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Anonymous donation of gametes: balancing the rights of parents, donors and offspring

Motion for a resolution

tabled by Ms Sabien LAHAYE-BATTHEU and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

Throughout the Council of Europe's member States, different types of legislation exist regarding the donation of human gametes, i.e. sperm and egg cells, and embryos for the sake of assisted reproductive technology (ART) treatments.

Assisted reproduction using donated sperm cells has been around for several decades. It has been a controversial subject since the technique was first used

In Italy, only recently has a legal ban on donor eggs and sperm cells been overturned by the constitutional court. In other Member States the donation of gametes and embryos is allowed, but to a varying degree.

There is also a lot of variation concerning the anonymous character of the donations of gametes and embryos. In member States such as the Netherlands, Sweden and the United Kingdom, anonymous donation has been banned. Article 7 of the Convention on the Rights of the Child states that '*the child (...) shall have the right (...) to know and be cared for by his or her parents.*' Throughout the member States, different interpretations exist as to whether 'parents' implies the biological parents or the social parents.

Many researchers have stated that a ban on anonymous donation leads to a shortage in donors. Because of the different rules regarding eligibility and the anonymous character of donation, there is a lot of cross-border reproductive care towards countries that still allow anonymous donation.

The Parliamentary Assembly should therefore draft a report summarizing the differences in legislation and practice concerning the use of donated gametes and embryos for assisted reproduction. This report should focus on the eligibility criteria and the anonymous character of the donation, how these affect the phenomena of donor shortage and cross-border reproductive care, and make recommendations to uphold the human rights of all concerned parties.

Signed (see overleaf)



*Signed*¹:

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1. ALDE: Alliance of Liberals and Democrats for Europe
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SOC: Socialists, Democrats and Greens Group
UEL: Group of the Unified European Left
NR: Representatives not belonging to a Political Group