

**Tomorrow in 21st Century Baby**  
**Surrogacy** Having a child by a surrogate mother is opening parenthood to people for whom it was never possible

# The identity issue: how donated eggs and sperm are redefining parenthood



Hundreds of children born in Ireland every year are conceived using eggs or sperm sourced from Spain and other countries. In part two of our 21st Century Baby series, Carl O'Brien talks to the people involved in the process and explores the legal and ethical dilemmas they face

**M**ALOU BUSTOS, a 26-year-old Spanish woman, is sitting in the late autumn sun at a park in northern Barcelona. She has bright red hair and is wearing a striped top and jeans. In the distance, children are screaming at a playground.

"I just dyed my hair recently, so I look just like an Irish person, right?" she laughs.

It's a knowing joke. Malou could be the biological mother of an Irish child. In fact, she could be linked to several Irish children. That's because she's an egg donor at one of the most popular clinics abroad for Irish people who can't have a baby using their own genetic material.

Spain is now one of the biggest destinations for would-be parents from Ireland seeking donor sperm or eggs. Donor eggs can dramatically improve some women's chance of conceiving. For women over 40 - who tend to have a lower quality and quantity of eggs - the chances of conceiving with a donor egg are five times higher than with their own.

In a medical sense, it's a relatively simple procedure. The eggs are harvested from a donor. The egg is then fertilised with the semen of the patient's partner. The resulting embryos are then frozen and later transplanted into the womb of the intended mother.

The lack of any law or regulation for donating sperm or eggs in Ireland means there's a major shortage of donor material here - but demand for donor assistance is growing fast. As well as heterosexual couples with fertility problems seeking donors, single women who haven't met the right partner or gay couples are increasingly turning to create families of their own with outside help.

One clinic in Dublin reports demand for donated eggs jumping by 135 per cent within the space of just two years. In all, there were around 800 pregnancies in Ireland last year as a result of donor material.

## VEYING QUESTIONS

In Spain, there are no problems with supply of sperm or eggs. The liberty of donors is strictly protected by law. As a result, plenty of people are willing to give their genetic material. Most donors, like Bustos, are students who responded to adverts at their university.

This growth in use of donated eggs and sperm is clashing and challenging one very difficult of parenthood. At the same time, it is also raising vexing ethical and legal questions: Do children have the right to know where they came from? How many children arising from an individual donor is too many? What obligations, if any, should donors have to their offspring?

And there are broader questions: Does donor assistance merely open up the possibility of parenthood for those for whom it was never possible? Or could we be on the road to eugenics, where chosy parents agonise over donor profiles, comparing IQ levels and educational achievements, fixated on ensuring their



Egg donor Malou Bustos: 'My only hope is that these children are born to families that will love them'. Photograph: Joey Thomas

child is above average?

The absence of any legislation to govern assisted human reproduction - and the political establishment's failure to engage with the area over the past decade or more - means we haven't even begun to grapple with these questions yet.

For Bustos, it's simple. Her decision to donate her eggs was an altruistic move to help would-be parents who aren't able to conceive on their own.

"My parents had always told me about all their difficulties they had having children," she says. "It took them 12 years to have me because of their fertility problems. That's why I did it. My hope is that children from my eggs are born to families that will love them and can finally have their dream come true."

The process of donating eggs isn't exactly fun, she says. There are numerous invasive tests and drugs to help produce eggs. And that's before you even enter the operating theatre. It's also time-consuming and involves 40 hours of rest after the procedure.

Many people assume she donated her eggs for money, which annoys her. She received €900 in expenses - the maximum allowable under Spanish law - from a fertility clinic. But she says her motivation was to help other parents. "Yes, of course the money helps," she says. "But it's absurd to think someone would go through all of that for just €900."

## IDENTITY OF DONORS

The most controversial aspect of Spanish law on assisted human reproduction is that the identity of donors is protected. As far as Bustos is concerned, it gives donors greater peace of mind. "I don't think of myself as the mother to a child that I don't know - I'm just an egg donor," she says. "I helped by donating my genetic material. I don't think donors should have to feel that an adolescent child will come and knock on your door later in life."

## Donors by numbers

- 900** How much in euros donors may be paid in Spain
- 500** The estimated number of children in Ireland born by donor assistance each year
- 25** Maximum number of children that may be born per sperm or egg donor in Denmark
- 10** Maximum number of children that may be born per donor in the UK
- 6** Maximum number of children that may be born per sperm or egg donor in Spain

"My only hope is that these children are born to families that will love them, that really have a desire to have them."

The clinic Bustos gave her eggs to, the last two months in Ireland, it's increasingly popular with Irish couples going abroad for fertility treatment. Around 130 Irish patients attended the centre for treatment in 2010. In fact, the number of Irish couples is rising as fast as the clinic opened a new patient information office in Dublin last month.

At the headquarter in Barcelona, you expect a major industrial or medical-type facility. Instead, it's a cosy, single-story building. The walls are painted in soft pastel shades, there are exposed wooden beams and comfortable-looking sofas. At the clinic, parents can choose from hundreds of sperm or egg donors based on their height, build, hair colour, eye colour and ethnicity.

Figures say, but pregnancies with donor eggs tend to have an average success rate of more than 40 per cent. Staff say that around 70 per cent of Irish women attending the clinic are over the age of 40, and have previously tried fer-

tility treatment in Ireland.

Another reason for the clinic's popularity is that it offers genetic screening of embryos, or pre-implantation genetic diagnosis (PGD).

This can be a help for couples with recurrent miscarriages, though it is controversial in some quarters as it opens the possibility of "designer babies" and screening for particular genetic traits that parents might wish to avoid.

If the Barcelona clinic is one of the biggest centres for eggs, Ojos in Denmark is Europe's sperm capital. In fact, it has so many donors that it is restricting sperm from Scandinavians and - in what seems an unusually harsh move for the ginger-haired population - red heads.

"We have too many. We have nearly 500 donors free of quarantine - the world's largest selection," Ole Schou told *The Irish Times* recently. "And we have 600 donors on the waiting list."

Prospective parents tend to look for different characteristics, says Schou. Mostly, they seek something similar to themselves. While hetero-

sexual couples tend to look for similarities with the male partner, single parents tend to want sperm donors that look like themselves or "their dream prince"; lesbian couples generally look for a donor that resembles one of the partners.

More than 10 years ago, the then minister for health Michael Martin reconstituted the government-appointed Commission on Assisted Human Reproduction to draw up recommendations for regulation. It published its report in May 2005. It issued a total of 40 recommendations, one of which was that children born with donated sperm or eggs should be able to contact the donor, as is the case in the UK.

Despite an increase in the number of Irish women delaying motherhood and a corresponding rise in the number of couples seeking fertility treatment both here and abroad, the area remains unregulated.

In the area of donor assistance, calls to scrap donor anonymity are growing louder, especially from children's rights campaigners. They argue that a child has a human right to be able to access his or her genetic and ethnic heritage. Partly, this is due to a surge in donor offspring born in the 1970s and 80s desiring to know more about their roots.

For children seeking answers to their biology, often the only information available is a code number - used by clinic for identification purposes - and fragments of personal information provided in donor profiles.

## END-OF-ANONYMITY CAMPAIGN

One of those seeking answers is Joanna Fisher. She was conceived using donor sperm in the late 1970s. At the age of 22, she found out the truth and began to search for her father. She later discovered he had been a student and had fully fathered anything up to 300 children.

In 2005, she won a landmark high court case in the UK. Donor anonymity was found to breach the rights of a child to an identity and donor anonymity was banned.

Now, those leading a campaign to end donor anonymity elsewhere, like it unhappy that she was unable to access information on one half of her ancestry and feels the IVF industry has too much power in determining how these ethical issues are dealt with.

"This issue affects tens of thousands of people," she says. "Just as infertile parents grieve the loss of not being able to raise their own offspring, she says the children of anonymous donors feel a sense of profound loss at not knowing their genetic parents."

Some lawyers feel that our failure to regulate this area is storing up major legal problems in the future. Hundreds of children born every year in Ireland may never know their genetic parents.

The lack of any clear laws to protect the rights of children, donors or recipient parents means there is - and will continue to be - a major shortage of Irish donor sperm or eggs in Ireland.

It's a situation that's likely to intensify on the part of Irish people to donate gametes or embryos when there is a possibility their identity will be disclosed, even if they have a contract with the donor. "I don't know," says Tony O'Connor, a senior counsel who has advised on several cases in this area.

O'Connor also warns of potential complications if a course to accession rights for donor conceived children, given that our laws never envisaged any of these issues.

But for many parents, donor anonymity is increasing. This is because it can raise troubling questions for their children. Many, who in their early 40s, had a donor conceived baby boy a year ago, using eggs from the Ukraine. "The lady told anyone that her child is not biologically hers - apart from her two sisters - and that's planning to elope."

## I WON'T TELL MY CHILD

"I just think it will be easier if people don't know. I won't tell my child, I think. If I do, he might feel in some kind of," she says.

"The way I see it, he is mine. I felt him move. When he looks at me, he sees his mother. I gave birth to him, I'm afraid I told him, then it might just mess up his head. And he wouldn't be able to trace the egg donor, in any case."

These who defend anonymity point out that that throughout history, there have always been dark who were unknowingly raising other people's biological children. Intentional or otherwise, many, but the more recent indicate that "paternal discrepancy" affects as many as one in 25 people.

Yet, even if we introduced a system where donors could be traced, it's likely many parents would continue to head abroad for donor assistance. In the UK, the loss of donor anonymity led to a collapse in the number of egg and sperm donors. As a result, the numbers travelling abroad for treatment have risen significantly.

A 2008 study on "fertility tourism" in Europe in just six countries estimated that up to 25,000 people were travelling across borders to avail of various forms of fertility treatment. Mostly, people were travelling because treatment either wasn't available in their home country or was cheaper elsewhere.

Legally, in Ireland at least, the world of third-party assistance remains a deeply uncertain terrain. In this world, some parents will struggle to claim to children the complex truth of their origin. These developments also raise profound questions about inheritance and succession, nurture and nurture, the moral integrity of genetic inheritance. We have yet to properly grapple with them.

And whatever happens over the coming years, there is at least one certainty: these questions are not going to go away.

## An egg from Spain, sperm from my husband, motherhood from me

**S**HORTLY AFTER Victoria MacDonald had her first child, friends and neighbours often stopped to comment on how cute she was. She had brown hair, with a hint of red, long, elegant fingers, and a cute nose - all characteristics of her father. But they often struggle to find a resemblance with her mother.

"Some people might say, 'well, I'm sure she has the same temperament as you', or 'might as well have similar eyes'," MacDonald says.

But it's little surprise they are so different in appearance. Even though Victoria carried her daughter through nine months of pregnancy, there is no genetic link between them.

That's because Oriabella was conceived after her mother travelled to Spain to receive a donated egg, which was fertilised with her husband's sperm.

After four failed attempts at IVF, MacDonald and her husband realised that it was getting less and less likely that they could have a child.

As part of this process, the egg of an anonymous donor would be fertilised with her husband's sperm; then, if successful, the resulting embryo would be transferred to her body.

"I struggled with the idea initially," says MacDonald. "I've always been fascinated by my own family history. I've always been the one who spoke



suggested travelling to Spain for donor assistance.

Because of Spain's strict rules, which protect the anonymity of the donor, all they knew were her physical characteristics.

While some say these conceived children should be able to trace their genetic heritage, as is the case with adoption, MacDonald feels the two processes are very different.

"The massive difference here is that you are carrying the embryo, you are going through all the stages of pregnancy, every minute of the day," she says.

"I've always known that if I didn't take that egg, chances are I would be flushed down the toilet. I sustained that life in adoption, it's another woman who has gone through

all that."

As a social affairs correspondent with Channel Four news, she was experienced in asking thoughtful questions; in this case, she wanted to be sure there was no coercion on the part of donors. In the end, she was reassured by the process and by the regular contact with the clinic during the course of her pregnancy.

The pregnancy went well and MacDonald gave birth to Oriabella, who is now a bright, bubbly and healthy two-year-old.

For anyone who is unable to have a child through natural means, MacDonald recommends donor assistance.

"It was worth the IVF in the end, but you have to ease in to it with the fact that your child isn't genetically yours. The clinic helped in as much as the doctor, and I'm very grateful to both."

While many parents feel conflicted, can mother to tell their children about their origin, MacDonald is determined to let her daughter know about how she came to be.

"I would be lying if I didn't occasionally enter my mind, and wonder, 'What if she resents her mother, or says, 'You're not my biological mother. I like my mother, I'd die for her. She's my daughter. The bonding is the exact same.'"

— Carl O'Brien

“I don't think donors should have to feel that an adolescent child will knock on your door later in life”