



# MULTICENTRE RESEARCH GROUPS

POWERED BY ENTOG

## RELATIONSHIP AND REPRODUCTIVE GAY RIGHTS IN EUROPE

### MAIN RESEARCHER

António de Pinho

MD. Resident in Obstetrics and Gynecology. Teaching attendant of Histology and Embryology

Centro Hospitalar Tâmega e Sousa (Penafiel, Porto, Portugal)

Faculdade de Medicina da Universidade do Porto (Porto, Portugal)

### SENIOR RESEARCHER

Pedro Brandão

MD, MSc, EFOG. Obstetrician/Gynecologist. ESHRE Fellow in Reproductive Medicine

Instituto Valenciano de Infertilidad (Valencia, Spain)

Faculdade de Medicina da Universidade do Porto (Porto, Portugal)

# TABLE OF CONTENTS

RELATIONSHIP AND REPRODUCTIVE GAY RIGHTS IN EUROPE .....	1
MAIN RESEARCHER .....	1
SENIOR TUTOR .....	1
TABLE OF CONTENTS.....	2
ABSTRACT.....	3
KEYWORDS.....	3
ACRONYMS AND ABBREVIATIONS .....	4
INTRODUCTION.....	5
AIMS.....	6
CRITERIA FOR RESEARCHERS RECRUITMENT.....	7
METHODS.....	8
STATISTICS.....	8
STUDY PLAN .....	9
TIMELINE .....	9
ETHICAL CONSIDERATIONS.....	10
FINANCIAL SUPPORT.....	10
PUBLICATION .....	10
REFERENCES.....	11

## **ABSTRACT**

For the last decades homosexuality has gradually been more accepted by the society, especially in more developed countries. Countries have progressively open legal partnership and marriage to gay couples. Also, the possibility of reproduction has been gradually extended to gay couples, despite its naturally implicit difficulties, which imply the need to resort to medically assisted reproduction in most cases

This study is part of the “Madres Mías” project, an approach to the ROPA technique - Lesbian Shared IVF, covering five main aspects of this assisted reproduction technique (1 – ethics, 2 – legislation, 3 – social, psychological and motherhood aspects, 4 – clinical and laboratory aspects). The purpose of this work – Madres Mias 2 - is to summarize current national legislation throughout the different European countries concerning gay partnership official recognition, adoption and access to medically assisted reproduction.

## **KEYWORDS**

Adoption, Assisted reproduction technology, Homosexuality, Legislation, Marriage.

## ACRONYMS AND ABBREVIATIONS

APA	American Society of Psychiatry
ART	Assisted reproductive techniques
DSM	Diagnostic and Statistical Manual of Mental Disorders
ENTOG	European Network of Trainees in Obstetrics and Gynaecology
ICSI	Intracytoplasmic sperm injection
ILGA	International Lesbian and Gay Association
IUI	Intrauterine insemination
IVF	In vitro fertilization
PDICSS	PhD Program in Clinical and Health Services Research
ROPA	Recepcion de ovocitos de pareja (Reception of partner's oocytes)

## INTRODUCTION

For the last decades homosexuality has gradually been more accepted by the society, especially in more developed countries. It was in 1973 that the American Society of Psychiatry (APA) performed its first amend to Diagnostic and Statistical Manual of Mental Disorders (DSM) regarding this matter, but it was only in 1987 that homosexuality was definitively removed from DSM and thus not to be considered a disease anymore. <sup>[1]</sup>

Countries have progressively open legal partnership and marriage to gay couples. Nowadays, despite some antihomosexual regional movements, homosexuality has been decriminalized in all European countries. However not all of them recognize gay civil partnership and fewer recognize gay marriage and adoption by gay couples. <sup>[2]</sup>

The possibility of reproduction has also been gradually extended to gay couples, despite its naturally implicit difficulties, which imply the need to resort to medically assisted reproduction in most cases. Nowadays it's still not possible to sustain pregnancy without a uterus, a fact that naturally leads to an easier pathway for female couples to achieve their procreation goals. Biologically, healthy female couples only need a donated gamete to achieve pregnancy, in contrast to male couples who also need to resort to surrogacy, which is a much more complex process, implying more biological, clinical, legal and ethical concerns. <sup>[3]</sup>

This study is part of the “Madres Mías” project, an approach to the ROPA technique - Lesbian Shared IVF, covering five main aspects of this assisted reproduction technique (1 – ethics, 2 – legislation, 3 – social, psychological and motherhood aspects, 4 – clinical and laboratory aspects). The purpose of this work – Madres Mías 2 - is to summarize current national legislation throughout the different European countries concerning gay partnership official recognition, adoption and access to medically assisted reproduction.

# AIMS

The main aim of this study is to review and summarize current national legislation in European countries concerning:

## PARTNERSHIP:

- Decriminalization of homosexuality
- Official recognition of gay partnership
- Recognition of gay marriage
- Recognition of gay adoption

## ASSISTED REPRODUCTION

- Access of gay couples to different medically assisted reproduction (male and female)
  - IUI
  - IVF / ICSI
  - ROPA
  - Surrogacy
- Gay rights with respect to donated gametes or embryos.
  - Donated sperm
  - Donated oocytes
  - Donated embryos
- Anonymity of donation
- Availability of public ART to gay people
- Public funding of ART to gay people

# **CRITERIA FOR RESEARCHERS RECRUITMENT**

## **CRITERIA:**

- Candidates must be residents or specialists in Obstetrics and Gynecology.

## **FAVORABLE ASPECTS:**

- Researchers with good relations and broad networking with LGBT associations around Europe.
- With easiness to contact (and obtain answers) national reproductive medicine associations/ societies.
- With considerable knowledge of national and international legislation concerning the matter
- with connections to different European countries .
- Master different European languages
- From different countries and different parts of the continent.

## **METHODS**

This study will be a review and summary of national legislation of the various European countries with respect to gay rights in partnership and reproductive fields.

All authors will be assigned a variable number of European countries according to language skills, access to national legislation, proximity and personal preferences so as much as countries as possible may be studied.

Data will be considered valid when based on official national law. In case there's no official document or national legislation may not to be accessed, data may also considered valid if based on at least one of the following source, in order of preference:

- A. Partnership
  - 1. National gay association (if in accordance with ILGA Rainbow Europe 2020)
- B. Assisted Reproduction
  - 1. Member of the official national reproductive medicine / fertility association
  - 2. At least 2 different national experts in Reproductive Medicine (if consistent)

Each researcher will search for sources of information in corresponding countries. After obtaining the required information, these researchers will translate information to English. If these researchers are not able to translate information, they will resort to native or proficient speakers with the ability to translate it to one of these languages. Information will be sent to the main researchers, both original documents and a summary of relevant information (highlighting or pointing these data in original documents).

The main and senior researchers will gather all the information, process data and write the results and final report.

## **STATISTICS**

Not applicable





## **ETHICAL CONSIDERATIONS**

This is a review of legislation. No research in humans or animals is to be performed.

## **FINANCIAL SUPPORT**

No funding is expected to be needed.

If there any unexpected side costs, these will be covered by the main or senior researchers.

## **PUBLICATION**

This study is part of the PhD thesis in Clinical Research and Health Services (Programa Doutoral em Investigação Clínica e em Serviços de Saúde - PDICSS) of the Faculty of Medicine of the University of Porto (Faculdade de Medicina da Universidade do Porto), of the senior researcher - Pedro Brandão. This PhD thesis consists of an holistic approach to the ROPA technique or Lesbian Shared IVF, a group of studies collectively known as the “Madre Mías” study. Thus, this specific study may be used to complement other studies of the PhD project and it is going to be part of its final presentation.

In addition, submission for potential publications in scientific journals, presentations at scientific events and / or publication / presentation in other social media are expected. However, it is still not possible to assert the specific journals, platforms or events

## REFERENCES

1. Drescher J. Out of DSM: Depathologizing homosexuality. *Behav Sci (Basel)* 2015;5:565–75.
2. ILGA. ILGA Rainbow Europe 2020. [homepage on the Internet] ILGA Europe. Available from: <https://www.ilga-europe.org/rainboweurope/2020>.
3. American Society of Reproductive Medicine. Access to fertility treatment by gays, lesbians, and unmarried persons: A committee opinion. *Fertil Steril* 2013;100:1524–7.