

Presidenza del Consiglio dei Ministri



Abstract

**BIOETHICAL CONSIDERATIONS ON INVOLUNTARY
EXCHANGE OF EMBRYOS**

11th of July 2014

The matter brought to the NBC's attention concerns the exchange of embryos that occurred at the Pertini Hospital of Rome, where the embryos of a couple, obtained through a process of homologous fertilization, were mistakenly implanted in the uterus of another woman who, in turn, with her husband, had undergone an analogous treatment and is currently carrying out a twin pregnancy.

Faced with this serious adverse event, which raises issues from a human, ethical and legal point of view, the Lazio Region on May 6, 2014 asked the NBC to formulate an Opinion on this matter (see attached letter).

The NBC does not deal with the technical errors of the case, but examines in general terms the bioethical and biolegal emerging aspects .

Some preliminary remarks on parenting and filiation within Italy's current legal system context are put forward.

Follows an articulated reflection on the arguments in favour of the parental subjects involved (expectant mother, genetic mother, genetic father, social or legal father) and although some members of the NBC for ethical and/or for legal reasons consider prevailing one argumentative opinion rather than another and highlight some critical issues concerning the opposite opinion, each recognizes the reasons of the others.

Therefore, in this matter of involuntary exchange of embryos, the Committee deems appropriate not to express a bioethical 'preference' on the prevalence of one or the other possible parental figures, aware of the fact that in whichever situation the children are raised, the ethical dilemma will remain open. Furthermore, there is a unanimous awareness of the tragic and dreadful nature of the events which are analyzed herein and the human suffering they cause.

However, the Committee, moving from the perspective of the interests of the future born, the weakest characters of the story, formulates a number of recommendations: a) the right of those born to have two certain parental figures of reference; b) the need for the mentioned matters to be promptly dealt with, in such a way as to ensure that the children will have appropriate family conditions suitable for a serene and balanced growth; c) the ethical hope that the compelling rationale of competing rights is set aside and that the families involved are able to access the dimension of responsibility and solidarity towards the children, even with the legal guarantee of non-exclusion (eg. visitation rights); d) the right of the couples to become aware of the error and the children's right to know their origins (mode of conception and gestation), through appropriate counselling and support; e) in order to avoid errors, an increase, with effective rules, in safety procedures through specific protocols.