cases. It is a debate on public health issues in which recognition of women’s reproductive rights such as autonomy; developing their sexuality and the decision to have children or not -as part of their right to privacy and non discrimination- have all been highlighted, together with considering the embryo/ foetus as legally protected but without rights according to the doctrine of the Constitutional Court.

This presentation aims to highlight the impact of the recommendations on the new law issued by the interdisciplinary Opinion Group at University of Barcelona’s Observatory of Bioethics and Law, of which I am a member. The most notable concern is respect for the autonomy of women and their power to decide; considering voluntary interruption of pregnancy as a health action in clear accessible terms; the proposed system of stipulated periods, the scope of conscientious objection and the validity of consent at 16 years old. The legal text has also included the suitability of developing sex education policies, on which the Group already made a statement in 2002, and also implementing ways to gain real access to contraceptive methods, particularly for the most vulnerable women.

This paper highlights the interdisciplinary group’s impact- based on a dialogue between university and society- in changing the law: a new law which advocates protecting and promoting women’s reproductive rights, and, among other aims, attempts to avoid situations of legal insecurity due to the wide interpretation of the abolished law which decriminalises abortion for certain cases.

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The process of elaboration and passing of the Organic Law 2/2010, 3 March, on sexual and reproductive health and interrupting pregnancy has been the subject of intense social debate in Spain. This new Act, among other things, abolishes the controversial law, which decriminalises abortion in certain
Concurrent Sessions  
(C3.1 – C3.6)

C3.1:  
**Genetics, Biobanking and Human Health**

C3.1.1  
**Spain’s Research Ethics Committees: Unresolved Implementation**

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Spain’s Biomedical Research Law, promulgated in 2007, introduced new measures to guarantee the protection of subjects of research, among which lie the Research Ethics Committees which must issue an approval in order for the research projects involving human beings or using biological matter to be carried out. The aim of this paper is to analyse how much the law specifies the establishment, structure and duties of these committees and later highlight the problems of adjusting that implementing them may cause. The law predicted problems of adjusting and bestowed on the Ethics Committees in Clinical Research – which traditionally conducted their work in the field of clinical tests with drugs – the duties of the Research Ethics Committees, providing these were not established in the subsequent private or public centre. Although the biomedical research law does fill a large legal loophole regarding different types of research
in clinical tests with drugs, and covers a wide spectrum – ranging from research involving invasive treatment in humans and the use of embryonic stem cells to the legal statue of biobanks - to progress in the treatment of disease and develop efficient therapies by promoting collaboration between the public and private sectors. It is also true that, with regulations such as the above, the new law may raise doubts as to the effectiveness of the committees to protect the rights of participants, bearing in mind the wide margin for decision making which the law bestows on them for these instances and not forgetting the interests underlying biomedical research. Respect for basic ethical principles and fundamental rights of humans used in biomedical research must be an unavoidable condition. The implementation, operations and duties of the Research Ethics Committees must respond to both these aims. From an international viewpoint, UNESCO backs this approach in the Universal Declaration on bioethics and human rights, which consolidates and promotes setting up ethics committees in different fields.

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Symposia (S4.4 – S4.5)

S4.4

Reproductive Rights in Ibero-American: Still Too Much to be Done

Since the beginning of the Iberoamerican Network of Bioethics' activities, on an informal basis during the 8th World Congress in Beijing, and formally presented in the 9th World Congress held in Rijeka, it has developed a commitment to promote a dialogue among academics of different countries of the region (Latin American countries, as well as Spain and Portugal) in order to share knowledge and experiences related to the bioethical problems we have in common.

As reproductive rights are one of the main subjects in Ibero-america, and it was the topic of our first regional meeting held the 27 October in Buenos Aires we will focus on the same theme.

As this is not a standard Symposium of the Congress but the result of a network, we want to maintain this spirit. Hence we will not only present "invited speakers", but we will also select two papers from an open call to the network. We will divide the session in two parts. The first one will have four invited speakers (10 minutes with 5 minutes for discussion each); while the second part will consist in the selection of the best papers
submitted by peer review.

The session will be carried out in Spanish and Portuguese with slides in English. Thus we continue the innovation established in Beijing as we seek to lift the language barrier that would hinder some people to participate.

S4.4.1
Abortion and the Secular State – A Latin American Perspective

Debora Diniz
University of Brasilia; Anis – Institute of Bioethics, Human Rights and Gender, Brazil

This presentation will discuss how the abortion bioethical debate in Latin America is framed in a regional framing of weak secular states. The Catholic Church voice is a permanent authority in the academic and political bioethical debates. The main consequence of this religious frame is that the public ethical questions are defined by the religion and not by others perspectives, such as public health or human rights. The Brazilian, Mexican and Colombian cases will be analysed.

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S4.4.2
Vulnerability and Reproductive Rights

Florence Luna
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Vulnerability is a concept of special interest to women. In research ethics, women are sometimes considered a vulnerable group and at other times taken out of that group. During the first phase of research ethics, women were protected from harm and thus excluded from research; in a second phase this exclusion was viewed as problematic. A general policy of excluding women biologically capable of becoming pregnant was considered unjust in that it deprived women as a class of the benefits of new knowledge derived from research trials. However, nowadays exposing women in specific research settings to a certain kind of research is increasingly perceived as problematic (for example, in countries where abortion is illegal or unsafe and the drug tested has the probability of being highly teratogenic, or where contraceptive methods are being tested). Part of the problem lies in the conceptualization and use of the concept of vulnerability. Just labelling women as a vulnerable group is too simplistic and raises problems. Women may not be per se vulnerable or essentially vulnerable, but they might be rendered vulnerable if, for example, their culture hinders valid informed consent or if they do not have access to safe contraception. Following my proposal of a dynamic way to understand this concept using the metaphor of layers instead of labels I will analyze how can this concept be understood in the context of reproductive rights? I will consider cases of illegal and unsafe abortion and cases concerning pregnant women of medium class.

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S4.4.3
Bioethical Reflections on Sexuality and Human Reproduction

José Jose Eduardo Siqueira
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The actual birth control offered by modern contraceptives, associated with a greater presence of the woman as an autonomous being, has made clear to society that considering certain decisions concerning sexuality as naturally good or bad, no longer attends the emerging morality. They have begun to acknowledge that the ethical behaviour in sexuality practice should not be dictated by the Natural Law, but the respect to values such as dignity and freedom of options of human beings. Furthermore, one realizes that the possibility to disentail sexuality and reproduction as well as deconstruct the naturalist model, it demanded the elaboration of new moral rules to orientate ethical posture in both fields, in other words, we would have to have not one, but two ethics, one which would devote to sexuality and another to human reproduction. New moral foundations, no longer heteronomous as in ancient times, but autonomous as Kant suggested in the 18th century. Although, it is necessary to understand that science and religion must ask different questions and inevitably they will have distinct answers. They are both awarded with the authenticity to orientate human life in its transience. Therefore, for the benefit of the human being, such
Voluntary Interruption of Pregnancy and Reproductive Rights in Spain

Itziar Lequen

The process of elaboration and passing of the Organic Law 2/2010, 3 March, on sexual and reproductive health and interrupting pregnancy has been the subject of intense social debate in Spain. This new Act, among other things, abolishes the controversial law, which decriminalizes abortion in certain cases. It is a debate on public health issues in which recognition of women's reproductive rights such as autonomy; developing their sexuality and the decision to have children or not as part of their right to privacy and non discrimination—have all been highlighted, together with considering the embryo/foetus as legally protected but without rights according to the doctrine of the Constitutional Court.

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The Fallacy of Neutrality: The Case of an Argument Against the Anticipation of the Delivery of Acephalus Fetuses

Ana Carolina da Costa e Fonseca

Those who favour and those who oppose the anticipation of the delivery of accephalus fetuses answer the question “what is the right to life?” differently. Those in favour argue that life exists only when it is “viable”, i.e., when cerebral activities occur or may occur. Those who oppose it argue that it is not possible to identify “life” resorting to a particular quality, since life “exists since conception”. In fact, in both cases, the noun “life” is being defined by a particular quality, either as “viable” or as “existing since conception”. Also, simply to say that “there is life” cannot count as a neutral answer, since those who utter such a sentence employ an unspecified criterion to establish if there is or there is not life. There are two possible roads to investigate this controversial matter: either we look for a definition of “life” which is neutral and objective and does not resort to a particular quality or we try to establish whether or not the search for a neutral point of view can lead to a satisfactory answer.

In this paper we explore the argument against anticipation — as defined above — in order to show 1) the impossibility of establishing a neutral point of view with regard to knowledge; 2) the existence of a psychological motivation which justifies the longing for an absolute criterion for the evaluation of human actions. This psychological motivation is analyzed from a Nietzschean perspective.

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