PROCREATIVE RIGHTS IN INTERNATIONAL LAW

Draghici contends that the advent of assisted reproductive technologies has given rise to new claims to fundamental, albeit not unqualified, rights. They include the right to use medically assisted procreation (e.g. artificial insemination, in vitro fertilisation, potentially gamete donation, posthumous conception or surrogacy) in order to become a parent (typically where natural procreation is hindered by infertility, sexual orientation, relationship status or adverse life events); the recognition of intention-based parenthood in relation to donor-conceived children jointly planned and raised with the genetic parent; and the right to pursue the conception of a healthy child (e.g. through recourse to pre-implantation genetic diagnosis and embryo selection to avoid severe illness in future offspring). To substantiate this assertion, the book relies on a comprehensive analysis of international case law on procreative autonomy, contextualised by a discussion of highly divisive bioethical controversies, from the status of embryos to the morality of genetic screening and third-party reproduction. This title is part of the Flip it Open Programme and may also be available Open Access. Check our website Cambridge Core for details.

Carmen Draghici is Professor of Law at City, University of London, a Senior Fellow of the UK's Higher Education Academy, an Honorary Member and former academic fellow of the Inner Temple, a member of the Network of UNESCO Chairs in Communication (Orbicom), and a former visiting fellow at the Harvard Law School's Human Rights Program and Tufts' Fletcher School of Law and Diplomacy. She has authored the monograph *The Legitimacy of Family Rights in Strasbourg Case Law: 'Living Instrument' or Extinguished Sovereignty?* (2017).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 17 Nov 2026 at 19:24:55, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009443982

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 17 Nov 2026 at 19:24:55, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009443982

Procreative Rights in International Law

INSIGHTS FROM THE EUROPEAN COURT OF HUMAN RIGHTS

CARMEN DRAGHICI
City, University of London

CAMBRIDGE UNIVERSITY PRESS

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 17 Nov 2026 at 19:24:55, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009443982

CAMBRIDGE
UNIVERSITY PRESS

Shaftesbury Road, Cambridge CB2 8EA, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India

103 Penang Road, #05-06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment,
a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of education, learning and research at the highest international levels of excellence.

www.cambridge.org
Information on this title: www.cambridge.org/9781009443951

DOI: 10.1017/9781009443982

© Carmen Draghici 2024

This work is in copyright. It is subject to statutory exceptions and to the provisions of relevant licensing agreements; with the exception of the Creative Commons version the link for which is provided below, no reproduction of any part of this work may take place without the written permission of Cambridge University Press.

An online version of this work is published at doi.org/10.1017/9781009443982 under a Creative Commons Open Access license CC-BY-NC 4.0 which permits re-use, distribution and reproduction in any medium for non-commercial purposes providing appropriate credit to the original work is given. To view a copy of this license, visit https://creativecommons.org/licenses/by-nc/4.0

All versions of this work may contain content reproduced under license from third parties. Permission to reproduce this third-party content must be obtained from these third-parties directly.

When citing this work, please include a reference to the DOI 10.1017/9781009443982

First published 2024

A catalogue record for this publication is available from the British Library

Library of Congress Cataloging-in-Publication Data
NAMES: Draghici, Carmen, author.
TITLE: Procreative rights in international law : insights from the European Court of Human Rights / Carmen Draghici, City University London.
DESCRIPTION: Cambridge, United Kingdom ; New York, NY : Cambridge University Press, 2024. | Includes bibliographical references and index.
IDENTIFIERS: LCCN 2023041701 (print) | LCCN 2023041702 (ebook) | ISBN 9781009443951 (hardback) | ISBN 9781009443937 (paperback) | ISBN 9781009443982 (ebook)
SUBJECTS: LCSH: Reproductive rights–Europe. | Human reproduction–Law and legislation–Europe. | Artificial insemination, Human–Law and legislation–Europe. | Human reproductive technology–Law and legislation–Europe. | International law and human rights–Europe. | European Court of Human Rights. | Reproductive rights.
CLASSIFICATION: LCC KJC3575 .D73 2024 (print) | LCC KJC3575 (ebook) | DDC 342.08/5–dc23/eng/20231003
LC record available at https://lccn.loc.gov/2023041701
LC ebook record available at https://lccn.loc.gov/2023041702

ISBN 978-1-009-44395-1 Hardback
ISBN 978-1-009-44393-7 Paperback

Cambridge University Press & Assessment has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 17 Nov 2026 at 19:24:55, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009443982