

The in vitro fertilisation law

INVITED ARTICLE

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After twenty years of unregulated in vitro fertilization (IVF) practice and nine years of political debate, Malta finally has a law regulating IVF practice. The Bioethics Consultative Committee played a significant part in reaching the social consensus necessary for the passage of this Act which needed to be in line with the social value norms held by Maltese society. The law does not only regulate IVF procedures but also touches on other bioethical issues such as embryo testing, gamete donation, cloning, hybrid and chimera use, germ line gene therapy and embryonic stem cell use which have all been made illegal. The title of the Act was inspired from the German Law and termed “Embryo Protection Act”. Henceforth IVF will also be available on the National Health Service at Mater Dei Hospital.

The Act strives to allow IVF to treat infertility for married couples and those in stable relationships and will make the treatment available free of charge at state hospitals. It became active on the 1st January 2013. The Government has also now composed the Authority responsible for regulating IVF. One interesting feature about the Act is that it will not allow the freezing of human embryos as a regular part of the IVF procedure except in very rare life threatening contingent situations which would be a threat to the embryo’s life itself. One such condition is the death or illness of the mother after fertilization has already taken place. Instead of embryo freezing a new technique called oocyte vitrification will

become the norm used with no more than three oocytes fertilized and transferred in difficult cases but with a preferable option of one or two according to circumstances for both artificial insemination and IVF. Oocyte vitrification techniques have recently been shown to be equally effective as embryo freezing techniques in obtaining pregnancy rates. This avoids the high embryo destructive rates associated with embryo freezing, a rate which runs into hundreds of thousands in all centres which use this technique.

Maltese society holds dear the principle that a human being occurs after the oocyte has been fertilized by the sperm and that this human being ought to be protected. All parties in Parliament subscribe to this principle. Human embryology gives scientific credence to this position and rendering the sacrifice of human lives in order to solve the fertility problems of infertile couples would be deemed consequentialist at the least and a gross disrespect to human life at its most fragile moment. This Act shows that science and ethics can indeed move hand in hand! Information on the Act may be obtained from the www.gov.mt website by clicking on the Parliament link and downloading the published Act XXI of 2012.

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