

Radio 2 Interview on Jeremy Vine show with Natalie Gamble and Baroness Deech
Tuesday 20 November 2007

Plans to make it easier for lesbian couples and single women to have babies through IVF have been heavily criticised in the House of Lords. At the moment fertility clinics have to consider a child's need for a father before they offer treatment. Now the government wants to remove that requirement to ensure, it says, that the law reflects current society.

It also means that a woman who gave birth and her civil partner would both be recognised as the legal parents of the baby. At the moment partners of lesbian mothers have to actually adopt the child.

The Archbishop of York, Dr John Sentamu, accused the government of putting the right to be a parent over the welfare of the child. It was, he said, the removal by design of the father of the baby. So is he right?

I'm joined now by Baroness Deech who is the former head of the fertility watchdog the HFEA (Human Fertilisation and Embryology Authority) and Natalie Gamble, a solicitor specialising in legal problems facing same sex couples and I gather Natalie you are also the mother of two children with your female partner.

Gamble: I am yes, that's right.

Vine: So what issues arose when that happened?

Gamble: We conceived our two children through a fertility clinic. There is a lot of misinformation about the law as it currently stands being batted around at the moment suggesting that lesbians don't already have access to treatment which they quite clearly do since I have two children. We obviously thought very long and hard before having our children and decided that we could give them a very loving home and bring them up to be valuable members of society and that's what we're trying to do right now.

Vine: But was there some technical question that the fertility clinic was obliged to ask you about whether there was a man on hand or something.

Gamble: Yes, fertility clinics have to consider the welfare of the child that will be born, including the need of the child for a father. When the law was originally introduced back in 1990 it was a kind of compromise so that fertility clinics were not told that couldn't treat single women and same sex couples, but there was this vague notion that they had to somehow consider that there had to be perhaps another male around.

Over the years as society has become more progressive, that responsibility has to some extent been watered down and clinics now really don't do very much to enforce that. They consider the welfare of the child but they really don't do very much in addition to ensure that there are men around.

Vine: Ruth?

Deech: Well, we don't know do we. All the children in this position are still very young and there are studies showing that they really have some problems. It's also contrary to all other government policy. The government and all of us are trying to get men to pay maintenance and take responsibility, to be role models for their children

Gamble: Firstly, I would take issue with the fact that there is evidence to show that the children do come to some harm. I think the evidence that Baroness Deech is talking about is evidence in America about broken homes and children where their fathers have left the house.

Deech: No, no, it's specifically about lesbians. The thing is, it shouldn't be this lesbian campaign, and that's what it sounds like. We're talking about men. Women have fought a long hard battle as you will agree over the years for their 'no means no', for their bodies and their wishes to be respected. This should not come at a cost of reducing men to some sort of genetic blob, they need encouragement in fatherhood. That fact that one particular lesbian is doing a fine job, but we don't know, of raising a child is neither here nor there. This is about the way we feel as a nation, about parenting and about men and women. They must not just be discarded.

Vine: But Ruth, if you think about the worst parents in the world some of them may be women and some may be men. There are lots of terrible dads around, just as there are lots of dads who probably did their families a favour when they left.

Deech: That's true and I think the clinics have to look at that too. Supposing a woman turns up and her husband's in prison, the clinic may well say no, the welfare of the child is not there. You don't know what's going to happen in the future. All we can say is that a doctor, who is a professional, has got to do his honest best when he considers the situation

Vine: The point I'm making is that its not necessarily anything to do with parents of a particular gender, it's about good parents and bad parents

Deech: It is. No, there are mountains of research showing that the contribution made specifically by the male, the father, in a household is distinct from the mother towards children of both sexes.

Vine: Well can you give an example because I asked Natalie whether there was any single moment, even a fraction of a second where she would have wanted a male and she said no. Can you give an example Ruth of where a man might be necessary in the upbringing of a child?

Deech: Yes, there was an article in the Times just a few days ago about the study of young boys in London who weren't doing very well. They were asked

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what they would really want and how they would behave when they grew up and they all said 'we'd like a father in the house'. The general public were surveyed in the last week and the announcements of the results came yesterday. 84% of young people said they want fathers present. Fathers should be present. That's 37% percent overall.

Gamble: Were those boys being brought up by single women and lesbian couples where they had gone into that situation knowing that they were committed to parenthood in that situation? I'm very concerned here that we're talking generally about research where children are perhaps abandoned by a parent, or there was a parent there in the first place and then no longer around. What this law is about is a very small minority of same sex couples and single women who choose to have children knowing that they are doing so with no father around.

Vine: But its interesting Natalie if the research we're talking about is giving examples where the dad was not very good and that even then the child wants the dad in the house.

Deech: They desperately want a dad and it's no good experimenting. I mean this may be fine for the lesbian and same sex couples themselves but you've got to think about the children. This is not a campaign for lesbian rights. It's a statement about the welfare of children and the contribution made by half the human race who cannot be lightly brushed aside as unnecessary.

Gamble: No-one is denying that fathers are extremely valuable, and millions and millions of children grow up with father. I mean I've got a father who has been an enormous influence on my life. Of course men are very important in the upbringing of children. What this law is about is a very small minority of women who are already conceiving with sperm donors and just making sure that those families are protected.

Deech: What do you mean protected? Protected from what?

Gamble: Well if you're conceiving with a sperm donor whether you're a single woman or a lesbian couple, then your child will have no legal father. That is the legal position as it stands. What this law is talking about doing is changing the position so that where a woman conceives, and she has a committed female partner, that female partner will also be responsible for the child.

Now what that means in terms of the child's best interests: Say the birth mother dies in child birth, then that child has another parent to look after them. If, for example, the non birth mother dies then that child has a right to inherit from them. What we're doing here is recognising the reality of these same sex families and making sure that they have legal recognition and that the children are protected. To me this just makes perfect sense and I really can't understand why anyone can argue against it.

Thank you very much Natalie Gamble, solicitor specialising in legal problems facing same sex couples, also the mother of two children with her female partner, and Baroness Ruth Deech, former head of the HFEA fertility watchdog, somebody who doesn't want the law to be changed.