

Foetus Donation to Infertile Couples Act*

Article 1- According to this law all competent specialized infertility cure centres, subject to the religious regulations and conditions set forth herein, shall be authorized to transfer foetuses resulting from the in vitro fertilization of [gametes from] lawful couples whose written approval has been obtained, to the uteri of women who are married and have undergone medical treatment in cases where the infertility of one or both partners has been proven.

Article 2- The request for a foetus donation must be conjointly written and submitted to the Court by husband and wife and the said Court shall grant an authorization for the transfer of the foetus upon satisfying the following conditions:

- A- The inability of the couple to procreate and the capability of the wife to receive the foetus, as evidenced by a valid medical certificate.
- B- The moral competence of the couple.
- C- Neither partner is incapacitated.
- D- Neither partner is afflicted with an incurable disease.
- E- Neither partner is addicted to narcotic drugs.
- F- Both partners hold Iranian nationality.

Article 3- The obligations and duties of the recipient couple and the resulting child, in terms of rearing, upbringing, support and respect, are the same as those of any children and of their father and mother.

Article 4- The evaluation of the requesting couple's competence shall take place in the Family Courts, in an extraordinary session and without the formalities of the Civil Procedure Act, and any finding of a lack of competence is subject to appeal.

Article 5- The Executive Byelaw for this Act shall be drafted within three months by the Ministry of Health and Medical Education with the cooperation of the Ministry of Justice and be approved by the Council of Ministers.

The above Act containing five Articles was approved in open session of the Islamic Consultative Assembly [Parliament] on Sunday, 20 July 2003 and was approved by the Guardian Council on 30/7/2003.

Mehdi Karroubi
Head of the Islamic Consultative Assembly

* Translated by Dr. Hooman Movassagh, Assistant Professor of the Faculty of Law, Shahid Beheshti University; Director of the Bioethics Group of the UNESCO Chair and Center for Human Rights, Peace and Democracy, Shahid Beheshti University. The translator wishes to thank Dr. Janet E. Blake for her revision of the preliminary draft.