France authorizes the research on human embryo

In At 4:45 pm on Thursday 16 July 2013, French Parliament adopted the authorization of the research on the embryo with 314 votes against 223. In the middle of the summer, a legal and ethical turmoil is enshrined in the French law whereas the botched debate has been almost inexistent. The scientific anachronism is all the more scandalous that the Japanese government authorized three days later the opening of the first clinical trial in man on induced pluripotent cells (iPS).

The authorization of research on the embryo in France

Contrary to what has been announced, the real consequences of the vote of MPs which, for the first time in French legislation, registers the principle of non-protection of the human being, are heavy. They should be reminded:

1. The human embryo is presumed available to be used and thus destroyed by the research. Indeed, the transition to the principle of the authorization has relegated the human embryo to the rank of lab material, under the cover of compassionate arguments.

2. The burden of proof is no longer imposed to the scientist who researches on the embryo.

The researchers who then had to justify themselves if they wanted to research on the embryo now have the field free. The principle of precaution brandished in all other fields, disappears.

3. The human embryo called “supernumerary” becomes officially a reagent for the pharmaceutical industry. Because the research on the embryo must be only for medical purpose, and no longer present a perspective of major medical advances, the embryo becomes accessible for pharmaceutical industry which for a long looked to available and free supernumerary embryo to model pathologies or screen molecules.

4. The non-embryonic research will be sacrificed in the financing plans.

The opening of the research on the embryo will increase the delay France has already in both ethical and efficient research on IPS cells.

An inexistent debate: back on the government maneuvers

The legislative process to authorize the research on embryo did not match the challenge which is the dignity of the human being. The first milestone achieved in December 2012 at the Senate set the tone: a two-hour debate when ending the session to adopt the text. MPs took on, in the same state of mind, on Thursday 28th March, during a parliamentary window. The text is not adopted for lack of time and thanks to the determination of some opposition MPs. Persisting with its strategy by the back door, the government plans the text on Thursday, day when the hemicycle is almost empty, in the middle of the summer. The changes did not lack: after having brought forward the examination of the text in extremis, the government imposed the reserve and then blocked the votes, compensating this way the absence of majority MPs, and avoiding that any amendment is adopted, what would lead to the obligation of a new examination by the Senate. The debate is thus sterile: majority MPs have left the hemicycle, leaving around ten opposition MPs defending the embryo… for the symbol. These are the same MPs which submitted their case to the
Constitutional Council (under examination when publishing).

**Unanswered questions ...**

During the speech, the Minister of Research, Miss Fioraso, left questions unanswered. Trapped in a silence and the refusal to arguing she did not answer to some essential questions raised several times by opposition MPs:

1. Can the minister affirm that the human embryo is not a human being?
2. Did she receive representatives of pharmaceutical industry lobbies?
3. Why does she refuse to mention in the text that resorting to human embryos is reserved to public research teams, like some people propose it in order to overcome the suspicion on the interest of industrial companies?
4. Will a liberalization of the research on embryo adversely affect the conscience clause of researchers who would refuse to destroy human embryos within the framework of their works?
5. What is the precise budget France allocates and plans to allocate to the research on iPS cells which attract the credits and the human resources in some countries, particularly in Japan?
6. How does she owe to call for more independence of the Agency of Biomedicine whereas the ABM has been condemned by the Administrative Court of Appeal of Paris to have illegally granted a derogation of research on embryo?
7. Can the Minister (who pretended not to understand the question) guarantee that the research on embryo will no longer be used in order to improve MAP techniques, and particularly the development of the artificial uterus?

**A scientific anachronism**

When the law was voted in France the Japanese government authorized the launch of first global clinical trials of regenerative medicine on induced pluripotent stem cells (iPS), on man, for the treatment of the age-related macular degeneration (AMD). This authorization given to Pr Masayo Takahashi, in collaboration with the Institute for Biomedical Research and Innovation and Kobe Medical City Hospital General Center (hiPSCs), concerns a cohort of 6 patients with AMD. In Japan, the research on iPS cells became a priority.

**Will the AMP and the Surrogacy for homosexuals come faster than announced?**

**The secretive but active mobilization of lobbies and institutions**

The law for homosexual marriage has just been voted that the pressures are orchestrated to obtain other evolutions. Mid-July 2013, the French Obstetrician Gynecologists members of the National College of French Gynecologists & Obstetricians (CNGOF) received a "confidential survey" to collect their experience and their opinion on the access to Medically Assisted Procreation (MAP) for homosexual couples in France. Two days later, a network of "gay friendly physicians" opened. Finally, a bill has been filed by socialist senators to open the MAP to homosexual at the end of the week. The accumulation of these announcements in such record time shows that gay lobbies are at work, what lets presume the quick opening of MAP and Surrogacy.

**The confidential survey of the Academy of Medicine**

The survey called "confidential" on the access to MAP for homosexual couples in France is made by the National Academy of Medicine, with the aid of the CNGOF and
supported by the professors Pierre Jouannet¹ and Roger Henrion². It is part of a think tank established by the Academy of Medicine on the possible opening of MAP and Surrogacy for homosexual couples.

Within the context of tension of the “marriage for all” law particularly due to its possible consequences on MPA and Surrogacy for homosexual couples, it is surprising to note that a working group from the National Academy of Medicine examines the subject in great secrecy interviewing the practitioners on their activities in the field. It is all the most surprising that the citizens will only be consulted through States General organized by the National Consultative Ethics Committee (CCNE) at the beginning of 2014.

Besides a cover letter willing to be reassuring by specifying to stay at a stage of reflection, the Academy of Medicine starts a very concrete survey to take the temperature of practitioners and establishing statistics on what is made in France. The questions of the survey are oriented: we particularly can read the request of admission of professionals who advised homosexual couples for MAP or surrogacy made in France or abroad. Or even, the questionnaire asks if these professionals have participated actively to this type of processes in France, without mentioning they are illegal.

How can the National Academy of Medicine ask to its own fellows to confess behaviors which are perfectly prohibited, and considered to date as contrary to the medical deontology and French public order? The general directorate of health, supported by the French National College of Physicians, on 21st December 2012, reminded that practitioners who gave this kind of advice could have five years of imprisonment and fine of 75,000 euros.

The confidential approach of the National Academy of Medicine can only generate suspicions.

How cannot think that the objective of this survey is part of the same logics than the Taubira’s circular on Surrogacy, in other words that it proposes to start from reality of some contra legem cases, to make the law change? The suspicion is reinforced when we learn that this “confidential” questionnaire has been transmitted to the Association des parents et futurs parents gays et lesbiens (APGL) so that its members transmit it to their gynecologist...

Opening of a network of gay friendly physicians
Combination of circumstances, or opportunism, the day after the reception of the survey, the physicians are invited to visit the site “Gay Friendly Physicians”, announcing the opening of a network of physicians supporting the gay cause in September 2013. The law has not changed, and the debate has not started, but already a lot of milestones are in place so that practitioners who would direct homosexual couples to MAP or Surrogacy fell less guilty.

The bill of socialist senators
In parallel with the secret survey of the Academy of Medicine, senators of the socialists group have filed a bill to open the MAP to homosexual couples. Their objective: compensate the “social infertility” and lead to MPA of convenience. It must be concluded that they do not wait for the citizen debate. If it is unlikely this bill is adopted before the opinion of the CCNE and the States General foreseen in 2014, this text participates voluntarily to prepare the spirits, and proves that the marriage for all was only the first work of liberal-libertarians.

It seems that the debate is again buried; leaving already very oriented actors to take over. Yet such societal challenges concern both citizens and experts and deserve to be known.

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². Expert in gynecology and obstetrics, full member of the commission “reproduction and development” of the National Academy of Medicine and member of the active working group on the medically assisted procreation in jail.

1. Jean-Pierre GODFROY, Roland COURTEAU, Bernard CAZEAU, Daniel RAOUL and Roger MADEC.

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