Ethical Legal and Social Issues (ELSI) in Assisted Reproduction Technologies (ART)

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Ethical Legal and Social Issues (ELSI) in Assisted Reproduction Technologies (ART)

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Context of the debates

- First wave of problems:
  - Permissibility or not of these techniques in a general way (i.e. artificial versus natural),
  - Distrust/fear on the impact of science (i.e. how it will affect the future child),
  - Philosophical arguments (slippery slope, gender issues, resource allocation).
Context of the debates

- Second wave of problems:
- Permissibility or not of each of these techniques,
- Distinction between the ethical problems posed by artificial insemination (i.e. donor), in vitro fertilization (i.e. status of embryo and cryopreservation) or surrogacy (i.e. social contract).
Context of these debates

- **Ideological battlefield**: Not easy to find consensus. It involves the woman’s body. Even among feminists there are broad disagreements:
  - Liberal feminism: autonomy and reproductive freedom;
  - Strategic feminists: ARTs as a way to push for legal and safe abortions;
  - Radical feminism: strong criticisms i.e continuation of traditional feminine role, etc.
Approximately 15 to 20% of couples have fertility problems,

In 2003, 186 million of couples in developing countries (excluding China), i.e. centers in LA: there were 263 to 300 fertility centers (IFFS (2007)).

Nearly four decades of the implementation of these techniques,

Broad international acceptance and practice.
Context of the actual debate

- Dissimilar regulations or not regulation,
- Many cases are in the courts, even in the Inter American Comission on Human Rights,
| N1   | NOTE: 27.05.2015 |
| N2   | NOTE: 27.05.2015 |
| N3   | NOTE: 27.05.2015 |
Context of the debate

- Priority of embryos? (considered in some laws as «persons» Arg: («legal gardian for embryos»))
- Trend not to criopreserve embryos (to avoid discarding them),
- Emotional language (i.e. prenatal adoption),
- Paradoxes (prenatal diagnosis, public coverage).
Still ELSI problems

- Are there limits to reproductive freedom? Which are those?

- Conscientious objection (CO) to a practice (surrogacy), to candidates for treatment (solo women, menopausal women, gay couples…) Is CO valid? Always? When? Differences between CO and discrimination.
Still ELSI problems

- How to implement these techniques?
  Disclosure of gamete providers or secrecy?
  Different regulations (one, plural)?
- New kinship?
- Influence of internet, voluntary registries…
- Influence of solo families, non-heterosexual couples….
Still ELSI problems

- Cross border reproductive care:
- Comercialization of the procedure …
- Exploitation?
- Fair bargain and situation?

- What about regulations? Need of harmonization?
Still ELSI problems

- What to provide and how to do it?
- Accessible to all? Equity and justice.
- Through the public system?
- What about developing countries? (allocation of resources)
- Is it an illness….or is it client based?
Still ELSI problems

- Broader analysis:
- Impact of regulations and implementation in the society.
- Impact on women (gender issues)
- Impact on structure of families