

Intersection between Issues of Gender Equity and Solving Infertility

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Abstract— For several decades or perhaps centuries now, we have been discussing about Gender Equity and related issues like male hegemony, acceptance and equal treatment of women/LGBTIA at workplace, sensitization of children and adults towards equity and empowerment. The aim of this paper is to explore and understand whether the same challenges and opportunities also exist when solving for infertility, specifically from the child’s perspective. Traditionally the focus on issues of infertility are from the adult perspective, this paper aims to look at it from the child’s perspective – the child born to solve infertility. Infertility is very traumatic and inequitable and few people talk about it and how will this silence help solve issues? Any child/human needs happiness and protection to thrive, how does inequity provide an environment for either? In fact, neither infertility nor gender equity are just “social justice” issues but are a “right to live” issue. The underlying issues envelope individuals to the extent it suffocates their “right to life” issues like being able to live freely at peace and happiness. While the circumstances of one’s birth either based on gender or caste or religion or race or creed or physically challenged or mentally challenged or born differently via Surrogacy are NOT in any person’s control, the issues surrounding their ability to live freely and pursue happiness in peace are often intersecting.

As Covid has taught all of us in 2020 that there is great uncertainty with complex issues and entire life gets disrupted overnight for individuals, families, communities, governments. We overcome that collectively. Similarly, inequity causes uncertainty and entire life gets disrupted for the affected. We must work together to overcome it. It is important to delve into this intersection of similar issues and raise awareness together instead of a piece-meal approach. Looking at the issues collectively may help us understand each other, build harmony and eventually work together to solve issues. Sometimes, we get caught up in a “Me First” approach with an end result of “We Last”. There are multiple issues crisscrossing each other; like a Rubik’s cube of inequity. Rather than debating the differences, let us work together on the commonalities of the underlying issues. This exploration is a hope that we can come together objectively and begin solving the Rubik’s issues of inequity. Perhaps we start at the point of the intersecting issues, a commonality amongst us. And move away from a “Me First, We Last” paradigm. Lastly, as MeToo movement has shown that it’s not just about sexual harassment or assault but when one tries to “solve” by asking for equity and justice, they often fall prey to decades and perhaps centuries of inequity, patriarchy, power, money, suppression of lies, stereotypes; not something which can be solved by one person and it takes time. Similarly, “solving” infertility issues also takes time and is not something to be solved by one (girl) child when facing the same issues. At the very least, is exploitation and abuse of a voiceless girl child to “solve infertility” in adult an equitable solution?

Keywords— infertility, gender equity, social, medical, economic issues, sensitization, empowerment, equity, patriarchy, LGBTIA

I. INTRODUCTION

There are different variations on the definitions of infertility. As per World Health Organization (WHO) along with International Committee for Monitoring Assisted Reproductive Technologies (ICMART), the clinical definition of infertility [1] is:

Infertility is “a disease of the reproductive system defined by the failure to achieve a clinical pregnancy after 12 months or more of regular unprotected sexual intercourse”

As per World Health Organization (WHO), the demographic definition of infertility [2] is:

An inability of those of reproductive age (15-49 years) to become or remain pregnant within five years of exposure to pregnancy.

An inability to become pregnant with a live birth, within five years of exposure based upon a consistent union status, lack of contraceptive use, non-lactating and maintaining a desire for a child.

The Government of India has also adopted this definition of infertility by WHO-ICMART as confirmed by the National Health Portal [3].

Government of USA through its Center for Disease Control (CDC) has also accepted the WHO-ICMART definition [4].

First and foremost, infertility is a health condition. Also there is a common theme, all the definitions assume it’s the ability to have a child over a certain time period is how infertility is defined. This is a false assumption and impractical in today’s changing society. For example, the definition of infertility assumes a “time period” of inability to have a child. So by this standard, how would a gay or lesbian or an intersex couple or singles wanting to have a child be evaluated? Would there be a “waiting period” of 12 months before deciding such couples cannot have children or would common sense and science rule that from day 1 such people cannot have children on their own and need third party reproductive assistance?

Further this basic false assumption of excluding a section of the population leads to a domino effect of false policies and how to help people with a health condition.

This false assumption directly places excluded communities – LGBTIA, singles, “non-traditional” parents into struggling with the same issues being discussed around gender equity such as male hegemony, acceptance and equal treatment of women/LGBTIA, sensitization of children and adults towards equity and empowerment.

We also want to look at how these false assumptions and its domino effects have direct effects on equity and sensitization of children of such excluded groups.

What steps can we take to bridge this gap? It is akin to the 20th century when mentally or physically challenged children from birth were either excluded or discriminated for years until gradual acceptance started and such children be allowed to be “equal participants” in “right to life” issues like any other children. Now we have a similar class of students in the 21st century where the same issues are being repeated and how long do we wait for such children to be included as equals? The ask is the same.

As recently as February 2020, WHO, has decided to continue to exclude such affected populations [5]. This means the issues around equity or lack thereof are continuing and if anything, we need to raise our voices to be included. Is the ability to have a child by a LGBTIA or singles a health problem as per WHO? How will this population achieve equity and will it be a gut-wrenching struggle for each and every equitable right?

If we agree that saving the girl child and her rights are equally important, then is the same true for IVF/Surrogacy born girl child (or boy child)? The bigger question, what is the impact on the innocent children and our values of equity by excluding such children?

As per the UN [6], a significant cause of statelessness is discrimination on the basis of race, ethnicity, religion, language or gender which seem to intersect with issues of gender equity.

A. Defining the Infertile population

Who is the infertile population? As we have seen earlier, the current definition, albeit widely accepted, does not include a significant part of the population wanting to have a child. However, we have established that infertility is first and foremost a health condition. It is also a social, emotional, mental, physical, economic and birth condition creating its own set of inequities should you decide to “solve” it as we shall see later. Here the purpose is to identify the medically affected population with inability to have children without any discrimination based on gender, identity, race, caste, creed, and nationality or otherwise. This would mean even if being LGBTIA may be “illegal” in some parts of the world, they would still be part of the medically affected population who have an inability to have a child on their own.

As per Merriam-Webster dictionary [7], definition of infertile is:

not able to produce fruit or offspring

And per Oxford dictionary [8], the definition of infertile is:

not able to have babies or produce young

As noted, the definition of being infertile from dictionaries is different than the definition given by policy makers as seen earlier. It seems that in order to address the equity issues of infertility and especially the children born to solve infertility via medical technology, a practical definition of infertility is needed primarily with the intent of being

inclusive and include all affected populations. This will help us define the infertile population as both the traditional and non-traditional parts of the population who are childless unwillingly. Some refer to this as the “dysfertile” population.

In fact, both the Government of India National Health Portal and CDC in the USA use a “traditional” model which estimates 15% of the population is infertile which only includes heterosexual couples. However, this does not include the non-traditional part of the population wanting to have a child. Even if we assume a conservative approach and 5% of the total population is LGBTIA wanting to have a child and about another 1% singles wanting to have a child, the total affected population is about 21% of the total population as depicted in the figure below.

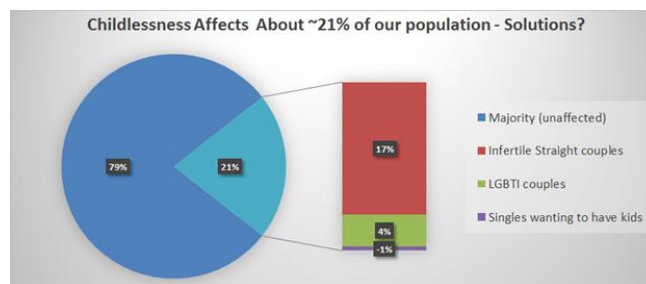


Figure 1: Estimated population affected by childlessness

Needless to say but the “non-traditional” population is subject to same issues as the issues we are discussing relating to gender equity, male hegemony, acceptance and equal treatment of women/LGBTIA, sensitization of children and adults towards equity and empowerment. Further the same issues are also inherited by the children born to such “non-traditional” adult population. We will delve into each of these issues from the innocent child’s perspective who is born to “solve infertility” in adults but yet has NO say on denial of their basic human rights, child rights, women rights if it’s a girl child. The intent is this awareness will create “inclusiveness” especially not only the dysfertile people, single women, men, LGBTIA adults [9], infertile heterosexual couples but especially the innocent children born to such people who are also subjected to the same inequity and denial of rights simply for the way they are born. It’s akin to saying being born into a certain gender or skin colour or caste or being born blind or deaf is a reason for denial of basic rights of a child, especially a birth condition that NO child has any control or say in, they are born with it. We the world, have to include and welcome them into this world with basic human decency but first tolerance and respect.

Denying fundamental rights, identity, due process, fair trial, etc to a child by claiming the child is “illegitimate” is one thing but what is the PATH to bestow the same legal rights to an “illegitimate” child? Do such innocent children need the same basic rights like others to survive? Or do they live invisibly? And if the child is a “girl child” then how does one strike a balance between stated policies like “save the girl child” yet are unable to

help a girl child in dire need left with no fundamental rights, identity, protection? Is this equity?

If left unchecked, voiceless children are left to fend against a Kafkaesque bureaucracy which only repeats the dogma that past feminists like Virginia Woolf and Carole Hanisch have already highlighted. The innocent children right from birth are left to fight the same age-old issues which collectively we as adults cannot resolve even after several decades and/or centuries.

In the words of Virginia Woolf from 1938 [10]:

“As a woman I have no country. As a woman I want no country. As a woman, my country is the whole world.”

A stateless girl child only wants an identity/citizenship to be free, it doesn't matter which state decides to grant the identity/citizenship because the innocent child is forced into this situation not by her choice and are forced to become a “citizen of the world” just to be free.

In the words of Carol Hanisch from 1970 [11]:

“What's personal is political” (and what's political is personal)

An innocent girl child left to fend for her own identity to survive and get equal rights is NOT trying to offend anyone but the fight against the political establishment of several children and adults like her is also a very personal fight of survival, freedom and to be equal.

Whether its 1938 or 1970 or 2020, some struggles around identity, freedom and equity for women have not changed, seems like there are cosmetic changes in the epidermal layer but the core issues are intact and facing stiff opposition. Am humbled to have a forum to state this freely whilst millions in same situation have no say.

B. Defining “Solving Infertility”, a Health Condition

For the context of this paper, it is important to define what is meant by “solving infertility”. In the most basic sense, it means solving infertility and any and all issues arising from infertility especially issues surrounding children. If the problem statement is inability to have a child then is presence of a child equivalent to “solving infertility”?

Is “solving infertility” limited to having a presence of a child to adult(s) unable to have a child on their own or does it extend beyond that like equity for the innocent children born to solve infertility of adults?

Specifically, is “solving infertility” also include helping innocent children who are caught up in infertility issues leading to their exploitation and abuse? When the “solution” (child) itself become victims, survivors, exploited, abused, trafficked, loss of identity, loss of freedom and so on, who helps them? The conditions like child exploitation and abuse which otherwise are not just protected but touted as “high moral ground” to protect innocent children except perhaps

when it comes to providing the SAME protection to innocent children born to solve infertility. Why this difference? The infertile adults already have a “low voice” which can't be heard as reflected in the inequity of the laws, social fabric, and financial means and so on, now will children of infertile adults also inherit the same inequities? To understand these differences and intolerance, one has to look further than the cover of the book and delve into the issues which cause inequitable issues for innocent children. Upon further review, one finds that the identity and inequity issues facing such innocent children are similar to the identity and inequity issues faced by adults based on gender or sexual orientation. The common thread here is acceptance (of facts) and compassion are the solution while denial and intolerance causes more inequitable issues.

“Solving infertility” is to solve any fertility related issues both in adults and children. Somehow, conventional wisdom believes infertility is only an adult issue and worse, it's only a “female” issue. Without digressing, it's more important to highlight how these stereotypes directly affect innocent children, a group that we otherwise in a civilized society swear to protect and help. In the previous section, we have already established that the affected population of adults unable to have children is not just women but also men, LGBTIA, singles. Traditionally, infertility has been solved using adoption ranging from “mutual understanding” to legal adoption within a single nation to International Adoption laws between countries. The idea being to solve infertility amongst adults while ensuring a loving and safe environment for the innocent children. With advent of medical technology, new areas to help solve infertility have emerged like IVF, IUI, and Surrogacy. Do the same protections exist for all the people involved especially the innocent children as we adopt these new ways to “solve infertility”?

If the same social and legal protections do not exist nationally or internationally, what are the effects on the innocent children to have equal rights, freedom, and equal access to opportunities and happily succeed in life to make positive contributions to the society? Or is their birth type a disability for such children due to inequity of laws and rights?

Fertile people have aspirations for their children which is normal. Infertile people also have the same aspirations for their children. Yet this simple ask seems like “first world” Vs. “third world” issues where having basic rights, freedom, legal identity, equity, protection from exploitation and abuse and so on are easily accessible to children of fertile traditional parents but the same remain a dream and inaccessible for children of non-traditional parents.

Before we delve into the issues surrounding children born to solve infertility in adults, it's important to note that solving infertility requires compassion and patience. Science may state one needs sperm, egg and a womb which is true but this alone cannot help an infertile or dysfertile adult to have a child. In a practical world, without the compassion of a donor, surrogate, doctor, family, friends, wider community, no amount of money or power can ensure the presence of a

child. There are several dysfertile singles and infertile couples who may not be able to afford a child and use crowdfunding to collect funds to for medical professionals or donors or surrogates to have the medical procedures to have a child. Again, money and/or power and/or medical technology are not enough to have a child but it takes compassion of other human beings and patience to have a child, to help solve infertility.

These same ingredients, compassion and patience, are also the pillars needed to begin solving gender inequity and related issues.

Regardless of how a child is born, the first legal document any child needs to be part of the paper based system that our civilized society lives in is a Birth Certificate. This is the foundation of anything and everything that any individual does for rest of their lives. Any and all future legal paperwork, legal identity, rights, social standing, etc begins with this basic foundation. And for some innocent children born via IVF/Surrogacy to HELP “solve infertility” are left at the altar hanging in limbo without a birth certificate, with NO legal identity, with NO rights. As the table shows below, when a child is born via IVF/Surrogacy, there are 8 different scenarios on who the parent(s) can be. Do the current laws account for ALL the scenarios? And if not, what inequities are created as a result of this mismatch which is NOT the innocent child’s fault? In a traditional binary gender world, how does a child secure a birth certificate for each of the scenarios? And if the “parent(s)” don’t fit the traditional definition, does that mean the innocent child is DENIED the birth certificate, a legal identity? What if two males have a child together via IVF/Surrogacy, will the birth certificate issuance be denied because the system is unable to define who the “mother” is? What if an intersex or transgender have a child together via IVF/Surrogacy, will the birth certificate issuance be denied because the system legally recognizes only binary gender OR because the name of “mother” has to be of a legally defined “female” which does not exist in such scenarios?

Child	F S	M E	M W	AS	AE	SW	IF	IM
1	✓	✓	✓				??	??
2	✓	✓				✓	??	??
3	✓		✓		✓		??	??
4	✓				✓	✓	??	??
5		✓	✓	✓			??	??
6		✓		✓		✓	??	??
7			✓	✓	✓		??	??
8				✓	✓	✓	??	??

Legend:

- 1) FS = Father’s Sperm (Biological father)
- 2) ME = Mother’s Egg (Biological mother)
- 3) MW = Mother’s Womb

- 4) AS = Anonymous sperm donor
- 5) AE = Anonymous egg donor
- 6) SW = Surrogate’s womb
- 7) IF = Intended Father
- 8) IM = Intended Mother

 = NO LEGAL MOTHER -> No Birth Certificate – How does Child Survive?

Asking for a birth certificate for an IVF/Surrogacy born child is not as simple as sometimes it is raking up a 10,000 year old human history on how we assign “parentage” which cannot be solved one case at a time but needs a holistic look in the best interest of the children [12].

Most laws require a “genetic link” between parent and a child while people who do IVF/Surrogacy already know that at least one parent may not be able to provide a “genetic link” due to infertility issues which is the reason for taking help of medical technology like IVF/Surrogacy in the first place. Are these basic facts captured by the prevailing laws? And if not, what inequities are created for the innocent child?

Not having a legal identity is just the tip of the iceberg of the issues facing an innocent new born child left with no legal identity and no rights. Instead of celebrating the birth of a child, celebrating “solving infertility”, the innocent child is thrust into the throngs of a Kafkaesque bureaucracy unwilling to help a child simply based on their birth type. That may sound familiar to adults who may have felt inequities based on their gender or caste or creed or nationality or sexual orientation.

C. Case studies and Sustainable Ways to Solve Infertility of Adults, a Health Condition

Children born via International IVF/Surrogacy are born to “solve” infertility in adults yet some become victims right from birth. Innocent children face some unique circumstances to obtain a legal identity. Before we delve into case studies of children born via International IVF/Surrogacy who are born to solve infertility in adults, it is important to note that there have been various ways to help solve infertility for centuries over the years. Some good and some exploitative but one thing is common compassion and patience has always prevailed in having sustainable solutions to infertility. From the 1940s stretching to 1980s in the Western world like US, Canada, UK, Australia there were instances of “baby scoop era” [13]. This is where an infertile couple was knowingly or unknowingly to them provided with a child of less fortunate parent(s) including providing false legal documents (legal identity), with or without the help of the people in the system – the very people put in their places of authority to SAVE innocent children from such exploitation and abuse. After several decades, when the “babies” became adults and started asking questions and asking about their “identity”, it surfaced they were not alone and these were systemic acts of egregious violations of all kinds and truth and reconciliation

commissions were setup to unearth the facts leading to stopping of these unlawful practices known as the “baby scoop era”. All governments have since acknowledged and apologized to the innocent children and their families. Not only it was against the rule of law but it violated the fundamental principles to solve infertility – which are compassion and patience and thus they came up with an unsustainable “solution”. It shows that despite decades of practice, despite acts from authorities who know the laws, despite any excuses given including false ignorance, falsifying records, separating innocent children from loving biological families is NOT a sustainable solution to solving infertility. Cannibalizing the rights of one group of people to give rights to another group of people is NOT an equitable nor a sustainable solution.

Despite the lessons learnt from “baby scoop era” [13], there are eerie similarities on how the same events are being repeated when it comes to “solving infertility” via International IVF/Surrogacy – false identity, lies, breaking rule of law, exploitation and abuse of innocent, voiceless children and fundamentally deviating from the principles of solving infertility. As learnt previously, in dealing with medical/health conditions, lies, concealment [14], obfuscation does NOT help solving the medical/health condition and in fact leads to torture [15, 16]. In medical health, it is best to accept mistakes if they occur in the greater good [17] and use them as learning lessons instead of hiding facts which may end up hurting innocents. Below is a brief review of some select cases.

In one case [18], a clinic in India had a medical error where the sperm of the biological father was accidentally swapped and the twins born from the IVF/Surrogacy procedure, one was a DNA match while the other was not. In this case, the biological father was a Canadian citizen who did the medical procedure in India mainly due to affordability and access to medical ecosystem needed to “solve infertility” with his spouse. However, the Canadian laws require a “biological link” between the Canadian citizen parent and child in order to provide a legal identity (passport) to the child in order for the child to travel with the family back to their home in Canada. The infertile couple faced a harrowing decision whether to keep the children united and fight OR abandon one child? One child with “biological link” as defined by laws could get a passport and the other sibling could not. After 6 years, during which time laws did not change but patience and compassion prevailed and the Canadian government made an “exception” and issued a passport to the “non-biological” sibling so that the family could return home to Canada. In the meantime, both parents had already lost their jobs, home, savings, what kind of a future can they provide the children simply for wanting to keep them united? How is a medical error an issue for the innocent child? And for anyone who believes in child rights, how is the child responsible to be denied the most basic right – an identity?

In another case [19], a US Citizen woman, unable to conceive on her own who went to Israel and conceived lovely twins via IVF through donor sperm and eggs but carried the children to term and gave birth to them on her own. As she did not have a “genetic link” as defined by US

laws, she could not get passports for her children despite giving birth to them and raising them solely on her own as a single mother. Again, compassion and patience prevailed and after 5 years of constant struggle, the US [19] granted passports to the innocent children. For anyone who believes in child rights, how is the child responsible to be denied the most basic right – an identity? Or is it wrong for a single mother to imagine having the love of children? Or how do we define “mother”? Apparently, had the same woman given birth to the same children conceived in the same way on US soil, she would be deemed a “mother” but because it was outside the US, different laws are applicable and we all respect the laws. The question is are the laws consistent in how to deal sensibly and sensitively when it comes to child rights, women rights, human rights?

In another case [20], popularly known as “baby Gammy” case, an Australian couple had commissioned a surrogate in Thailand to have a child. Later the Australian couple decided not to want the child and the Thai surrogate decided to give birth to the child and raise the child no matter what despite not having any “biological link” as defined by laws. Given her dire economic circumstances, she approached the government for assistance in raising the child which became a big international issue. Finally, the Australian government made an exception and allowed both the child and the “non-biological” foreign parent to immigrate to Australia and bestow citizenships for them. Again, patience and compassion prevailed. For anyone who believes in child rights, how is the child responsible to be denied the most basic right – an identity?

India has had its own share of International Surrogacy cases dealing with basic fundamental rights of the child. In 2008 case [21,22], the Hon’ble Supreme Court of India for the first time dealt with one such case of a Japanese man whose IVF/Surrogacy born girl child could not get a birth certificate born in India. The woman in the man’s life who was unable to have a child decided midway through the pregnancy to not want the child and did not come to India when the child was born leaving the child stranded with no legal rights or legal identity despite the biological parent, a father, wanting to love, raise and nourish the child to take her back home to Japan from India without a passport. For anyone who believes in child rights, how is the child responsible to be denied the most basic right – an identity?

In another case in India [23], a UK couple was denied a passport to for their IVF/Surrogacy born child in India and it took the late Hon’ble External Affairs Minister of India, Smt. Sushma Swaraj to tweet and highlight the fact, “Should orphanage be the destiny of a surrogate Baby?” Parents are placed in dire situations, whether to fight or abandon a child as they are unable to get proper legal documents and may leave the child behind leaving no recourse but the child goes to an orphanage – something completely opposite to “solving infertility”.

In rare cases, while there is a lot of media hype initially when a child is abandoned [24], it later fizzles out with no knowledge of what may have ever become of the child [25]. Is this a way to “solve infertility”? Are all cases accounted

for and is this “rare” or is the actual count much higher? Just like a significant part of the population is excluded from “infertility”, are children also being excluded and denied rights?

Governments [24] are even aware of fraud and breaking of laws amounting to grave crimes like forgery, fraud, child trafficking, kidnapping but despite the laws, no action is taken for voiceless children as they are easy to muzzle/muscle? Certainly, it's NOT rule of law! We can call it SurrogacyChildMeToo but not rule of law.

While we have laws against child trafficking, kidnapping, falsifying birth records, inability to get passport with “no biological link” between child and adult, illegal to exploit and abuse children, somehow violating not one but multiple rules of law matters when it comes to International Surrogacy. Because of the lack of laws in International Surrogacy, a rogue adult can exploit the vulnerability of a biological parent by having child 1 via IVF/Surrogacy, falsify birth records to obtain legal identity of the child [26] and then later have another child also via IVF/Surrogacy but NOT show up fully knowing the consequences of their action will make render the innocent child stateless and unable to get legal identity and not be able to travel from one country to next as in several other cases. The vulnerable biological parent is left to choose which child to help with the clock ticking as the second child is already born, abandoned and facing orphanage while the “rule of law” which takes time can help secure the first child. This is the case of “blood babies” where a sibling is created to exploit the vulnerability of a biological family wanting to help solve infertility by using one sibling as hostage for access to the other. Is this kidnapping or child exploitation and abuse and host of other inequity issues that the child has to face from birth? Much like the international Kimberley process [27] for “blood diamonds” where the diamonds are certified to be clear of exploitation and abuse of children and forced labor, we need an international process to protect and help innocent children from becoming “blood babies” due to loopholes in the law being exploited by few rogue adults. At the end of the day, **child abuse and exploitation is illegal, should it matter the exploited and abused child is born via IVF/Surrogacy or born naturally?** We need sustainable solutions where it's equitable to all concerned and our basic values of protecting child rights, human rights and women rights are maintained. Cannibalizing one for the other is neither equitable nor sustainable.

D. Issues for Children Born to Solve Infertility, a Health Condition in Adults

As noted earlier, lack of a legal identity is just the tip of the iceberg for any human being. In fact, the basic lack of birth certificate affects millions of children worldwide as per the UN. There are multiple reasons like displacement due to conflicts, terrorism, fleeing from ISIS, migration, and other issues which cause childhood statelessness or inability to get a legal identity as a child. Amongst already facing other issues, families struggling with infertility have one more issue to deal with – childhood statelessness and possibly a lifetime of discrimination and lack of rights. The issues are

so widespread that the UN launched a programme, I Belong, in 2014 to eradicate the world of childhood statelessness by 2024 [28]. As per UN, it states that childhood statelessness:

“A significant cause of statelessness is discrimination on the basis of race, ethnicity, religion, language or gender. States can also deprive citizens of their nationality through changes in law using discriminatory criteria that leave whole populations stateless. In fact, the majority of the world's known stateless populations belong to minority groups. Gender discrimination in nationality laws is a significant cause of childhood statelessness.”

There are multiple issues that a stateless child faces similar to issues faced by adults facing gender inequity, patriarchy, sensitivity, intolerance. Some of the issues are listed here:

1. **Childhood Statelessness** – no legal identity and also loss of freedom as one can't travel anywhere but is stuck in an open air prison with no rights
2. **Identity Issues** – with no legal identity OR a falsely obtained legal identity has huge ramifications in both the near-term and long-term. Imagine everything you may have achieved as an adult, your education, your career, your family, your social, economic stature and the opportunities it opens up and now try to do the same WITH NO identity – how is it possible?
3. **Access to Education and Health Care** – With no legal identity OR a falsely obtained legal identity, how will a child get admission to a school to get an education? With no legal identity, how will a child get access to health care facilities when needed? With no education, what are the prospects for the child to succeed and with no proper health care access, what are the prospects for the child to survive?
4. **Access to Financial Systems and Career** – With no legal identity OR a falsely obtained legal identity, how does one engage with financial systems and gain financial independence and have a fruitful career without having to lie or hide their identity?
5. **Uncertainty** – If a parent has to give up their livelihood and devote 100% of their time to “solve” the issues of a stateless child which means working with the bureaucracy and can take years, who nurtures the newborn child? Who looks after the growth and development of the child? What are effects of uncertainty on a newborn stateless child? Is a stateless child doomed to fail? How are we being “sensitive” to the needs of the child?

The list can go on but suffice it to say that inability to secure a birth certificate/identity is NOT a “single point problem” but in fact a tip of the iceberg to a plethora of issues.

Being it's an issue related to children, most people who take the time to understand the issues end up helping the child. Some by showing compassion, some by providing monetary help, some look the other way if they are in a position of authority and so on. At the end of the day, as we stated earlier, "solving infertility" is about compassion and patience (time).

There are adults who may ignore the issues as it may not necessarily be apathy but ignorance or inability to help. And then there are some rogue adults who neither help nor ignore but instead exploit the situation by discarding the voiceless child unable to fend for themselves and further silencing them to hide their lies.

The multi-whammy of issues of infertility, IVF/Surrogacy, invisibility, childhood statelessness of children left with no legal identity can go on. Some are helped, some are intimidated and exploited, and some are suppressed and abused. All such cases have a common thread – exploitation and abuse of innocent children for acts they neither committed nor had any say in. If one decides to "solve infertility" by solving the issues of the innocent child born to solve infertility, in this interim period of non-solution, one often finds the following issues:

1. **Surrogacy is illegal, unethical, immoral** – that's fine but how is that the fault of a child already born who may even agree with the statement when they grow up as adults but it cannot be a reason to deny basic rights of a child because the child had nothing to do with the decision. Hold the adults to account, not the child. **Ignorance or intolerance is the real issue.** What if a law existed which criminalized being born blind or deaf? What kind of sensitization do we provide the child for an irreversible birth condition they had no control over?
2. **Exploitation of Women** – one of the common reasons given to ban Surrogacy is exploitation of women, namely the Surrogates who are paid money for their womb. That is also a respectable stance but what do we call when an adult in one country abandons a child and their Surrogate in another country and thus DOES NOT pay the Surrogate as per agreement, is this a new kind of exploitation of women? And what if the abandoned child is a girl child, is this a new kind of exploitation of girl child?
3. **Stigma** – For whatever reason, an IVF/Surrogacy born child has a stigma either due to ignorance or association of unethical, immoral, illegal behavior of the adult parent. Why should this stigma be "inherited" by the innocent child to be denied or delayed in getting their basic rights?
4. **Inclusion & Sensitivity** – Women, Men, LGBTIA who have children via IVF/Surrogacy may not have "legally defined mothers" for their children. How sensitive is it to such children to be excluded

when any issues around "mother" comes up? Let us start and be inclusive and be sensitive to the needs of any child, regardless of their birth type. It is important to note that most of these non-traditional parents have mothers and most likely respect and love their mothers but let's not use a parent's choice to "normalize" behavior of exclusion of children and their rights.

5. **Child Born Out of Wedlock** – Typically, this adage in the legal world is attributed to children born out of an illicit affair of adults or rape (again an illegal act of an adult). IVF/Surrogacy born children are deemed to be child born out of wedlock despite being born during a marriage. Worse, the innocent children are denied rights from birth (inability to legally define mother and hence no issuance of legal identity) all the way up to death (denied legal inheritance again due to inability to legally define parentage). **Let us call a spade a spade, there is NO such thing as "child born out of wedlock", however there are illicit acts of adults which causes these woeful circumstances for innocent children and so the adult should be held to account for their illegal acts, not the innocent children.**

It's one thing to deny rights to a child by labeling them as "illegitimate" but what is the LEGAL PATH so that such children can have same rights and be included? Or are they deemed to live invisibly with no rights or due process? Is that more reflective on us the adults or the victims – the innocent children?

6. **Baby making factory** – Sometimes, the womb for rent or commercial Surrogacy is referred to as baby making factory and used to malign efforts to help solve infertility. To the same people and anyone else, how do we define "blood babies" – a situation where a sibling is created to be used as a hostage to suppress the lies of an adult who takes away their sibling? Ironically the situation is created because the rule of law does not allow infertile adults to have a child legally across international borders without a "biological link".
7. **Female feticide/Save the Girl Child** – Lot of countries consider it a crime to kill or abandon a girl child while unborn. But if a girl child is abandoned while in a Surrogate's womb, it's not a crime? Further, if the girl child survives and wants to live and needs a legal identity, they cannot get one as the system does not know how to assign a "mother" to issue a birth certificate and may take years for a stateless girl child to become legal. What is worse - Killing a girl child or abandoning a girl child left with NO legal identity and NO legal rights and thus NO voice? Which "girl child" are we trying to save? How does one survive with NO identity?

8. **Intersex and concealment based approach** [14] – For decades, the medical industry used a concealment based approach to treat intersex by concealing facts about the medical diagnosis either from the patient child or from parents or both and sometimes going further to teach lies to the child or parents or both all in the name of “best interest of intersex child”. After several years, the intersex children grew up to be adults and were searching for their “identity” and determined that the concealment based approach was wrong and petitioned to the UN and after decades of struggle were able to get the UNSRT in January 2013 to declare the act of lies in dealing with intersex issues is torture [15,16]. Thus proving **lies may work for a few years or even decades but are NOT a sustainable solution**. Incidentally, most intersex adults also cannot conceive children due to their birth condition, so how does lying help to solve infertility? Would lying to exploit and abuse a girl child be torture against the child?

In summary, lot of the issues that a woman may experience in wanting equity at work or home or inheritance or daily needs like clean toilets, access to education, health care and so on and the struggles that one goes through against centuries old patriarchy, stereotypes, identity issues, stigma, lack of access to opportunities, education, health care and ultimately having the right to freedom, right to live in peace and happiness are the SAME issues facing children born to solve infertility. We have come a complete circle where one starts out with good intent to help and show compassion to a fellow human being to have a child but ultimately ends up with a stateless girl child (or boy child) with no legal identity, no freedom, no rights, what have we really solved? **We are right back to where we started – an innocent (girl) child struggling with inequities based on their birth condition which they had no control over.**

E. The Gift of Giving

India had lately become a hub for International Surrogacy mainly due to its vast medical ecosystem and affordability. Giving the gift of child is the most precious gifts of all. In fact, most prayers in different faiths around the world call to action to help the poor, give eyesight to the blind and child to the infertile and so on. Somewhere along the way, the social, economic, political, legal issues have cast a shadow to take us away from the most basic issues of purpose of life. Help if you can, ignore if you can't but at the very least, DO NOT exploit someone's already vulnerable situation, especially a child. Humans have been infertile probably since our race has been around and thus infertility is here to stay. Is exploiting innocent children the long-term plan to solve infertility in adults? Having and celebrating children is about love, happiness, compassion, patience and so many other positive things. Let us focus on the gift of giving and the positives and not allow the divisive forces to masquerade child exploitation and abuse. Let us ensure all children are included, all dysfertile or infertile adults are included because time has shown again and again, the solution is compassion and patience when one is trying to

“solve infertility” which requires support from lot of people. Through the centuries, solving infertility is not a “point solution” but a collective effort of many coming together which is to be celebrated and enjoyed. Love and care of children is the most basic bond not just in humans but living beings in general. Even a ferocious bear can care for a human infant or a dangerous lion cub may take to a human as parent who cares for them.

Multiple different people including the donors, surrogates, medical professionals, authorities who take time to understand, strangers who crowdfund, strangers who support all children are equal even if not theirs, family, friends, so many people come together and work hard and show compassion to have ONE child via IVF/Surrogacy to help solve infertility – let all the contributions of so many people not go to waste. More importantly, the message of inclusiveness and celebrating children. It would be ignorant and false to think solving infertility is a “single point solution”, it is so much more and far bigger than any one individual. It's a culmination of lot of hard work of multiple people. It is simply NOT presence of a child to an infertile or dysfertile adult but its also ensuring that such children are treated EQUALLY like others and have equal rights and protection, not less, not more.

Having sustainable solutions to “solving infertility” takes a village and support of others including ones who are not struggling with infertility. With over 20% of the total population facing infertility or dysfertility issues, **is it time to declare infertility a health epidemic?** There are medical conditions which affect far smaller groups of the population and have been declared health epidemics, why not infertility at least so that the voiceless children are protected? Having a child is the ultimate gift of life to be celebrated. Silencing the voiceless child is no way to show celebration or equity – even if for someone else's child.

For the same reasons why some women walk long distances in dry heat to get water for their homes and family, for the same reasons why some fisherpersons go into the sea even with looming storms and warnings to stay away from stormy seas so that they can provide for their family are the same reasons why infertile or dysfertile people have children which is to love and celebrate children and family. People who want to “solve infertility” do it out of love for children. In the process, sometimes innocent children get caught in the cross-fire and end up being exploited and abused which no civil society can accept. All children deserve to be protected equally and be included. Like anything else, when we set out to solve something, there may be opposition which is fine. **It is important to differentiate the opposition; is one opposing the mechanisms to solve infertility or opposing innocent children already born to “solve infertility” issues of adults. These are two separate issues.**

Life is a journey and journey of a stateless, IVF/Surrogacy born, girl child is a Rubik's cube of inequity and intolerance I have taken a journey from the heart and found pain,

I have taken a journey from the mind and found intolerance, I have come to realize the journey is of the soul, neither one's heart nor mind
 For dealing with "solving infertility" is far deeper and wider than what my heart or mind can grasp alone.

Dealing with children's issues not only inherently requires deeper sensitization but at the same time it is important to separate facts from emotions. Stealing candy from children is easy but what have you really proven that an adult can be a bully? The "Gift of Giving" or "solving infertility" does not simply end with "presence of a child" but it also includes ensuring equal rights and protection of innocent children for them to be free and pursue happiness in peace which is no different than dealing with gender equity issues. Despite generations, centuries, eons, infertility in humans will occur. Exploitation and abuse of voiceless children to solve infertility is not a sustainable approach or is it? There will be scientific (factual), medical, legal, social, economic discussions but it will not stop infertility. It is a common health problem in the general population which needs to be addressed with inclusivity and equity or some rogue adults may end up exploiting innocent children – it questions our basic values as a civilized society.

Is the current status of robbing innocent children of their freedom and rights a sustainable solution to "solve infertility" of adults? If the survivor is a girl child left with no rights, no freedom, what have we really solved from perspective of gender equity?

ACKNOWLEDGMENT

I am grateful to my daughter, my biggest teacher and all my children. Having children is about celebration, not trauma or torture and am blessed to have children who teach and support me to celebrate all kids no matter what and I am grateful for that. With blessings of Almighty, I am thankful for the support of my parents and family and so many others who have taken the time to understand the issues and help to move forward rather than judge. Having fought for equity of intersex for marital and reproductive rights and having fought for a stateless, IVF/Surrogacy born girl child to be included and be equal, I have witnessed first-hand the intolerance and shoot the messenger approach to normalize exploitation and abuse. Both situations are "birth conditions" not in the control of the child yet they are denied rights because of it. How are we addressing inclusivity and equity facing such birth conditions as these issues will still be around after my short stint here or silencing me?

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