



Presidenza del Consiglio dei Ministri

NATIONAL BIOETHICS COMMITTEE

**ADOPTION FOR THE BIRTH (AFB)
OF CRYOPRESERVED AND RESIDUAL EMBRYOS OBTAINED
FROM MEDICALLY ASSISTED PROCREATION (MAP)**

(18th of november 2005)

abstract

The opinion examines the issue of the fate of frozen and abandoned embryos, considering the silence of the law on this matter (Law 40/2004); it is assumed that they should be kept in storage until the moment of their natural extinction. The NBC debates the bioethical acceptability of their “adoption for birth” (AFB).

The issue is of particular importance because of the significant number of human cryopreserved embryos; for some of these embryos the initial parental project is no longer possible, due to the refusal of the parents to bring the plan to fruition, or to the parents being untraceable – and in extreme cases, due to their being dead - or due to the mother being an age, at which, objectively, it is no longer possible to avoid pregnancy risks.

The problem addressed in the opinion cannot set aside consideration of the complex question of the status of the human embryo, on which, even despite differences in opinion, the NBC expresses a common basis of thought that considers an embryo human life, which deserves respect and protection from its beginning. On this assumption, the NBC analyses the hypothesis that cryopreserved embryos in a state of abandonment should be guaranteed a possibility of life and development by proposing the solution that they be made available to other possible couples wishing to ensure their transfer and birth. This hypothesis could be rebuilt on the model of legitimizing adoption, placing its focus on the values of solidarity, generosity and responsibility and the irrevocability of the act, which should characterise the behaviour of the parents or the single parent intending to bring to birth a residual abandoned embryo, while being aware of the differences that exist between this procreative event and that of the adoption of an already-born child.

In addition, the NBC examines and rebuts several objections that could be directed to adoption for birth (AFB).

In conclusion, the Committee makes several recommendations:

- 1) that regulations should be introduced in national laws to govern the legitimacy and methods of recourse to AFB in favour of the cryopreserved embryos in an objective state of abandonment;
- 2) that this state of abandonment should be legally established and qualified by stringent criteria;

- 3) that the law should formulate appropriate criteria for the identification of the couples or of the women offering themselves for AFB;
- 4) that the practice of AFB should be guaranteed against any form of commercial exploitation or profit;
- 5) that those born from AFB should be recognised as having the same legal status as in general applies to those born from MAP.

The opinion is accompanied by five personal remarks, some in disagreement, and others instead, tending to define more clearly the arguments at the basis of the document; this demonstrates the complexity of the bioethical issues addressed.