

# **'I will not give them the baby': the plight of Cambodia's detained surrogates**

Monday 15 October 2018, by [HANDLEY Erin](#) (Date first published: 2 October 2018).

## **Women lured by the chance to escape poverty explain how they have gone from being treated as victims to criminals**

Sopheap\* coos as she cradles her newest grandson, just five days old. She puts her nose to his head and drinks in his scent. She looks every bit the picture of the proud grandmother, as her young son and his exhausted wife look on.

But this is not a typical post-birth glow; their nativity scene is watched over by police guards.

The new mother, Malis\*, and her son are prisoners in a hospital on the outskirts of Phnom Penh with 31 other women, all surrogates hired by a company to deliver babies to Chinese clients.

"I will not give them the baby. I will raise him myself," Malis says. "When I saw him, I loved him already."

Police rounded up the 33 women in late June during a [raid on an illegal surrogacy ring](#). A Chinese national and four Cambodian women were arrested and charged under Cambodia's anti-trafficking law.

Cambodia's health ministry banned commercial surrogacy in late 2016, but a law is still being drafted. The recent arrests show that the industry continues to thrive in the shadows.

China's rising infertility rate and the [scrapping of its one-child policy](#) have also led to an increase in Chinese parents seeking out surrogacy options abroad, although the subject remains taboo.

Initially, 32 of the women were placed in the care of the Christian anti-trafficking NGO, Agape International Missions. Weeks later, the surrogates were arrested and charged with human trafficking.

Now, Malis faces the prospect of raising a child she was paid to deliver - an agreement she entered into because she is impoverished and in debt. Giving up the child could mean up to 20 years in prison, she fears.

The question now is whether the boy belongs to her or the wealthy Chinese parent who is genetically linked to him. "It's very hard for me. It's painful for me to think about," Malis says, wiping at tears. "I feel sorry for my child, that he must stay in this room with me."

People suspected of being intermediaries for surrogacy are escorted by police officers through the municipal court in Phnom Penh. Photograph: Kith Serey/EPA

## **‘Before, they considered us victims’**

Malis and her husband have a familiar story of financial desperation. They went \$2,000 (£1,533) into debt to get married last year. He suffered an injury in a traffic accident and she left her \$100-a-month dishwashing job to care for him.

After he recovered, she looked for factory work but was unsuccessful. Then, an unnamed woman in her village approached her saying she could earn \$9,000 for carrying another person’s child. “I didn’t know it was illegal,” she says. “Before, the authorities just considered us as victims, but now they charge us.”

**We try to take care of the mother because we want to protect the victim in the womb**

### **Chou Bun Eng, National Committee for Counter Trafficking**

There are varying accounts of the number of babies born to the Cambodian surrogates. According to anti-trafficking official Chou Bun Eng, there are at least nine children, including a set of twins.

But Nhem Sok, the hospital director, said just seven babies had been born to the surrogates detained in his centre. Three women had miscarried, he said, at three, four and five months into their pregnancy. Another baby was stillborn.

Women whose families can’t afford to ply guards with money or food are handcuffed to the bed during or after labour. In one case, according to Malis, a woman didn’t make it to the delivery hospital on time – she gave birth surrounded by the other surrogates supporting her, with no doctors or midwives present.

Waving through the bars of the hospital windows, some women cry out: “Help us, sister!”

One woman, speaking from inside the hospital by phone, says she previously worked in a factory for low wages. She was on her feet 12 hours a day. After surrogacy, other women in her village had been able to afford motorbikes and new homes. She opted in, but now says she was naive. “I will not give this baby to anyone, no matter how much money they give me,” she says.

She doesn’t know if she will be able to feed and support the child, but believes the alternative is prison. “I am very scared. Since I was born, I never faced such a thing,” she says, crying.

The Cambodian parents are now grappling with whether to tell their child the truth about their roots. Many say they wouldn’t. “I don’t want the baby to know because I don’t want the child to get hurt,” says one soon-to-be father.

Sam Everingham of Families Through [Surrogacy](#), an NGO supporting the surrogacy process, says: “It must be a devastating time for these Chinese intended parents, particularly given they might have no chance to meet their own biological children.”

He says that while the government must be frustrated by surrogacy agencies flouting the rules, the current case was “heavy-handed”. “Charging surrogates is an extraordinary approach, particularly where these women may be illiterate and have no understanding of recently introduced laws,” he says.

Dr Patricia Fronek, a senior lecturer at Australia’s Griffith University who specialises in international surrogacy, says that the surrogates are considered mothers by law and by birth and should be allowed to keep the babies. But, she adds, “no one should be forced to raise a child they

don't want".

"Surrogate mothers should not be prosecuted as they are the least likely to benefit from any transactions," she says.

But Chou Bun Eng, from the National Committee for Counter Trafficking, says an amnesty period for those involved in surrogacy ended in January this year. She says it is unlikely the surrogates did not know the practice was illegal after information was shared on TV and other media. "We try to take care of the mother because we want to protect the victim in the womb. The mothers are not the victims," she says.

For Malis and Sopheap, loving a child isn't limited by genetics. Sopheap herself adopted a seven-month-old baby from an orphanage after his parents died of HIV. "Every child, when I hold them, I feel love. It's not necessary to be biological," Sopheap says.

*\*Names have been changed to protect identities while the case is still under investigation.*

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## **Erin Handley**

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## **P.S.**

The Guardian

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