

Executive Byelaw to the Foetus Donation to Infertile Couples Act*

No.: 54016T31197H

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Ministry of Health and Medical Education - Ministry of Justice

The Council of Ministers in its session of 9 March 2005, on the joint suggestion of the Ministries of Health and Medical Education and Justice, number 69773 of 31 July 2004, and by virtue of Article 5 of the Foetus Donation to Infertile Couples Act of 2003, has approved the following Executive Byelaw for the aforesaid Act:

Foetus Donation to Infertile Couples Act Executive Byelaw

Chapter one: Definitions and general provisions

Article 1- In this Byelaw, the following terms shall have the corresponding meanings set out hereunder:

- A- Act: means the Foetus Donation to Infertile Couples Act of 2003.
- B- Foetus: is the embryo resulting from in vitro fertilization of lawfully wed couples, for the period from conception to a maximum of five days. The foetus may be either fresh or frozen.
- C- Foetus donation: the voluntary and free submission of one or several foetus(es) from couples fulfilling the requirements set forth in the Act and this Byelaw to the authorized specialized infertility cure centres for transfer to requesting couples who satisfy the conditions set forth in the Act.

Chapter two: Conditions governing foetus donation and receipt

Article 2- The donating couple shall meet the following conditions:

- A- A lawful marital bond and relationship.
 - B- Normal physical and mental health and an appropriate intelligence quotient.
 - C- Lack of addiction to narcotics and other addictive substances.
 - D- Freedom from affliction by incurable diseases such as AIDS, hepatitis and....
- Note- Authorized specialized infertility cure centres shall, prior to receiving the foetus from the donors, ascertain that the above conditions have been met.

Article 3- Foetus donation must be by written consent and with the approval of the donating couple and must take place within authorized specialized infertility cure centres through confirming their identity and in complete confidentiality.

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Article 4- Couples requesting a foetus must fulfil the qualifications set forth in Article 2.

Article 5- A request for foetus donation shall be heard in a competent court, in an extraordinary session and without the formalities of the Code of Civil Procedure. A judgment denying the request and a finding of ineligibility of the couple is subject to appeal.

Chapter three: Duties and obligations of the authorized infertility cure centers

Article 6- Authorized specialized infertility cure centers shall undertake the following:

- A- Separate storage of foetuses donated by Muslim and non-Muslim donors and the observance of religious and sectarian compatibility between the requesting couple and the donated foetus at the time of transfer.
 - B- Receipt and maintenance of a final court judgment from the requesting couple.
 - C- Issuance of physical and mental health certificates for the couple requesting the foetus, in accordance with the Act and this Byelaw.
 - D- Receipt, storage and transfer of donated foetuses in complete confidentiality.
- Note- Information concerning the donated foetuses is classified as completely secret.

Article 7- The issuing of certificates confirming [the couple's] infertility and also the capability of the wife to receive and maintain the foetus, following diligent medical tests, falls within the competence of authorized specialized infertility cure centers.

Chapter four: Conditions for receipt, storage and transfer of the foetus

Article 8- Any authorized specialized infertility cure centre may establish a foetus bank in accordance with the guidelines issued by the Ministry of Health and Medical Education. This bank shall be responsible for the receipt and storage of foetuses and their transfer to infertile couples in accordance with the regulations of the Act and of this Byelaw.

Article 9- The Transplant Management Centre of the Ministry of Health and Medical Education shall, in accordance with the guidelines of the said Ministry, stringently monitor the receipt, storage and transfer of foetuses.

Article 10- Submission of documents and information concerning the donors and recipients of the donated foetus is only authorized if such submission is made to the competent judicial authorities and in compliance with the laws on the maintenance of government secrets.

Mohammad Reza Aref - Vice President