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UNIVERSITI
TEKNOLOGI
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**A STUDY ON ISSUES RELATING TO ‘SAVIOUR CHILD’ LAW WITH REFERENCE
TO THE LAW IN UNITED KINGDOM**

By

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Submitted in Partial Fulfillment of the Requirements
for the Bachelor in Legal Studies (Hons)

**Universiti Teknologi MARA
Faculty of Law**

December 2012

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

ACKNOWLEDGEMENT

In the name of Allah, the Most Gracious, Most Merciful. Praise and blessings be upon our Holy Prophet Muhammad S.A.W.

Alhamdulillah, we would like to raise our utmost gratitude and praise to Allah for without His Power and Blessings, this project could have never been able to complete fully.

This research paper is the result of four months of intensive work under the supervision of our research supervisor. We would like to thank our tireless supervisor, Professor Madya Puan Zaharah binti Elias for her considerable time spent on the research, her expertise and invaluable insights in guiding us throughout the completion of this work.

A special thank you goes to our parents and friends for their never ending support and timeless love throughout the completion of this research as well. All of your guidance and love will always be remembered and cherished as the pillar of our strength in achieving our dreams.

Last but not least we would like to thank the Faculty of Law, UiTM Shah Alam for their efforts in preparing all the necessary documents to enable our research paper to be conducted.

ABSTRACT

This research embarks on a study looking at the issues relating to saviour child with reference to the law in UK. Saviour child law had been enacted and accepted by the Supreme Court of UK in an interesting case of *Quintavalle v Human Fertilisation and Embryology Authority (HFEA)*. Although cases of saviour child is still not yet reported or recorded in Malaysia, this research attempts to provide insights into the precautionary steps that we should take towards the issue as saviour child issue in the UK and other European countries is not novel and it is not impossible that one day Malaysia will face this problem because of the rapid growth in reproduction technology. Apart from looking at the moral and ethical issues arising from the creation of savior child, this research will also look at the comparison study between Malaysia and UK and provide the guidelines for future use. This research will be conducted in a qualitative method with library-based materials, and online searching. Hence, this study will be limited to a study on the issues relating to savior child law and not an exact legal comparison on the law in UK and Malaysia. This is because there are no laws that govern the specific matter of savior child in Malaysia.

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CHAPTER 1: THE STUDY

1.1 Introduction

Saviour child is a term used by medical practitioner to a child who had been born on purpose through a technique called Pre-implementation Genetic Diagnosis (PGD) through In Vitro Fertilisation (IVF) as a life saving donor of her ailing sister or brother¹. In vitro fertilization had been widely used among the people who are in need of child. However, in saviour child's case, a baby was born on purpose as a life saver of other ailing siblings. Usually, when a child have been diagnosed of having rare disease which requires bone marrow transplantation or regular blood transfusion, the doctor will advise the parents to conceive a child who can be a match donor by using In vitro Fertilisation in which the doctor will make sure that the stem cell matched with the ailing siblings.

In 17th June 1991, TIME magazine reported the birth of Marissa Ayala, who was designed on purpose which is to be a life saving donor of her ailing sister Anissa Ayala who suffered leukemia². This terrible issue had been the cover issue for TIME magazine in 1991 where the editor of the TIME magazine called it as "baby farming". However, after 20 years of being a savior sibling of her ailing sister, BBC news reported that Marissa was happy to be a life saving donor of her sister, Anissa 39 years old. Despite the successfulness, the legal issues may arise if Marissa had acted otherwise by suing her parents for minors compelled donation in which after 19 days she was born, she was compelled to do bone marrow operation for her ailing sister.

Although in Ayala's case succeed, however a problem may arise if there are any medical complications due to compelled donations on the savior child or even if there are none,

¹ Giuseppe Roberto Burgio, Luigi Nespola, Rita Maccario, Annapia Verri, Patrizia Comoli, Marco Zecca. "Conceiving a Hematopoietic Stem Cell Donor: Twenty-Five Years after Our Decision to Save a Child." *Journal Of Medical Ethics* 4, no. 97 (2012).

² Morrow, Lance. "When One Body Can Save Another." *TIME*, 2001.