



CONSELHO NACIONAL DE ÉTICA PARA AS CIÊNCIAS DA VIDA

OPINION

on

SOME PROPOSALS FOR CONSTITUTIONAL REVISION

20/CNECV/97

Considering Art. 26-4 of the Constitutional Revision Bill no. 3/VII (Socialist Party), Articles 25-1 and 25-A of the Constitutional Revision Bill no. 5/VII (Social Democratic Party) and Articles 26-A and 26-B of the Constitutional Revision Bill no. 6/VII (Guilherme Silva and other members of Parliament), submitted to our Council for evaluation by the President of the Ad Hoc Commission for the Revision of the Constitution (National Parliament - *Assembleia da República*);

Considering the terms of the Convention on Human Rights and Biomedicine, adopted by the Ministerial Committee of the European Council on the 20th of November, 1996, particularly its Articles nos. 2, 5 and 13;

Considering that the expression "*genetic identity*" is an abstraction susceptible of diverse interpretations, which is not used in the recent Convention on Human Rights and Biomedicine of the Council of Europe, and that, if the "*guarantee of genetic identity*" be understood as the right of every citizen to be genetically unique, then it offends those who are not so (identical twins);

Considering that alterations to the genetic constitution of individuals are not ethically acceptable save for therapeutic purposes and the prevention or diagnosis of illnesses, but on no account for the eugenic purpose of improving healthy individuals; and that, in the present state of science, such alterations should not be performed on cells of the germinal line, because there are unforeseeable risks of transmitting genetic defects to all future generations;

Considering that the permissible genetic alterations are performed for the benefit of the life and health of the person on whom they are practised;



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Considering that not everything that is technically feasible is ethically acceptable and that the dignity of the human person, in the face of scientific experimentation and research, must be respected in concrete terms, which guarantee that the interests and benefit of each citizen prevail over the restricted interests of science and society;

**The National Council of Ethics for the Life Sciences
issues the following Opinion:**

1. The welfare of the human person must prevail over the interests of science and society.
2. The individual genetic constitution may be altered only for the exclusive purpose of the prevention, therapy or diagnosis of illnesses, and, in the present state of science, only so long as its purpose is not the genetic alteration of the descendants.
3. The term "*genetic identity*" must not be introduced in our fundamental Law.

Lisbon, March 4th, 1997

The President of the National Council of Ethics
for the Life Sciences

Prof. Dr. **Luís Archer**