

Inquiry into donor conception in Australia

I am a 65-year-old American conceived through donor insemination. Ever since 1983, when my mother revealed my DI origins, I have been a believer in and advocate for my right to know the identity of my genetic father. I have also spoken against the premises that the men who provide sperm must be anonymous, that they have no responsibility to the children they create, and that such children need not be told about their origins. My stance against these premises have been validated by thousands of people created by anonymous sperm, their parents, sperm providers, adopted people, sociologists, bioethicists, law professors, media and the many who have submitted statements to this Inquiry.

I will not repeat the same points of previous commentaries. I do wish to present the following basic values and ethical premises concerning retrospectivity:

All parents, including men who provide their sperm to infertility specialist, must be held accountable to the children they create.

The interests that all people have in their identity must be respected by society. Such interests include the identity of their genetic parents, ancestors, and siblings.

No one should have the authority to deny these identity interests.

Society, not just parents, gamete providers, infertility professionals, and governments, have an obligation to ensure justice in reproductive technologies. Such justice includes fairness to all people conceived in this manner, regardless of when they were conceived. No one should be denied their identity interest simply because they were born before the Infertility Treatment Act was enacted. Otherwise two classes of ART and DI conceived people will be established, discriminating against the older generation born before the ITA.

Contracts that do not ensure complete informed consent and having conditions of anonymity among parties are inherently unjust. Such contracts ought to be nullified.

Contracts and agreements that deny the identity interests of people prior to their conception are inherently unjust and ought to be nullified retrospectively.

Contracts and agreements that allow the deception of people about the truth of conception are discriminatory and must be nullified.

Society ought to exercise their duties to regulate those professions that discriminate against identity interests. Governments ought to:

Create registries of kinship under their control, independent of the infertility profession.

Require updated identifying mechanisms to track gamete providers' addresses and health histories.

Provide mechanisms, beyond the control of parents, to ensure disclosure to people conceived by medically assisted reproduction.

Allow unrestricted access for those people to their identifying information.

The privacy rights of people who provide gametes to infertility professionals ought to be limited only to public exposure. The right of privacy should not be recognized between gamete providers and the people they create.

A good society must balance the principles of justice and liberty, if it allows the use of medically assisted reproduction reliant on third party gametes. It must do so only with respect for the identity interests and autonomy of the people created through such

extraordinary means.

For over 100 years, at least in my country, donor insemination has followed the calculus of utilitarian goals to maximize the procreative liberties of infertile people, place primary value on the economic principle of supply and demand. Advantages are enjoyed by a greater number of people by infertility professionals insisting that sperm providers remain free from accountability to their posterity through guarantees of anonymity. Such privileges have been viewed as necessary and outweighing the sacrifice of liberties imposed upon the children created by the infertile and their gamete providers. The children indeed got to live but at the cost of their freedom to know their full identity, an essential value for most people. A society that values utility and liberty for some at the cost of freedom for others is less decent than one that values openness, honesty, truth and the primary virtue of fairness to all its citizens, Justice for all ought to have primacy and must not be compromised by market-based Utility. I urge the Parliament to enact laws, as they have for adopted people, that give all donor conceived people the right to know their full identity and to nullify all prior contracts that guaranteed sperm provider anonymity.

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