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A Feminist Discourse on the Global Indian Surrogacy Bazaar

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Situating India in the Global Context



Popular destination Countries	
Thailand, Nepal, India, Mexico, Cambodia.	Previous hubs, but recently banned commercial surrogacy for foreigners.
Laos, Malaysia, Kenya, South Africa, Iran and Dubai	Emerged as destinations for commercial surrogacy.
Popular source countries	
(partially permissive)	USA, UK, Canada
some European countries (restrictive)	Germany, Netherlands, Turkey.

Why India became a Surrogacy Hub?



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lesser rights for surrogate mothers

- Sign off rights over the child,
- Intended parents could control their body & life

Poverty & inequality

- A large number of willing surrogate mothers.
- Lesser cost (200,000 USD in USA - 50,000 USD in India)

Inadequate governance leading to

- Illegal and unethical practices

Women Vulnerable in India: Exploitation due to Poverty Substandard Health



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- Poverty,
- Lower education,
- Lesser employment opportunities & inadequate employment protection.

Left them with lesser bargaining power in the surrogacy process.

Selection process

- Early dropout from schools
- Early marriage
- Early childbirth
- Substandard health status

Made them more vulnerable to maternal mortality and morbidity.



“This process is so distressing that, If I had money, I wouldn't do it even if someone paid me 10 times the remuneration, but I am so desperate (for money) that I would do it even if I was paid just one third the amount ”



Sept. 2015: Why Commercial Surrogacy was banned in India?

- Deaths of surrogate mothers.
- Deaths of egg donors.
- Custody battles with children.
- Abandonment of (disabled) children.
- Exploitation of women.
- Trafficking of women and teenage girls for surrogacy.

Sexual Contract by Carole Pateman



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patriarchal control prevails in

- the marriage contract,
- the prostitution contract, and
- the contract for surrogate motherhood.

Patriarchy and Capitalism, Globalisation

Trafficking of young girls for Prostitution – also for Surrogacy



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13 year old was trafficked in 2010, traded, enslaved, raped and made to conceive 6 times and the babies were sold.

The surrogacy trafficking trade used the same network that was used for domestic work and sex trade.

Hindustan Times, February 2015.

“They treated me like a money minting machine. My will never mattered to them, all they wanted was me to deliver babies for them,” she said, avoiding eye contact.

Study Area

2 IVF Clinics in Western India
(Anand - with surrogate homes &
Ahmedabad - no surrogate homes)



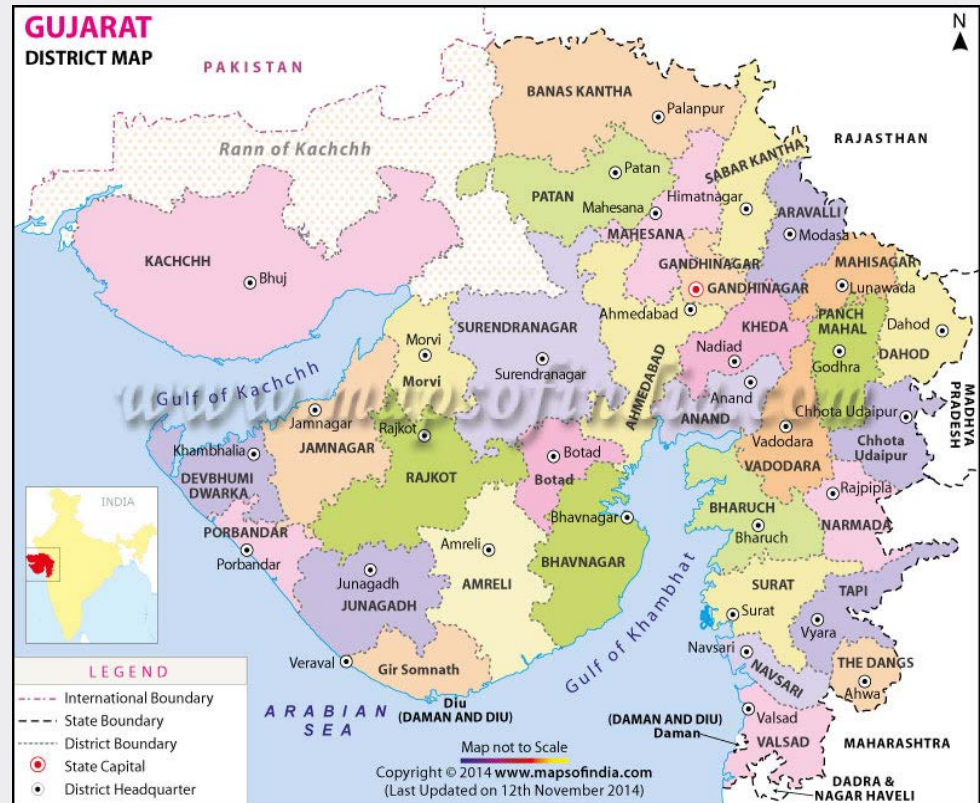
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Participants

- 13 surrogate mothers
- 6 of their spouses,
- 5 intended parents (all from abroad, 1 NRI) &
- 5 doctors.

Method

In-depth interviews &
participant observation (with
4 IPs and 5 SMs and family).



Poverty: Surrogate Mother Ujwala's Motivation



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- Worked as a **house-maid** & could not earn much **to survive**.
- living in a **one-room rented house** without a bathroom or toilet.
- She **wants to buy a house** and save money for her son's education.
- Her **husband was unemployed**.
- Fixed amount...

Surrogacy Bazaar



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In India, “It’s a surrogacy bazaar where everything about women’s reproductive capacity and the children born has been marketed and priced; the woman’s body parts, her breast-milk, her labour as a nanny, the number of child(ren) born, the weight of the babies, the gender/(dis)abilities of the child and even the surrogate mother’s caste, body weight or religion was priced”. (Saravanan 2018: pg. 6).

Intended Parents from Canada: Motivation



- The Intended father **owns a computer firm** in Canada.
- She works as a Head in Human Resource in Company in Canada.
- adopted one child from Vietnam.
- Wanted one boy child with **German features**.

Chose India for surrogacy because

- **lesser rights for the surrogate mothers over the child.**
- **convenient payment pattern.**
- **Surrogate mothers were kept in homes.**

Surrogate Home (Dormitories):

Pateman's "conditions of entry into the surrogacy contract and use of women's bodies" (Pateman 1988: 210)



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Similar surrogate homes were found in Nepal, Mexico, Thailand & Cambodia.

Detained in these homes for 10 months.

Restrictions on

- Movement
- Food
- Meeting with family members
- Music they listen to,
- Breastfeeding & nanny

Baby on sale.

Women's body controlled & body parts on rent.

Geneticisation & Alienation of the Gestational Role



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Caroline: Intended Mother

*“From the very beginning the **doctors** try to counsel the surrogates in a way that makes the surrogate aware that the baby(s) are not theirs to ‘give away’ but they **result from embryos belonging to the biological parents**”.*

- Geneticisation as an opportunity..
- Worker has no claims



Maternal Bonding

Ujwala: Surrogate Mother

*“**my heart is hurting, these children are part of my life but the deal (the contract) was made right at the beginning and I have to give them away**”.*

“The surrogate mother contracts out right over the unique physiological, emotional and creative capacity of her body” (Pateman 1988: 215).

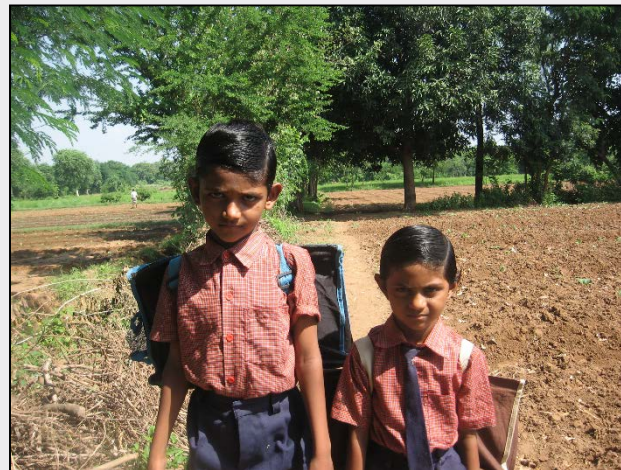
Dimpy's Maternal Bonding & the Intended parents from Turkey



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- The intended parents arrived 21 days later,
- She was caring for the baby
- The intended parents came, gave her presents and money, took the child, never to return.
- Saddened that her children will never meet this child (their sister).



Violation of Ethical Medical Practices



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- Up to 5 embryos transferred illegally into surrogate mothers,
- In-utero selective abortions if more than 2 embryos fertilize,
- No additional payment for miscarriage.
- Compulsory caesarean sections,

All this without appropriate consent from the surrogate mothers.

- No life/medical insurance.
- No psychological or legal support.

Commodification of Children:



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- **Disabled children** left in orphanages or even on the street.
- Many **children are stranded or trafficked** in transnational surrogacy.
- Numerous premature births.
- mortality rate is unknown

Payment pattern

- by **weight of the child**
- Payment by Intended parents per child €17000.
- Payment to Surrogate mothers €4000.

Unfair Distribution of Benefits



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Lower share given to the surrogate mother.
35% in the USA – 10 to 25 % in India.



Profits made by the Clinics:

- The clinic planned a new self-contained campus costing millions of rupees with the clinic, surrogate home, residence for the intended parents and a shopping mall.

German Surrogacy in India: Balaz family



- The twins were born in India in January 2008.
- Illegal Indian passport was provided to them
- Several years of legal struggle in India.
- In 2012 the German authorities accepted that they could be **adopted**.
- The surrogate mother refused to give the children in adoption to the Balaz couple.



Commercial Surrogacy Banned in India: Sept. 2015



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"Is a woman a child-producing factory?"

asks **Anupriya Patel**, Minister of Health and Family Welfare.

"Families often coerce women into surrogacy due to poverty. Should it not be stopped?" Patel asked.



"We have allowed only altruistic surrogacy because we believe that few women do come forward to offer surrogacy to their family members."

Altruistic surrogacy also exploitative: Recently a woman died in India during childbirth after being coerced by family members into altruistic surrogacy for her sister-in-law.

Global Relevance: Capitalism & Patriarchy



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- **Global Inequalities**

Class based stratified reproduction, lower class breeding for the richer.
Surrogacy promotes deeply embedded pronatalist, patriarch, racial and ableist hegemony.

- **Similarities with sex trade, trafficking of women and children.**

The same networking rings used for trafficking girl children into domestic work, sex trade and recently into surrogacy.

- **Commodification of women**

Alienation of women, control over their bodies (womb, breast milk) and emotions (trivialised to care work).

- **Geneticisation/Molecularization of life**

Alienation/trivialization of gestational role, ownership over the child and control over the woman's body.

Intended parents and the medical practitioners focus on geneticisation
While the surrogate mothers focus of gestational link.

- **Reproductive Injustice**

The Liberty Argument



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Liberal Feminism	My argument
<ul style="list-style-type: none">• Reproductive liberty.• Individual choice.• The State should not interfere with individual reproductive choice.	<p>Reproductive right to couples & individuals to decide (ICPD Programme of Action Paragraph 7.3).</p>

But if individual reproductive rights violate other people's human rights & social justice can it still be considered a constitutional right?

Why is it Reproductive Injustice?



Rights of Individuals vs Human Rights & Social Justice

Those without children
face

- social stigma,
- psychological problems,
- physical stress of infertility treatment &
- violation of bodily integrity.

Surrogacy process is likely to put another woman (the surrogate mother) through the same set of problems;

- social stigma,
- psychological challenges,
- violation of her bodily integrity & also, put the surrogate mother's
- health (already unequal),
- freedom,
- liberty and
- even life at stake.



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Sheela Saravanan

A Transnational Feminist View of Surrogacy Biomarkets in India

 Springer

“Reproductive Justice’ aims to reduce inequalities and not to use someone’s vulnerability for another person’s reproductive liberty.”

Thank you