

**Speech Summary for Press Conference at the Foreign Correspondents' Club of Japan**  
**Against the Special Assisted Reproductive Medicine Bill**

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My name is Minato Ayahara, and I am a mother raising a child conceived through egg donation. I serve as the co-representative of Famiiro Network for Unconventional Kinship in Japan, an NPO composed of individuals who have formed families through third-party reproductive medicine, including sperm donation, egg donation, and surrogacy, as well as researchers who support them. Our organization includes heterosexual married couples, same-sex couples, transgender couples, single parents by choice, and couples in common-law marriages.

**Background**

In Japan, many children have been born through third-party assisted reproductive medicine and have been raised as cherished members of their families. However, until now, there has been no legislation regulating these reproductive methods. Given this context, on February 5, 2025, a bipartisan parliamentary bill, the Specified Assisted Reproductive Medicine Bill, was introduced in the House of Councilors.

For years, we, those directly affected, have advocated for legal reforms to ensure safe and ethical reproductive practices. However, this bill was drafted while ignoring repeated appeals from various stakeholders, including donor-conceived children, their parents, and experts in the field. As a result, the bill disregards the dignity of those seeking to have children and the rights of children born through these methods.

Before detailing the problems with this bill, I will provide an overview of third-party assisted reproductive medicine in Japan, followed by an explanation of our opposition from two critical perspectives: reproductive rights and the best interests of the child.

**Key Issues in the Bill**

1. The bill restricts access to assisted reproductive medicine exclusively to legally married heterosexual couples, thereby excluding same-sex couples, single parents by choice, and couples in common-law marriages from accessing treatment both in Japan and abroad. Moreover, violators, including those who seek treatment overseas, will face strict criminal penalties, including extraterritorial prosecution. This provision violates fundamental rights guaranteed by the Japanese Constitution, including the right to pursue happiness (Article 13), equality under the law (Article 14), and the principle of criminal law restraint (Article 31).
2. The bill fails to guarantee children the right to know their origins.
  - Children are denied access to all donor information until they turn 18, which

directly violates their right to know their origins (Article 7) under the UN Convention on the Rights of the Child and contradicts the principle of the best interests of the child (Article 3).

- Even after turning 18, they may receive only limited information about their donor.

Given these serious human rights concerns related to reproductive rights and child welfare, we strongly oppose the enactment of this bill.

### **Our Demands**

1. Guarantee safe and equitable access to assisted reproductive medicine for all individuals, regardless of marital status, and remove the extraterritorial criminal provisions.
2. Ensure that children have the right to know their origins from early childhood.

### **Historical Context and Background**

Before discussing these concerns in more detail, I would like to provide some historical context.

Since 1948, when artificial insemination using donor sperm was introduced for married couples affected by male infertility, third-party assisted reproductive methods, including sperm, egg, and embryo donation, as well as surrogacy, have been used in Japan as a means of family formation. Although initially limited to legally married heterosexual couples, today, same-sex couples, single parents by choice, and transgender individuals also seek these reproductive options.

Despite over 75 years of clinical practice, Japan still lacks comprehensive legislation or a social framework to regulate these treatments. The 2020 Civil Code Special Law only clarified parentage rules, leaving many critical issues unaddressed. Due to the absence of proper regulation, social awareness has remained low, leading to stigma against affected individuals. Additionally, very few medical institutions openly provide these treatments, and strict eligibility requirements make access even more limited.

This lack of accessibility is especially severe for same-sex couples, single parents by choice, and other minority groups, many of whom are forced to seek expensive treatments abroad or resort to high-risk private sperm transactions.

### **The Right to Know One's Origins**

The Convention on the Rights of the Child (CRC), adopted by the United Nations in 1989 and ratified by Japan in 1994, recognizes the right of every child to know their origins (Article 7). However, for decades, Japanese medical professionals advised parents to keep donor conception a secret, and treatments were conducted exclusively with anonymous donors.

In the 2000s, individuals who were raised without knowledge of their donor conception and only discovered it in adulthood began to speak out about the psychological distress and identity crises they experienced. This movement led to a shift toward greater openness, and today, an increasing number of parents are choosing to disclose donor conception to their children from an early age. Research shows that families who engage in open discussions about a child's origins tend to have strong parent-child relationships and positive psychological outcomes.

Given these developments, legal reforms have become increasingly urgent. Affected individuals expected legislation to ensure the right of children to know their origins, improve access to domestic reproductive medicine, and regulate underground sperm transactions. However, when the details of the bill were revealed, we were shocked to find that it not only fails to guarantee these rights but also severely restricts access to reproductive medicine based on marital status.

### **Legal and Ethical Concerns in This Bill**

#### **1. Violation of Reproductive Rights**

The bill criminalizes third-party reproductive medicine for same-sex couples, single parents by choice, and couples in common-law marriages with penal provisions, including imprisonment and fines.

Even those who seek treatment overseas would be subject to extraterritorial prosecution, effectively cutting off all legal options for reproductive medicine. Further, as the bill bans commercial sperm and egg donation, patients in Japan will be unable to obtain donor sperm or eggs from abroad, where compensated donation is the standard practice.

Additionally, the extraterritorial provisions of this bill would apply to Japanese nationals residing abroad due to migration or international marriage, as well as individuals born overseas who retain Japanese nationality through their parents. This broad application of criminal penalties raises serious concerns about its alignment with the constitutional principle of restraint in criminal law.

Meanwhile, private sperm donation via social media and other informal channels remains entirely unregulated. As a result, if this bill is enacted, individuals excluded from medical treatment—particularly those in need of donor sperm—will have no choice but to resort to private sperm donation.

An urgent survey in response to the bill conducted by our organization from February 9 to February 10 via X and LINE Open Chat (an anonymous group chat feature on the LINE messaging app widely used in Japan), targeting female couples and single mothers by choice, revealed that 184 respondents (64.8%) out of 284 participants indicated they would seek alternative methods, including private sperm donation, should the bill pass.

We are deeply concerned about a potential surge in private sperm donation, which comes with significant risks, including legal disputes over parental rights, predatory individuals

posing as donors for sexual purposes, and the transmission of sexually transmitted infections (STIs) to mothers and children. Many individuals already facing barriers to medical treatment have expressed serious distress over this situation.

Lawmakers justify the exclusion of unmarried individuals from treatment by arguing that a child's rights may be less protected if they have only one legal parent. However, countries such as the UK and France impose no restrictions on who can receive sperm or egg donation, and there is a well-established history of family formation among same-sex couples and single parents by choice. Research by British family psychologist Susan Golombok has shown that family structure, including marital status, does not impact a child's psychological well-being.

Restricting reproductive rights based on marital status may violate Article 13 of the Japanese Constitution (the right to pursue happiness) and Article 14 (equality under the law). Furthermore, it conflicts with the 1994 Cairo Programme of Action, which Japan has ratified. This framework asserts that all couples and individuals have the fundamental right to make informed and responsible decisions about family planning, including access to reproductive healthcare, fertility treatments, and essential information.

We call for guaranteed access to safe assisted reproductive medicine for all individuals and the protection of reproductive rights in Japan.

## **2. Violation of the Best Interests of the Child**

Under this bill, married heterosexual couples will be allowed to receive sperm and egg donation treatments. However, the child's right to know their origins is severely restricted. Although the stated purpose of this legislation was to establish a framework ensuring access to information about one's origins, the bill instead: 1. Completely denies children access to donor information until they turn 18; and 2. Even after reaching adulthood, guarantees disclosure of only minimal donor details—limited to height, age, and blood type.

This severely limited access to donor information has left many prospective parents deeply concerned about whether they will be able to fulfill their responsibility to uphold their child's right to know their origins.

In an urgent survey in response to the bill conducted by our organization between February 9 and February 10 via X and LINE Open Chat, targeting married heterosexual couples, 201 respondents (87.8%) out of 229 participants expressed heightened anxiety about raising and informing their child if donor information remains entirely inaccessible until age 18.

In Japan, families formed through third-party assisted reproduction are already thriving. However, if this bill is passed as it stands, children born through these methods—and the parents who have committed to raising them with love and honesty—will be stigmatized as having been born through means that, had they been conceived slightly later, would be considered criminal. Many affected individuals have expressed deep distress over this. This legislation does not uphold reproductive rights for those who wish to have children, nor does it prioritize the well-being of the children born through assisted reproduction.

**Final Remarks**

As a representative organization of affected individuals, we strongly oppose this bill, which contains numerous critical issues and calls for fundamental revisions to its provisions.

Our key demands are as follows:

1. Guarantee safe access to reproductive medicine for individuals regardless of marital status and eliminate extraterritorial criminal provisions.
2. Ensure that children's right to know their origins is protected from early childhood.