



Presidenza del Consiglio dei Ministri

NATIONAL BIOETHICS COMMITTEE

ASSISTED FERTILISATION

(17th February 1995)

abstract

The NBC deals with the question of assisted fertilisation under the technical-scientific, sociological, psychological profiles, along with the ethical, deontological and juridical ones.

The Committee highlights how sterility and infertility must be considered problems of the couple and not of single persons, recommending a careful evaluation of the risks for the mother and unborn child before resorting to reproduction technologies. In the context of the social tendency towards the privatization and subjectification of filiation, the NBC stresses the need for a composition between the right to have children and the right to a suitable family environment to foster the development of their personality.

Moreover the Committee recommends that doctors pay particular attention to the psychological aspects of assisted fertilisation, underlining the importance of the relationship between the mother and unborn child. It is deemed dutiful to carefully consider the interventions that interrupt this relationship (e.g. surrogate maternity). Particular emphasis is placed on the valorisation of the father's role in the family, which in the case of heterologous fertilisation risks being marginalized.

In its juridical analysis, the NBC considers that recourse to techniques of assisted procreation be considered licit for couples applying for it that are willing to take on the ethical and juridical parental responsibility involved. Heterologous fertilisation and the cases in which the fertilisation itself is requested by a single woman or a widow, even with the dead husband's semen, present more problematic issues. Serious problems of lawfulness are raised with respect to surrogate maternity, especially when this presupposes agreements of a commercial nature. The Committee also asks for guidelines at a juridical level regarding the fate of the supernumerary embryos, so as to prevent them becoming used commercially and for indiscriminate experimentation.

From the deontological point of view, the Committee asks for an evaluation of the therapeutic aims of assisted fertilisation, not neglecting the obtaining of informed consent and the respect for the obligation of professional confidentiality. With regard to the donation of gametes, the Committee sets down a set of criteria for the selection of the donor (male and female), both from a medical-clinical point of view and from a psychological and juridical one too, and asks for the drawing up of protocols and quality standards for healthcare facilities where assisted fertilisation takes place.

Despite some different opinions in the bioethical literature, there is significant overall agreement within the Committee regarding the protection of weak subjects in the use of assisted fertilisation techniques. Particular attention is given to sterile or infertile people, who must be informed of the risks, the costs and alternatives to assisted fertilisation, so as to prevent them from being cheated or made to undergo treatment that is not advisable; particular protection is requested also for the unborn child by assisted fertilisation, whose juridical status must be equal to that of children born naturally and to whom the right to have a non-manipulated genetic patrimony must be recognised.

Differing positions are to be found on some issues: in particular with reference to the right to access reproduction technologies of persons who are not sterile and for whom the recourse to assisted procreation techniques take on a manipulative and non-therapeutic nature (elderly women, single women, homosexuals).