

Ethical and legal problems of the status of the human embryo

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The rights and freedoms of every person in the modern world are the most immutable and precious things that all civilized nations of the world try to protect. However, even in this area there are many controversial issues that affect the entire international community. They include the problem of the realization of the right to life. For example, euthanasia and death penalty have been the subject of spirited discussion for a long time. But in my work I would like to cover a completely different aspect of this right, the legal status of a human embryo. The main point of focus in the context of this topic is the problem of abortion and its moral and ethical side. Due to the fact that pregnancy termination has been a subject of controversy for more than a decade, I would like to draw attention to other modern issues of the development of this institution and their impact on modern society. Of course, the problem of the realization of the human right to life is multifaceted and includes many theories and concepts, but the issue of the legal status of the embryo is a priority in its essence.

The development of modern technologies has given a powerful impetus for changes in the field of reproductive medicine. Thanks to in vitro fertilization (IVF), artificial insemination and other assisted reproductive technologies, millions of people have the opportunity to become parents. Unfortunately, in such situations, the rights of the embryo took second place, because special attention is paid to “potential” parents, their interests and psychological state.

This is largely due to the lack of a definite opinion in legal science regarding the legal status of an unborn child. Is a human embryo an object or subject of law? At what point does it become a right owner, and does it even become? These questions remain unanswered to this day. Problems also arise in the sphere of the legal regulation of in vitro fertilization and other methods of ART. First of all, it is connected with the existence of various moral dilemmas: disputes are conducted around ethical interventions in the process of childbirth, around the humanity of the embryos reduction procedure and their subsequent use in research. I would like to review the legal status of the embryo in the context of IVF and the moral and ethical issues of this process, since, in my opinion, this issue is becoming increasingly important every year.

Three serious objections are raised against IVF. One concerns the death of embryos during the research aimed at the development and improvement of IVF methods. The second of them is directed against any form of technological intervention in the “natural process” of childbirth. The third objection consists in the statement that IVF provides each embryo with a lower level of protection than “nature” does. This is due to the fact that during the IVF process several embryos are transferred to the uterine cavity, and in “nature” usually only one embryo per cycle has a chance to implant [1]. The last objection is also associated with the process of reduction, which is necessary in order to avoid multiple pregnancies, and, therefore, to avoid possible miscarriage and genetic diseases.

These issues and their resolution are directly related to the choice of a specific approach to the legal status of the embryo. There are three main theories. Some scientists believe that the human embryo and fetus do not have any value, before the child is born. The embryo is

something abstract and therefore it can be arbitrarily deprived of life at any time before birth. Other scientists connect the emergence of the right to life of the embryo with its implantation into the uterus. The third theory is based on the statement that the embryo's right to life appears when it reaches a certain level of development, at a certain gestational period, or when it is viable, even if it is supported by life-support equipment [2].

Different countries have different approaches to the status of a human embryo. For example, the Belarusian legislation prioritizes the protection of the rights of the child even before his or her birth, but he or she will have full legal personality only after birth. Therefore, it can be said that for the Belarusian legislator the embryo is a kind of an abstract thing. It is worth emphasizing that the Belarusian law is largely correlated with modern moral problems of IVF and other methods of ART, for example, with the possibility of reduction or prohibition on the choice of the sex of the future child. Legal regulation of reproductive medicine covers almost all of its areas, but it does not mean that the progressive development of our legislation should stop at this stage.

In the Federal Act "On Transplantation of Human Organs and/or Tissues," of Russian Federation, embryos are referred to as species of human organs related to the process of human reproduction [4]. In the Article 105 of the Criminal Code of the Russian Federation, aggravating circumstances include the murder of a woman who is obviously in a state of pregnancy. According to the Art. 111 of the Criminal Code, termination of pregnancy, as well as, for example, the deprivation of an injured organ, is a serious harm to woman's health [3]. Consequently, they are only part of the body of a woman, objects of law. Perhaps, in connection with this, the legislator should think about the fact that the embryo is not just a part of the mother, a semblance of tissue, but also a future person.

Источники и литература

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- 2) Svitnev, K. Embryo status: legal, moral and ethical aspects / K. Svitnev // Legal issues in health care. - 2011. - №7. - p. 48-56.
- 3) The Criminal Code of the Russian Federation from 13.06.1996 N 63-FL (as amended on 03 February 2014)
- 4) The Federal Act N 4180-I "On Transplantation of Human Organs and/or Tissues," of the Russian Federation, dated 22 December 1992.