

Thai rescue has unintended victims

THE THAI AND Vietnamese governments have hailed the recent rescue of 15 Vietnamese women working as commercial surrogate mothers in Thailand as another victory in the fight against human trafficking in Southeast Asia. However, for some of the surrogates, clients and babies involved, the rescue mission may have unwittingly plunged them into a quagmire of uncertainty and doubt.

On Feb. 23, a surrogate claiming to be a captive called the Vietnamese embassy in Thailand asking for assistance. The nonprofit organization Alliance Anti Traffic (AAT) and the Thai authorities responded to the call by raiding two boarding houses in Bangkok and rescuing 13 women (two others were in a hospital where they had just delivered babies).

A media frenzy broke out with more than 60 Asian newspaper reports highlighting the harsh conditions forced upon the "deceived women," such as coercion, imprisonment, confiscation of passports and rape.

Thai officials immediately labeled the 15 women victims of human trafficking instead of illegal immigrants or criminals involved in illegal commercial surrogacy. They then initiated the relevant institutional procedures: moving them to a shelter, conducting a criminal investigation, arranging a court hearing and organizing repatriation to Vietnam.

Although this was the best short-term solution, it has stirred up a whole new set of uncertainties surrounding the future of all the parties involved.

AAT has uncovered insights about the complexity of the case through its ongoing investigation. Of the 15 women rescued, four claimed to have been deceived

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with promises of lucrative jobs in Thailand by the Taiwanese company Baby-101 Eugenic Surrogate. Among them, one woman claimed that the company manager raped and impregnated her. These women are all satisfied with the outcome of the raid and wish to return to Vietnam.

The other 11 admitted to the police that they had voluntarily agreed to be surrogates in exchange for US\$5,000 a baby. Not only are they distressed about the highly publicized rescue, they are also upset that Vietnamese newspapers revealed their names. This has jeopardized the safety of the women and their relatives in Vietnam.

In interviews with AAT, these women said they had not asked to be rescued.

"I will raise the baby once I am back in Vietnam. In any case, it comes from me. However, if the parents want it, I will give it to them if they respect the agreement they signed," one woman said.

In fact, the main concern of four women who had already delivered their babies was handing the babies over to the clients in exchange for the agreed upon money. From their perspective, the rescue wrecked their plans and placed them in a deplorable situation.

Baby-101 Eugenic Surrogate offered a menu of services: Full surrogacy, which involved couples supplying their sperm and ovum for in vitro fertilization, with the possibility of choosing their infant's gender for US\$32,000; and partial surrogacy, which involved providing sperm for artificial insemination, in which case the surrogate mother

would hand the baby over upon its birth.

As a bonus, clients could choose from a range of "selected egg donors" of "Oriental" and "Caucasian" heritage profiled on the company's Web site, who were photographed in skimpy, tight-fitting clothes.

The company declares on its Web site that surrogacy in Taiwan is legal, but illegal for commercial purposes. This is indeed the case, but it goes on to claim implicitly that commercial surrogacy is legal in Thailand, when in fact there is no legislation (a draft bill is awaiting parliamentary approval), a fact that has created a legal loophole for business-minded opportunists.

What can be said about the Taiwanese clients? At this point, we do not know if they knowingly engaged in an illegal enterprise, but we know for sure that they paid a considerable amount of money for a baby. They likely invested high hopes in bringing home a newborn.

One worried client went to the Thai shelter to ask about adoption procedures to collect "his" baby. However, the Thai government referred him to the Vietnamese embassy, which in turn referred him to the Vietnamese Ministry of Labor, Invalids and Social Affairs in charge of adoption, which is based in Vietnam.

Since commercial surrogacy is currently banned in the three countries, the only way the clients may retrieve their babies is to begin adoption procedures in Vietnam. These Taiwanese parents find themselves in a predicament. It is unlikely that they will obtain a refund from the company, they will not receive the babies upon birth as they had expected and the outcome of the adoption process, which will probably take a long

time, is uncertain.

The fate of the children is more worrisome. Once they return to Vietnam, the women are faced with three choices: They could give the babies up for adoption, but they would not receive the money they were promised, they could sell them on the illegal adoption market or they could keep them.

In all three cases, there are uncertainties about the future of the children. Will they eventually go to the genetic parents who paid for them? Will they end up in a Vietnamese family either through legal or illegal means? Will they be raised by the surrogate mothers who did not want them in the first place? What will the consequences be for these children born into a community that knows about the controversial circumstances of their conception and birth?

The Thai and Vietnamese governments have presented this case as a success in terms of anti-trafficking response measures and cooperation. While this might be the case for the four women who claim they were deceived, it may not be so for the other parties involved. The institutional procedures seem badly equipped to handle such complex cases involving multiple interests.

By rescuing the surrogate women, the governments have inadvertently created other victims. In fact, the rescue has created a situation where the people who want the children are being denied them, while those who do not want them are literally left holding the baby.

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