

Human Fertilisation and Embryology Bill 2008

Briefing from the Society for the Protection of Unborn Children

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www.spuc.org.uk

The Human Fertilisation and Embryology bill, 2008, (the HFE bill) completed its House of Lords stages on 4 February. It is now going to the House of Commons, where MPs will debate and vote on it.

Effects of the bill in summary:

- The main effect of the bill is to extend the power of the Human Fertilisation and Embryology Authority (HFEA) to authorise procedures that will harm or kill embryos created in the laboratory.
- It proposes to sanction new abuses of human embryos.
- The bill extends the ways in which embryos can be artificially created and manipulated – including hybrid (animal-human) embryos, genetic manipulation, etc.
- The bill is designed to make it easier to change the law in future to extend objectionable procedures like cloning.

How should we treat human embryos?

An embryo created from human egg and sperm is a new, distinct human being. Like all members of the human family, the human embryo deserves respect – for his or her safety, needs and rights. A cloned human embryo – having the same capacities and nature as a conceived embryo – shares the same status. (This does not assume that it is right to generate cloned embryos – see page 4 below.)

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The question of how we should treat human embryos has become a major public policy issue since the advent of in-vitro fertilisation (IVF), by which embryos are produced in the laboratory. Since the status of all unborn children has been undermined by our abortion laws, embryos created by IVF have been denied respect and abused and destroyed in their millions.

Support for the HFE bill, which further undermines the status of the embryo, breaches international conventions upholding the right to life of all members of the human family.

Principle proposals in the HFE bill

Extending the IVF procedure

Many people have serious reservations about IVF as a procedure. SPUC has opposed IVF as a technique since the 1970s because it entails abuse of human embryos, reducing them to the status of products or commodities, and exploits infertile couples. Other ways of helping infertile couples to conceive can be more successful and can avoid the serious ethical problems with IVF.

The HFE bill will extend the general scope of in vitro fertilisation (IVF), regarding it not only as a treatment for infertile couples, but for others who demand their purported “right” to have a child. (IVF is already allowed, of course, for people who want to fit childbearing around other lifestyle choices – career or relationships: the changes in the bill mean this could become much more common.)

Extending manipulation of embryos

The bill also lays much more stress on the manipulation of embryos – testing them for genetic conditions, generating embryos in various ways, making hybrid embryos, etc. All these things are restricted in various ways, but it is the clearly stated intention of the government to promote embryo research. They want to make Britain a world leader in this field, and this is what the bill is designed to do. It does nothing to safeguard the intrinsic moral status of the human embryo.

The HFE bill, like the existing law, disregards the status of the embryo. It will permit new abuses of embryos and extend those already allowed.

Widening the grounds for experimentation on embryos

The grounds for research on human embryos were widened in 2001 and these wider grounds are incorporated in the HFE bill. The reason for this widening was to allow stem cell research on embryos. Like all other embryos used in research projects, they must be destroyed if they are not killed in the process of extracting these cells.

Embryo stem cell research still remains far behind adult stem cell research in terms of providing treatments (no treatments are available using embryonic cells; seventy or more have been developed using adult stem cells, see, for example, www.stemcellresearch.org/facts/CheckTheScore.pdf).

Embryo stem cell research remains far behind adult stem cell research in terms of results

The bill also introduces a wholly new “research” purpose for which embryos may be created is introduced, namely the training of embryologists. It will be legal to create IVF babies for the technicians to practise on.

In the House of Lords, an amendment was proposed to try to ensure that human embryos were not used in experiments when there were alternative ways of getting the same result. Although ministers had supported this approach in the past, the government opposed this change, and the amendment was rejected.

Embryos may be used in experiments even if alternative ways of doing the research are possible

IVF and lack of respect for life

The way in which IVF human embryos are made and treated is disrespectful to their status as human beings and demeans both the embryos and their parents. It jeopardises the lives of the embryos produced. The vast majority of IVF embryos die either inadvertently or by deliberate destruction before being transferred to the womb or having a chance to implant.

IVF ‘commodifies’ early human life, encouraging such practices as commercial exchange of embryonic human beings and surrogacy, as well as the idea of testing embryos to see if they have any adverse genetic conditions. Those found to be affected are destroyed.

“Saviour siblings”

In the Bill, this notion is further extended by the promotion of the “saviour sibling” procedure, where a couple who have a disabled child undergo IVF in the hope of producing a baby who can be used as a tissue donor to treat the older sibling. Whatever the motivation of parents, this usually entails discarding many embryos. They either carry the same genetic problem as their sibling, or they are not a good tissue match, so they are not required.

Most “saviour sibling” embryos are discarded or destroyed

Another concern is that the export of embryos is not prohibited. Because the law regards embryos as a commodity, trade laws mean that the government cannot simply ban international trade in them. Once outside UK jurisdiction, the restrictions that our law imposes cannot be enforced.

Embryos for training scientists

The Bill also allows embryos to be used for training purposes, thereby further demeaning human beings by creating a class of ‘practice embryos’.

This is yet another negative consequence of making it acceptable to manufacture human beings in the laboratory rather than in the context of the relationship between parents.

Decline in respect for life

Although this relates specifically to human embryos, these practices, because they require setting aside the right to life, threaten to undermine respect for all human life.

The HFE bill can be seen as a graphic example of society moving rapidly down a ‘slippery slope’, going beyond IVF as an infertility treatment – the original pretext for justifying the process in the 1984 Warnock Report, on which the existing law is based. Instead of seeing IVF as a last resort, it now becomes a norm, and even a “right”. Embryos lose any special status, and become just things.

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The HFE bill focuses on reproductive technology in which human reproduction is put at the service of those who demand it. At the same time the stress on the welfare of children born from IVF is weakened, with the removal of the reference to the child’s need for a father.

Discrimination against disabled embryos

IVF also becomes the route for eliminating embryos thought to have a disabling condition, for creating embryos to provide treatment for others, and for generating embryos for research purposes and commercial gain. Thus IVF not only continues to result in huge loss of embryonic human lives, but in this bill embryos are made more freely available for experimentation and other abuses.

Cloned embryos

The draft bill defines human embryo to include those early human beings produced by processes other than fertilisation. The extension of the definition means that the embryology authority is more clearly empowered to license the creation and use of such embryos (without regard to their welfare), and to mandate their destruction when it feels appropriate.

The embryology authority will be clearly empowered to licence the creation of cloned embryos for research.

Cloned embryos cannot be transferred to the womb at present, and the bill does not change this. But it alters the way the law is framed to make this easier in future. Cloning denies the new embryo the unique genetic identity enjoyed by human beings conceived naturally.

The bill alters the way the law is framed to make it easier for parliament to permit cloned embryos to be transferred to the womb in future.

In 2001, the transfer of cloned embryos to the womb was banned by statute, although creating such embryos for research has been permitted. The 2001 Act is to be repealed by the HFE bill, on the grounds that the bill introduces a new category of embryos, “permitted embryos”, and only these may be transferred to the womb. In this way the current restrictions on cloning will be weakened, especially as the categories of “permitted embryos” within the bill may later be changed by Regulations.

Widening the grounds for testing of human embryos

Although the HFE bill steers away from allowing sex-selection for social reasons, it permits it when a sex-linked

hereditary condition is suspected. Embryo testing to eliminate those with disabling conditions is readily countenanced in the bill, and, it will be unlawful to discriminate in favour of embryos with an impairment (as some deaf parents have sought to do in the US). This provision could make IVF doctors reluctant to transfer any embryo with a known impairment to the womb – even if all the embryos produced for a given couple have an inherited condition. A novelty in the bill is the introduction of testing to resolve mistakes in laboratories – where the wrong sperm and eggs have been mixed, records lost, or frozen embryos mislabelled, for instance. It will be lawful to test embryos to establish who (or what) their parents are.

Creation of interspecies embryos for experiments

One of the most controversial aspects of the HFE bill is the provision for creation of inter-species embryos (hybrids, ‘cybrids’, chimeras, genetically altered embryos). These are now referred to in the bill as “human admixed embryos”. This is not an entirely new suggestion, as the existing law permits fertilising animal eggs with human sperm as a way of testing the sperm. It has been argued that as the principle of cross-species fertilisation had been accepted, there was no reason against allowing the creation, storage and use of such embryos for research. This is another example of how each step in these activities can be used later to extend them even further. We must ask MPs to oppose these ideas with force and tenacity.

Status of interspecies embryos

Although we cannot be certain of the nature of such embryos, those produced with a preponderance of human DNA would in all probability, according to experts, be human beings – having human characteristics and capacities. By using animal eggs, such embryos could be generated in much greater numbers than if human eggs were used, leading to much greater loss of life. The HFE bill requires that all such embryos must be killed.

Of those embryos with a smaller proportion of human material, greater uncertainty arises as to the nature of the embryo – and therefore uncertainty as to whether such an embryo is a human being with due rights. How can it be right to generate such embryos when there is no clear answer to the question “how should we treat them”?

Blurring the boundaries

Others argue that deliberate blurring of the boundaries between humans and other species is wrong.

If the aim with some such research is to extract cells to treat sick or disabled children or adults, there may be a danger to patients who may receive some animal genes.

Mixing human and animal gametes – an affront to human dignity

Some see the mixing of human and animal gametes (or the transfer of cells from an animal embryo to a human or vice versa) as an affront to human dignity. With the permission for creation and storage of inter-species embryos, the parents of a mislabelled embryo might include a sheep or a rabbit.

Using people’s cells to create embryos without consent

The requirement of the existing embryology law for consent before gametes are taken from a person is weakened in the bill. It will become permissible in certain circumstances for the gametes of children and those who are unconscious to be extracted without their consent having been given.

Such proposals weaken the principle of consent, which was given strong emphasis in the original embryo legislation in 1990.

The government has also said (during the debate in the House of Lords) that the bill will permit cells which have been taken from people in the past to be used to create cloned embryos. This will mean that people who were never asked about such procedures could have embryos created using their DNA.

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This is a serious abuse of the individual’s genetic identity. And although the bill currently requires explicit consent when tissue is collected in future if it is used to create cloned embryos, a precedent is being set to allow people to be cloned without their consent. Under existing rules, those cloned embryos must be destroyed by 14 days, but that may be changed in future of course.

Bioethics Commission

In the House of Lords, an amendment was proposed to the bill, supported by some pro-life peers, to establish a national Bioethics Commission. It was not successful, but it might be reintroduced in the Commons.

Opinions vary as to whether this would make the situation over issues like IVF and genetic manipulation better or worse. However, the priority with the current bill, with so many serious new threats to the human embryo, must be to urge MPs to fight as hard as possible against the bill as a whole and the evils it contains. Opposition to the bill will not be effective if MPs are distracted by debates over the pros and cons of a new bioethics body.

For further copies or updates of this briefing, and to check on the progress of the HFE bill, contact SPUC – see details below.

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