



Human Fertilisation and Embryology Bill Commons Second Reading 12 May 2008 Summary briefing for MPs

Human embryos

Human embryos are human beings – deserving protection and legal recognition as members of the human family. As the UN convention on the rights of the child puts it: “The child by reason of his physical and mental immaturity deserves special safeguards and care... before as well as after birth.” The reasoning here suggests that embryos, being at the earliest and therefore most immature stage of development, should receive particular concern. The existing legislation is incompatible with this principle, and the proposed changes exacerbate the situation.

The creation of test-tube babies accentuates the human nature of the early embryo. Creating human embryos in the laboratory and treating them like commodities abuses them – subjecting them to “quality control”, freezing and storage, experiments and so on - thus dehumanising all human beings.

Regulatory framework

The HFE Authority is often held up as if it were a model regulatory framework. In fact, regulation of IVF has left much to be desired, even by the standards of those who defend it. There have been notorious cases of mixing up gametes or embryos, implanting the “wrong” baby in a mother, or using sperm from the wrong man. Laboratories have been criticised for careless handling of embryos – mislabelling them or disposing of them by mistake. These abuses may of course be blamed on particular laboratories or clinicians, but now it is proposed in the current bill to permit officially the use of embryo testing to determine who the parents are when errors of this kind have been made. The Authority was roundly condemned at one point by Lord Winston, one of the key proponents of the original legislation, who said it ought to be abolished and replaced with something else.

Researchers from overseas who are said to praise the regulatory framework here may be more concerned with the commitment of the government to support experiments on embryos (both with financial and moral encouragement) than with the HFEA system. Thus Professor Stephen Minger, the American researcher who conducts embryo research at Kings College, London, is not particularly enamoured of the Authority, but he does praise the government’s attitude to his work.

New abuses in the bill

The bill reduces the status of the human embryo by permitting new abuses and extending those already permitted. New abuses include the genetic manipulation of embryos and their use to create chimaeras with other human or animal embryos.



The bill weakens the prohibition on so-called reproductive cloning, by replacing the Human Reproductive Cloning Act 2001 with a restriction that will be more easily amended or removed in future. Indeed the bill points towards one particular exception – the use of cell nuclear replacement in cases of mitochondrial disease – where it is clearly intended that transferring such embryos to the womb will in future be permitted.

The notion of the right to have a child emerges more explicitly in the bill. This is a false right and contradicts the principle that human beings are to be esteemed and respected in themselves – not just for their usefulness or wantedness in others' eyes. Just as SPUC has upheld the argument that an unborn child should not be killed (by abortion) because she or he is unwanted, so to create a child solely to fulfil one's own wishes (without acknowledging their inherent rights as the priority) is to make the child's very right to exist dependent on our own changeable attitudes. The objection is not simply – or even particularly – that this *faux* right is being extended to same-sex couples, but that it adversely affects the moral status of all of us to reduce some to the status of objects or commodities in this way.

Besides these *in principle* objections, it must also be said that the benefits envisaged by proponents of the bill are not well-founded.

The potential of stem cell research has been vaunted as reason for supporting the bill. All the treatments so far developed have relied on stem cells derived from non-embryo sources – such as an adult's own tissue or umbilical cord blood retrieved after birth. There is no particular disease that could only ever be treated or cured by research on embryonic stem cells. The claims that scientists make for embryonic stem cells are in contrast to the claims sometimes made by politicians and others. Scientists speak of possible theoretical advances, not using embryonic cells for cures or treatments – at least not in the foreseeable future. Politicians, and most notably, the Prime Minister, appear to misinterpret the scientists and make far more extravagant claims about cures and treatments.

Lord Naren Patel, chairman of the UK National Stem Cell Network, is quoted as saying: “..we have to be cautious. It [embryonic stem cell research] may not deliver therapy for anything. We may find that stem therapy is quite a risky business.”

Gordon Brown, in contrast, said to Labour MPs: “One major problem which stem cell researchers around the world now face is that embryonic stem cells are in short supply, and this is now limiting the pace of progress towards future cures and treatments which will save many lives.”

Lord Patel's grounds for caution were further spelt out by the Department of Health's UK Stem Cell Initiative in its November 2005 report:

If embryonic stem cells were to be introduced directly into patients, they would be likely to form a type of tumour known as a *teratoma* which might exhibit malignant potential. Consequently, any therapy using embryonic stem cells would need to be based on purified cells which had been differentiated into the desired therapeutic cell type before transplantation. Even a small



number of contaminating embryonic stem cells could represent a significant hazard to a patient. As yet, criteria for such purification procedures have yet to be established. By contrast, the threat of tumour formation from transplantation of adult stem cells is not thought to be significant, based on evidence from over 40 years of bone marrow transplantation.

The use of therapeutic cloning, or somatic cell nuclear replacement, raises a further set of technical challenges. Concerns exist over *epigenetic* effects caused by somatic cell nuclear replacement.

The Stem Cell Initiative was undertaken by a distinguished panel of experts, but none of them, as far as we are aware, had an in principle objection to destructive research on human embryos.

Among those calling for embryonic stem cell research are some patients and relatives of patients suffering from degenerative diseases or genetic conditions. It smacks of exploitation to see people's hopes being raised and used to advance a political agenda, when any benefit they may obtain from embryo stem cells is highly speculative, and research effort might be better expended developing adult stem cell therapies.

Those who claim that it is immoral not to pursue embryo stem cell research because of a duty to help those suffering from diseases forget that by devoting resources to one field of research they are denying it to another.

Medical research has provided great benefits, but it cannot be claimed that all medical research is an inherently moral endeavour – there are clear examples in history of unacceptable methods being pursued. The principle that good ends don't justify evil means is an essential axiom, and rejecting it leads to anarchy.

HoC Library research paper

The House of Commons library issued a research paper last week on the bill. This referred to SPUC among groups with an interest in the bill. SPUC was the only organisation listed that focuses specifically on the issues in the bill, along with other threats to the right to life within the medical sphere. I hope you will realise that SPUC's interest in the bill is far more wide-reaching than the library paper suggested, which described SPUC as "Campaigning on the Bill as it may be able to alter abortion laws."

The library paper correctly reflected the nature of SPUC's opposition to the bill when it said with reference to pro-life campaign groups in general, "Pro life campaigners are usually, but not exclusively, from a religious background. Their belief is that the foetus has moral status as a human being and therefore abortion is killing." It would also be apposite to point out that our belief (based on the scientific evidence) is that the embryo too, from his or her conception, is a human being and should not therefore be killed.



Abortion

The discussion of abortion in the library paper is, in our view, unsatisfactory. In the context of the current bill, SPUC has consistently and publicly opposed moves to amend the Abortion Act by a “bolt-on” amendment. We believe that the outcome of such amendments would be strongly negative – leading to more abortions.

Whether the 24-week limit is reduced or not, other amendments will be promoted which are designed to ensure that abortion decisions are made and executed as rapidly as possible. The sum effect of changes is likely to be more abortions, whether the 24 week threshold is changed or not. If you would like further information on this and an analysis of the Parliamentary voting on recent measures, please feel free to contact us.

The government has said that it does not favour the introduction of abortion amendments within the bill, but the department of health is clearly working to promote changes that will make it easier for doctors and administrators to pressurise women to have abortions in short order, such as relaxing the rules for premises. The timing of yesterday’s announcement of the results of a DH trial of abortion outwith licensed premises was obviously no accident.

MPs who pursue or support such amendments must consider carefully the impact of such measures. The effects of any changes may be measured in the deaths of unborn children.

Summary

The HFE bill deserves to be opposed at second reading because the principles enshrined in the bill are unjust and contrary to human rights. There is no prospect of the bill being amended to a state where it might protect the rights and welfare of early human life.

If the bill wins a second reading it is likely that any ethically acceptable amendments aimed at substantially lessening the harm of it will be repulsed by the government, as we saw in the House of Lords. While we would encourage MPs in this regard, the only reasonable response to the bill at this point is to defend the rights of the human embryo by voting against it.

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