

Embryo Donation for Reproductive Purposes

Submission on behalf of The Nathaniel Centre – The New Zealand Catholic Bioethics Centre

INTRODUCTION

The Nathaniel Centre, the New Zealand Catholic Bioethics Centre, was established in 1999 as an agency of the New Zealand Catholic Bishops Conference.

The key functions of The Nathaniel Centre are:

- the development of educational opportunities in bioethics for different groups
- acting as a resource centre for individuals, and for professional, educational and community groups
- carrying out research on issues in bioethics, and promoting the study and practical resolution of ethical, social and legal problems arising out of medical and scientific research
- Carrying out research and action to support the Church's pastoral response to bioethical issues in the community, taking into account the needs of different cultures and groups in society

GENERAL COMMENTS

We welcome the discussion document prepared by NECAHR and the opportunity to give feedback on the proposed guidelines for the adoption of embryos for reproductive purposes.

The Catholic position with regard to assisted human reproductive procedures is that its use is only acceptable between a husband and wife in very specific circumstances which assist the natural processes of reproduction and do not pose undue risks for the parent or child. Without condoning the practice of IVF, we wish to limit the harm caused by the creation of embryos that will never be implanted by their biological parents.

We are mindful of the joy that many couples have experienced as a result of conceiving children through IVF procedures. We uphold without reserve the absolute dignity of all children who are born as a result of IVF procedures. At the same time we have often spoken of IVF as creating "a moral cul-de-sac" because of the inherent contradiction posed by the creation of embryos that will never be implanted and are either destroyed or left to die. In many cases this contradiction is "fudged" by the use of terminology which disguises the fact that all embryos, whatever the circumstances of their genesis, should be treated with absolute dignity and unconditional respect. We hold the view that embryos must be accorded unconditional respect because from the moment of fertilisation an embryo is already the human being it will always be and will only grow in size and complexity.

A commitment to the principle of unconditional respect for the embryo rules out all activities on embryos already created by IVF other than for the purpose of implantation and bringing to birth the human life that has begun. It is on this basis we hold that there is a difference between embryo donation to infertile couples and the donation of so called 'surplus' embryos for research that leads directly and knowingly to their destruction and death.

Therefore, our fundamental position with respect to embryo adoption is that we are supportive of guidelines that will allow couples who have undergone fertility treatment to donate any embryos that may still be in storage. Giving people the option to donate embryos left over from infertility treatment is in accord with the dignity that belongs to such embryos. It is a gesture that upholds their fundamental right to life, a life already begun.

The opportunity for embryo donation offers parents another (and morally more acceptable) way of expressing the fundamental moral responsibility they have as the biological parents of the embryos they have created. Such a responsibility is not simply discharged by the decision to have no more children.

In addition embryo adoption will give some other couples the opportunity to experience pregnancy and to be parents.

We offer the following specific comments in regard to the discussion document:

3. Embryo Donation for Reproductive Purposes – the Ethical Issues

3:1 Welfare of any child who may be born

The health and well-being of children who are born as a result of the performance of an assisted reproductive procedure must be paramount in all decisions.

We hold, along with many others, that the differences between assisted human reproductive procedures and natural conception are of ethical significance. One of the realities of embryo adoption is that it redefines the traditional relationship of a child and two parents and introduces a new dynamic. This additional dynamic, which finds a useful parallel in our knowledge and experience of child adoption, raises issues relating to the welfare and fulfilment of the child as she or he grows and searches for meaning and identity.

Therefore, we acknowledge a fundamental need for the involvement of third parties in any process of embryo donation. The difference justifies, indeed demands, a level of broader societal oversight and accountability, often wrongly labelled – in our view - as the unnecessary “intrusion” of professionals into the private choices of adults. We endorse wholeheartedly the statement that the “instrumental role in family creation gives third parties a responsibility to consider the child’s welfare in a way that they are not in natural conception.” (NECAHR 2004, p.4)

3.3 Commercialisation/commodification

It is generally acknowledged that assisted human reproductive technologies pose a certain risk in terms of the commodification of children. In line with the proposed SOP to the Human Assisted Reproductive Technology Bill, and our own submission on that proposed legislation, we argue in the strongest terms against any compensation for embryo donation.

Even when compensation is considered unethical and this is reflected in legislation, there remains, as a result of managing the process of donation and adoption, an inherent risk of further commodification of human life. For example, the (rightful) emphasis on the principle of informed consent (**3.2 Informed consent**) may unwittingly convey notions of ‘ownership’ of embryos by the donating couple.

We would also be concerned that the process around the “selection” of an embryo for adoption has the potential to encourage a “consumer” approach to the birth of children. This could happen by allowing potential adoptive parents to make choices based on certain arbitrary (culturally or personally determined) notions of “normality” or “excellence”. We uphold the proposed guideline (7.1.4) whereby donor couples must be given the opportunity to choose the potential recipients.

5. Accessing Genetic Information in New Zealand

There are complex psychological, social, moral, emotional and ethical considerations related to embryo adoption. The Consultation Document makes the point that the consequences of closed adoption and gamete donation have resulted in genealogical ignorance, the negative psychological effects of which are well documented.

The principle that we have a right to know our lineage or genetic heritage, and the requirement that the health and well-being of children be paramount, requires that legislation provide for the sharing of information between all those involved in embryo donation. The need for access to knowledge of one’s genetic heritage for Maori is well highlighted in Section 4. We believe that it is vitally important for the overall well being of all persons irrespective of their cultural heritage.

Where there is a conflict between the privacy rights of a donor and the rights of a resulting child to know its heritage, the rights of the child should prevail.

The insistence on openness and access to information may also be seen as an appropriate expression of the principle that the donor parents retain a degree of moral responsibility, a responsibility that to our minds originates simply from the fact that they are the biological parents.

7. Proposed Guidelines for the Practice of Embryo Donation for Reproductive Purposes in New Zealand

7.1 Providers of fertility services

7.1.12 We endorse the principles of informed decision making for all participants in embryo adoption. The only way in which the complexities associated with embryo adoption can be appropriately dealt with is by the provision of professional counselling as detailed in 7.2.

Conclusion

Embryo adoption raises complex and serious ethical issues. Nevertheless, the existence and complexity of long-term implications for all parties involved, and the challenges involved for both the child born from embryo adoption as well as the adoptive parents, do not outweigh in our minds the benefits of embryo adoption. The benefits are that a life already started is given the opportunity to flourish, to fulfil the potential it was created with, to experience the joys of living, and to become a significant person in a community of caring that is represented – in the first instance - by the parents wanting to adopt as well as those prepared to be donors.

The process of adoption needs to be properly managed by way of good legislation and a sound process that seeks to minimise/manage the risks. Thorough and comprehensive counselling must be offered to all parties involved. Prospective parents need to be appropriately screened. Provided these things happen, the option of embryo donation gives biological parents an additional avenue for exercising their moral responsibility as parents; an option that, unlike destroying the embryos (whether directly or through research) or allowing them to die, is consistent with the unconditional respect due to human life.

