

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 7 November 2025

CJ-OR(2025)12

**Committee of Experts on access to origins  
(CJ-OR)**

**2<sup>nd</sup> meeting**

**28 - 30 October 2025**

**Strasbourg, Agora Building – room G05**

**MEETING REPORT**

**CDCJ website: [www.coe.int/cdcj](http://www.coe.int/cdcj)  
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## **1-2. Opening of the meeting, and adoption of the agenda**

1. The Committee of Experts on access to origins (CJ-OR) held its 2<sup>nd</sup> meeting in Strasbourg from 28 to 30 October 2025, under the chairmanship of Thomas Knoll-Biermann (Germany).
2. The agenda of the meeting is contained in Appendix I. The list of participants appears in Appendix II.
3. The Chair welcomed all participants and introduced the new members and participants, including Linnéa Brossner, independent expert; Tesi Aschan, representative of the Steering Committee for Human Rights in the fields on Biomedicine and Health (CDBIO); and Mia Dambach, representative of Child Identity Protection (CHIP), a new observer organisation to the CJ-OR. The new participants briefly presented themselves.

## **3. Introduction by the Chair and the secretariat**

4. The Committee took note of the information provided by the secretariat concerning the 104<sup>th</sup> plenary meeting of the European Committee on Legal Co-operation (CDCJ), held on 16-18 June 2025 in Strasbourg, including on the CJ-OR start of the work on the preparation of a draft recommendation on the rights of donor-conceived persons to know their origins, and the report of the CJ-OR's first meeting held on 3-5 June 2025 (document CJ-OR(2025)09).
5. The Committee also took note of the update provided by the secretariat on recent discussions with the CDCJ Bureau regarding the progress of the CJ-OR's work on the draft recommendation (document CJ-OR(2025)10 prov) at its 123<sup>rd</sup> meeting (25-26 September 2025). It noted that the Bureau had welcomed the start of the work of the Committee and expressed appreciation for the progress made so far. The Committee also took note of the Bureau's request and agreed to reschedule the stakeholder consultation process after the 106<sup>th</sup> CDCJ plenary meeting in June 2026, after the CDCJ's first in-depth examination of the draft recommendation.
6. The Bureau took note of the draft recommendation on the rights of donor-conceived persons to know their origins (document CJ-OR(2025)10 prov). Whilst aware that this draft had not been examined by the CJ-OR yet, the Bureau provided preliminary comments for consideration by the CJ-OR at its 2<sup>nd</sup> meeting. Considering the complexity of the legal issues raised and the diversity of situations across Europe, the Bureau noted the tight timeline to complete this work.
7. The Committee was informed that a new call for interest has been initiated to fill the seat left vacant by the Denmark representative, a new expert will therefore be invited to join the Committee from its next meeting in 2026.

## **4. Exchange of views on counselling and assistance provided to the parents**

8. The CJ-OR held an exchange of views on counselling and assistance provided to the donors, parents, and donor-conceived persons with Angela Pericleous-Smith, Chair of British Infertility Counselling Association (BICA); Caroline Spencer, Executive Committee member and Senior Specialist, Fertility Counsellor at BICA, and Nina Barnsley, Director of Donor Conception Network.

**5. Discussion on the draft recommendation on the rights of donor-conceived persons to know their origins**

9. The Committee examined the draft recommendation on the rights of donor-conceived persons to know their origins (CJ-OR(2025)10 prov (restricted)).

10. The secretariat provided an update on the status of the work, recalling that the first draft had been prepared by the consultant, Laurence Brunet, to serve as a basis for the Committee's discussions. The secretariat noted that, as the draft had originally been prepared in French, further refinements in both linguistic versions would be necessary to ensure accuracy and coherence, particularly regarding terminology. The consultant presented the drafting process, outlining wording and conceptual challenges encountered. She invited the Committee to consider whether the recommendation should address solely identity-related issues or adopt a broader perspective. She underlined the importance of taking into account domestic legal diversity and relevant case law of the European Court of Human Rights.

11. The Committee reaffirmed the principle that the anonymity of prospective donors towards donor-conceived persons should be phased out, underlying the importance of the right of donor-conceived persons to know their origins and therefore, the circumstances of their conception. It highlighted the need for clarity regarding the scope of the recommendation and the balance between the lifting of the anonymity of donors and the margin of appreciation given to states to define acceptable approaches within their legal frameworks.

12. The Committee underlined the importance of clearly defining the scope of the draft recommendation. It agreed that the text should be guided by careful and consistent use of terminology, and should convey a strong, positive message, reflecting the overarching aim of promoting the rights of donor-conceived persons to know their origins whilst being mindful of the competing rights of other persons concerned.

13. In discussing the draft, the Committee agreed on the core and general principles that should guide the interpretation and implementation of the recommendation.

14. The Committee also agreed on the key terms to be used throughout the recommendation, and to revisit the definitions at a later stage, when the text of the draft recommendation would be more developed, and to discuss which terms require a distinct definition.

15. The Committee agreed on the following main points:

- adoption should not be addressed in the draft recommendation, as it is explicitly excluded from the scope;
- the definition of donor should be further elaborated to provide a broader scope, with clarifications to be included in the explanatory memorandum;
- as a general principle, the recommendation should apply to medically assisted reproduction, without explicitly excluding other situations, such as donor-conception in non-medical settings;
- the definition of origins should be expanded to encompass other persons conceived by the same donor(s), as well as to include relevant information about circumstances of conception, of birth, and donor information;

- the right to identity should be referred to as part of the broader right to respect for private life, as recognised and interpreted by the European Court of Human Rights;
- the recommendation should emphasise the right to identity and the principle of non-anonymity of the donor towards donor-conceived persons, while recognising the need to balance competing individual rights, in particular the right to respect for private life of parents and donors;
- under the principle of human dignity, the recommendation should include expressly that states should ensure that all persons have access to information about their origins;
- the principle of non-discrimination should be upheld in the context of access to origins;
- the best interests of the child should remain a guiding principle;
- the principle of child participation and the right to health should be expressly included, given their importance in exercising the right to know one's origins;
- the recommendation should explicitly call upon member states to ensure, rather than just promote, the protection of each person's right to access information about their origins;
- reliable, secure and long-term systems for collecting and storing detailed data (including health, non-identifying and identifying data) concerning donors, parents and donor-conceived persons should be put in place, including information about the number of children born per donation and the relevant treatment details;
- a broad wording such as "donors as well as any other relevant persons" should be used to cover all potential situations;
- the draft should encourage interstate co-operation to facilitate cross-border traceability of data related to medically assisted reproduction involving donors;
- surrogacy aspects should not be overlooked, while fully acknowledging the diversity of national legal systems;
- the diversity of parental projects and the importance of reflecting inclusiveness as a principle.

16. The Committee agreed on the following adjustments to the preamble:

- to add references to relevant international legal instruments, while deleting superfluous ones, entrusting this task to the secretariat and the consultant;
- to remove the phrase "legitimised by women's reproductive autonomy";
- to include recognition of the growing reality and widespread use of donor conception;

- to reflect the increasing use of ancestry DNA tests for identifying donors and the resulting risks to donor anonymity, and to address the issue of past donors who donated under assurances that their identities would remain confidential;
- to include a paragraph in the preamble, emphasising the need to strike a fair balance between competing rights, in line with the case law of the European Court of Human Rights recognising the right to access information about one's origins and the identity of one's donor(s) as an integral part of the right to respect for private and family life.

17. Regarding the right to know one's origins, the Committee agreed on the following elements:

- to emphasise the right of every person to know whether they are donor-conceived, and to highlight that states should actively promote the protection of that right;
- to reflect a comprehensive right of access to information as a corollary to the right to know one's origins;
- to further clarify whether the term "legal guardian" needs to be used in the draft recommendation;
- to encourage fostering a culture of transparency and openness among parents, to promote the sharing of information about a person's origins;
- to acknowledge the health implications and psychological impact associated with knowing one's origins for donor-conceived persons;
- to recognise the importance of involving trained professionals for the provision of adequate counselling in cases of medically assisted reproduction;
- to include a reference to the need for member states to establish a legal mechanism enabling any person to access information on whether they were donor-conceived;
- to consider the importance of making the donors' health data available to the donor-conceived person from birth, with explanations to be provided in the explanatory memorandum;
- to consider the need for accommodating relevant distinctions between identifying and non-identifying data, including relevant health data.

18. The Committee did not have the time to examine the draft recommendation further than paragraph 24 and decided to examine paragraphs 25 to 62 at its next meeting.

19. The Committee entrusted the chair, the vice chair, the consultant, and the secretariat with the task of preparing a revised draft recommendation for examination at its next meeting, taking into account the Committee's discussions and agreed positions.

## **6. Update on key developments and other events by member observers**

20. Mia Dambach (CHIP) informed the Committee about a recent expert workshop on [Donor Conception & Surrogacy: Preventing and Addressing Complexities](#) (7-9 October 2025) hosted

by the Brocher Foundation, Hermance, Geneva, which gathered participants from across Europe and Africa, as well as relevant organisations such as UNICEF and the Chair and Vice-Chair of the CJ-OR. As an output of this meeting at the Brocher Foundation, she informed the Committee of the preparation of two documents, notably a high-level policy document on the rights of donor-conceived children and children born through surrogacy and secondly, a guide for practitioners working in this field. The documents should be available in 2026. She also referred to the latest [Report on the different manifestations of violence against women and girls in the context of surrogacy by the UN Special Rapporteur on violence against women and girls, its causes and consequences \(A/80/158\)](#), noting its relevance to the Committee's work.

21. Rachel Cutting (United Kingdom) informed the Committee about her country's experience in providing paid counselling and support services for individuals applying to the Human Fertilisation and Embryology Authority (HFEA) for information about their donors. The service, initially free, became increasingly costly. The representative noted that the HFEA decided to cease funding the service for cost reasons, as detailed in the Authority Meeting – 24 January 2024 (agenda item 8, from page 66), which includes analysis of future demand, alternative support provision, consultation results, cost analysis and an Equality Impact Assessment.

#### **7. Any other business**

22. None.

#### **8. Date and place of next meeting**

23. The CJ-OR agreed to hold its 3<sup>rd</sup> and 4<sup>th</sup> meetings on 24-26 March 2026 (Strasbourg) and 27-29 October 2026 (place TBC), respectively.

#### **9. Adoption of the meeting report**

24. The CJ-OR adopted the report of its 2<sup>nd</sup> meeting.

## Appendix I

### Agenda

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1.	<b>Opening of the meeting</b>	<u>Working document</u> <ul style="list-style-type: none"><li>• Provisional list of participants CJ-OR(2025)LP2 prov</li></ul>
2.	<b>Adoption of the agenda and order of business</b>	<u>Working document</u> <ul style="list-style-type: none"><li>• Draft agenda CJ-OR(2025)OJ2 prov3</li></ul>
3.	<b>Information by the Chair and the Secretariat</b>	<u>Working document</u> <ul style="list-style-type: none"><li>• Report of the CDCJ 104<sup>th</sup> plenary meeting (16-18 June 2025) <a href="#">CDCJ(2025)13</a></li></ul>
4.	<b>Exchange of views on counselling and assistance provided to the parents</b>	<ul style="list-style-type: none"><li>• Angela Pericleous-Smith, Chair, and Caroline Spencer, Executive Committee member and Senior Specialist Fertility Counsellor, <i>British Infertility Counselling Association (BICA)</i></li><li>• Nina Barnsley, Director, and Yael Ilan Clarke Membership, volunteer and research coordinator, Donor Conception Network, <i>Donor Conception Network</i></li></ul>

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Working document

- Draft recommendation on the rights of donor-conceived persons to know their origins  
[CJ-OR\(2025\)10 prov \(restricted\)](#)

Background documents


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**5 Recommendation on the rights of donor-conceived persons to know their origins**

- Compilation of comments received on the draft recommendation on the rights of donor-conceived persons to know their origins (CJ-OR(2025)10 prov)  
[CJ-OR\(2025\)11 rev2 \(restricted\)](#)
- Report of the 1<sup>st</sup> meeting of the CJ-OR  
[CJ-OR\(2025\)09](#)
- Case Law of the European Court of Human Rights on the rights of donor-conceived persons to know their origins  
[CJ-OR\(2025\)03 rev](#)
- Overview of European and international standards concerning the rights of donor-conceived persons to know their origins  
[CJ-OR\(2025\)05](#)
- Questions concerning the elements of the future draft recommendation  
[CJ-OR\(2025\)06](#)
- Compilation of replies received concerning the elements of the future draft recommendation  
[CJ-OR\(2025\)07 \(restricted\)](#)

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**6 Update on key developments and other events by members and observers**


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**7 Any other business**


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**8 Date and place of next meeting**
Working document


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**9 Adoption of the meeting report**

- Draft meeting report  
CJ-OR(2025)12 prov
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## Appendix II

### List of participants

#### MEMBERS / MEMBRES

##### Member states representatives / Représentant-es des États membres

<b>CROATIA / CROATIE</b>	<b>Ms/Mme Aleksandra KORAC GRAOVAC</b> Professor, University of Zagreb / <i>Professeure, Université de Zagreb</i>
<b>CZECHIA / TCHÉQUIE</b>	<b>Ms/Mme Eva PETROVÁ</b> Head of Implementation Unit at the Office of the Government Agent before the European Court of Human Rights, Ministry of Justice / <i>Cheffe de l'Unité de mise en oeuvre au Bureau de l'agent du gouvernement auprès de la Cour européenne des droits de l'homme, Ministère de la Justice</i>
<b>FRANCE</b>	<b>Mr/M. Emmanuel VERNIER</b> Secretary General of the Commission for Access to Third-Party Donor Data for Persons Born from Medically Assisted Procreation, Ministry of Health (CAPADD) / <i>Secrétaire général de la Commission d'accès aux données des tiers donneurs pour les personnes nées d'une assistance médicale à la procréation (CAPADD), Ministère de la Santé</i>
<b>GERMANY / ALLEMAGNE</b>	<b>Mr/M. Thomas KNOLL-BIERMANN (Chair / Président)</b> Head of Unit for Law on Parent and Child Matter, Federal Ministry of Justice / <i>Chef de l'unité du droit relatif aux relations parents-enfants, ministère fédéral de la Justice</i>
<b>SWITZERLAND / SUISSE</b>	<b>Ms/Mme Joëlle SCHICKEL-KÜNG (Vice-Chair / Vice-présidente)</b> Deputy Head of the Private Law Division and Co-Head of the Private International Law Unit (PIL Unit), Federal Office of Justice of Switzerland / <i>Cheffe suppléante du domaine de direction Droit privé et Co-cheffe de l'Unité de droit international privé, Office fédéral de la justice</i>
<b>UNITED KINGDOM / ROYAUME-UNI</b>	<b>Ms/Mme Rachel CUTTING</b> Director of Compliance and Information, Human Fertilisation and Embryology Authority (HFEA) / <i>Directrice de la conformité et de l'information, Autorité de fertilisation et d'embryologie humaines (HFEA)</i>

##### Independent experts / Expert-es indépendant-es

<b>Ms/Mme Linnéa BROSSNER</b> Judge, Malmö District Court / <i>Juge, Tribunal de district de Malmö</i>
<b>Ms/Mme Gloria Ortega PUENTE</b> Professor at the Department of Private Law, Universitat Autònoma de Barcelona (UAB) / <i>Professeure au Département de droit privé, Université autonome de Barcelone</i>

**Mr/M. Jens M. SCHERPE**

Professor of Comparative Law, Aalborg University  
 Director, Nordic Centre for Comparative and International Family Law (NorFam) /  
*Professeur de droit comparé, Université d'Aalborg*  
*Directeur, Centre nordique de droit comparé et international de la famille (NorFam)*

**MEMBER STATES / ÉTATS MEMBRES**

<b>NETHERLANDS / PAYS-BAS</b>	<b>Ms Sanne VAN WEEZEL</b> Legal coordinator Directorate of Public Health, Departement of Strategy & Organization, Ministry of Health, Welfare and Sport
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**PARTICIPANTS / PARTICIPANTS**

<b>HUMAN RIGHTS AND BIOMEDICINE / DROITS HUMAINS ET BIOMÉDECINE (CDBIO)</b>	<b>Ms Tesi ASCHAN</b> Legal Adviser The National Board of Health and Welfare, Socialstyrelsen
<b>STEERING COMMITTEE FOR THE RIGHTS OF THE CHILD / COMITÉ DIRECTEUR POUR LES DROITS DE L'ENFANT (CDENF)</b>	<b>Mr Marino DI NARDO</b> Presidency of the Council of Ministers, Department for Equal Opportunities Office for International and General Affairs
<b>EUROPEAN COURT OF HUMAN RIGHTS / COUR EUROPEENNE DES DROITS DE L'HOMME</b>	<b>Ms Bianca BOJI-TAHVANAINEN</b> <b>apologised / excusée</b> Research Unit Case-Law Monitoring Unit
<b>EUROPEAN COMMITTEE ON ORGAN TRANSPLANTATION / COMITE EUROPEEN SUR LA TRANSPLANTATION D'ORGANES (CD-P-TO)</b>	<b>Mr Samuel ARRABAL</b> Head of Foreign Affairs and Research Agence de la biomédecine (Paris, France)
<b>HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW / CONFERENCE DE LA HAYE DE DROIT INTERNATIONAL PRIVE (HCCH)</b>	<b>Mr Paul LEE</b> <b>apologised / excusé</b> Assistant Legal Officer

**OBSERVERS / OBSERVATEURS**

<b>CHILD IDENTITY PROTECTION</b>	<b>Mme Mia DAMBACH</b> Executive Director
<b>EUROPEAN ASSOCIATION OF HEALTH LAW (EAHL)</b>	<b>Prof. Dr. Magdalena FLATSCHER-THÖNI</b> <b>apologised / excusée</b> Department of Public Health Health Services Research and Health Technology Assessment <b>Dr Annagrazia ALTAVILLA</b> <b>apologised / excusée</b> Lawyer/PhD Sciences-Ethics/HDR Public Law Responsible of International Relations Espace Ethique PACA/Corse
<b>EUROPEAN SOCIETY OF HUMAN REPRODUCTION AND EMBRYOLOGY (ESHRE)</b>	<b>Prof. Stéphane VIVILLE</b> Head of the Infertility Genetics Unit, University Hospital of Strasbourg

**PARTICIPANTS IN THE EXCHANGE OF VIEWS / PARTICIPANTS A L'ÉCHANGE DE VUES**

<b>Ms Angela PERICLEOUS-SMITH</b> Chair, British Infertility Counselling Association (BICA)
<b>Ms Caroline SPENCER</b> Executive Committee member and Senior Specialist Fertility Counsellor, British Infertility Counselling Association (BICA)
<b>Ms Nina BARNESLEY</b> Director, Donor Conception Network

<b>CONSULTANT TO THE CJ-OR / CONSULTANTE DU CJ-OR</b>	<b>Mme Laurence BRUNET</b> Chargée de mission au Centre de référence des maladies rares du développement génital à l'Hôpital du Kremlin-Bicêtre Chercheuse associée à l'Institut des Sciences Juridique et Philosophique de la Sorbonne, Université Paris 1 Panthéon-Sorbonne/CNRS
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	<p><b>Mr/M. Nicolas GUITTONNEAU</b></p>