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Assisted Reproduction by Donor – Legal and Bioethical Issues

Besides changing the fate of people facing infertility issues, the spectacular scientific achievements in the field of assisted reproduction over the last forty years have also resulted in a modification of the relation of human reproduction to the Law. In the past, this relation used to be established once a child was born and mostly referred to the establishment of kinship. Today, however, the need for legal provisions to be put in place, governing the particular applications of artificial fertilisation practically shifts this relation between procreation and the Law backwards, that is to say at the time before a child is born, while at the same time makes this relation more complex and much more interesting.

As far as the particular issue of assisted reproduction by use of third-party donated reproductive material is concerned, otherwise referred to as the “heterologous artificial fertilisation”, it was in 1983 that Greek legislators referred to the matter for the first time and that was in a provision in the Greek Civil Code, depriving the spouse of a mother having originally consented to his wife being subjected to an heterologous artificial fertilisation procedure, of the right to ex post contest the paternity of the offspring (cf. former Article 1471.2 item 2 of the Greek Civil Code). Therefore, by the time the Greek legislators behind the basic Greek lex specialis in the matter of medically assisted reproduction (i.e. Law 3089/2002, the best part of which was later integrally transposed into the Greek Civil Code) were eventually asked to regulate the various legal issues relevant to such practice in a more specific way, the legal world had already become more familiar with the topic. Otherwise said, the overall acceptability of heterologous reproduction was not being challenged, but there had nevertheless remained in suspense several particular aspects needing to be tackled, issues already debated upon and to a certain extent still under debate, today. I will allow myself to elaborate upon certain of such issues in my presentation.
Let me start by explaining which parties may, under the Greek legislation, become third-party donors. Such third-party donors may primarily be persons having themselves manifested an interest to procreate and which, prior to doing so, had also expressly made their consent known as to their “spare” reproductive material – that is to say, the reproductive material eventually to remain unutilized after the offspring they had aspired at having was born – becoming available “without financial exchange and prioritarily to such other persons as the physician or the Medical Center may designate”. This is precisely what is stipulated under Article 1459.1(a) of the Greek Civil Code, where the following important issues are solved: (1) that the reproductive material (sperm, eggs, fertilised eggs) may, in globo, be legally considered to be a “thing”, that is to say “a legal object”, therefore disposable by its donors; (2) that the reproductive material shall not be the object of a commercial transaction whatsoever and (3) that the principle of the anonymity of donors is embedded, as suggested by the fact that no contact shall exist between donors and recipients of the reproductive material.

Besides such first category of donors, however, namely those having themselves been subjected to artificial reproduction procedures and consenting to the disposal of their “spare” reproductive material, there is a second category, namely that of the ordinary, third-party donors, men and women rendering themselves at the medical centers or reproductive material banks to deposit their sperm and/or eggs, just as an ordinary blood donor deposits one’s blood.

A fundamental difference between reproductive material donors of the first and those of the second category lies in the fact that the former are actually the sole donors from which we may also obtain fertilised eggs whereas ordinary donors only donate sperm and/or simple eggs\(^1\). What is definitely interesting both as a fact and as a controversial issue is the capacity of a donor as a “third party” vis-à-vis the female undergoing an assisted reproduction procedure. More specifically, as far as such woman is concerned, neither her spouse having donated his sperm nor her partner in the event of a cohabitation contract nor even the woman’s regular partner without a cohabitation contract (who lives with her in a free union) donating his sperm

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\(^1\) Article 8.3. of Law 3305/2005; also, indicatively, see “Family Law” (Οικογενειακό Δίκαιο) II\(^5\) by Prof. Κουνουγερί – Μανολεδάκη, II\(^5\) (2012) 72.
subsequent to a notarized consent as to the assisted reproduction, may be considered as “third parties”. Could the same be suggested, however, when the sperm of a (without a cohabitation contract) regular partner is used without a notarized consent on his part?

Such circumstance became to be a real issue in Greece, when an unwed female living permanently with a man albeit not under a cohabitation contract, subjected herself to an assisted reproduction procedure using his sperm without having previously obtained his consent thereto. Such absence of a notarized consent on the part of the male partner resulted in the inapplicability of Article 1475.3 of the Greek Civil Code, according to which “[…] a notarized consent by the male as to the [use of his sperm for] assisted reproduction purposes [….] shall be construed as a voluntary acknowledgement of paternity”, this having been the reason why the mother took recourse against her male partner before the courts, by way of a lawsuit whereby she requested that paternity over the child be judicially acknowledged. But then, the issue occurred as to whether a judicial acknowledgement of the paternity should be excluded in the light of Article 1479.2 of the Greek Civil Code, according to which: “in the event of assisted reproduction being performed with the use of a third-party donor reproductive material, the judicial acknowledgment of the paternity is excluded, even in the case of the [donor’s] identity being already or becoming posteriorily known”. But, could the particular male, with whom the woman in question lived, be considered a “third-party donor”? The case matured itself enough to end up before the Greek Supreme Court (Areios Pagos)\(^2\), which held that the man with whom the woman used to live was not, as far as she was concerned, a third-party donor, hence the possibility of judicial acknowledgement of the paternity in that particular case.

I am of the opinion that legally linking to the biological father by way of a judicial acknowledgement of paternity in that particular case does not conform with the terms of Law 3089/2002\(^3\). It is in fact generally known as well as deduced from the terms of Article 1459.1 of the Greek Civil Code already commented above and

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\(^2\) See Decision 898/2014 by the Greek Supreme Court, published in the “Ελληνική Δικαιοσύνη” (Hellenic Justice) Law Review, 55 (2014) 736 (as well as relevant remarks of Kounougeri – Manoledaki in op. cit.).

even more specifically from those of Article 1479.2\textsuperscript{4} that this law actually consolidates the principle of “socio-emotional kinship”, under which, given the developments in biotechnology and most particularly in the light of participation, in the reproduction procedure, of third parties, legal kinship no longer needs to rely on the biological truth: rather, it is the “intention” of the parties that is privileged as a primal criterion for such kinship to be established. In the light of such considerations, it is of primordial importance for the child to legally link to those who actually wanted him (his “social” parents) and not necessarily to those from whom the child actually descends (his “genetic” parents). As a matter of fact, this is precisely the assumption also expressed in other, quite fundamental provisions of the Greek legislation in the matter of assisted reproduction, as is for instance the new version of Article 1471.2 item 2 of the Greek Civil Code, providing for a general prohibition to contest the paternity of a child born through an heterologous artificial fertilisation if the spouse of the mother has previously consented thereto; the same goes with respect to all other provisions consolidating the anonymity of the donor (to be elaborated in due course hereunder).

Interestingly, the element of intention, so critical for the establishment of kinship, may manifest itself either positively or negatively. This is exactly what Article 1479.2 of the Greek Civil Code enshrines, prohibiting as it is a judicial acknowledgement of the paternity of a third-party donor – the latter evidently operating merely as a “human cell provider”\textsuperscript{5} and otherwise declining to legally bond with his biological offspring. Such negative manifestation is understood through the fact that the donor – biological father (irrespective of whether he lives in a free union the mother – as is the case herein discussed - or not) had not provided a notarized consent to the artificial reproduction, which would have allowed the child to be automatically acknowledged by the donor by virtue of Article 1475.2 of the Greek


\textsuperscript{5} See relevant comments in Kotzabassi, “The anonymity of a sperm donor in artificial insemination as a legal and ethical issue” (Η ανωνυμία του δότη σπέρματος στην τεχνητή γονιμοποίηση ως νομικό και ηθικό ζήτημα) in «Απόψεις και ιδέες» (Views and Ideas) (2006) 197 et seq.
Civil Code, nor did he want to acknowledge it voluntarily, if anything at least upon the child’s birth, hence the need for the issue of judicial acknowledgment to be raised.

Therefore, the fact that the fundamental difference between artificial and natural reproduction lies in that there are different elements prevailing in each of such two procedures (i.e. in the former procedure, what overwhelmingly prevails is the desire to procreate irrespective of the child’s genetic origin whereas in the latter, what is definitely privileged are the elements of origin and biological truth) actually justifies the prohibition of judicial acknowledgement of paternity in the former instance just as it explains the acceptance of such acknowledgement, in the latter⁶.

Yet another interesting issue relevant to third-party donors is the one associated to the element of consent – although this time consent is perceived differently: rather than consent to the assisted reproduction, this time what interests is the consent to the disposal of the reproductive material. When it comes to this particular element, Article 8.2. of Law 3305/2005 (i.e. the second Greek Law governing medically assisted reproduction) already in its very first item stipulates the obvious⁷, namely that “the disposal of gametes and fertilised eggs […] is effected by consent of the donors”. The following item, however, in its original formulation, read as follows: “in the event of the donors being married or living together in a free union, there also has to be obtained a written consent of the spouse or the partner”.

By way of such second item, the legislator eventually attempted to settle the issue raised at the time prior to adoption of Law 3305/2005, namely whether the deposit by a married man of his reproductive material, in a sperm bank or in a medical center, as a donor, is something strictly pertaining the sphere of such man’s private

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⁶ Were one to be given to wonder how such a difference could ever be justified in the light of the primacy of the child’s true interest – that is, why could the child that is born through artificial reproduction not also benefit from the possibility to acquire a legal father through a judicial acknowledgement of his paternity – the answer to be given could go as follows: within an artificial reproduction context, the child’s true interest in having his paternity judicially acknowledged by the sperm donor is much more limited, since such medical procedures include a preliminary stage in which the donor has the opportunity to cool-mindedly and ex ante make clear his refusal to assume legal paternity and all those obligations that go with it (see “Family Law” op.cit, ΙΙ 213 by Kounougeri – Manoledaki hence the assumption of such person’s inadequacy to be a parent (besides it being abusive to allow for a declaratory action against such person, under the circumstances).

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interests, - hence the unnecessity of the spouse’s or partner’s\textsuperscript{8} agreement or consent – or if the particular nature of reproductive material - consisting in its potential to contribute, together with the reproductive material of the spouse or partner, to the procreation of a common descendant - actually turns this into a marital life issue, pertaining the scope of competence of both spouses who are thus to decide upon it jointly, in the sense of Article 1387 of the Greek Civil Code.

At the time prior to the adoption of Law 3305/2005 this particular issue used to be raised with respect to the reproductive material as a whole. Subsequent to the entry into effect of Article 8.3. of Law 3305/2005, according to which the disposal of fertilised eggs shall strictly be limited to the exceeding number of fertilised eggs and given that one way or another, such eggs shall at all times be disposed of upon joint agreement of the couple, in accordance with the terms of the fore mentioned Article 1459.1(a), the question as to whether the consent of the spouse or the partner is required could only be raised with respect to the regular sperm or simple eggs deposited by ordinary, third-party donors. As far as this latter issue is concerned, the matter has been tackled by way of Article 8.2 item (2)\textsuperscript{9}, in the light of which the trend is to consider this as a marital life issue. This assumption, however, has also come to change, in the light of Article 15.1. of Law 4272/2014 whereby Article 8.2. item (2) was amended in such a way as to stipulate that “in the event of disposal of fertilised eggs, when donors are married women or women living in free union, there also needs to be supplied a written consent by the spouse or the partner”. E contrario, such provision renders it possible for gametes – i.e. sperm and eggs – to be freely disposed of, unconditional as to a requirement for consent by the spouse. Of course, no doubt remains as to the fact that the formulation of Article 15.1. and consequently of Article 8.2. item (2) is erroneous, since the provision relevant to the need for consent by the spouse or partner as a condition for the disposal of fertilised eggs has already been


\textsuperscript{9} In favor of the assumption that Article 8.2 item (2) is only applicable in the case of ordinary third-party donors, see Article “The new Law 3305/2005 on ‘implementation of medically assisted reproduction’: Issues raised with respect to the correlation of provisions amongst themselves as well as with respect to the provisions of Law 3089/2002” by Kounougeri – Manoledaki, in the Armenopoulos Law Review, 59 (2006) 675.
established under Article 1459.1(a). Whatever the arguments around it, the crux of the matter remains the same: the consent of the spouse or partner is no longer required for the disposal of simple sperm or eggs, hence the prevalence of the theory in favor of this being an issue ascribing the private sphere of the donor.

There are three different rationales whereby such new legislative approach may be justified. The first of such rationales is relevant to the typical issue of property rights on the reproductive material: assuming that the reproductive material may be legally characterized as a “thing”, no one but the donor may claim property rights upon the sperm or the eggs, which means that only the donor is entitled to unrestrictedly dispose of such material. Yet, even on the basis of the alternative nature attributed to the reproductive material, namely that of an element of the donor’s personality (a basis we may also accept), it may be sustained that it makes sense for the donor to be entitled to make his / her own decision with respect to elements exclusively ascribing his / her own personality. Still, there is a third rationale, namely that of the expediency, suggesting that facilitating the disposal of the reproductive material fosters a reduction of risks of shortage thereof as well as of the need to seek supplies of reproductive material from sources outside the country. Perhaps the legislator behind Law 4272/2004 had also this third rationale in mind.

10 According to said provisions, donors make their reproductive material available to third parties upon a written statement to be made in accordance to the terms of this Article and without any need for further consent in the sense of Article 8.2. item (2) (see in “Issues”, op. cit. by Prof. Fountedaki).


13 The following facts are also to be considered, namely: (a) that disposing of one’s reproductive material without sexual intercourse does not in any way constitute adultery, i.e. a transgression of the duty of spousal faithfulness, consolidated under Article 1386 of the Greek Civil Code (see Kounougeri – Manoledaki, “In-vitro fertilization through third-party reproductive material: Bioethical and Civil Law Issues” in “Studies in Family Law and Biomedicine Law”, op. cit.) and (b) under the Greek Law, donors are in principle to remain anonymous, hence no risk implied for those married persons willing
Recently promulgated Law 4272/2014 has resulted in a series of changes as to the issue of financial gain with respect to the reproductive material disposed. It has already been explained that a prohibition as to a financial gain being agreed for the disposal of reproductive material was instituted under Law 3089/2002, the reasoning of the legislator as to this particular aspect having been that whereas the reproductive material is legally a “thing” – in the sense that no human life has as yet been instilled in it (such life understood to commence upon completion of fourteen days from fertilisation and after the fertilised egg has been implanted in the uterus\(^{14}\)), the *natural purpose* of such material nevertheless is that of creating human life\(^{15}\). In the light of such assumption as to the purpose, allowing for the donor to be paid for the disposal of such material would have been immoral (in the sense of Articles 178 and 179 of the Greek Civil Code), the immorality actually having consisted in profiteering to the detriment of persons desperately trying to have children and therefore fulfill a very intense existential need\(^{16}\).

On the other hand, Law 3305/2005 expressly stipulated that, whereas no payment may be tolerated in terms of remuneration to the donor, the latter might nevertheless plausibly expect to be reinstated as to expenses necessary for his/her reproductive material to be extracted and cryopreserved. Such is the case of medical, laboratorial as well as nursing expenses, travel and accommodation costs eventually incurred by the donor as well as any other loss suffered or gains prevented as a consequence of the donor abstaining from his/her occupational activities (Article 8.5). Adding to such legitimate compensation, Article 15.4 of Law 4272/2014 now provides for an entitlement to a redemption of *medical expenses* as well as for an indemnity as to the *biological strain* suffered by the donor, based on the reasoning that the extraction of gametes constitutes a light physical injury (at least when it to deposit their reproductive material, as to the eventuality of law suits or even blackmailing against them; moreover, in case of violation of the principle of anonymity, there applies Article 1479.2 of the Greek Civil Code, which, as already discussed, provides for a prohibition of judicial acknowledgement of paternity, as far as the donor is concerned (all such elements ultimately applying to the benefit of the spouse or the partner, the consent of which is not required).

\(^{14}\) Indicatively, see: *Kounougeri – Manoledaki*, “Sperm, Ovum and Fertilised Ovum”, in Studies, 382 et seq.

\(^{15}\) Indicatively, see: *Kounougeri – Manoledaki*, “Sperm, Ovum and fertilised Ovum”, in Studies, 372 et seq.

comes to eggs extracted from a woman by way of a surgical intervention). Already under Law 3305 (Article 8.5) the amount of indemnities was to be designated by the National Authority of Medically Assisted Reproduction. This particular feature, combined with the new provisions under Law 4272/2014, establishing an increase of indemnity amounts payable, is hopefully to have a positive effect in the sense of preventing abuses actually detected on both sides, namely: at times, egg donors are paid very low amounts whereas at times donors are indemnified by amounts high enough to essentially constitute a financial gain.

It is also worth mentioning that by virtue of that same Article, namely Article 15.4. of Law 4272/2014, the terms of Article 8.5. of Law 3305 were supplemented with a proviso stipulating that said indemnities are payable by the recipients to the doctors who, in turn disburse the respective amounts to the donors, so as to safeguard the principle of anonymity.

Lastly, when it comes to the notion of financial gain, Law 4272/2014 brings about some considerable changes as to the sanctions entailed by an eventual violation of that particular prohibition. The most critical of such changes consists in the fact that whereas under Article 26.2. of Law 3305/2005 it had originally been stipulated that trading in reproductive material or brokering in such trading was punishable with imprisonment of up to 10 years, Article 20 of Law 4272/2014 eventually amended such sanction, providing for an imprisonment of no less than 2 years (in other words, what used to be accounted for as felony was now downgraded to a misdemeanor). An imprisonment of up to 10 years is provided solely in the case of the person liable for such act being found to be engaging in such activities professionally or habitually. Such shift in the law is laudable, in view of the virulent criticism the previous system, having provided for much stricter sanctions, had come under, with certain penal law specialists having gone as far as to see in that previous treatment a

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18 See, Milapidou, op. cit.
19 See, Milapidou, op. cit.
violation of the principle of proportionality, especially in comparison with other sanctions of similar severity, reserved for crimes involving human beings (human trafficking or sex trade) rather that reproductive material which has hardly matured towards the creation of individual human life.

I am coming now to the issue of donor anonymity, the last point I intend to raise, and that not because this issue has not been legislatively tackled in Greece, but because there have always been certain objections (as well as internationally) about it, and most particularly because of the fact that in certain countries, such objections have actually resulted in amendments to their legislations, in the form of abolition of the principle of anonymity, originally institutionalized. Thus, the provision of the possibility for a child to become informed of the very identity of the donor – as the case, for instance, is in Sweden, the United Kingdom, Austria and Switzerland – should be seen as an abolition of such principle and this although nowhere has it become accepted for a child to claim a right of establishment of kinship between the child and the donor the identity of whom becomes known under such circumstances. In the light of such considerations, it is therefore only natural for such debate to also develop in Greece, as to whether we should consider changing something in our laws, in the matter of the anonymity currently embedded.

Let me once again remind, albeit summarily, certain things that have time and again been repeated in the past and indeed go down the list of the main arguments in favor and those against anonymity21. Those in favor of anonymity invoke the need for protection of family peace of both the parents and the child, the need to protect donors from the eventuality of legal proceedings against them (for example, lawsuits for a judicial acknowledgment of paternity), the interest in sustaining potential donors in their determination to make their reproductive material available, so that sufficient quantities of it are ensured, to the interest of all parties concerned as well as the need


to ensure that in case of disruption of relations between the parents, an eventual knowledge by them of the identity of the donor – up until then unknown to the child - shall not degenerate to become a means of blackmailing at the level of the parents, to the detriment of their relationship to the child. There remains, in effect, no doubt that the main – the most overwhelming – argument in favor of the donor’s anonymity is one of ideological, philosophical, theoretical and systematic nature. Seen in this light, anonymity is corroborated by the entire texture of the principle of “socio-emotional kinship” adopted by the Greek legislation, according to which principle – as already mentioned – the very circumstances of artificial reproduction result in the importance of biological truth and descent eventually subsiding, hence forcibly the subsidence of the importance of knowledge of the descent22.

Let us now go into the argumentation in favor of donors becoming known23. Included in such arguments is the advocacy in favor of the potential to prevent incest (a risk that is associated to anonymity) and the possibility of prevention of hereditary health conditions. In that sense, a parallelism is attempted to the concept of adoption, under which there applies a right to knowledge of one’s true descent whereas there also prevails an argument of ideological – systematic nature, one that really governs the Greek legal system as a whole, namely the righteous claim of any human being to become informed of one’s roots. Such claim has in fact been embedded in the Greek Civil Code (Article 57, providing for the right to one’s personality), in the Greek Constitution (primarily under Article 5.1. on the freedom of development of one’s personality as well as under Articles 4.1 on gender equality and 21.1 on the childhood protection, also invoked in that sense) as well as in several international legal instruments as is, for instance, Article 7 of the International Declaration of the Rights of the Child (providing for the right of the child to know of its genitors as well as to be reared by them)24.

22 Kounougeri – Manoledaki, Family Law II 84, 87.
23 Kounougeri – Manoledaki, Family Law II 84.
Obviously, each side is in a position to invoke arguments in favor of its own stance, considered in either case to be the one that caters to the child’s true interests best, all the more since it was the protection of the child that the legislator undoubtedly had in mind.

Let us, therefore, go into the exact provisions under the Greek legislation relevant to the matter, so as to assess them and eventually discuss whether any amendments are in order.

The Greek law establishes the rule of anonymity of the donors, since a donor’s identity is not disclosed to those aspiring at becoming parents, just as the identity of the child or its parents is not disclosed to third-party donors (Article 1460 of the Greek Civil Code, to which Article 1459.1.a of the Greek Civil Code is consonant). Also established in the Greek law, however, are (a) the possibility to have access to medical information about the donor, recorded in the Donors and Recipients National Registry of the National Authority of Medically Assisted Reproduction (Article 1460.1.item (2) and Article 3 of the Greek Civil Code; Articles 8.6. and 20.2(c) of Law 3305/2005); (b) the maintenance, also by medically assisted reproduction centers, of a record of medical data of persons subjected to artificial reproduction and other relevant procedures (Article 16.6 of Law 3305); (c) the prohibition, in principle, of use of the reproductive material of the same donor for more than ten times (Article 9.2. of Law 3305) and (d) the obligation – as a derogation from the principle of anonymity – of maintenance, by the National Authority of Medically Assisted Reproduction of extremely confidential record files containing identity data of the donor, to be revealed solely upon authorization of such National Authority under special circumstances, namely when it is assessed that so is dictated by an overwhelming need, impossible to be catered to through ordinary medical information.25

25 In the matter of data records relevant to human reproduction, the persons having access to such records as well as in the matter of the permission on the part of, amongst other, the National Authority
A combination of such provisions eventually averts the risk of transmission of hereditary diseases on the part of the donor as well as the risk of incest whilst it is obvious that in the name of saving the child, the very identity of the donor may be revealed, without such revelation being, as already explained, allowed to establish a legal relationship with the donor by way of proceedings for the judicial acknowledgement of paternity (Article 1479.2 of the Greek Civil Code), a prohibition otherwise applying in the event of the donor being or becoming known as a consequence of violation of the law. Under the circumstances, the issue apparently still pending is and has always been the same, namely that of the child’s becoming informed, in view of the relevant legislative and supra-legislative provisions (by that essentially meaning the Constitution and the International Convention of the Rights of the Child) invoked by those opposing the principle of anonymity.

Let me share with you my ideas as to this particular issue: to start with, my opinion remains that the donors’ anonymity – otherwise said, the fact of the donors’ identity remaining unknown – is the solution that best serves the child’s interest, in the light of the concept of socio-emotional kinship embedded under the Greek legislation. This kind of kinship may not be assimilated to the one established by way of adoption: in the latter case, the attitude of the biological parent towards the child is definitely different from that of the donor who has from the onset waived any biological kinship\(^26\). For this reason, I am of the opinion that besides being objectively of minimal if not any importance whatsoever to the child, knowledge of the donor’s identity might also result in the child’s harm, inducing the latter to some potentially pernicious psychological fixations and some vain quests of biological bonds all but typified by love or any, ever short-term, substantial relationship. Otherwise said, even under an ideological-pedagogical angle, the prevalent view in favor of the donor’s anonymity quite aptly and as purposefully educates on, orientates to and indeed familiarizes persons with the idea that under certain circumstances, love and care are what really counts, rather than biological descent. Moreover, in the light of possibilities created in the realm of artificial reproduction, the very concepts of

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“integration and protection of the personality” and “the need to know one’s genitors and to be reared by them”, embedded in the legislative texts invoked by advocates of the disclosure of the donors’ identities, should imperatively be given a different reading, an alternative interpretation, all the more when it comes to the heterologous assisted reproduction: why not consider as genitor the person who has actually desired for and given birth to the child, irrespective of whose reproductive material was actually involved?

At this point, one further thing is also to be underscored: the law in Greece does not ultimately prohibit the child’s possibility of being informed by its parents that it was conceived by way of artificial reproduction as well as that such reproduction was performed with the use of third-party donor reproductive material. That is to say, the child is legally entitled to take legal proceedings against its parents, by way of an action for performance requesting this particular type of information, on the basis (according to a more plausible opinion), of Article 1507 of the Greek Civil Code, stipulating that genitors and offspring are obligated to mutual assistance, affection and respect.

All it takes, therefore, for the child’s dignity to be preserved and its personality to be protected, is to refrain from inducing it to false perceptions as to the way whereby it came to this world. Allowing for the child to enter a process of essentially pointless quest of specific persons, would be vain and harmful for the child. Besides, the potential of such persistence in the quest of “roots” and “descent” – especially in the context of assisted reproduction – could just as well be misconstrued, so much as to be considered as concealing, albeit subconsciously, an ideology of commitment to the value of “descent”, the extensions of which are sometimes dangerous.

27 See, Fountedaki, op.cit. 137; also, Agallopoulou, op. cit. 19; Papadopoulou – Klamari, op. cit. 705 et seq.
28 Although the judgement to be issued in response to such law suit may only be indirectly enforced, in the sense of Article 946 of the Greek Code of Civil Procedure (see Papadopoulou – Klamari, op. cit. 707). See a relevant elaboration on the right of children born out of wedlock to initiate judicial proceedings against their mother by way of a condemnatory law suit, requesting to be informed of the identity of their biological father, in Koutsouradis, On the obligation of the mother towards her out-of-the-wedlock offspring to inform the latter on its paternal ascendants, in Armenopoulos Law Review (Αρμ 33) (1979), 643 et seq.; Koumougeri – Manoledaki, Family Law II1 183. Such elaboration is also valid with respect to children born through heterologous in vitro fertilization.
29 See, Papadopoulou – Klamari, op. cit., 704
In concluding, I believe that the rule of the donor’s anonymity, combined with all other relevant provisions in the Greek legislation, needs not to be anyhow amended. What is more, I consider the combination of all these provisions worth of becoming a model to foreign legal orders, still ambivalent over this particular issue.