

**MARKETING HUMAN REPRODUCTION AND COMMERCIAL SURROGACY IN
THE NIGERIAN CONTEXT**

By

Mba, Ifeoma Christy

Department of Economics, University of Nigeria, Nsukka

and

Ameh, Chika Anayochukwu^(Corresponding Author)

Department of Economics, University of Nigeria, Nsukka

and

Mba, Emmanuel Ikechukwu

Department of Statistics, University of Nigeria, Nsukka

and

Arazu, Winnie O.

Department of Economics, University of Nigeria, Nsukka

and

Ugah, Tobias E

Department of Statistics, University of Nigeria, Nsukka

and

Nebo, Ifeanyi K.

Department of Economics, University of Nigeria, Nsukka

and

Ugwu, Nnamdi Simeon

Department of Political Sciences, University of Nigeria, Nsukka

ABSTRACT

Objective: Commercial surrogacy and marketing human reproduction in Nigeria, it is not established whether people are aware what commercial surrogacy is all about, the risks involved, whether it is a form of trafficking and thus, the objective of the study was to ascertain the level of awareness, perception and knowledge as regards commercial surrogacy and marketing human reproduction in a sample of newly married women. **Methods:** structured questionnaires were administered to a sample of 170 newly married women from the guidance and counselling section of the Bishop Shanahan hospital Nsukka, Enugu state. **Results:** Most participants are aware that some people can rent their womb for money (71.2percent). Although, most participants generally accepted that commercial surrogacy is human trafficking while most of the participant believe that surrogate mothers act involuntarily. **Conclusions:** This sample of newly married women believed that surrogacy shouldn't be legalized in Nigeria and instead of using any of the expensive ART system of treatment for infertility, the act of adoption should be used and thus encouraged.

Keywords: commercial surrogacy; Infertility; marketing human reproduction; trafficking, baby factories

1.0

INTRODUCTION

In Nigeria, the issue of surrogacy or surrogate mothers has been in existence for as long as one can imagine. Surrogacy can be defined as a process whereby a woman accepts to get pregnant for another person and also hereafter give birth to the child. This act was to sought the effect of the other woman's inability to conceive or the inability of the couple to have children of their own. In Nigeria, surrogacy can also be viewed as the case whereby a woman marries a fellow woman so that the woman helps her in procreating, this has been a regular practice in the south eastern and south southern part of Nigeria. In most cases, the woman married into such homes are married while the man of the house is still living and thus the man is expected to get her pregnant that is when it is established that the inability to conceive is from the woman and not the man. The husband in such situation ask the wife to bring in the woman of her choice especially if the man has high esteem for his wife. The other way can be when the man is dead and without a child, children or a son to carry the family name or keep the lineage. The widow marries another woman and this woman is expected to get pregnant whether from a man in the family of the deceased man or from any other man as far as there is an understanding between the parties concerned. This practice, though thought by many to be old is still practiced in Nigeria. Before the advent of IVF or any other ART treatment, this old kind of surrogacy practiced in Nigeria would be likened to the story of Sarai, Hagar and Abraham in the bible (Genesis 16) but with the advent of IVF and other ART treatment, many Nigerians still practice the old way of surrogacy or contractual parenting since IVF or any other ART is expensive and not all can afford it. This kind of Surrogacy practiced really didn't involve any other payment except the usual bride price, the educated ones today although not all believe that it is better and more preferably to pay the surrogate mother off rather than have her share her husband with her. In this "old kind" of surrogacy, some form of exploitation is being melted out on the surrogate mother and especially if this old kind of surrogacy is the woman to woman type. The surrogate mother is not only exploited but would have several multiple sex-partners which endangers her health and thus she may not be properly taken care of.

Thus, the issue of commercial surrogacy comes into play. Commercial surrogacy is also practiced in Nigeria in the form of what Nigerians call 'baby factories', what they actually call baby factories harbour different women whose business is getting pregnant and giving birth to these babies and definitely selling the babies to those that need them so they act as surrogate mothers to couples that cannot have children of their own. In other circumstances, the infertile couple go to these factories and are been injected with substances that increases their tummy so that the woman appears to be pregnant whereas another womb elsewhere is actually carrying the baby and waiting till the time comes for the baby to be born and handed over to the infertile couple who are required to pay for the rented womb. The infertile woman or couple prefers that they falsify been pregnant so that the outside world wouldn't actually know what transpired under the carpet. In Nigeria, surrogacy hasn't being legalized and thus there are no policy guidelines that regulates it (Umeora, Umeora, Emma-Echiegu, & Chukwuneka, 2014), this of course has increased the sale of babies in Nigeria via the baby factories. Surrogacy can be traditional or gestational likewise the program for surrogacy can be either open or closed (Clark, Richard-Davis, Hayes, Murphy, & Theall, 2009). When one is inseminated with the sperm of a sperm donor or a man who has the intention of being a supposed father, thus the expected child is genetically related to the surrogate while in the case of a gestational surrogate, the embryo is placed into her uterus although the egg of the surrogate is not used for the embryo creation. (Clark et al., 2009). The difference between the open and closed surrogate program lies in the fact that in the open program scenario, both the surrogate and couples are formerly introduced and throughout the process from insemination process and beyond, they interact. (Clark et al., 2009). In the closed program scenario, the use of biographies and photograph of the surrogate is used. The intending couple make their choice from a list of different surrogates. (Clark et al., 2009).

The market for reproduction as regards ART or the old kind of surrogacy practiced in the south-eastern part of Nigeria range from as low as N80, 000 to as high as above N1 million especially for those surrogate mothers who actually want to be paid for renting their bodies and wombs (services). The demand for surrogacy in Nigeria is increasing since it has been seen as a remedy to infertility and also to women or couple who cannot bear their own child or have children of their own maybe due to health related or challenging issues. In Nigeria, it is established that human reproduction is being marketed via the assisted reproductive technologies, the issue lies on the fact that most people especially Nigerians may not be aware of the old kind of surrogate arrangements which involves a woman marrying another woman. Most Nigerians, who cannot afford to pay for IVF or any other ART treatment to apply for the old kind of surrogacy or rather visit the baby factories for help. The main objective of this paper is to investigate people's perception, awareness and knowledge about commercial surrogacy and also investigate whether marketing human reproduction can also be tagged as reproductive trafficking.

The research questions would also be considered in the course of this research

- Do the surrogate mothers act voluntarily?
- Is commercial surrogate a means of human trafficking?
- Are surrogate mothers at the risk of being exploited?
- Should surrogacy be legalized in Nigeria?

The main aim of this paper is marketing human reproduction and commercial surrogacy in the Nigerian context, the sub-aims are

- to investigate if surrogate mothers act voluntarily
- to determine if commercial surrogacy is seen as human trafficking
- to determine if surrogate mothers are at the risk of being exploited
- to determine if surrogacy in Nigeria should be legalized

2.0

LITERATURE REVIEW

Over the years, the issue has been whether to legalize surrogacy or not to legalize surrogacy. Many studies have supported the idea of legalizing surrogacy, studies like (Makinde, Ayodeji, Makinde, Olukemi, Olaleye, Brown, & Odimegwu, 2016; Shanley, 2001) were of the opinion that if surrogacy were to be legalized or say backed by law. The issue of secrecy, anonymity and openness in gamete transfer should be regulated and the ethical principles should apply to both heterosexual and homosexual parents, thus, both the heterosexual and homosexual should have equal right since all men has the right to have “a child of their own”(Shanley, 2001). Nigeria has no legal backing as regards surrogacy but the baby factories operating in Nigeria is known basically to exhibiting two scenarios, on a general note, there are young girls that would get pregnant through another man and give birth. Firstly, she either sells the baby to infertile couples or secondly, to traffickers, thus, the issue is that the baby factories in Nigeria are surrogate markets in disguise (Makinde, Ayodeji et al., 2016). India was amongst the first country to legalize surrogacy (Gentleman, 2008). The market for renting wombs or commercial surrogacy became a serious market in India that most intending couples especially from developed countries would live their country home and go to a less developed country in search of a gestational surrogate that needs an income (Ryznar, 2010) no matter how low since in the United States, surrogate fee ranges between \$14,000 to \$18,000 while the agency responsible for the surrogate arrangement would charge a fee ranging between \$80,000 to \$120,000 (Ali, L & Kelly, 2008).

Previous empirical studies on commercial surrogacy can be traced back to the works of (Maccallum et al., 2016; Poote, Poote, & Akker, 2008; Woodward, 2016; Ziehl & Ziehl, 2012) to mention but a few. In a study carried out on 187 British women to ascertain their attitude towards surrogacy, it was discovered that most British women are visually unwilling to become surrogate mothers not mainly because they don't want but because of the stigma associated with being a surrogate (Poote et al., 2008), the stigma of being a surrogate as seen in the works of (Poote et al., 2008) was replayed in the works of (Woodward, 2016), their study did not only look at the surrogate part but also looked at the race system, in other words, darker babies belongs to Africans and white parents, of course, prefer white babies. Whether white or dark babies, the babies involved are still created through surrogacy arrangements. A comparative analysis was done by (Maccallum et al., 2016) on 42 families created through surrogacy versus 52 families created out of egg-donation and 80 families of those who conceived naturally; it was discovered that those children born via surrogate arrangements are psychologically balanced in terms of their well being than any other type, thus, their conclusion was that the children or child born through surrogate arrangement are really wanted and extremely needed children unlike those born via natural arrangement but a different opinion was viewed by (Ziehl & Ziehl, 2012), who believed that whether a child is

biological or sociological; children born via through surrogate mothers are not different from biological children. All according to them are just measure used to reduce the rate of divorce.

3.0 METHODOLOGY

3.1 METHODS AND MATERIALS

Participants

The study was carried out in the southeastern part of Nigeria, precisely Enugu state and the participants were newly married women from the guidance and counselling section of the Bishop Shanahan Hospital, Nsukka, Enugu state. A summary of the research study was provided to the participants. The survey took place between November 14th, 2016 to December 16th, 2016. The participants were within the ages of 25 to 40 years.

3.2 DATA COLLECTION AND QUESTIONNAIRE ITEMS

A total of 170 questionnaires were administered since a total number of three visits were made per week and the visits were carried out for five weeks. The questionnaire administered comprises of sections on awareness, knowledge and perception towards marketing human reproduction and commercial surrogacy. Demographic information about participants were gathered and also participants were asked the definition of surrogacy?, the types of surrogacy, the 'old' kind of surrogacy practiced in the past so as to ascertain their knowledge, the second section of the questionnaire were fashioned towards gathering information about the participants view on being a surrogate, the risk involved, whether the act of surrogacy is a voluntarily or involuntarily act, the next section was on legalizing surrogacy in Nigeria, the fourth section was on trafficking.

4.0 DATA ANALYSIS AND RESULTS

4.1 Perception, Awareness and Basic Knowledge About Surrogacy

It was discovered that only 56.5percent (96 respondents) knew what the word surrogacy is. 38.2percent which is approximately sixty-five (65 respondents) didn't know what surrogacy is. Out of the 96 respondents that claimed that they knew what the word surrogacy means, only 92 agreed to the definition given in the questionnaire. When they were asked if they were aware of the types of surrogacy; 42percent (73 respondents) claimed to be aware, 50percent (85 respondents) responded that they didn't know about the types of surrogacy and 7.1percent (12 respondents) were indifferent.

4.2 Knowledge about the "old kind" of surrogacy

50.6percent of the respondents, that is, eighty-six (86 respondents) accepted to have heard and also knew the "old" kind of surrogacy that was practiced in the past while 41.2percent (28 respondents)

claimed they have never heard of it. When they were faced with the question “if as a woman, can you marry another woman so as to solve infertility problem (old kind of surrogacy)”, 68.8percent (117 respondents) refused while 16.5percent (28 respondents) accepted and 14.7percent (25 respondents) were indifferent. When they were also asked if their husbands could be allowed to bring in another woman to bear children, only 34.7percent (59 respondents) accepted and 46.5percent (79 respondents) didn't buy the idea while 18.8percent (32 respondents) neither accepted a 'yes' or a 'no'.

(Insert Table 2)

4.3 Perception on legalizing surrogacy in Nigeria and Risk involved in surrogacy

When the respondents were asked their views as regards legalizing surrogacy in Nigeria, only a percentage of 44.7, that is seventy six respondents were of the opinion that surrogacy shouldn't be legalized in Nigeria, the other 32.4percent (55 respondents) accepted but when they were asked “if they can rent their womb for money (commercial surrogacy) or for free (altruistic surrogacy)”, it was discovered that exactly seventy-nine respondents, that is 46.5percent agreed to rent their womb for money while forty-three (25.3percent) accepted not to rent their wombs for money, that is, rent their womb for free. Irrespective of the fact that those that agreed to act as surrogate were less than those that refused to act as surrogate, that is, 52 respondents accepted to act as surrogate while 82 respondents refused. In the case of finding if the surrogate act voluntarily or involuntarily, 38.8percent believed that those who accepted to act as surrogate are pushed into the act (that is, they were talked into the act of been a surrogate). 33.5percent believed that it is a deliberate act that they act voluntarily and not talked into the act. When they were asked if the surrogate mothers are at the risk of being exploited, it was seen that 28.2percent (48 respondents) accepted that the surrogate mothers are at the risk of been exploited while 39.4percent (67 respondents) said that they were not at any risk since they already accepted to act as surrogate

(Insert Table 4)

4.4 Awareness and Perception about Human trafficking and Commercial surrogacy

When the question was asked to ascertain their view as regards if commercial surrogacy could be seen as another form of human trafficking, only one hundred and seventeen (117) respondents that is exactly 68.8percent of the total respondents believed and were of the view that commercial surrogacy was also a form of human trafficking. 26.5percent (45 respondents) were of the opinion that commercial surrogacy cannot be tagged as human trafficking but when they were further asked if baby factories seen in Nigeria can be seen as a form of commercial surrogacy; it was discovered that only 50percent (80 respondents) believed that baby factories can be tagged as commercial surrogacy in disguise. 88percent of the respondents preferred to adopt a child rather than go for any ART treatments or for any form of surrogacy thus their response to which they would prefer in solving the issue of infertility, they quickly preferred adoption from unlegalized places like baby factories

(Insert table 3 here)

Conclusion

From the study, it was discovered that most of the newly married women were aware of the definition of surrogacy but were not familiar with the types. A good number of the women also accepted to have heard of the “old kind” of surrogacy. Most of the women neither accepted to bring in another woman to help solve infertility problem nor allow their husband do same. They strictly maintained that they cannot share their husbands with unknown women. They rather preferred to adopt a child from unknown parents than allow their husbands bring in other women. Most of the women knew that the ART treatments were very expensive and the risk behind bringing in a surrogate, so they preferred to go for adoption rather than use the “old kind” of surrogacy. A good percentage of the newly married women are still unaware of the fact that people actually market their womb for money (commercial surrogacy) although it was discovered that most of the women who were aware that commercial surrogacy was a form of human trafficking would still not prefer to be a trafficker, most women didn't now and believe that some women could rent their wombs for free. They believed that baby factory is a form of commercial surrogacy and commercial surrogacy is a form of human trafficking but would prefer to patronize them by adopting children from such places but wouldn't want it to be legalized. In conclusion, it was seen that surrogate mothers on an average act involuntarily, that is, most of them are talked into the act or rather pushed into it maybe because they are vulnerable and the pay is encouraging. Majority of the women accepted that commercial surrogacy and baby factories are forms of human trafficking, since the so called baby factories actually house young girls that actually get pregnant, give birth and then look for buyers. They are at the end paid some stipends. Surrogate mothers from our study are at the risk of been exploited mothers from our study are at the risk of been exploited since most of these women are really poor and would want to do anything to sustain their living. Majority of the women refused legalizing surrogacy in Nigeria. This study didn't do an extensive research in that area of risks involved in surrogacy of any type. We also recommend that before one goes into marriage, he or she should see an expert thus, the assistance of persons such as a marriage counselor, healthcare workers, social workers, spiritual/religious leaders should be sought and involved in pre-marriage classes where ethics of marriage, building a better family and infertility education programs are taught so as to avoid falling prey or victim to the infertility trap.

REFERENCES

- Ali, L & Kelly, R. (2008, April). The curious lives of surrogates. *Newsweek April 7*. Retrieved from <http://www.newsweek.com/2008/03/29/the-curious-lives-of-surrogates.html>.
- Clark, R., Richard-Davis, G., Hayes, J., Murphy, M., & Theall, K. P. (2009). *Planning parenthood: strategies for success in fertility assistance, adoption, and surrogacy*. Baltimore, Maryland: John Hopkins University Press.
- Gentleman, A. (2008, March 10). India nurtures business of surrogate motherhood. *New York Times March 10*. New York. Retrieved from <http://www.nytimes.com/2008/03/10/world/asia/10surrogate.html>
- Maccallum, F., Golombok, S., Murray, C., Jadva, V., Maccallum, F., & Lycett, E. (2016). Families created through surrogacy arrangements : Parent-child relationships in the 1st year of life . <http://doi.org/10.1037/0012-1649.40.3.400>
- Makinde, Ayodeji, O., Makinde, Olukemi, O., Olaleye, O., Brown, B., & Odimegwu, C. O. (2016). Baby factories taint surrogacy in Nigeria. *Reproductive BioMedicine Online*, 32(1), 6–8. <http://doi.org/10.1016/j.rbmo.2015.10.001>
- Poote, A., Poote, A. E., & Akker, O. B. A. Van Den. (2008). British women ' s attitudes to surrogacy. *Human Reproduction*, 24(1), 139–145. <http://doi.org/10.1093/humrep/den338>
- Ryznar, M. (2010). International commercial surrogacy and its parties. *John Marshall Law Review*, 43, 1009–39.
- Shanley, M. L. (2001). *Making babies, making families* (1st ed.). Boston: Beacon Press.
- Umeora, O. J., Umeora, M. C., Emma-Echiegu, N. B., & Chukwunke, F. N. (2014). Surrogacy in Nigeria: Legal, ethical, socio cultural, psychological and religious musings. *Afr. J. Med Health Sci.*, 13(2), 105–109. Retrieved from <http://www.ajmhs.org/text.asp?2014/13/2/105/144579>
- Woodward, K. (2016). Marketing black babies versus recruiting black families : The racialized strategies private adoption agencies use to find homes for black babies. *Sociology of Race and Ethnicity*. <http://doi.org/10.1177/2332649215627820>
- Ziehl, S. C., & Ziehl, S. C. (2012). Surrogacy — A sociological perspective with reference to South Africa. *South African Journal of Sociology*, 23(2), 40–45. <http://doi.org/10.1080/02580144.1992.10429815>

Table 1
CHARACTERISTICS OF THE PARTICIPANTS

<i>Parameters</i>	<i>Total N=170</i>	<i>frequency</i>	<i>Percentages (100percent)</i>
<i>Religion: Christianity</i>		94	55.3
<i>Islam</i>		56	32.9
<i>Traditional religion</i>		17	10.0
<i>Others</i>		3	1.8
<i>Ethnic group:</i>			
<i>Yoruba</i>		44	25.9
<i>Hausa</i>		27	15.9
<i>Ibo</i>		88	51.8
<i>Others</i>		11	6.5

Table 2

BASIC KNOWLEDGE, AWARENESS AND PERCEPTION ABOUT SURROGACY

<i>Question</i>	<i>Responses</i>	<i>Percentages (100percent)</i>	<i>Frequency</i>
<i>Have you heard of the word surrogacy?</i>	Yes	56.5	96
	No	38.2	65
	I don't know	5.3	9
<i>Surrogacy is a process whereby a woman accepts to get pregnant for another person and also hereafter give birth to the child</i>	Yes	54.1	92
	No	38.8	66
	I don't know	7.1	12
<i>Are you aware that surrogacy has 2 types(that is genetic and non-genetic)?</i>	Yes	42.9	73
	No	50	85
	I don't know	7.1	12
<i>Have you ever heard of the 'old kind' of surrogacy practiced in the past?</i>	Yes	50.6	86
	No	41.2	70
	I don't know	8.2	14

<i>As a woman, can you marry another woman (old kind of surrogacy) in order to solve infertility problems?</i>	Yes	16.5	28
	No	68.8	117
	I don't know	14.7	25

<i>With the old kind of surrogacy, can you allow your husband bring in another woman so as to continue his lineage?</i>	Yes	28.8	49
	No	52.4	89
	I don't know	18.8	32

<i>If given the opportunity, can you act as a surrogate?</i>	Yes	30.6	52
	No	48.2	82
	I don't know	21.2	36

<i>Have you heard of the word 'commercial surrogacy' (renting womb for money)?</i>	Yes	46.5	79
	No	34.7	59
	I don't know	18.8	32

<i>Have you heard of the word 'altruistic surrogacy' (renting womb for free)?</i>	Yes	25.3	43
	No	55.3	94
	I don't know	19.4	33

Table 3

Awareness, Perceptions and Knowledge About Human Trafficking

<i>Question</i>	<i>Responses</i>	<i>Percentages (100percent)</i>	<i>Frequency</i>
<i>Are you aware of the fact that people market their womb for money (marketing human reproduction)?</i>	Yes	71.2	121
	No	21.8	37
	I don't know	7.1	12
<i>Would you rent your womb for money?</i>	Yes	46.5	79
	No	34.7	59
	I don't know	18.8	32
<i>Would you rent your womb for free just to help a childless couple?</i>	Yes	58.8	100
	No	36.5	62
	I don't know	4.7	8
<i>Would you rent your womb for money assuming you are poor?</i>	Yes	41.2	70
	No	51.8	88
	I don't know	7.1	12
<i>Can you say that commercial surrogacy is another form of human trafficking?</i>	Yes	68.8	117
	No	26.5	45
	I don't know	4.7	8

Table 4

Perception on legalizing surrogacy in Nigeria and Risk involved in surrogacy

<i>Question</i>	<i>Responses</i>	<i>Percentages (100percent)</i>	<i>Frequency</i>
<i>Do you think that surrogacy should be legalized in Nigeria?</i>	Yes	32.4	55
	No	44.7	76
	I don't know	22.9	39
<i>Are surrogate mothers at the risk of been exploited?</i>	Yes	39.4	67
	No	28.2	48
	I don't know	32.4	55
<i>Can you conclude that those women who accept to act as surrogate, do it on their own account(voluntarily)</i>	Yes (only Yes answers)	33.5	57
	Yes(only Yes answers)	38.8	66
<i>Can you conclude that those women who accept to act as surrogate, are forced into it or talked into the act (involuntarily)</i>	Yes	29.4	50
	No	50.0	85
	I don't know	20.6	35