

Reform need of the reproductive medicine right - summary

Since the decree of the embryo protective law (ESchG) in 1990 the reproductive medicine has found out rapid developments which find no correspondence in the law applying nearly consistently till this day. Hence, the thesis argues with the reform need of the reproductive medicine right and would like to make a contribution to the discussion with concrete draught regulations.

The work limits itself to those problems, technologies and procedures within the scope of the assisted reproduction which serves the overcoming of sterility/infertility and the arranging of a pregnancy. This cutting was chosen, because an unequivocal legal regulation is of particular importance in this area for the practise and the affected persons. It opens the possibility to extract the corresponding regulations from the criminal decorated ESchG and to regulate in a not primarily criminal decorated reproductive medicine law.

The main part is made up of three parts.

For a better understanding of the topic medical and juridical bases are given by way of introduction. Beside the representation of the history of the origin, legal nature and structure of the ESchG is explained in particular, why reform demand is given and why present reform efforts have failed. Afterwards the important, as regulation-destitute felt, problems, technologies and procedures are shown within the scope of the assisted reproduction individually. First the status of the embryo of a closer consideration is submitted and ascertained which conditions must be given in general for the claim of reproductive-medical measures. Besides, it is examined whether the three rules are maintained or whether one should join to the so-called German middle course. Building on this the admissibility of the so-called elective single embryo transfer is examined. Finally the reproductive-medical measures which follow under inclusion of at least one third (sperm donation, egg donation, initial embryo donation and surrogacy) as well as the post mortem conception are treated.

At last considerations like the won results can be moved follow. First it is cleared, why priority is granted to a reproductive medicine law to be recreated before a reform of the ESchG, before concrete draught regulations are introduced for the reproductive medicine law to be recreated.

The results of the work are finally summarised into theses and a short concluding remark.