



# University of HUDDERSFIELD

## University of Huddersfield Repository

Blyth, Eric

Sperm donation: time to look forward, not back

### Original Citation

Blyth, Eric (2006) Sperm donation: time to look forward, not back. *BioNews* (377).

This version is available at <http://eprints.hud.ac.uk/id/eprint/989/>

The University Repository is a digital collection of the research output of the University, available on Open Access. Copyright and Moral Rights for the items on this site are retained by the individual author and/or other copyright owners. Users may access full items free of charge; copies of full text items generally can be reproduced, displayed or performed and given to third parties in any format or medium for personal research or study, educational or not-for-profit purposes without prior permission or charge, provided:

- The authors, title and full bibliographic details is credited in any copy;
- A hyperlink and/or URL is included for the original metadata page; and
- The content is not changed in any way.

For more information, including our policy and submission procedure, please contact the Repository Team at: [E.mailbox@hud.ac.uk](mailto:E.mailbox@hud.ac.uk).

<http://eprints.hud.ac.uk/>



*Published by the Progress Educational Trust*

## Sperm donation: time to look forward, not back

*25 September 2006*

By *Professor Eric Blyth*

Professor of Social Work, University of Huddersfield

Appeared in BioNews 377

Sir Colin Campbell, founder chair of the HFEA, his successor, Baroness Deech, and Professor Lord Winston, have now joined the debate on the UK's donor 'crisis'. All three regard the 'crisis' as emanating from the government's 2005 decision to abandon donor anonymity. Sir Colin and Baroness Deech have unequivocally demanded a policy reverse (1, 2), while Lord Winston asserts that 'as a consequence of this legislation, more couples undergoing these treatments state their firm intention to keep the method of conception secret from any child'(3).

To attribute both the shortage of donors and reduced information sharing on the part of parents to government legislation is at odds with the evidence-based philosophy of the fertility industry. At the very least, in the absence of any credible evidence, such assertions are premature(4). Donor shortages are evident globally, including in countries where donor anonymity receives legal 'protection'.

In countries where donor anonymity has been abolished, claims regarding the effects of this change have been more sanguine than in the UK. In Australia, guidelines of the Reproductive Technology Accreditation Committee introduced in January this year required all fertility clinics to cease using anonymous donors. Commenting on the impact of this policy, Martyn Stafford-Bell, the medical director of Canberra Fertility Centre (where the supply of sperm donors had decreased over the previous three years), said 'I would love to blame that for the reduction in donors, but the reality is it has not made much difference' (5). In the Netherlands, donor anonymity was abolished in 2004, although a reduction in the recruitment of anonymous donors had been in evidence since 1990 (6). In Sweden, the reduction in the supply of sperm donors immediately following the abolition of donor anonymity was attributed at least in part by the unwillingness of a significant number of fertility specialists to support the new legislation, who stopped recruiting donors and referred their patients abroad (7).

In the UK, the number of children born as a result of DI peaked in 1994, ten years before the government announced the pending abolition of donor anonymity (8). As far back as 1987, the UK government raised the possibility that, while it then favoured the preservation of donor anonymity, this was not guaranteed in perpetuity (9), although the Human Fertilisation and Embryology Act did provide that any **retroactive** removal of donor anonymity would require fresh primary legislation. During parliamentary passage of the then Human Fertilisation and Embryology Bill during 1990 (10),

and again in 1995 during parliamentary debate on the Children (Scotland) Bill (11), government ministers made explicit first the possibility and, subsequently, the intention, to review the provisions concerning donor anonymity. A failure to anticipate the possibility that the law on anonymity might well change is surprising at the very least. In practice, of UK clinics that ever recruited sperm donors, most stopped doing so well before the change in law in 2005.

The major professional groups representing medical interests in fertility (BFS (12), RCOG (13) and BMA (14)) were opposed to the abolition of donor anonymity on the grounds that this would adversely impact on donor supply. Indeed, once the change in legislation had been implemented, the BFS formally requested a review to enable 'reconsideration' of its preferred option, the so-called 'twin track' approach. The BMA's position was - and remains - of particular interest. While the BMA's Medical Ethics Committee supported the abolition of donor anonymity because 'on balance, the interests of the children born following donation to have access to information about their genetic heritage should take precedence', the Association's Representative Body favoured the retention of donor anonymity because of 'concerns about the effect on the number of donors available and on parents' willingness to inform their children that they were conceived using donated gametes'.

It would be very easy for those who never supported the removal of anonymity in the first place to do nothing and so ensure the realisation of their predictions. However, to do so and allow events to take their course rests uneasily with any claims to have the best interests of patients and children at centre stage. Now is not the time for ill-considered calls to replace principle with expediency, to repeal legislation that demonstrated the government's commitment to the rights and interests of donor-conceived people. As Mark Hamilton of BFS has recently advocated (15), greater efforts need to be put into recruiting identifiable donors. This challenges the Government to renew its support for these efforts and clinics that are genuinely committed to improving services for their patients and their children to learn from those that are succeeding to recruit identifiable donors.

#### **SOURCES & REFERENCES**

01) [Campbell, C.: Donor identity rules and IVF](#)

The Times | *21 September 2006*

02) [Deech, Baroness: Competing interests in sperm donor secrecy](#)

The Times | *26 September 2006*

03) [Winston, P. L.: Sperm donors and secrecy](#)

The Times | *22 September 2006*

04) [Blyth E.: For commentary on the relationship between the removal of anonymity and parents' practices regarding information sharing; Donor anonymity and secrecy: Where's the evidence?](#)

BioNews 334 | *07 November 2005*

05) [Powell, R.: Long wait for women wanting sperm donor. Canberra Times](#)

Canberra Times | *13 August 2006*

06) Janssens, P., Simons, A., van Kooij, R., Blokzijl, E. and Dunselman, G. (2006) A new Dutch Law regulating provision of identifying information of donors to offspring: background, content and impact *Human Reproduction* 21, 852-856.

|

07) Daniels, K. and Lalos, O. (1995) The Swedish Insemination Act and the availability of donors *Human Reproduction* 10: 1871-1874.

|

08) Human Fertilisation and Embryology Authority (1995) Annual Report HFEA: London.

|

09) Department of Health and Social Security (1987) Human fertilisation and embryology: a framework for legislation Cm 259. HMSO, London.

|

10) Bottomley, V. (1990) House of Commons Debates, Proceedings of the Committee on the Human Fertilisation and Embryology Bill 15 May, col 199.

|

11) Lord Fraser of Carmyllie (1995) House of Lords Debates, Official Report 6 June, col CWH5.

|

12) British Fertility Society (2004) Memorandum from the British Fertility Society, Appendix 9. Ev 216. In House of Commons Science and Technology Committee (2005) 'Human Reproductive Technologies and the Law' Fifth Report of Session 2004-05. Vol II: Oral and Written Evidence

|

13) Royal College of Obstetricians and Gynaecologists (2004) Memorandum from the Royal College of Obstetricians and Gynaecologists. Appendix 26. Ev 283. *ibid*

|

14) British Medical Association (2004) Memorandum from the British Medical Association. Appendix 12. Ev 228 *ibid*

|

15) Horsey, K. (2006) Sperm donor 'crisis' in UK  
BioNews 376 | 18 September 2006

#### RELATED ARTICLES FROM THE BIONEWS ARCHIVE

##### **Donor recruitment: change attitudes, not the law**

16 October 2006 - by Joanne Adams, Dr Elizabeth Pease and Professor Brian Lieberman

In the late 1990's when removal of donor anonymity was first mooted in the UK, many felt that it would herald the end of treatment with donor sperm. Recruitment became more difficult and costly, and many potential donors were discouraged by the lack of information and rumours that the...[\[Read More\]](#)

### Sperm donor 'crisis' in UK

18 September 2006 - by *Dr Kirsty Horsey*

Sperm banks in the UK are in the midst of a 'crisis' because of a lack of sperm donors, a BBC investigation has found. The BBC contacted 84 NHS and private fertility clinics across the country, as well as the one specialist sperm bank, receiving 74...[\[Read More\]](#)

### Your country needs you!

07 August 2006 - by *Pip Morris and Laura Witjens*

Britain's sperm crisis' was the front page of The Independent on Sunday (30 July) accompanied by another article: 'Your country needs you'. As was expected, the removal of anonymity was blamed for the decline in sperm donors and the presented solution looked simple: reverse the law and donors would come...[\[Read More\]](#)

### More UK sperm donors urgently needed

31 July 2006 - by *Letitia Hughes*

By Letitia Hughes: Thousands of women seeking fertility treatment face remaining childless because of an acute shortage of sperm donors in Britain, according to a report published yesterday in the Independent. In Scotland, there is now only one active sperm donor, while only one man donates sperm to the whole...[\[Read More\]](#)

### Sperm shortage affects whole of UK

08 May 2006 - by *Dr Kirsty Horsey*

A investigation undertaken by the Scotland on Sunday newspaper has found that some fertility clinics in the country are treating lesbians and single women on the National Health Service. The investigation shows that three Scottish health boards pay for donor insemination and sometimes IVF for lesbian...[\[Read More\]](#)

### Donor anonymity and secrecy: Where's the evidence?

14 November 2005 - by *Professor Eric Blyth*

As his commentary in BioNews 333, 'The HFEA's silence on the need for a father', indicates, Dr Evan Harris MP is a champion of evidence-based practice. During 2004 and the early part of 2005, witnesses to the House of Commons Science and Technology Select Committee in its review of Human...[\[Read More\]](#)

### HAVE YOUR SAY

Be the first to have your say.

By posting a comment you agree to abide by the BioNews [terms and conditions](#)

---

[Syndicate this story](#)- click here to enquire about using this story.

---