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GOVERNMENT BILL ON FERTILISATION TREATMENTS

Legislation on fertilisation treatments has been prepared by several working groups since the beginning of the 1980s. On 14 October 1997 a working group set up by the Ministry of Justice submitted its report "Use of gametes and embryos in medical fertilisation treatments", which was based on a draft Government bill from 1993 regarding assisted human reproduction. The bill was circulated widely for comments, and it was considered necessary by almost all the bodies that gave a statement on it. Later a new working group drew up a draft for a new bill, that is included in the working group's report from 1997.

The main content of the bill is as follows:

- The objective of the bill is to regulate fertilisation treatments in a way that gives them an ethically, legally and medically acceptable framework. Another objective is to safeguard the interests of the child born as a result of such a treatment.
- In the bill the prerequisite for fertilisation treatments is a medical ground, either involuntary childlessness or if a child born out of the couple's own gametes would be at risk of serious illness.
- Fertilisation treatments should also be given to single women.
- Also other than the couple's own gametes could be used in fertilisation treatments, and donation of embryos would be possible, too. According to this bill use of surrogate mothers as par-turients would not be allowed. The working group came to this conclusion because it wanted to retain the uniformity of Nordic legal practice, and because of problems related to their use.
- In the context of adopting the bill the Paternity Act will be amended by adding to it provisions on the determination of paternity in case a child is born as a result of fertilisation treatment.
- The child is at the age of 18 years entitled to know his/her origin, qualities of the gamete donor and, by consent of the donor, the donor's identity, and in 10 years from the donor's death also irrespective of his/her consent.
- Gametes and embryos whose genome is not intact, embryos that have been brought about by cloning or gametes and embryos that have been used for research may not be used in fertilisation treatments.

When drafting the bill the working group of the Ministry of Justice heard several expert agencies. Most of them are of the opinion that the bill is necessary and important. In particular the solution of the paternity question, which now depends on this fertilisation act, will involve problems if delayed.

The National Advisory Board on Health Care Ethics discussed at its meetings on 10 March and 2 June 1999 fertilisation treatments and the bill concerning the use of gametes and embryos in fertilisation treatments and a related amendment to the Paternity Act. The Advisory Board finds it important and urgent to work for advancing the law, since Finland is among the last European countries in which fertilisation treatments are not regulated by the law. It was stated that the law package deals with important issues, e.g. determination of paternity in case a child is born as a result of artificial fertilisation treatments. As regards the legal and ethical regulation of fertilisation treatments, Finland already lags behind the advanced reproduction technologies. As there is no law on the matter, the treatments can take place in an uncontrolled way and even on ethically precarious grounds. The determination of paternity in artificial reproduction is a most important part of the law package. The report drawn up by the working group of the Ministry of Justice provides a good foundation for the legislative work with a view to a thorough deliberation of these broad and difficult issues and compromise proposals.

The National Advisory Board on Health Care Ethics considers it important that an act on the use of gametes in fertilisation treatments and a related amendment to the Paternity Act be enacted as soon as possible. Since the bill still involves many ethically problematic issues, the Advisory Board hopes to be able to scrutinise the draft bill before the bill will be introduced to Parliament.

For the Advisory Board

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