



International Federation of Gynecology and Obstetrics





A RIGHT BASED APPROACH TO THE BURDEN OF INFERTILITY

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REPRODUCTIVE HEALTH STRATEGIES HAVE BEEN DIRECTED AT CONTROLLING POPULATION GROWTH

- “Towards the end of 1960s, the world population was projected to reach **16 billion by 2050** unless fertility fell.
- Today, world population in 2050 is projected to be around 9 billion, an astounding **7 billion fewer than was projected just 40 years ago**”



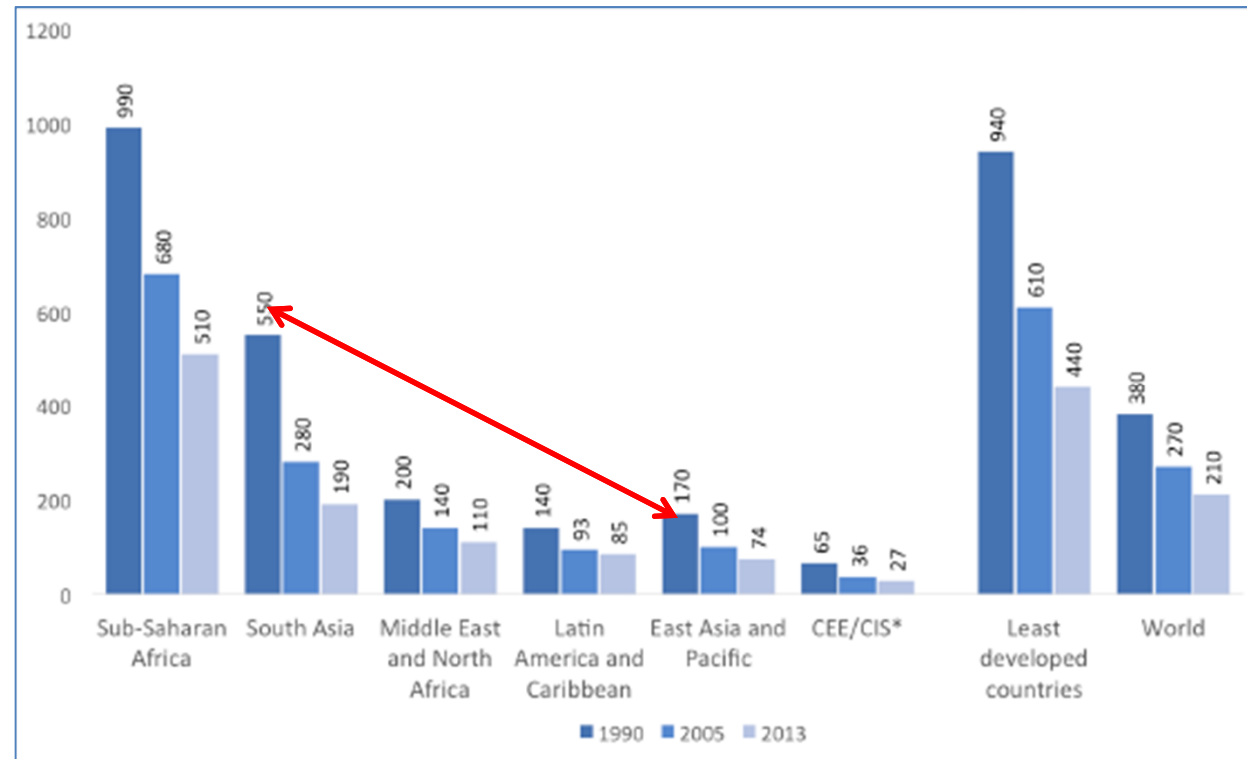
INTERNATIONAL FEDERATION
OF
GYNECOLOGY & OBSTETRICS

WORLD DEVELOPMENT INDICATORS: REPRODUCTIVE HEALTH (2015)

	Total Fertility Rate (births per women)		Adolescence Fertility Rate (births per 1000 women ages 15-19)
	1990	2013	2013
World	3,3	2,5	45
Low Income	5,7	4,0	92
Middle Income	3,4	2,4	40
Europe & Central Asia	2,6	2,0	29
Latin America & Caribbean	3,2	2,2	68
Sub-Saharan Africa	6,4	5,0	106



MATERNAL MORTALITY DECLINED STEADILY SINCE 1990



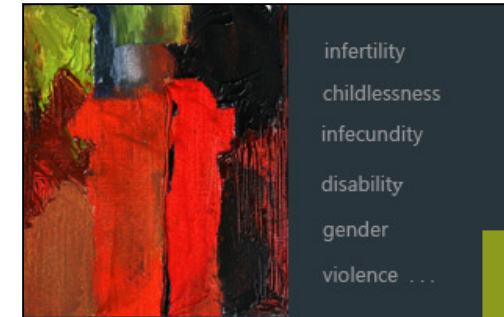
Maternal mortality ratio (maternal deaths per 100,000 live births in women aged 15 to 49), by region, 1990, 2005 and 2013. *CEE/CIS: Central & Eastern Europe and the Commonwealth of Independent States



The strategies followed in the last 30 years have succeeded in spacing births and reducing maternal mortality, but have not contributed to preserve a fundamental human right, which is “the right to found a family”



Burden of disease; of disability



186 million couples
infertile, sub-fecund
or involuntarily
childless

33.4 million women with
leading disabling
condition of
“secondary infertility”
as a result of
maternal sepsis &
unsafe abortion

Only 0.8
from high
income
countries

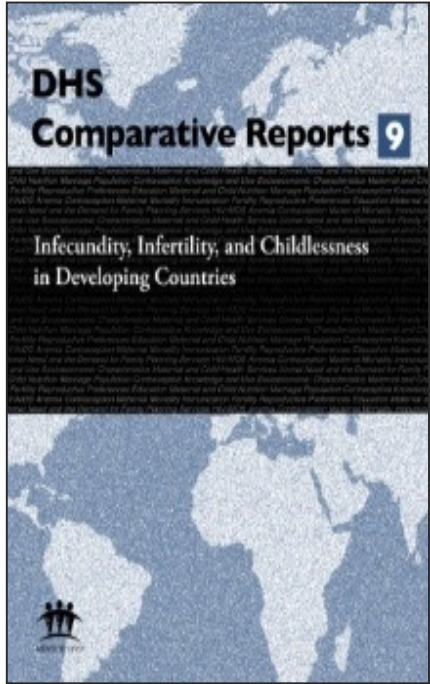
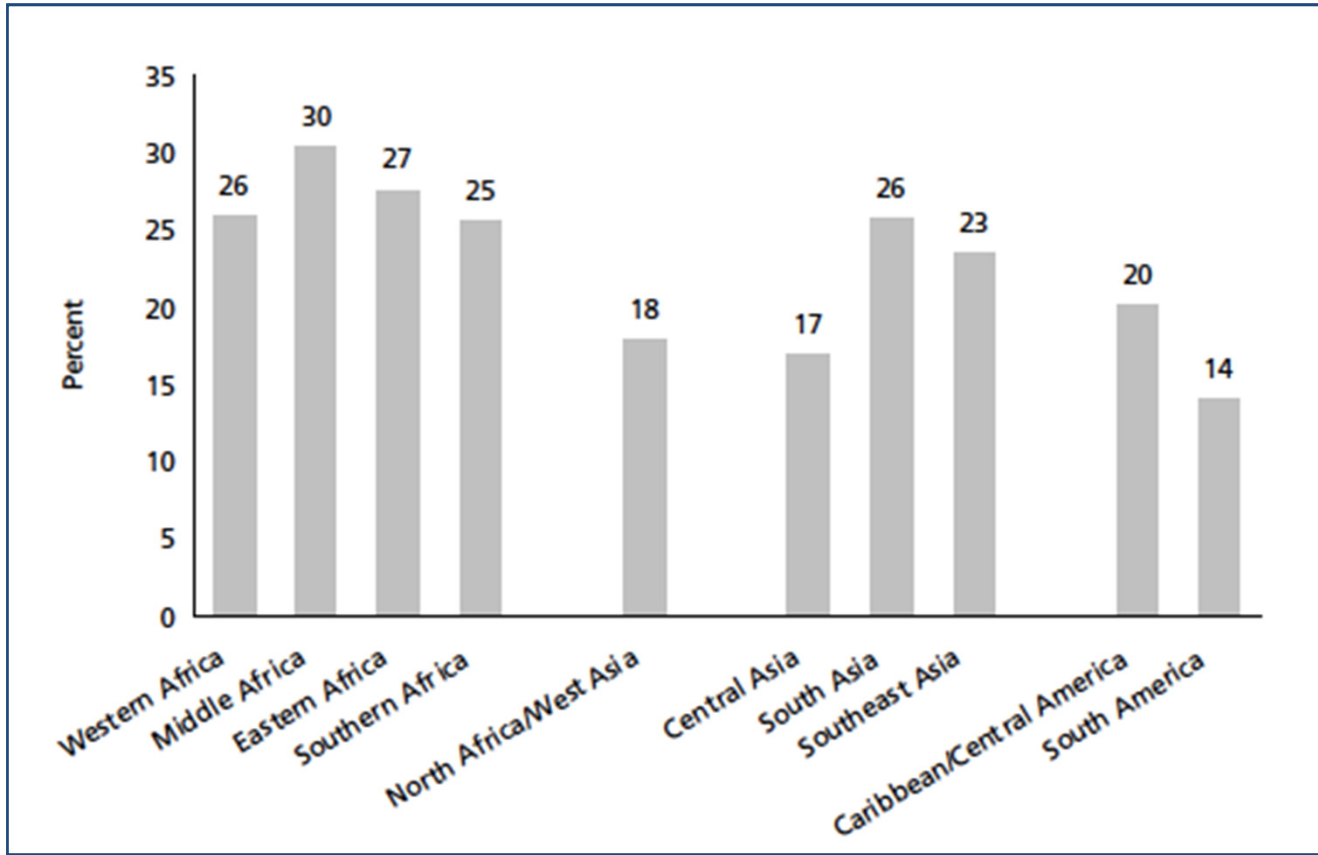
>1.8
Increase in HIV
acquisition in
HIV sero-discordant
couples attempting
pregnancy – “condom-
less” sex

0
Increase in HIV
acquisition if utilize
sperm washing on
HIV+ male partner

Global burden of
“infertility”
unknown

-In men
-In women who are
taking contraception
-As a result of
environmental factors

1 IN 4 COUPLES IN DEVELOPING COUNTRIES – SUFFER FROM INFERTILITY





Why should we care!!

Isn't the world better off, if we are several million less?





SOCIETAL PRIORITIES VS. INDIVIDUAL RIGHTS

- All children contribute equally to the problem of overpopulation, and not just those born from fertility treatment.
- The goal of reducing over population must be met without infringing on individual rights of the infertile.
- It is unfair to impose the burden of over-population onto women and men suffering from **infertility and lower socio-economic status**.



INFERTILITY

A disease of the reproductive system defined by the failure to achieve a clinical pregnancy after 12 months or more of regular unprotected sexual intercourse.

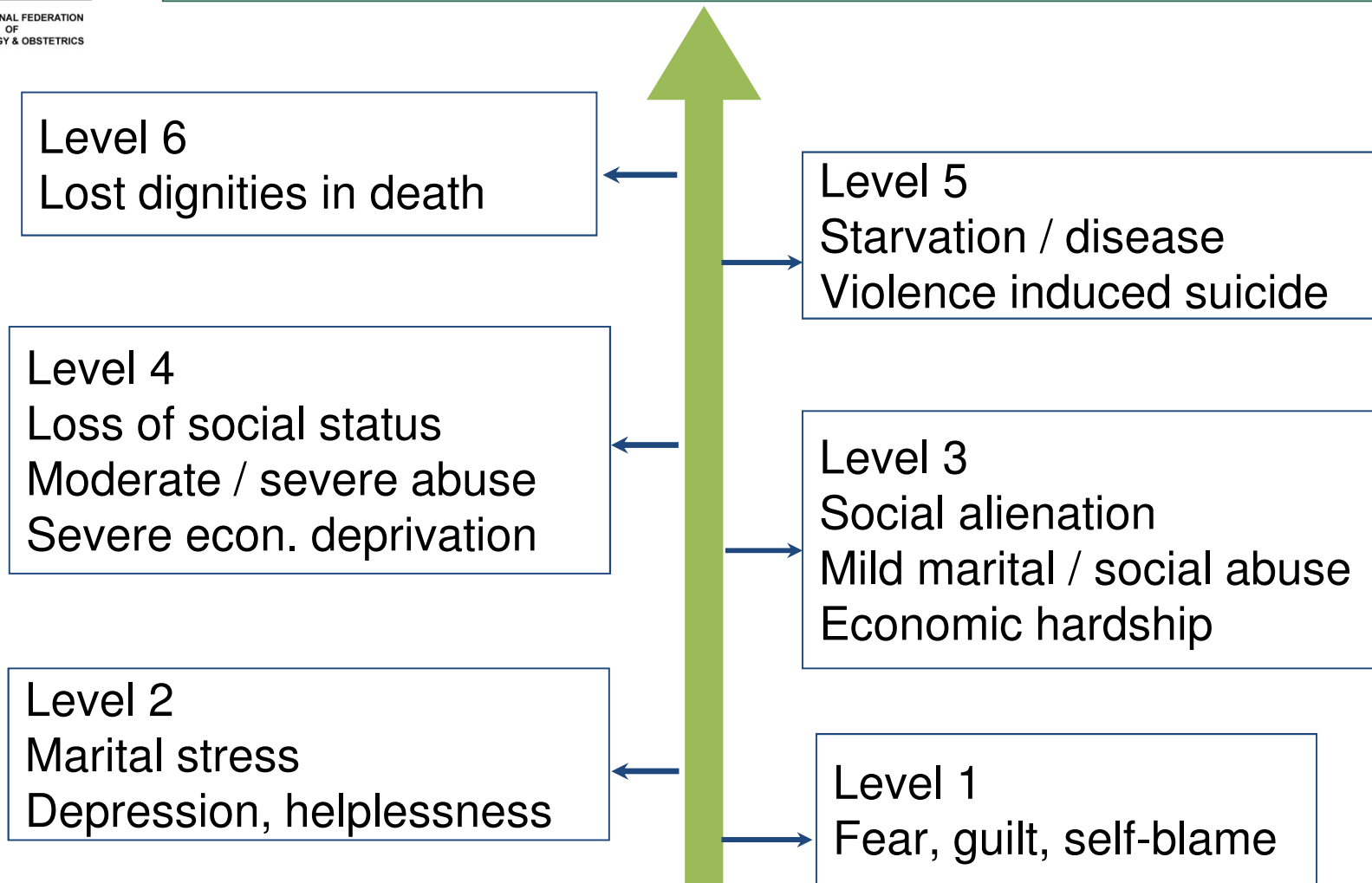


PSYCHOSOCIAL CONSEQUENCES OF INFERTILITY

- Loss of gender identity
- Systematic loss of self esteem
- Marital instability
- Isolation and loss of social status
- Ostracism and abuse
- Anxiety, depression

The magnitude of the levels of anxiety and depression are only comparable to those found in women with coronary disease, cancer and AIDS.

CONTINUUM OF CONSEQUENCES OF INFERTILITY





Are there international reproductive rights that address the needs of women and men suffering from infertility?





BACKGROUND INFORMATION

The verdict reached by the Inter-American Court of Human Rights (IACHR) against Costa Rica, for prohibiting the use of Assisted Reproductive Technology from the year 2000 to 2012



THE CONSTITUTIONAL CHAMBER OF COSTA RICA ESTABLISHED IN 2000

1-The human embryo must be recognized as a **person from conception onwards.**

2-**Conception** is established by the **union of the male and female gametes.**

3-With IVF, human **embryos are generated that will later die** and this is not justified by the desire of women and men to become parents.



THE CONSTITUTIONAL CHAMBER OF COSTA RICA ESTABLISHED IN 2000

4-Because the rights attributable to human embryos are equivalent to that of persons, **IVF constitutes an attempt against human life**

5-Therefore, IVF violates **the “right to life” of human embryos**. This is against Article 21 of the Constitution and Article 4 of the American convention of Human Rights



Are there human rights in dispute?

Are reproductive rights, part of human rights?



THE RIGHT TO FOUND A FAMILY

American Convention of human rights

- ARTICLE 17

Recognizes the right of men and women **to marry and to found a family** if they have the age and conditions required by internal laws,... as long as they do not effect the principle of non discrimination

European convention on human rights

- ARTICLE 12

Recognizes that men and women of marriageable age have the **right to marry and to found a family**, according to the national laws governing the exercise of this right.

THE RIGHT TO PRIVACY

American Convention of human rights

- ARTICLE 11

Everyone has the right to have his honor respected and his dignity recognized. No one may be the object of **arbitrary or abusive interference with his private life, his family, his home**, or his correspondence, or of unlawful attacks on his honor or reputation.

European convention on human rights

- ARTICLE 8

Everyone has the right to **respect for his private and family life, his home** and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law .



THE RIGHT TO EQUAL PROTECTION OR PROHIBITION OF DISCRIMINATION

American Convention of human rights

- ARTICLE 24

All persons are equal before the law.

Consequently, they are entitled, **without discrimination**, to equal protection of the law.

European convention on human rights

- ARTICLE 14

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, ..



THE RIGHT TO EQUAL PROTECTION OR PROHIBITION OF DISCRIMINATION

In relation to Article 24

- Unequal protection in the **right to health**.
- Unequal protection in the **right to enjoy family life**.
- Indirect discrimination in relation to the **condition of disability**.
- Indirect discrimination in relation to **financial situation**.
- Indirect discrimination in relation to **gender**.
- Indirect discrimination in relation to the right to **autonomy, specially that of women**.



Summary of the verdict by the Inter-American Court of Human Rights (IACHR)

Of 28 November, 2012





IACHR VERDICT

1- **Infertility is a disease** as established by WHO and therefore a prohibition of IVF constitutes a discrimination against women with disability.

2- **Reproductive rights are part of human rights.** The rights to found a family, and the right to autonomy to live private lives, must be recognized and protected



IACHR VERDICT

- 3- Conception starts with embryo implantation and not fertilization.
- 4- Personhood is the result of a gradual process; it is not established at fertilization
- 5- The owner of the right to life is the mother and not the embryo.
- 6- The alleged rights of embryos cannot be imposed upon the rights of persons to found a family, to privacy and to non discrimination



IACHR VERDICT

7- It obliges Costa Rica to take all necessary actions to **reestablish ART treatments within the social security**, in order to avoid discrimination in the access to treatment.



IMPACT OF IACHR VERDICT

Law 26.862 universal access to Medically Assisted
Reproduction
Argentina, June, 2013

Law 19.16 universal access to Assisted
Reproduction Technology Uruguay, November, 2014

Resolution No 241, Infertility is a disease and
equality and freedom of access to MAR. Ministry of
Health, Chile, May, 2015







What can be done?





Transform the paradigm of **family planning into the planning of a family**, and incorporate human resources into helping infertile women and men become loving and caring parents



The first action !!!

Integrate Fertility awareness, education and fertility care, into other reproductive health programs such as contraception, prevention of STIs and cancer, prevention of adolescent pregnancies.



Second action !!!

Increase availability and access to ART



Availability and Access to Assisted Reproductive Technology

A matter of Human Rights and Ethics
and

A matter of science to make ART affordable in low
resources settings



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