



Il-fertilizzazzjoni assistita

Fejn tidhol il-bijoetika, huwa minn għewl id-dinja li jkun hemm firxa kbira ta' attitudnijiet, ħsibijiet u pożizzjonijiet. Il-pluraliżmu etiku huwa realtà f'socjetà miftuħa, soġġetta għal kull xorta ta' influwenza, fejn in-nies dejjem aktar qed jidraw jaħsbu b'moħħhom u jiddeċiedu għalihom infushom, speċjalment fuq affarijiet li jirrigwardaw il-ħajja tagħhom b'mod daqshekk personali u intimu.

Nittamaw li d-diskussjoni dwar tibdil fil-liġi li tirregola l-IVF u dwar is-*surrogacy* issir b'mod rispettuż, speċjalment fil-konfront ta' dawk il-persuni li minħabba raġunijiet varji mhux possibbli li jkollhom familja, li tkun ġenetikament parti minnhom, mod ieħor. Huwa pożittiv li l-abbozz ta' liġi qiegħed iħares b'mod sensitiv lejn ix-xewqat profondi ta' membri tas-socjetà tagħna, biex jiffacilita l-ħolqien ta' familji godda.

Fil-passat qarib, qabel ma ddaħlet l-ewwel liġi dwar l-IVF, is-settur lokali privat kien qiegħed litteralment iqiegħed il-ħajjiet tan-nisa u anke tat-trabi li jitwielldu bl-IVF f'diffikultajiet serji. Dan għax kienet il-prattika li jitqiegħdu fil-ġuf ħafna embrijuni, anke ħamsa, biex iżid iċ-ċans ta' suċċess. Suċċess iżda li kien inissel tbatija u problemi kbar. Illum, fortunatament din il-prattika inqatgħet. Kienu wkoll saru tentattivi biex tiddaħhal il-prattika tal-iffriżar tal-ova – Prattika li tnaqqas ħafna dilemmi etiċi – iżda l-esperjenza uriet li din, għalkemm għall-futur jista' jkollha l-potenzjal, waħedha għad mhix effettiva biżżejjed.

Alternattiva Demokratika taqbel li b'mod rispettuż u kontrollat isir l-iffriżar tal-embrijuni u dan b'mod limitat, li għandu jingħad li kien diġa aċċettat fil-liġi originali.

Għal koppji bi problemi ta' fertilità huwa aktar diffiċli li jkun hemm bidu ta' tqala. Anke b'metodi naturali jkun hemm telf ta' bajd fertilizzat, li ma jaqbadx mal-ġuf u jintilief mingħajr hadd ma jinduna.

Huwa għalhekk li għandu jkun possibbli li jkun hemm l-iffriżar f'limiti raġjonevoli, meta u sa fejn hemm bżonn, biex it-trattament ikun suċċess. Konxji li hemm dilemma etiċi. Imma meta jitpoġġew fil-mizien il-valuri konfliġġenti, s-suċċess ta' trattament li jwassal għal tarbija tant mixtieqa għandha tingħata piż kbir.

Rigward is-*surrogacy*, hemm punti li ta' min jixtarr sewwa. Tingħata l-impressjoni li n-nisa qegħdin hemm biex prinċipalment 'jaġħmlu' t-tfal – idea li f'socjetajiet patrijarkjali hija mifruxa ħafna. Nifhmu wkoll iżda li għal xi persuni din hija l-unika possibbiltà li biha jiffurmaw familja li tkun ġenetikament parti minnhom u estensjoni tagħhom.

Il-kunċett għandu jkun ta' '*altruistic surrogacy*'. M'għandux ikun possibbli li dan ikun kummerċjalizzat. Dan huwa qasam li għandu jkun ibbażat fuq is-solidarjetà u l-altruizmu u mhux fuq il-gwadann finanzjarju. Però irridu nkunu konxji li mhux faċli tagħmel differenza bejn sfruttament ta' nisa vulnerabbli u *altruistic surrogacy* – realistikament tispicċa tagħmel il-prattika tal-

kummerċjalizzazzjoni iktar possibbli għax tinheba taħt il-mantra tal-altruwiżmu. Hemm hteġa ta' salvagwardji dwar dan biex ikun assigurat li *s-surrogacy* jkun att ta' solidarjetà u altruwiżmu.

Rigward id-donazzjoni tal-gameti, jidhrilna li kemm il-persuna li tircievi d-donazzjoni kif ukoll il-persuna li titwieled bħala riżultat ta' din id-donazzjoni għandha, jekk u meta tixtieq, ikollha d-dritt li tkun taf l-informazzjoni kollha ta' relevanza dwarha, b'mod partikolari l-identità tad-donatur. Diversi sentenzi minn qrati madwar id-dinja, inkluż fl-Unjoni Ewropeja, ikkonfermaw dan id-dritt. Id-drittijiet ta' persuni li jkollhom it-tfal, u ta' donaturi li jagħzlu li jagħmlu donazzjoni, m'għandhomx itellfu mid-dritt ta' persuna oħra li, jekk tixtieq, issir taf l-istorja sħiħa ta' ħajjitha.

Importanti wkoll li kwistjonijiet ta' *screening* għal mard serju ereditarju jittiehed bis-serjetà biex jiġu evitati tbatija fiżika konsiderevoli kif ukoll kwistjonijiet legali kumplessi.

Fid-diskussjoni dwar l-aġġornament tal-liġi dwar l-IVF huwa essenzjali li nirrikonoxxu li l-valuri, kultant konfligġenti, għandhom ikunu rispettati. Għaldaqstant, filwaqt li Alternattiva Demokratika tafferma posizzjoni favur l-iffriżar limitat u responsabbli tal-embrijuni, għandu jkun possibbli li għal min dan hu oġġezzjonabbli ikollu l-possibilità ta' *opt-out* etiku mill-proċedura tal-iffriżar.

Nirreferu ukoll għall-proposta dwar l-addozzjoni tal-embrijuni. Naħsbu li filwaqt illi huwa tajjeb li ikun hemm din il-possibilità, mhux tajjeb li min ma jixtieqx ikun imġiegħel jagħmel dan. B'din il-proposta naħsbu li xorta ser nispiċċaw b'numru ta' embrijuni li ħadd ma jkun irid. Din hi materja li teħtieġ iktar diskussjoni għax il-proposta fl-abbozz ta' liġi ma jidherx li hi Prattika u se tispicċa biex tipposponi l-problema għal iktar tard.

Huwa ukoll meħtieġ li ma jkunx hemm għaġġla żejda fid-diskussjoni pubblika. Il-Gvern qed jgħaġġel iżżejjed u mhux jagħti biżżejjed ċans lill-opinjoni pubblika biex tiddigerixxi biżżejjed dak li qed ikun propost. Kif intqal iktar 'il fuq għad hemm diversi punti li jeħtieġu iktar ħsieb għax is-soluzzjonijiet proposti mhux ċari. Ikun għaqli għall-Parlament li jidhrol f'iktar dettall dwar l-implikazzjonijiet tas-soluzzjonijiet proposti u dan billi fost oħrajn jitlob direttament hu l-assistenza ta' esperti biex jgħinuh jindirizza xi difetti tal-proposti li qed jipproponi l-Gvern.

Huwa neċessarju li d-diskussjoni pubblika issir b'mod li jkunu rispettati l-opinjoni kuntrastanti li huma inevitabbli f'materja ta' kontroversja ta' din ix-xorta. L-intolleranza ma tagħmel ġid lil ħadd.

Assisted reproduction

In bioethical issues, it is expected that there are contrasting and different views. Ethical pluralism is a reality in an open society, where more and more people are now accustomed to think and decide for themselves, especially on matters relating to their personal and intimate life.

We hope that the discussion on changes to the law regulating IVF and surrogacy takes place in a respectful manner especially in view of those people who are suffering because for various reasons it is not possible for them to have a family which is genetically related to them. It is positive that the bill acknowledges the profound desire of members of our society to raise a family and to put in place a legal framework which facilitates the creation of new families.

In the recent past, before the introduction of the original law on IVF, the local private sector literally put the lives of women and even babies born as a result of IVF at risk. This was because of the practice to implant many embryos, at times five embryos, in the womb, to increase the chance of success. This so-called success meant more suffering and debilitating health conditions. Today, fortunately this practice is no more. There have also been attempts to introduce the practice of freezing ova - a practice that greatly reduces ethical dilemmas - but experience has shown that, although in the future it may have potential, on its own it is not sufficiently effective.

Alternattiva Demokratika – The Green Party agrees with a respectful and controlled embryo freezing. Indeed the concept of embryo freezing had already been accepted in the original IVF legislation approved some years ago.

It is pertinent to point out that for couples with fertility problems it is much more difficult to achieve fertilization. Even in natural conception, loss of fertilized eggs - which do not implant well in the womb - is a common occurrence.

That is why it should be possible to freeze within reasonable limits, when and to the extent necessary, so that the treatment received is successful. Although there are ethical dilemmas and conflicting values, when put in the balance, the success of treatment leading to a desired child is also a very important and positive value.

With regards to surrogacy, there are points that should be discussed deeply and respectfully. Giving the impression that women are mainly there to bear children and give birth is a patriarchal idea which is still widespread. It is however also important to understand that for some people this is the only possibility through which they can form a family with shared genetic characteristics.

Should surrogacy be possible, it should be 'altruistic surrogacy'. It should not be possible to commercialise women. Surrogacy should be based on solidarity and altruism and not on the potential for financial gain. However, we must be aware that it is not easy to regulate the matter effectively. Realistically some may disguise commercial surrogacy by exploiting vulnerable women, as altruism. There are needs for safeguards to ensure that surrogacy as practiced is an act of solidarity and altruism and not another commercial enterprise.

Regarding the donation of gametes, both the person receiving the donation and the person who is born as a result this donation should, if and when they wish, have the right to know all information of relevance, in particular the identity of the donor. Several rulings by courts around the world, including in the European Union, confirmed this right. The rights of people to have children, and of donors choosing to make a donation, should not impair the right of another person to know their full

life history. It is also important that screening for hereditary diseases/conditions is taken seriously to avoid debilitating diseases and even complex legal issues.

In the discussion on the updating of the law on IVF it is essential to recognize that values, sometimes conflicting, must be respected. Therefore, while affirming AD's position in favour of limited and responsible freezing of embryos, it should be possible to have an opt-out of the procedure.

On the proposal relating to the adoption of embryos, we think that while it is good that there is this possibility, it is not possible or acceptable to force people to give up embryos for adoption. This is a matter that requires further discussion because the proposal in the draft law seems to postpone the problem for later.

It is also essential that public discussion is allowed to take its natural course. There is no room for haste in discussing this sensitive issue. Government is bent on rushing the Bill through Parliament and is not allowing sufficient time for public opinion to adequately digest the proposals being made. As stated earlier on there are various points which still require an in-depth discussion as the proposals for solutions are still nebulous. It would be reasonable if Parliament examines the implications of the solutions proposed in depth, if necessary with the assistance of experts. In this manner it may be possible to address the defective proposals submitted by Government.

It is necessary a public discussion is respectful of the inevitable contrasting opinions in matters of this kind. Intolerance is not on.

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