

## APPLICATION OF THE CURRENT LEGISLATION ON MEDICALLY ASSISTED REPRODUCTION

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## I. LEGAL FRAMEWORK ON MEDICALLY ASSISTED REPRODUCTION

### 1. SPECIAL LEGISLATION ON MEDICALLY ASSISTED REPRODUCTION

1.1 Were there any special people/group/sociopolitical circumstances or certain events that affected the national lawmaker on the modulation of the applied special legislation concerning medically assisted reproduction [if there is such one]?

☒ YES

☐ NO

☐ I DON'T KNOW

1.2 If the answer is YES, what were they?



a) Church?



b) Feminist organizations?



c) Medical associations?

d) Centres of medically assisted reproduction abroad?

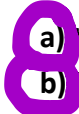


e) Other:

## II. MEDICALLY ASSISTED REPRODUCTION FOR COUPLES

### 1. TERMS OF ACCESS TO MEDICALLY ASSISTED REPRODUCTION

1.1 In your opinion, medically assisted reproduction for couples should be allowed when:



a) there is a medical impossibility of having children in a natural way



b) in order to avoid the transmission of a disease

c) there is an actual impossibility of having children (eg. the husband is in prison)

d) the couple wishes to, even if there is no other problem

e) other:

1.2 Do you think that the control system of the terms of access to medically assisted reproduction meets the requirements that are defined in the relative legislation?

☒ YES

☐ NO

☐ I DON'T KNOW

1.3 If the answer is NO, the problem is due to:

a) the lack of a functioning special authority for the control of medically assisted reproduction

b) the lack of personnel for that special authority

c) the fact that there is no obligation of the doctors to declare the acts of medically assisted reproduction

d) the fact that there is no obligation of the units of medically assisted reproduction to declare the acts of medically assisted reproduction

e) other:

## 2. GENERAL REQUIREMENTS FOR THE APPLICATION OF MEDICALLY ASSISTED REPRODUCTION

2.1 Should the law demand as a requirement for the application of medically assisted reproduction:

- a) ☒ a maximum age limit for females?
- b) ☒ a minimum age limit for females?
- c) ☒ a maximum age limit for males?
- d) ☒ a minimum age limit for males?

2.2 In your opinion, which one(s) should that/those be?

- a) 50-55 (if donor eggs used)
- b) 25
- c) 50-60 (depending on age of partner)
- d) 25

2.3 Do you believe that the health state of prospective parents should be checked (apart from the medical impossibility of having children in a natural way), before they resort to methods of medically assisted reproduction?

☒ YES      NO      I DON'T KNOW

2.4 Do you believe that the health state of prospective parents is actually checked?

☒ YES      NO      I DON'T KNOW

2.5 Do you believe that each partner should retain the right of reversing his/ her consensus, after providing the gametes?

☒ YES      NO      I DON'T KNOW

2.6 If YES, up to what time period? Is he entitled to reverse it even after the fertilization? Even if that implies the other partner will never be able to have his/ her own biological child, because he/she has no more gametes?

YES      ☒ NO

Please comment on your opinion:

only prior to conception

## 3. ALLOWED KINDS OF MEDICALLY ASSISTED REPRODUCTION

3.1 Do you believe that heterologous fertilization should be allowed? *(ART using donor gametes?)*

☒ YES      NO      I DON'T KNOW

3.2 If yes, do you believe that it should be allowed even when an unrelated ova is also used, apart from the unrelated semen?

YES      ☒ NO      I DON'T KNOW

*One of the parents should have a genetic connection to the child.*

#### 4. ISSUES RELATED TO THE GAMETES IN THE CONTEXT OF MEDICALLY ASSISTED REPRODUCTION

4.1 Which one(s) of the following you think should be implanted per IVF cycle:

- a) Only one single fertilized ovum
- ☒ b) ~~Two or three~~ fertilized ova
- c) As many as the woman wishes
- d) Other:

4.2 After the implantation, should there be the possibility of the selective reduction of the embryos?

YES NO I DON'T KNOW

*It depends on situation*

4.3 Do you think that the cryopreservation of gametes (semen / ova / fertilized ova) should be an option?

☒ YES NO

Please comment on your opinion:

*As long as it is clear re what will happen to any unused gametes*

4.4. What should, in your opinion, be done with the left over gametes?

- a) They should be used for the production of stem cells
- b) They should be destroyed
- c) They should be donated
- d) They should be offered for research
- ☒ e) Other. Specify:

*The donors of the gametes should make an informed choice about this when they donate.*

#### 5. GENETIC OPERATIONS IN ASSISTED REPRODUCTION

5.1 Do you think that pre-implantation diagnosis should be allowed?

☒ YES NO

5.2 If the answer is YES,

- a) any time the couple wishes to?
- b) only in order to achieve the birth of a child that could help in the treatment of his/her older brother/sister who is suffering from a serious disease
- ☒ c) in order to prevent the transmission of a serious disease from the parents to the child
- d) other. Specify:

5.3 Do you think that sex selection via the application of methods of medically assisted reproduction should be allowed?

YES ☒ NO *unless: ✓*

5.4 If the answer is YES,

- a) any time the couple wishes to?
- ☒ b) in order to prevent the transmission of a serious disease associated with sex
- c) when the couple already has children of the same sex
- d) Other. Specify:

5.5 Do you believe that the manipulation of the gametes (determination of height, skin color, intelligence etc. of the child) should be allowed?

YES

☒ NO

5.6 If the answer is YES,

- a) any time the couple wishes to?
- b) when the disability with which the child is expected to be born is very serious
- c) other. Specify:

### III. SPECIAL FORMS OF ASSISTED REPRODUCTION

#### 1. POST-MORTEM FERTILIZATION

1.1 Do you think that fertilization after the death of the partner who had consented to it should be allowed?

☒ YES

NO

*with strong restrictions.*

1.2 If the answer is YES, the post-mortem fertilization should be allowed:

- a) any time the surviving partner wishes to,
- ☒ b) only if the deceased partner had consented to the posthumous fertilization
- c) other. Specify:

1.3 Up to which point after the death should the fertilization be allowed?

- a) Anytime the surviving partner wishes to
- ☒ b) Until two years maximum after the death
- c) Other. Specify:

#### 2. SURROGACY

2.1 Do you think that surrogacy should be allowed?

☒ YES

NO

2.2 If the answer is YES, it should be allowed:

- a) any time the couple wishes to, without any preconditions
- ☒ b) if the couple is unable to have a child otherwise for medical reasons
- c) on condition that the prospective father offers his own sperm
- d) on condition that the future parents offer their own gametes (sperm / ovum)

e) other. Specify:

*Most be a genetic connection to at least one of the intended parents*

2.3 Do you think that the surrogate mother should be given some reward in return?

☒ YES

☐ NO

*It should be a possibility, not requirement*

2.4 Do you think that the surrogate mother should receive compensation for loss of work hours, alimony etc?

☒ YES

☐ NO

2.5 If YES, what should the compensation include?

☒ a) Daily salaries lost due to the pregnancy or the labor

☒ b) Visits to the doctor

☐ c) Expenses of the organism due to the pregnancy or the labor

☒ d) Need for a special diet

?

☒ e) Pharmaceutical treatment

,

☐ f) Other. Specify:

2.6 Do you think that the surrogate mother should be able to terminate the pregnancy, if she wishes to, even against the will of the couple?

☒ YES

☐ NO

2.7 Do you think that the prospective parents of the child should be permitted to put restrictions on the surrogate mother (diet, exercise, smoking, etc.)?

☐ YES

☒ NO

*but parties should be in agreement about these things in principle*

2.8 If the fetus is diagnosed with a serious disease that warrants the termination of pregnancy, do you think that the couple should be allowed to enforce the abortion on the surrogate mother, even if she does not want to?

☐ YES

☒ NO

2.9 Should the child be informed about its birth by a surrogate mother?

☒ YES

☐ NO

### 3. CLONING

3.1 Do you think that reproductive cloning should be allowed, when the person cannot acquire otherwise a biological, healthy child of his/her own?

☐ YES

☒ NO

## IV. ASSISTED REPRODUCTION KAI ALTERNATIVE FAMILY FORMS

### 1. SINGLE WOMEN

1.1 Do you believe that a single woman should be able to have a child via medically assisted reproduction?

☒ YES

☐ NO

1.2 If the answer is YES,

- a) any time she wishes to
- ☒ b) because she cannot have a sexual relationship with a male
- ☒ c) because she cannot have a child naturally for medical reasons
- d) Other. Specify:

1.3 Do you think that a single woman should be allowed to resort to the method of surrogacy in the same terms as a couple?

YES

☒ NO

*Child should have at least one parent who is genetically connected.*

## 2. SINGLE MEN

2.1 Do you believe that a single man should be able to have a child via surrogacy?

☒ YES

NO

*But only if single women are able to*

2.2 If the answer is YES,

- a) any time he wishes to
- ☒ b) because he cannot have a sexual relationship with a female
- c) because he cannot have a child naturally for medical reasons
- d) other. Specify:

2.3 If the answer is YES, would you accept even the case of complete substitution?

YES

NO

*Don't understand question. must have a genetic connection with child.*

## 3. HOMOSEXUAL COUPLES

3.1 Do you believe that a homosexual couple should be able to have a child via medically assisted reproduction?

☒ YES

NO

3.2 If the answer is YES, it should be allowed:

- a) only for female couples
- b) only for male couples
- ☒ c) for both

*genetic connection with a parent necessary*

## 4. TRANSSEXUAL PEOPLE

4.1 Do you believe that a person who has changed his/her sex should be allowed to have a child via medically assisted reproduction?

☒ YES

NO

*Again, must be a genetic connection with one of prosp. parents.*



## V. SECURITY OF THE TRANSACTION OF ASSISTED REPRODUCTION

### 1. STORAGE AREAS OF GAMETES

1.1 Do you think the storage areas of gametes meet the necessary safety requirements?

YES NO I DON'T KNOW

1.2 Are the required inspections carried by a competent authority?

YES NO I DON'T KNOW

### 2. MEDICAL CONTROL OF THE DONORS OF GAMETES

2.1 Is the health state of the donors of gametes adequately checked?

YES NO I DON'T KNOW

2.2 If NO, why is this happening?

- a) Due to the lack of interest from the medical centers of assisted reproduction
- b) Due to the lack of a special authority for carrying out the checks
- c) Due to the reduced number of persons staffing the authority
- d) Due to the high cost of the examinations
- e) Due to the reluctance of donors
- f) Other. Specify:

2.3 Do you believe that there should be a maximum number of children born from the gametes of the same person?

YES NO

2.4 Is there a functioning control mechanism for the number of children born from the same donor?

YES NO I DON'T KNOW

2.5 If YES, under the jurisdiction of:

- a) city
- b) prefecture
- c) state
- d) other. Specify:

## VI. BIOETHICAL ISSUES OF ASSISTED REPRODUCTION

### 1. EVALUATION OF INTEREST OF THE CHILD TO BE BORN

1.1 Do you believe that it is possible to forbid the birth of a child via assisted reproduction on the grounds that the child must:

\* Since it is clear that a state has a margin of appreciation under int. law in relation to ART.

- a) grow up in a family of two parents
- b) grow up with young parents
- c) grow up in a "correct" family environment of heterosexual persons
- d) other. Specify:

Yes, in relation to national laws that regulate ART \*

## 2. EVALUATION OF INTEREST OF THE WOMAN UNDERGOING METHODS OF MEDICALLY ASSISTED REPRODUCTION

2.1 Do you believe that it is possible to forbid a woman to have a child via assisted reproduction on the grounds that her health should not be compromised?

YES

NO

must depend on the individual case

## 3. LEGAL NATURE OF THE GAMETES

3.1 Do you think that the fertilized ovum in vitro should be protected by the law:

- a) just as a human being
- b) as a self-contained bearer of rights, but a different one from a human being
- c) as a thing, but one which incorporates elements of the donors' personality
- d) as a thing, as all other things
- e) other. Specify:

## 4. DISCLOSURE OF THE IDENTITY OF THE DONORS OF GAMETES

4.1 Do you think that the anonymity of donors of gametes should be protected?

YES

NO

(exceptions for retrospectivity)

4.2 Do you think that the child has the right to know the donors of his/her gametes?

YES

NO

## 5. SELL AND BUY OF GAMETES

5.1 Do you think that the sale / offer for sale / purchase of gametes should be allowed?

YES

NO

5.2 Do you think that money is actually offered to donors of sperm and ova?

YES

NO

I DON'T KNOW

"expenses" only, although egg donors receive considerably more.

5.3 In your opinion, should the donors of sperm and ova be given some compensation?

YES

NO

5.4 If YES, what should the compensation include?

- a) Commuting expenses
- b) Salary loss

c) Other

## 6. AGENCY FOR OFFER OF GAMETES

6.1 In your opinion, should the doctor who mediates between the donor and the receiver of gametes for the compensation fee, in order to preserve the anonymity of the donor, be punished for his act?

YES

☒ NO

*but it should be regulated*

## 7. INTERVENTION IN MEDICAL RECORD INFORMATION

7.1 Do you think that the confidentiality of medical records centers of assisted reproduction is adhered?

☒ YES

NO

I DON'T KNOW

## 8. RESEARCH ON GAMETES

8.1 Do you think that research on excess fertilized ova in the context of assisted reproduction should be allowed?

YES

☒ NO

8.2 Up to which moment can the research take place?

a) Up to the 14<sup>th</sup> day after the fertilization

b) Anytime, even after the 14<sup>th</sup> day

8.3 Do you think that the gametes on which research took place should be used afterwards for reproductive purposes?

YES

☒ NO

## VII. "FINANCE" OF ASSISTED REPRODUCTION

### 1. THE COST OF ASSISTED REPRODUCTION & ITS COVERAGE FROM INSURANCE COMPANIES

1.1 Do you think that insurance companies should cover the applications of the assisted reproduction methods?

☒ YES

NO

1.2 If the answer is YES, which of the following should be covered?

a) All the necessary efforts and all possible techniques

☒ b) All the typical forms of assisted reproduction

c) Only a limited number of typical forms of assisted reproduction. Please specify:

*Should be a limit on the number of cycles permitted*

1.3 Are you aware of the average cost of a simple effort of assisted reproduction (in vitro/without cryopreservation)?

*No*

Please specify:

## VIII. AFFINITY RELATIONS IN ASSISTED REPRODUCTION

### 1. AFFINITY RELATIONS IN THE CONTEXT OF HETEROLOGOUS IVF OR INSEMINATION

1.1 Do you think that sexual intercourse between the donor of gametes and the child born from heterologous IVF should be prohibited and punished?

☒ YES ☐ NO

1.2 Do you think that sexual intercourse between the legal parent of a child born from heterologous IVF, who is not his/her biological parent, should be prohibited and punished?

☒ YES ☐ NO

### 2. AFFINITY RELATIONS IN THE CONTEXT OF SURROGACY

2.1 Do you think that sexual intercourse between the surrogate mother and the child she has given birth to should be prohibited and punished, in the case of complete surrogacy?

☒ YES ☐ NO

2.2 Do you think that sexual intercourse between the legal parents and the adult child, who was born from gametes of others via a surrogate mother, should be prohibited and punished?

☒ YES ☐ NO

### 3. AFFINITY RELATIONS WITHIN SAME-SEX COUPLES

3.1 Do you think that sexual intercourse between an adult child, born to a same-sex couple, and the female partner of his mother should be prohibited and punished?

☒ YES ☐ NO

## X. ISSUES OF PRIVATE INTERNATIONAL LAW IN ASSISTED REPRODUCTION

### 1. REPRODUCTIVE TOURISM

1.1 Is the traveling of citizens of your country to other countries, in order to implement methods of assisted reproduction which are not allowed in your country, a frequent phenomenon?

☒ YES ☐ NO

1.2 If the answer is YES, what are the most common cases of reproductive tourism?

- a) The attainment of the assisted reproduction at a lower cost
- ☒ b) The adoption of a method forbidden in the country
- c) The adoption of a method generally allowed in the country, but under stricter conditions
- d) Other. Specify:

1.3 If the answer to 1.2 is (b) , which is the usually chosen method in the other country:

- a) Surrogacy  
b) egg donation in combination with Sperm donation  
c) \_\_\_\_\_

1.4 If the answer to 1.2 is (c), the application of which method is subject to stricter conditions in your country ?

- a) \_\_\_\_\_  
b) \_\_\_\_\_  
c) \_\_\_\_\_

1.5 Do doctors suggest to people who wish to use methods of assisted reproduction, to go to another country in order to adopt methods which are prohibited in the country where they themselves work as doctors? Don't know

YES                      NO

1.6 If the answer is YES, do they also recommend specific medical centers?

- a) YES ALWAYS                      b) YES IN GENERAL                      c) NO

1.7 If the answer is (a) or (b), do they associate financial interests with the gains accruing to specific medical centers?

- a) YES ALWAYS                      b) YES IN GENERAL                      c) NO

## 2. RECEPTION OF REPRODUCTIVE TOURISM

2.1 Is the arrival of people to your country, in order to implement methods of assisted reproduction which are not allowed in their country of origin or residence, a frequent phenomenon?

YES                      NO

2.2 If the answer is YES, what are the most common cases of reproductive tourism?

- a) The attainment of the assisted reproduction at a lower cost  
b) The adoption of a method forbidden in their country of origin or residence  
c) The adoption of a method generally allowed in the country, but under stricter conditions  
d) Other. Specify:

2.3 If the answer to 2.2 . is (b) , which is the usually chosen method in your country:

- a) \_\_\_\_\_  
b) \_\_\_\_\_  
c) \_\_\_\_\_

2.4 If the answer to 2.2 is (c), the application of which method is subject to less stringent conditions in your country?

- a) \_\_\_\_\_  
b) \_\_\_\_\_  
c) \_\_\_\_\_

2.5 Are the cases of people coming from other countries to undergo methods of assisted reproduction prohibited in their countries of origin or residence recorded?

☒ YES

NO

2.6 If YES, who stores those records?

*Clinics in question must record this information*

2.7 In your country, is the implementation of all methods of assisted reproduction to people who do not live permanently in the country free?

YES

NO

*Not sure but most unlikely*

2.8 If NO, are there, in your opinion, actual control mechanisms for adhering to the restrictions?

YES

NO

*unknown*

2.9 Are people who do not permanently reside in the country informed on the problems that they might face in their country in relation to the child that will be born?

YES

NO

*unknown*

2.10 If YES, by whom are they informed?

2.11 Are you aware of any medical centers in your country advertising the services they offer in other countries, where legislation is stricter?

a) YES PLENTY OF TIMES

b) YES BUT RARELY

☒ c) NO

2.12 Do you think that reproductive tourism in your country can be organized in a systematic way by doctors / medical centers abroad and doctors / medical centers in your country?

YES

NO

## X. FINAL COMMENTS

### 1. ECHR CONDEMNATION-only in applicable countries

Your country was condemned from the ECHR in \_\_\_\_\_ because \_\_\_\_\_. Do you think that the newly created legislation adequately address the problem, according to what has been suggested by the Court?

### 2. GENERAL CRITICAL ASSESSMENT

2.1 Have you detected any other problems - in addition to those mentioned above - on the content or the manner of implementation of the legislation on assisted reproduction in your country? If YES, which ones:

*No*

**2.2 Would you have any recommendations to make on the improvement of national legislation on assisted reproduction, on any level?**

No

**2.3 Would you have any recommendations to make on the integration of the European legislation on assisted reproduction, in order to deal with the problems that have been created in practice?**

No