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Medical Ethics in Human Reproduction

Ethical dilemmas of donor anonymity in assisted human reproduction

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ABSTRACT

The author discusses the ethical questions raised by the advance of Human Reproduction as a science and therapy, with emphasis on sperm donation in the treatment of marital infertility. She notes that, in Brazil, there is no specific law on the subject, the matter being governed by Resolution 1358 of the CFM, which guarantees the confidentiality of the donor's identity and limits the number of pregnancies a single donor may generate within a given population area, so as to reduce the risk of consanguinity. The text contrasts this situation with countries such as Switzerland and the state of California, where anonymity does not exist and children have the right to know their biological parents. From this, it raises questions about the concept of a father, the definition of family, and the legal and social conflicts involved, arguing that the country should create legislation so as not to compromise science.

KEYWORDS: *medical ethics; assisted reproduction; sperm donation; donor anonymity; family; legislation*

With the advent of Human Reproduction as a science and therapy, it became possible to solve problems such as marital infertility through assisted reproduction methods, sperm donors, and others.

When a couple cannot have children because of alterations in male factors, a donor's sperm can be used to achieve a long-desired pregnancy. This fact gives rise to doubts and conflicts.

In Brazil, there is no specific law on the subject; under Resolution 1358 of the CFM (Federal Council of Medicine), the donor's identity is kept confidential, as is the identity of donors and recipients from one another, and a single donor may not produce more than 2 pregnancies of different sexes within an area of one million inhabitants (to reduce the risk of consanguinity). But the matter is broad and involves ethical, legal, and economic questions.

It is known that in other countries, such as Switzerland and the state of California in the United States, this anonymity does not exist, and the children conceived have the right to know their biological parents. In reality, what is the concept of a father? If anonymity does not exist, how will the definition of family take shape in an adolescent's mind? Moreover, many men donate sperm for money and do not want a future commitment that could lead to legal proceedings and social conflicts.

This is a controversial and delicate subject, for it affects the concept of family and of society. Our country should give attention to this matter and create laws so that science is not compromised in the near future.

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