

**Decision of the Bioethics Commission at the Federal Chancellery of
12 February 2003**

**Interim Report on so-called reproductive cloning with regard to a detailed
opinion on the application of human cloning, embryo protection and embryo
research, preimplantation diagnosis as well as additional issues concerning
reproductive medicine**

1. GENERAL

In its session of 15 January 2003, the Bioethics Commission unanimously overruled so-called “reproductive cloning” (cloning to produce children). This originated from the Committee’s awareness that, firstly, an ethical judgment can not merely be dictated by pragmatic considerations, as this would lead to ethics becoming mixed up in technology; secondly, all structural aspects of a course of action are to be taken into account (goal, intention, means, consequences and factors such as specific risks); thirdly, the ethical dimension of human practices in both individual and social terms is to be taken into consideration and fourthly, problems can not be resolved by creating other problems.

In light of these preconditions, the Commission’s rejection of reproductive cloning is not just considered to be a temporary ban, only dependent on safe proceedings (exclusion of risks for mother and child). On the contrary, reproductive cloning is considered to be a process that is to be rejected, as a matter of principle, for a series of ethical reasons including:

- Violation of human dignity (prohibition of instrumentalisation);
- Right to double biological filiation;
- Irresponsibility of conducting experiments on human beings to develop and protect processes;
- Risks for mother and child;
- Ethical boundaries of reproductive autonomy;
- Undermining family and intergenerational relations;
- Commercialisation of human material and prioritising medical research and treatment.

2. STATEMENT OF REASONS

2.1 Violation of human dignity

The dignity of a human being is not based on the uniqueness of its genetic map, rather on the fact that it can be a subject of freedom i.e. an individual. For this reason, its nature is an end in itself and is subject to the prohibition of a total instrumentalisation of human beings. Reproductive cloning comes into conflict with this prohibition, because it subjects existence as well as the identity of human beings to purposes which are exerted from the outside (i.e. deliberate creation of a human being for the purpose of organ and tissue donation; the multiplication of socially desired, genetically-conditioned characteristics; replacement of a deceased child). The identity of a human being is however not simply the result of its genetic map, but due to the inseparable physical-personal unit of human beings, the practice whereby the genetic framework is deliberately determined is not only a manipulation on a human being

but also on its identity. These considerations are also contained in the Additional Protocol (1) to the Convention on Human Rights and Biomedicine of the Council of Europe on the Prohibition of Cloning Human Beings, where it is stated: «the instrumentalisation of human beings through the deliberate creation of genetically identical human beings is contrary to human dignity and thus constitutes a misuse of biology and medicine.»

2.2 Right to double biological filiation

The prohibition of total instrumentalisation protects the continuation of the right to double biological filiation and a new creation from the different genomes of the biological parents. In contrast to identical twins whose genomes differ from those of both parents, in the case of cloning, there is not a recombination of the hereditary traits from both parents. The right to double biological filiation is not only an important right for ethical reasons, but rather because procreation (in vivo or in vitro) based on genetic chance constitutes the best possible form of protection against manipulation of human evolutionary processes which would constitute a fundamental form of disregard for the human dignity of individuals as well as the human genetic map. A genetically-conditioned nature is an essential element of the development of human identity. Moreover, reproductive cloning would endanger the human gene pool and consequently should be rejected from a social point of view.

2.3 Irresponsibility of conducting experiments on human beings to develop and protect processes

Animal experiments alone are not sufficient to guarantee reproductive cloning. On the contrary, these processes would require experimenting on human beings. It would be necessary to conduct experiments on human beings that are contradictory to the fundamental principles of medical and research ethics. On the basis of research ethics criteria, research should only be conducted to serve and benefit the clone, as subject of the research, rather than the parents. This rules out the justification of reproductive cloning as a remedy for infertility. Reproductive cloning is clearly not a treatment carried out on the clone and cannot bring it individual benefits, but rather many risks.

2.4 Risks for mother and child

According to the current status of research, there is a high risk for the mother and child. According to previous experiences on various species, the danger of cloning for embryonic and postnatal development depends on the species, is poorly understood and unpredictable. For this reason, related research on human beings would not be able to make use of these experiences in a justifiable manner. A very insignificant number of animal gestations lead to a live birth, it can be observed to some extent that the lifespan of cloned offspring are damaged from growth disorders and malformations. This health impairment is so important that serious long-term consequences such as the development of a tumour, the appearance of degenerative illnesses, aging process etc., have currently been insufficiently assessed. The frequency and the manner of passing on these impairments to future generations are unknown, but should likewise be apprehended. Moreover, the extremely limited success rate as well as the other known risks pose a threat to the health of women.

2.5 Ethical boundaries of reproductive autonomy

Advocates of reproductive cloning cite an increase in reproductive autonomy. The legitimate wish to have a child does not mean an entitlement to have a child of one's

own nor does it justify the choice of any means to fulfil this wish. Research and treatment against childlessness are fundamentally legitimate, within ethical constraints. However, the tendency to socially stigmatise desired or unwanted childlessness should be actively opposed.

2.6 Undermining family and intergenerational relations

Reproductive cloning results in the skipping of generation order (cloning is like a twin occurring at a different time); in this way it undermines family and intergenerational relations which form the basis for building human identity and society. An additional argument that warrants mentioning is that the clone may conceivably come into existence due to expectation pressures for the repetition of a human life which could impair the clone in its self-development. Even if cloning does remain a secondary phenomenon in our society the issue of desirable and undesirable ways for the generations to live side by side - which inevitably arises from the potentialities of modern reproductive medicine - would cause more controversy.

2.7 Commercialisation of human material and prioritising medical research and treatment

In particular, during the experimental phase, a high number of ovum cells would be necessary, their creation would put women in the degrading role of ovum cell donors and this would result in the danger of commercial exploitation of people especially from poor countries. This danger could be intensified through the functionalisation of different religious and social value concepts and worldwide commercialisation.

Reproductive cloning - like other techniques too - raises health and social policy questions with regard to setting priorities in the area of medical research and treatment. The response to these questions should not be based on criteria involving commercial exploitation interests, but rather on justification and social relevance. The interest in reproductive cloning on the national or international level cannot be equated with the medical, commercial and finally ethical challenges of health services.

3. RECOMMENDATION

In the opinion of the Bioethics Commission, on the one hand, there is a pressing urgency to legally establish the prohibition of reproductive cloning on national and international levels.

On the other hand, the Commission reiterates in this connection its unanimous recommendation dated 11 February 2002 for the signature and ratification of the Convention on Human Rights and Biomedicine of the Council of Europe. This offers the possibility, among others to accede to Additional Protocol (1) to the Convention on Human Rights and Biomedicine on the Prohibition of Cloning Human Beings.

Although reproductive cloning is inadmissible according to current Austrian legislation, if reproductive cloning were to be expressly prohibited by law, this would provide a clear signal for a sense of what is fundamentally right and wrong. This is to be welcomed for ethical reasons. However, at the same time, it would have to be clearly evident from the formulation that this ban involves a deterrent measure from which no assessment can be derived about so-called therapeutic cloning.