

ANNEX J

PERSPECTIVES AND POSITIONS ADOPTED BY COUNTRIES WORLDWIDE

Country/ Group	Reproductive Cloning	Therapeutic Cloning	Embryonic research	Stem cell research	Remarks
Austria	Banned	Banned	Banned	No guidelines to date	Creation of embryos for reproductive purposes only (Law No. 275 of 1992 on reproductive medicine).
Australia	Banned	Banned 3 year moratorium on the creation of embryos via SCNT. Research has not identified any specific opportunities warranting such creation.	Allowed Use of surplus embryos (from infertility treatments) subject to approval by international ethics committee, national licensing body and strict adherence to guidelines. The deliberate creation of embryos for research purposes is prohibited.	Allowed	Human cloning banned till adoption of uniform laws under the Federal Gene Technology Act. No other guidelines except bans in three states on human cloning research ¹ . Position tabled in the House of Representatives, 17 September 2001 ² . Use of surplus embryos (from infertility treatments) subject to approval by international ethics committee, national licensing body and strict adherence to guidelines. The deliberate creation of embryos for research purposes is prohibited
Belgium	No guidelines to date	No guidelines to date	Draft bill allows research involving surplus embryos	Allowed	Draft bill prohibiting production of embryos for research purposes, with many exceptions.
Brazil	Banned	Banned	Banned	No guidelines to date	Law No. 8974/95 on genetic engineering prohibits production, storage and manipulation of human embryos for use as biological material.
Canada	No guidelines to date	No guidelines to date	Allowed Research using surplus embryos permitted, subject to donor consent.	Allowed	Guidelines already drafted and sent to a committee for consideration and public consideration. Wide restrictions on research and ban on cloning expected ³ .
Costa Rica	Banned	Banned	Banned	No guidelines to date	Right to life recognised from moment of conception (Law No. 7739 of 1998).

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Ecuador	Banned	Banned	Banned	No guidelines to date	Right to life recognised from moment of conception (Art. 49, par. 1, of the Constitution (1998)).
France	Banned	Banned	Banned	Allowed	Banned all research on cloning and severely restricts research on frozen embryos ⁴ . Position currently under review.
Finland	No guidelines to date	No guidelines to date	Allowed	Allowed	Research using surplus embryos permitted, subject to donor's consent. (Law No. 115).
Germany	Banned	Banned	Banned	Allowed	Creation of embryos for reproductive purposes only (Law of 13 December 1990 on Embryo Protection). Relaxation of rules sought by scientists ⁵ .
Hungary	Banned	Banned	Banned	No guidelines to date	Life of unborn child must be protected at conception (Law No. LXXIX of 1992).
Ireland	Banned	Banned	Banned	No guidelines to date	Article 40, paragraph 3 of the Constitution expressly prohibits research on embryos. Right to life of unborn child is equal to that of the mother.
Israel	Banned	No guidelines to date	Allowed	Allowed	The Prohibition of Genetic Intervention Law (Cloning Human Being and Genetic Modifications of Reproductive Cells) bans reproductive cloning for a period of 5 years from 1999. No legislation regulating stem cell research.
Italy	Banned	Banned	Banned	Allowed	Specifically prohibits creation of embryos for research purposes and early splitting of embryos for therapeutic or research purposes. Italian National Committee on Bioethics opposes reproductive cloning (Opinion of 27 October 2000). Government under pressure from both Vatican and scientists ⁶ .
Japan	Banned	Allowed	Allowed	Allowed	Human Cloning Regulation Act enacted on 30 November 2000, bans implantation of embryos created for research into the woman's womb. Guidelines on human stem cell research pending.

Country/ Group	Reproductive Cloning	Therapeutic Cloning	Embryonic research	Stem cell research	Remarks
Nether-lands	No guidelines to date	No guidelines to date	Draft bill allows research involving Surplus embryos	No research to date	Draft bill prohibiting production of embryos for research purposes, with many exceptions.
Norway	Banned	Banned	Banned	No guidelines to date	Creation of embryos for reproductive purposes only (Law No 56 of 5 August 1994).
Peru	Banned	Banned	Banned	Allowed	Prohibits human cloning and fertilisation of human ova for purposes other than reproduction (Law No. 26.842). Right to life recognised from moment of conception (Law No.27.337).
Poland	Banned	Banned	Banned	No guidelines to date	Life of unborn child must be protected at conception (Law of 7 January 1993, amended 30 August 1996)
Spain	Banned	Banned	Permitted for surplus embryos	Allowed	Permitted for surplus embryos. Creation of embryos for research purposes prohibited (Law No. 35/1988). Observatory of Law and Bioethics expressed its support for the creation of embryos for research purposes, by donation and by cloning techniques (September 2000).
South Korea	No guidelines to date	No guidelines to date	No guidelines to date	No guidelines to date	New guidelines expected at end of 2001. Draft bill announced by Science Ministry bans all embryo creation except for infertility treatments ⁷ .
Sweden	Banned	Banned	Allowed	Allowed	Research using surplus embryos permitted, subject to donor's consent and if no acceptable alternative exists. (Law No. 1991:115 and Law No. 1982:763)
Switzerland	Banned	Banned	Banned	No guidelines to date	Constitution prohibits medically assisted reproductive cloning for research purposes (Art. 19, 2c)
Tunisia	Banned	Banned	Banned	No guidelines to date	National Medical Ethics Committee opposes all experimentation on the embryo, which is regarded as a "potential person" (Opinion No. 1 of 12 December 1996) and opposes any form of cloning (Opinion No. 3 of 22 May 1997)

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UK	Not banned by the 1990 Act, but no license will be issued by the HFEA	Allowed	Allowed	Allowed	Human stem cell research regulated by the Human Fertilisation and Embryology Act 1990, Human Tissue Act 1961 and the Code of Practice on the Use of Fetuses and Fetal Material in Research and Treatment 1989.
US	Banned	Banned	Only existing stem cell lines	Allowed	Applies to research using federal funds. No restriction for research projects using private funds.
American Convention Human Rights of 1969					Art. 4 stipulates that “every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception”. Twenty six countries have ratified the Convention: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica (Commonwealth), Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad and Tobago, United States of America, Uruguay and Venezuela.
Council of Europe’s Convention for the Protection of Human Rights and Dignity of the Human Being					Application of Biology and Medicine of 1997 stipulates a prohibition of creating embryos for research purposes and the provision of adequate protection of the embryo. Seven countries have ratified the Convention: Denmark, Greece, San Marino, Slovakia, Slovenia, Spain and Sweden. An additional protocol to the Convention on the Prohibition of Cloning Human Beings approved in 1998, and took effect on 3 January 2001 in these countries: Georgia, Greece, Slovakia, Slovenia and Spain.

¹ Herald Sun – June 1, 2001.

² “Human cloning: Scientific, ethical and regulatory aspects of human cloning”, presented by the Standing Committee on Legal and Constitutional Affairs and tabled in the House of Representatives, 17 September 2001.

³ CBC News – Ottawa delivers rules on reproductive cloning – May 4, 2001.

⁴ CNN.com – France forbids human cloning – June 20, 2001.

⁵ Asian Wall Street Journal – May 31, 2001; www.cnn.com – Archbishop condemns embryo research – December 20, 2000.

⁶ CNN.com – Clash over Italy gene research – February 13, 2001.

⁷ Joins.com – May 25, 2001.