

**APPLICATION OF THE CURRENT LEGISLATION ON MEDICALLY
ASSISTED REPRODUCTION**

Person of reference: _____

Title: _____

Date of Interview: 25/07/19

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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

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 How does the control on whether the conditions of access to assisted reproduction are retained, as provided in the law?

- a) The data are deposited a special authority on assisted reproduction from the Units of Assisted Reproduction
- b) The data are deposited to the Ministry of Health
- c) The Ministry of Health performs the control
- d) There has never been any control
- e) In another way:

2. GENERAL REQUIREMENTS FOR THE APPLICATION OF MEDICALLY ASSISTED REPRODUCTION

2.1 Were you ever asked to apply methods of assisted reproduction to woman who had exceeded the age limit stipulated by law?

YES

NO

2.2 The actual verification of compliance with the age limits set by law takes place by:

a) The submission of data to the authority on assisted reproduction

b) The submission of data to the Ministry of Health

c) Checks on the files by the Ministry of Health

d) Checks on the files by the authority on assisted reproduction

e) There has never been any control

f) In another way:

2.3 Were you ever asked to apply assisted reproduction to people who had health issues?

YES

NO

2.4 The actual verification of the health of the couple who wish to undergo assisted reproduction takes place by:

a) the submission of data to the authority on assisted reproduction

b) the submission of data to the Ministry of Health

c) checks on the files by the Ministry of Health

d) checks on the files by the authority on assisted reproduction

e) there has never been any control

f) in another way:

3. ALLOWED KINDS OF MEDICALLY ASSISTED REPRODUCTION

3.1 Do you believe that heterologous fertilization should be allowed?

YES

NO

3.2 If you believe that it is correctly allowed, do you believe that it is equally allowed the application of the method using sperm from a donor/ a non-frozen ovum from another woman/ a frozen ovum from another woman or using sperm and ova from third parties?

BOTH

4. ISSUES RELATED TO THE GAMETES

4.1 Were you ever asked to transfer more fertilized ova from the number set by law?

YES

NO

4.2 The verification of the number of ova transferred takes place by:

- a) the submission of data to the authority on assisted reproduction
- b) the submission of data to the Ministry of Health
- c) checks on the files by the Ministry of Health
- d) checks on the files by the authority on assisted reproduction
- e) there has never been any control
- f) in another way:

4.3 What is expected to happen if triplets or quadruplets are born, even though the law allows the transport of 1 or 2 fertilized ova?

There is not anymore a limit

4.4 Have you ever been informed of a selective reduction, in a case where more than one fertilized ova were implanted?

YES

NO

4.5 What should, in your opinion, be done with the excessive gametes?

- a) It should be used for the production of stem cells
- b) It should be destroyed
- c) It should be donated
- d) Other. Specify:

5. GENETIC OPERATIONS IN ASSISTED REPRODUCTION

5.1 Are you frequently asked to proceed to pre-implantation diagnosis?

YES

NO

5.2 If the answer is YES, the question is asked because:

- a) the couple simply wish to?
- b) what is expected is the birth of a child that could help in the treatment of his/her older brother/sister who is suffering from a serious illness
- c) the transmission of a serious illness from the parents to the child should be prevented
- d) other. Specify:

5.3 Are you frequently asked to choose the child's sex selection via the application of methods of medically assisted reproduction?

YES

NO

5.4 If the answer is YES, because:

- a) the couple wish a child of specific sex
- b) the transmission of a serious illness which is associated with sex should be prevented
- c) the couple already have children of the same sex
- d) other. Specify:

5.5 Were you ever asked to enhance the gametes (determination of height, skin color, intelligence etc. of the child)?

YES

NO

5.6 If the answer is YES, because:

- a) the couple wishes to?
- b) 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 Were you ever asked to perform in vitro fertilization after the death of the partner who had consented to it?

YES

NO

1.2 If the answer is YES,

- a) did you perform it according to the will of the interested partner,
- b) did you examine whether there was a consensus of the deceased partner to the posthumous fertilization
- c) other. Specify:

IT IS FORBIDDEN BY LAW

2. SURROGACY

2.1 Were you ever asked to perform the method of surrogacy?

YES

NO

2.2 If the answer is YES, have you undertaken the task of finding the surrogate mother yourself or is she indicated to you by the couple?

IN ITALY IS FORBIDDEN BY LAW

2.3 Do you believe that the surrogate mother was given anything in exchange by the couple?

YES NO I DON'T KNOW

2.4 Was any kind of compensation provided to the surrogate mother?

YES NO I DON'T KNOW

2.5 If YES, what did it cover?

- a) Lost work days
- b) Special alimony
- c) Other. Specify:

2.6 Did you ever meet a case where the fetus was found suffering from a serious illness and the couple asked the surrogate mother to terminate the pregnancy?

IV. ASSISTED REPRODUCTION KAI ALTERNATIVE FAMILY FORMS

1. SINGLE WOMEN

1.1 Have you applied any method of assisted reproduction to a single woman?

YES NO

1.2 If the answer is YES,

- a) she just wished to
- b) she could not have a sexual relationship with a male
- c) she could not have a child naturally for medical reasons
- d) other. Specify:

IN ITALY IS FORBIDDEN BY LAW

2. SINGLE MEN

2.1 Were you ever asked by a single man to assist him in having a child via surrogacy?

YES NO

2.2 If the answer is YES,

- a) he just wished to
- b) he could not have a sexual relationship with a female
- c) he could not have a child naturally for medical reasons
- d) other. Specify:

IT IS FORBIDDEN TOO

3. HOMOSEXUAL COUPLES

3.1 Were you ever asked by a homosexual couple to assist them in having a child via assisted reproduction?

YES NO

3.2 If the answer is YES, was it a couple of

- a) females?
- b) males?

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

1.2 What is the competent authority for the security control?

ITALIAN MINISTRY OF HEALTH - CNT

1.3 How frequent are the said controls?

Every year

1.4 Did you ever receive any reports after a control?

YES

2. MEDICAL CONTROL OF THE DONORS OF THE GAMETES

2.1 The health of the donors of the gametes is checked by:

- a) the medical center of assisted reproduction
- b) the authority for medically assisted reproduction
- c) other. Specify:

Gametes donation will start October 2014

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

YES NO

2.3 If YES, on a level of:

- a) city
- b) prefecture

c) state

d) other. Specify:

2.4 If YES, who controls the control system?

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:

- 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:

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

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

4. DISCLOSURE OF THE IDENTITY OF THE DONORS OF GAMETES

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

YES NO

4.2 If YES why, if NO why?

THERE IS NOT correlation between child and donor

4.3 Even if the law imposes the anonymity of donors, should it provide a disclosure of identity under certain presuppositions?

YES

NO

4.4 If YES, when do you consider that their identity should be disclosed (when the child is diagnosed with a disease presumed to be hereditary / when the child comes of age and wishes to know the identity of the donor / otherwise)?

4.5 Were you ever so far obliged to reveal the identity of the donor of gametes?

YES

NO

4.6 If YES, who made the decision and to whom did you offer the elements of the identity?

4.7 Did you notify the donor before?

5. SELL AND BUY OF GAMETES

5.1 Have you ever perceived any exchange to be offered for the purchase of gametes?

YES

NO

5.2 Do you think that it should be banned? Why YES or NO?

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

6.2 If the answer is NO, how do you explain your negative opinion?

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

7.2 If the answer is NO, what do you think are the reasons for it?

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 If the answer is NO, how do you explain your negative opinion?

VII. "FINANCES" OF ASSISTED REPRODUCTION

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

1.1 Do you think insurance companies cover the applications of the assisted reproduction methods in a sufficient way?

YES NO

1.2 If the answer is NO, how do you explain your negative opinion? What more should be covered?

IN ITALY Companies do not cover at all

VIII. ISSUES OF PRIVATE INTERNATIONAL LAW IN ASSISTED REPRODUCTION

1. REPRODUCTIVE TOURISM

1.1 Is the displacement of citizens of your country towards 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? Please specify:

Gametes donation

1.3 Do people who have undergone methods of assisted reproduction face any problems?

YES NO

1.4 If the answer is YES, what are the problems that have occurred until now?

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?

YES NO

1.6 If the answer is YES, do they also indicate 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 d) I do not know

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? Please specify:

2.3 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

2.4 If YES, who stores the said records?

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

YES NO

2.6 If NO, what are the actual existing restrictions?

2.7 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 to be born?

YES NO I DON'T KNOW

2.8 If YES, by whom are they informed?

2.9 Has any case of medical centers in your country advertising the services they offer in other countries, where legislation is more strict, been brought to your attention?

a) YES PLENTY OF TIMES b) YES BUT RARELY c) NO

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

YES NO

IX. FINAL COMMENTS

1. GENERAL CRITICAL ASSESSMENT

1.1 Have you detected any other problems on the content or the manner of implementation of the legislation on assisted reproduction in your country? If YES, which ones:

/

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

/

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

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