

Institute on Biotechnology and the Human Future

Toward a consensus on Cloning? *Washington July 9, 2004*

Cloning prohibitions in Europe

prof.dr. Henk Jochemsen

*Prof.dr. G.A. Lindeboom Instituut, Ede
Lindeboom Chair, Amsterdam*

INHOUD

- **Two Institutions**
 - The Council of Europe
 - The European Union
- **Two Countries**
 - France
 - Germany

Two European institutions

Two European institutions that
a.o. deal with ethics policy

1. The Council of Europe
2. The European Union

The Council of Europe

Established in 1949
44 Member states



The CoE on cloning (1)

Major document on bioethics:

“Convention for the protection of Human Rights and dignity of the human being with regard to the application of biology and medicine” (Oviedo, April 1997)

Art 18.1 The creation of human embryos for research purposes is prohibited.

This rules out any form of human cloning

The CoE on cloning (2)

1998: additional protocol to the convention:

prohibits any intervention aiming at the creation of a human being genetically identical to another living or dead human being

The European Union

Established 1950

25 member states

(since 1 May 10 new countries joined)

Important institutions:

European Commission

European Parliament

European Council



The EU on Cloning (1)

EP-resolutions in Jan '98 and Sept '00

- Creation of embryos for research incl. 'therapeutic cloning' rejected
- Calls on the UK to review its policy
- Calls for an international ban on all cloning

The EU on Cloning (2)

Dec 2002, Nice

Charter of fundamental rights of the
European Union:

reproductive cloning should be
prohibited

(no consensus on research cloning)

The EU on Cloning (3)

Position of EC

- No legal prohibition of therapeutic cloning
- EU research funding not for:
 - *Reproductive cloning*
 - *Germ line genetic modification*
 - *Creation of embryos for research (incl. SCNT)*
- Allowed:
surplus embryos for stem cell research
created before 27 June 2002

France on cloning

Proposal for new bioethics law accepted by Parliament (Dec '03)

- Allows use of surplus embryos for research
- Prohibits both 'reproductive' and 'therapeutic' cloning

Germany on cloning

In 1990 Embryo protection law:

All destructive embryo research prohibited

In April '02 extended with Stem cell law:

Use of embryos for stem cell research prohibited (*a fortiori* any cloning)

Only ES cells obtained before 1 Jan '02 from ivf-embryos may be imported

Ethical considerations

- Human embryo belongs to moral community of human beings
- No full instrumentalization of this form of human life
- No tinkering with human nature and procreation (*'crime against the human species', Mattei*)

Conclusions

1. Embryo research hotly debated in Europe
2. Research on surplus embryos allowed in many countries but not all (e.g. Germany)
3. 'Reproductive cloning' universally rejected
4. 'Therapeutic cloning' not allowed in most countries, but in some, and not funded by the EU