

POINT OF VIEW

'Artificial Wombs' replacing medical termination of pregnancy and rights: A point of view

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ABSTRACT

One of the emerging scientific ventures in the world is the development of artificial gestation of human beings and the Artificial Womb Technology (AWT). This technology supports women who are unable to bear natural pregnancy to procreate. This process has been praised by scientists in view of its contribution to the reproductive process and its purview to act as an alternative to medical termination of pregnancy. The emerging technology has its own pros and cons. The first argument against the Artificial Womb is the fact that, it collides with the reproductive autonomy of women. The positivity of such a venture is signified only in the instances where it is used as a choice but not as a compulsory alternative to a reproductive health right of termination of pregnancy. The substitution of Artificial Womb as a substitute for the termination of pregnancy causes serious predicaments to women in countries with highly restrictive abortion laws where they are compelled to end up with a forced pregnancy. The Author has discussed international and domestic legal frameworks. As the concluding perspective, the author has recognized the fact that, women are entitled to the right of physical integrity, autonomous decision making and unique rights relating to pregnancy namely right not to procreate with the right to genetic privacy. If a technology compels a woman to continue a physical condition which she does not want to continue, that amounts to 'involuntary servitude' and a derogation of international human rights law.

Keywords: Artificial Womb; human rights; involuntary servitude; reproductive autonomy; termination of pregnancy

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wombs which are unable to conceive and carry fetuses. Such women are deprived of the capability of bearing children¹. In addition to this, the artificial womb is considered as enabling the preterm babies to exist by acting as an incubator¹. In the eyes of advancing scientific word, the artificial womb becomes imperative, due to the fact that, such a technology improves the reproductive success. This contention on the part of proponents to the artificial wombs is criticized by opponents stating that, technology diminishes the value of the woman.

ARTIFICIAL WOMB TECHNOLOGY AND THE WOMEN

INTRODUCTION

The artificial gestation of humans has been developing as a newest scientific venture in the world¹. In the context of the advanced medical technologies, the scholars argue that artificial wombs are advantageous to women with damaged

Reproduction being a natural and a unique instinct of the women is replaced by the machines. The invent of artificial wombs becomes a positive influence on women only in instances where it becomes an empowering choice¹⁻². However, the technology is developed as a mode which facilitates the *ex utero* gestation of the fetus. The proponents'

argument in favour of the technology is that, it alleviates the burden of women is negated by the view of the opponents that it amounts to forced pregnancy³. The acceptance of Artificial Womb Technology (AWT) by the countries with less restrictive abortion laws will be different when compared to the countries with highly restrictive abortion laws. In the former instance, an artificial womb demarcates a liberal approach whereas in latter instances, the women will be overburdened with a forced pregnancy either naturally or artificially. The scholars argue on the fact that, artificial wombs have the power of challenging the defences of abortion based on the arguments on protecting bodily autonomy⁵. This stands to an instance where the arguments are based on the contention that, pregnant woman could have transferred the fetus to an artificial womb instead of choosing termination⁵.

PERSPECTIVE IN LIGHT OF INTERNATIONAL LAW

13th Amendment to the Constitution of United States of America (USA), signifies the unconstitutionality of the involuntary servitude. The concept of 'Involuntary Servitude' is a component of international human rights and it is considered an instance where the personal service of one man is disposed of or coerced for another's benefit. Article 8 of the International Covenant on Civil and Political Rights (ICCPR) stand on the abolition of slavery and emphatically states that, no one is forced to produce labour. If a woman is compelled to continue an unwanted pregnancy, that clearly amounts to involuntary servitude. Thus, if the Artificial Womb Technology (AWT) is used an instrument to force women to continue unwanted pregnancy, that amounts to violation of the international human rights law. Further, the development of human ectogenesis is labelled as a process with different implications for clinical practice as well⁶. This is owing to the fact that; it imposes risk on the fetus and exerts pressure on pregnant women to undergo experimental or invasive procedures⁶.

THE BUNDLE OF WOMEN RIGHTS

In the notion of pro-life proponents, fetus is entitled to the inalienable right to life. Pro-choice proponents emphasize on the bodily autonomy & physical integrity of the women. Further, the power of taking autonomous decisions is recognized as an imperative facet of the right to privacy¹. However, right to terminate pregnancy has different facets of rights entitled to by women namely right not to be a

mother, right not to create a child and the right to genetic privacy³⁻⁴.

Right not to be a mother specifically stands for the protection of physical and emotional interests affected during the pregnancy⁴. In addition to this, the interests which will be affected by giving birth to a child and personal intimacy are protected by the right not to be a mother. Right not to create a child has a scientific ground in depth. There are instances where women reluctant to procreate and reproduce with her own genetic materials. In such an instance, the forced procreation causes in emotional harm. Right not to create a child predominantly re-emphasizes the right to genetic privacy³⁻⁴. When taken as a whole, Reproductive Rights of a woman are considered as newest personal non property rights of the fourth generation. This clearly shows that, the reproductive rights are closer to the inalienable right to life, dignity and personal integrity⁷.

THE CONCLUDING PERSPECTIVE

The use of AWT in the countries with restrictive abortion laws must not be considered as an alternative to the pregnancy. The reason is that, such a technology imposes an additional burden on the women to bear a pregnancy which she is not willing or bound to continue. It amounts to the violation of rights entitled to by women whereas such rights are unique. The physical integrity of the woman includes her autonomy and the bodily independence. Reproductive rights resemble an individual's entitlement to control own reproduction. The right not to be a mother, right to genetic privacy are prominent among the unique rights. Thus, the use of AWT as an assisted technology, not as an alternative does not violate the international law.

CONFLICTS OF INTEREST

There are no conflicts of interest.

ETHICAL ISSUES

None.

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AUTHOR CONTRIBUTIONS

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