

**CHILDREN BORN FROM ANONYMOUS
GAMETES AND THROUGH SURROGACY:
POTENTIAL ISSUES RELATED TO THEIR MENTAL
HEALTH AND DEVELOPMENT**

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**International Symposium “Child’s rights to identity in assisted reproductive
technology”**

Geneva, September 13-14, 2021

EXPERIENCE BASED ON ANALYSIS OF CHALLENGES AND GOOD PRACTICES

- UN CRC and other international treaties – good “compass” for effective implementation
- Experience of changes in health, social welfare and educational sectors in the sub-region of Central and Eastern Europe (CEE)
- Comparative analysis of challenges and good practices between different regions and sub-regions (experience from membership in the CRC, 2007-2011)
- Elaborating on right to health: thematic reports of the UN Special Rapporteur (early childhood, adolescence, mental health), 2014-2020
- Analysis of child and adolescent mental health policies and services globally and regionally

Basic principles

- Human rights are indivisible and interrelated. There is no hierarchy of human rights, including of human rights of the child
- Right to health cannot be effectively exercised if other human rights are violated. Selective approach to human rights has its heavy price
- CRC art 6: right to life, survival and **(holistic) development**
- Right to child's identity should be protected. Right to know one's origins, connected to the right to identity and to personal development. This right includes the right to access information that would make it possible to trace one's roots, to know the circumstances of one's birth and to have access to certainty of parental filiation.
- All forms of violence against children are harmful to (mental) health and healthy holistic development. This includes ACEs (adverse childhood experiences) and toxic stress

Lessons from other challenges

- Each scientific discovery when applied in practice, has two sides. ART - pro et contra. „Compass“ is needed. Human rights based approach. Child rights approach (CRC).
- Role of family/parents. Paradox. Family is of crucial importance. Largest number of violations of child rights – in families. „Traditional family values“ concept - threatens to healthy development of the child.
- Lessons learned from massive institutionalization of children in Eastern Europe. Abandonment and relinquishment
- Lessons learned from using „baby boxes“
- Lessons learned from (national and international) adoption of children. Cross-racial adoptions. Different aspects of identity
- Nature vs nature dilemma – “changing clothes”

Children born from gametes and through surrogacy: risks and safeguards

- There are good guidelines with regard to safeguards and informing children about their (genetic, gestational, other) origins
- Studies that show absence of major risks for development of children born through ART/surrogacy (S.Golombok, etc.)
- In real life rights of children to identity are violated very often. This may have harmful impact to mental health and (emotional, social, cultural) development
- Children born out of ART may be prevented from establishing their nationality or parentage (if ART are prohibited) or from access to information about their origins.
- Secrecy vs openness. Hiding the truth has its price
- The question is not – whether to inform the person. The question is – how to do this.

Modern understanding of (right to)mental health

- Good mental health is not (just) about absence of mental disorder. This is more about healthy (emotional, social, cultural) development
- After four decades of dominance of the biomedical paradigm – importance of relationships and social determinants is raised, including role of childhood events the health through entire life span
- Early childhood and adolescence are crucial. Child is a rights holder – from birth!
- Supportive and enabling environments (free from violence, ACEs, insecurity) in all settings, starting from family
- Evolving capacities. Protect but not overprotect.
- Self-esteem. Process of search of identity, autonomy, trust and the way to control your own life
- Quality of relationships – should be based on mutual trust and respect. This is why secrecy and anonymity are not recommended.

Possible effects from ART and surrogacy

- Impact of donor anonymity and secrecy on physical health
- Early childhood: attachment issues after surrogacy pregnancy
- Impact of donor anonymity and secrecy on mental health/development (identity, relationships, personal development)
- Many donor-conceived persons believe that access to their donor's identity is a fundamental aspect of their identity building.
- **Conclusion: safeguards are needed to ensure all human rights of children are protected who are born from ART/surrogacy**