



## **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 (slipery 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..

# Context of these debates

- 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.

N1

N2

N3

# Context of the actual debate

- Dissimilar regulations or not regulation,
- Many cases are in the courts, even in the Inter American Commission on Human Rights,
- Important case setting parameters of provision (2001-2012): Attavia Murillo against the State of Costa Rica.

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**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:
  - Commercialization 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