

Chapter 12

Assisted Human Reproduction by Medical Techniques and the Respect of the Fundamental Rights and the Dignity of the Parts Involved

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ABSTRACT

Dealing with the subject of the fundamental rights of people involved in medically assisted reproduction, this chapter focuses on the issues surrounding the LGBTI+ population (lesbians, gays, bisexuals, transsexuals, intersexuals, and new genders that are being recognized). Within this group, the importance of biological children, even amongst those who cannot naturally reproduce, is also highlighted. Firstly, the author points out the laws that determine the child's protection, then compares them to real-life examples of actual situations of homophobia including physical and psychological abuse, understanding that children are also subject to the same abuse, not only due to sexual orientation discrimination and gender identity but also from having to grow up in a so-called unusual family structure. The author looks for an answer that will help strengthen the child's fundamental rights both before and after birth.

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INTRODUCTION

Which fundamental human rights rule the breeding of IVF babies?

This is an issue which challenges our society as a whole, and not only law and healthcare professionals.

The importance of this subject is confirmed by articles in the international media, such as the one presented at the Brazilian newspaper, O GLOBO, published on the July 25th 2018. Its headline said: “Health and Reproduction - LIVES “in vitro”

Also, it is known through objective and official data released by the European Society of Human Reproduction and Embryology that since the birth of the first IVF baby on July 25th 1978, more than 8 million people were born from IVF fertilization (De Geyter, 2018).

Furthermore, the same data reports that 9% (nine percent) of Denmark’s current population is the result of this technique! Therefore, we are dealing with a significant portion of our current society: lives produced “in vitro” (De Geyter, 2018).

However, these same techniques of assisted reproduction are also used by the LGBTI + population in order to generate biological children who may also suffer from the same homophobic reactions of the social environment to which they were brought.

What can be done in order to best protect these children?

That will be analysed next.

DEVELOPMENT

One is not discussing here the extraordinary advance of this technique nor its effects, since it is undoubtedly crucial in the world we currently live in. Be that as far as family planning is concerned, as well as in the social and moral sphere.

However, it is also true that one can no longer judge these issues from an outdated family planning perspective, one which was the standard when these techniques were developed (over 40 years ago).

I have already pointed out in previous studies that we are experiencing new times in which accelerated social changes, unthinkable until now, are now happening. Even before societies and individuals are in a condition of accepting or determining what is socially accepted or not.

Scientific progress cannot be stopped. However it is fundamental that human dignity should be preserved as a greater value.

The nature of this issue deeply touches a myriad of human values, consequently showing a variety of approaches, from religious to sociopolitical, through psychic and emotional implications.

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