against carrying out these procedures in the countries of **Northern Cyprus, Albania and Kenya**. The information collected by the unit raises concerns that in some of the destinations where Israelis carry out surrogacy procedures, the procedures are carried out in ways that may consist of a violation of the dignity of women and their basic rights, an objectification of them and a limitation to their freedom, and in severe cases even rise to the point of suspicion of human trafficking - both in the surrogates and in the babies born. The National Anti-Trafficking Unit sees fit to bring these serious matters to the attention of the public, so that it can consider its steps and avoid procedures which raise both moral and legal aspects.

Given the information collected in the Unit, it is possible that due to various flaws in the procedures, especially in relation to the treatment of the foreign surrogate women, there is a reasonable possibility that there will be difficulty, and perhaps even considerable difficulty, in advancing the genetic testing with the alleged Israeli parent, as well as the other parenting procedures, the registration of the minor as an Israeli citizen and his entry into Israel and all procedures involved. This is sometimes due to the laws of the country where the surrogacy procedures are conducted, and sometimes due to questions regarding the legality of the procedure, which may affect the ability of the state representatives to agree or approve the advancement of these legal procedures given the aforementioned defects, as detailed below.

In recent years, and as part of the role of the National Anti-Trafficking Unit, according to relevant Government Resolutions and laws, it serves as a center of expertise and information regarding the various patterns of human trafficking and slavery, and works to prevent the development of situations of exploitation of vulnerable populations, which may amount to various criminal offenses, and in extreme situations, to the domain of slavery and trafficking in persons.

Among other things, the unit monitors patterns of conduct in surrogacy procedures outside of Israel, in cases which involve indications that raise concerns about defects in the informed consent and free will of the surrogate women, and even the exploitation of the women who serve as surrogates, which may, in extreme cases when these indications are cumulative and severe, indicate a suspicion to the existence of criminal offenses, and even human trafficking.

We will clarify that the State of Israel is a signatory to a number of international conventions and agreements, which oblige the state to act to prevent trafficking and exploitation, especially of women and children, including by acting to provide transparent and relevant

information to the public, and that in recent years, we are also witnessing international discourse on the part of several countries who are also raising the difficulties in surrogacy procedures in foreign countries, and the increasingly clear connection between them and phenomena amounting to human trafficking and transnational criminal organizations. The information presented here is collected from several sources, including international sources and information accumulated from the cases that come to the attention of the state authorities.

Among others, the following indications were observed:

-In a number of cases, substantial concerns have been raised about the involvement of criminal organizations in the surrogacy procedures, which recruit particularly vulnerable women (old in the context of surrogacy, in severe financial distress and women who might have mental or developmental disabilities). These women are under close supervision and actual control during the procedure, and are subjected to threats against them and their families in the countries of origin. Likewise, there is a fundamental and well-founded concern that in some places, the surrogates are forcibly employed in prostitution before the fertilization and pregnancy procedure, and sometimes even during the pregnancy;

-In the surrogacy agreements signed with the women in the aforementioned countries and regions, one can consistently find indications of their exploitation and objectification as part of the procedure, which also raise serious doubts regarding the free will of the surrogates to knowingly enter into these agreements and even substantial concerns regarding the scope of control over the surrogates, including: draconian clauses that limit the freedom of the surrogate during the pregnancy, as well as heavy financial sanctions in a wide range of cases, restricting the surrogate's movement, as well as waiving any right to sue;

-Thus, sometimes the surrogacy agreement was signed only after the surrogate began medical treatments and even after the date of the embryo return, which raises concerns that the surrogate did not sign the agreement of her own free will, and grave doubt as to her ability to negotiate the various clauses of the agreement when she is already pregnant;

-Often the surrogates are not citizens of the country where the surrogacy procedure is performed, but are transferred from their country to another country or another sovereign entity, an indication that raises concerns that they were brought specifically for the purpose of the surrogacy procedure, which raises questions - the fact that the women are foreigners in the country where the procedure takes place, including the fact that they lack status in the country, speak a different language, come from a different culture and lack any family or social support, when in many cases they leave a spouse and small children behind, for a long period of time and while undergoing intrusive medical procedures and are in a difficult physical and mental state while carrying the pregnancy, which in many cases is a multi-embryo pregnancy, substantially increases their vulnerability to exploitation and control, in a way that creates an almost complete dependence on the brokerage agency and, as mentioned, creates a favorable climate for their control and supervision.

-Sometimes the compensation given to the surrogate for the procedure is extremely low, even in terms of the foreign country where the procedure was conducted, and sometimes the surrogates do not receive compensation at all, but only the most basic reimbursement of expenses;

To the best of the knowledge of the National Anti-Trafficking Unit, the countries (and regions) where these problematic indications exist, some or all of them, are Northern Cyprus, Albania and Kenya, but in view of the dynamic changes in this area, the unit will return and update from time to time.

It will be clarified that the purpose of the National Anti-Trafficking Unit, in publishing this warning, is first and foremost to prevent harm and damage to all those involved in these complex and sensitive procedures, the surrogate women, the intended parents, and of course - the babies born, as well as to provide this information to the public when considering carrying out surrogacy procedures in these countries, so that they may avoid involvement in procedures whose legality in under question, and to prevent difficulties and problems in the upcoming legal procedures, as explained above.