

**SUBMISSION BY PROFESSOR KEN DANIELS**

Donor insemination (DI) as a medical practice began in secrecy and that secrecy was all pervasive until the early 1980's. A significant component of that secrecy was the anonymity promised by doctors to those men who provided their sperm.

In an increasing number of jurisdictions the possibility of donors remaining anonymous has been removed. The rights and needs of offspring to access information and have contact with "their" donor are provided for as a result of legislation. None of these jurisdictions have enacted legislation that provided for retrospective access to donor information or donor contact. Recognising the need of those prior to legislation, several countries and/or organisations have established voluntary registers. While these have, in my view, provided important access for those who register they remain a resource which is not widely known or used. There is a growing demand from offspring who feel disenfranchised and stigmatised because they cannot access half of their genetic history/information. The arguments over the respective rights of offspring (who were not able to consent to the use of anonymous sperm) and donors (who were guaranteed anonymity by doctors) are well known.

There is no doubt in my view that a mean or means needs to be found to enable the rights of the offspring to be recognised and provided for without those rights creating potential disruption to the donors and their families. It is this perceived disruption that is likely to be a major concern of donors who donated under a professional policy of privacy and anonymity. It has been my experience that many anonymous donors recognise the rights and needs of offspring but it is the fear of the impact of contact with those offspring might have on their own family that they find threatening. For a donor who donated perhaps thirty years ago this is not hard to understand, especially as he is unlikely to have shared his history of being a donor with his partner or children. In studies I have undertaken in the United Kingdom and the USA I have found that donors recruited under an anonymous system are often willing to have contact with offspring. In other words they have changed their minds. Most studies of donors, including a number of my own, were what I describe as "one point in time studies". Information can be provided to the Select Committee on these studies if requested. Such studies do not of course capture the potential that is there for donors to change their minds. A significant fact for some of those who do change their mind and become open to contact is the birth and development of their own children. This seems to lead to the development of a different perspective on the needs of donor offspring.

I wish now to turn to the possibility of finding some way forward based on the above information. New Zealand's history in relation to adoption policy and practice provides a possible example in that the issues regarding access to information are similar to those now confronting persons conceived by DI. Legislation was introduced in 1985 to provide for retrospective access but with the proviso that either birth parents or offspring could place a veto on the availability of information. The veto was to last for ten years. There was widespread publicity associated with this change in the law. If no veto was in place then information could be shared with the possibility of contact. Such information

sharing and contact was facilitated by social workers or counsellors. Such an approach does not and will not cover every offspring but it does go a considerable way to opening up access. It is my view that anyone wishing to place a veto on donor records should be asked to meet with a social worker/counsellor to discuss their decision. The focus of such discussion would be an exploration of the reasons for wanting to place the veto. There would be no pressure for the person to change their mind. The reasons given would be a matter of record and these would be available to any offspring seeking information. Certain non-identifying information could be collected which would also be made available on request. Such a system makes a distinction between the desire for information and the desire for contact on the part of the offspring. For a number of adult offspring I have worked with, information is what they are seeking. Contact may emerge later as a possibility but the primary goal seems to be to receive information. Clearly there will be disappointment and potential frustration for an offspring who wants contact and only has a possibility of receiving information. Sadly I am of the view that that is the best that can be provided given that the psychosocial consequences to the donor's family may be significant. I am of the opinion, however, that the exploration of the desire to place a veto may lead to discussion of the fears and fantasies of the donor and that such exploration may lead to a changed perspective.

The issue in relation to half siblings is somewhat different. In the studies in the USA that I am involved in, offspring seem more focused on contact with half siblings than donors and this has been mirrored in some of my work in New Zealand. I can see no reason why access to information and contact between half siblings should be denied. I do believe, however, that such information sharing and contact needs to be facilitated by trained and experienced professionals, again social workers or counsellors. Such facilitation would include working with the significant networks in the offspring's' lives e.g. parents, siblings and grandparents. This is a process I have been involved in in New Zealand and linking of this kind has led to very positive and helpful and positive relationships being established. It also potentially provides for a supportive environment in which contact occurs.

I note that one of the Committee's terms of reference, relates to the impact which any change might have on future donor programmes. I presume here that the particular focus is on the recruitment of donors. I have written extensively, including two invited review papers, on donor recruitment issues and these are available should the committee wish to see them. There is also additional information available. In summary the review papers and additional information point to different methods of recruitment being needed in a culture of openness. It is also clear that the type of donors recruited has a significant impact on issues such as willingness to be identified and desire for payment. With the timing constraints relating to this submission it has not been possible to expand on this matter.

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9<sup>th</sup> September 2011