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LEGAL REGULATIONS ON HUMAN GENE CLONING AND THE LEGAL ENVIRONMENT OF MONGOLIA

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Abstract

This revised article substantially expands the original submission in response to the editor's request to make the study more sufficient and to meet the journal's length requirement. The paper offers an integrated doctrinal and comparative analysis of human cloning regulations, distinguishing between reproductive cloning and therapeutic cloning. It synthesizes international instruments—UNESCO's Universal Declaration on the Human Genome and Human Rights (1997), the United Nations Declaration on Human Cloning (2005), the Council of Europe's Oviedo Convention and its Additional Protocol—and surveys national approaches across Europe, North America, and Asia-Pacific. Building on these, it reevaluates Mongolia's fragmented framework (constitutional guarantees of dignity, privacy, and inviolability; sectoral statutes on personal data, health, donors, forensic use; and policies touching genetics) and identifies the regulatory vacuum regarding cloning, biomedical research governance, and genetic privacy. The article proposes a model Human Genetics Act for Mongolia, outlines liabilities for cloning-related violations, and an implementation roadmap (licensing authority, ethics oversight, and data governance).

Keywords

Human cloning; reproductive cloning; therapeutic cloning; bioethics; human dignity; privacy; Mongolia; Oviedo Convention; UNESCO 1997; UN 2005; GDPR; governance.

1. Introduction

Biotechnological advances—spanning somatic cell nuclear transfer, genome editing, and pluripotent stem-cell science—have transformed the legal questions around the creation and manipulation of human life. States struggle to calibrate permissive research with safeguards for dignity, bodily integrity, privacy, and non-discrimination. This article responds in three steps: doctrinal framing, comparative mapping, and a Mongolia-focused blueprint.

2. Methodology and Analytical Framework

The study combines doctrinal analysis, comparative law, and a normative human-rights evaluation. Bioethical principles—autonomy, beneficence, non-maleficence, and justice—inform proportionality between prohibition and permission. The framework evaluates baselines (dignity, privacy, integrity), governance tools (licensing, ethics oversight), and genetic data safeguards (consent, security, accountability).

3. International and Regional Norms on Cloning

UNESCO's 1997 Declaration affirms that practices contrary to human dignity—including reproductive cloning—are impermissible, while encouraging supervised research. The UN's 2005 Declaration urges States to prohibit practices contrary to human dignity, reflecting disagreement about therapeutic cloning. The Oviedo Convention and its Additional Protocol prohibit the creation of a human being genetically identical to another, while data-protection and biomedical ethics instruments shape governance of genetic information.

4. Comparative National Approaches

Germany and France enforce categorical prohibitions; the United Kingdom and Australia permit research cloning under licensing while criminalizing reproductive cloning; Israel and Canada allow limited stem-cell research with prohibitions on reproductive cloning; the United States has a state-level patchwork; and several Asian jurisdictions prohibit reproductive cloning but permit or guide therapeutic research under ethics oversight. Four design variables recur: scope, governance, sanctions, and data/consent rules.

5. Mongolia's Legal Environment: Gaps and Opportunities

Mongolia's Constitution protects dignity, privacy, and inviolability. Sectoral statutes address personal data, forensic genetics, donors, and health, yet do not govern cloning or provide a comprehensive framework for biomedical research. Deficits include absent definitions, no licensing pathway, fragmented consent and data rules, lack of a supervisory authority, and limited, non-specific liability.

6. A Model Human Genetics Act for Mongolia

Proposed structure: (i) General provisions with definitions and principles; (ii) Prohibitions and permissions—ban reproductive cloning; license therapeutic cloning and stem-cell research;

(iii) Licensing and oversight—National Genetics and Bioethics Authority; (iv) Consent and genetic data governance—specific informed consent, purpose limitation, security, audits; (v) Liability and sanctions—criminal, civil, administrative; (vi) Cross-border research; (vii) Implementation and transition.

7. Targeted Amendments to the Criminal Code and Related Laws

Create explicit offenses for unauthorized cloning and the creation, implantation, or gestation of a cloned human embryo; prohibit commercialization of cloning services; tighten rules for handling genetic materials; mandate privacy-by-design and breach notification for genetic data.

8. Human Rights and Bioethics Impact Assessment

Impact analysis tests proposed rules against dignity, autonomy/consent, equality/non-discrimination (including genetic discrimination), and privacy (genetic data governance). Proportionality supports a dual-track model: strict ban on reproductive cloning; narrow licensing for therapeutic research under robust oversight.

9. Implementation Roadmap for Mongolia

Phase 1 (0–6 months): enact core statute; constitute the Authority; adopt interim rules. Phase 2 (6–18 months): secondary regulations, training, registry of licensed projects. Phase 3 (18–36 months): compliance evaluation, transparency reporting, refinement of sanctions, and international cooperation.

10. Conclusion

Mongolia can uphold dignity and advance biomedical science by enacting a comprehensive framework that bans reproductive cloning and enables licensed therapeutic research. The proposed Human Genetics Act and targeted legal amendments would close regulatory gaps, protect rights, and allow responsible participation in global genetics research.

References (Selected)

- UNESCO. (1997). Universal Declaration on the Human Genome and Human Rights.
- United Nations. (2005). Declaration on Human Cloning.
- Council of Europe. (1997). Convention on Human Rights and Biomedicine (Oviedo Convention).

Council of Europe. (1998). Additional Protocol on the Prohibition of Cloning Human Beings.

European Union. (2016). General Data Protection Regulation (EU) 2016/679.

Germany. Embryo Protection Act (1990).

France. Public Health Code (Bioethics Laws).

United Kingdom. Human Fertilisation and Embryology Act (2008).

Canada. Assisted Human Reproduction Act (2004).

Australia. Prohibition of Human Cloning for Reproduction Act; Research Involving Human Embryos Act.

Israel. Prohibition of Genetic Intervention (Human Cloning and Genetic Manipulation) Law.

Mongolia. Constitution (1992); Law on the Protection of Personal Information (2021); Law on Donors (2000, rev. 2018); Law on Forensic Science (2016); Law on Genetic Resources (2021); Law on Animal Genetic Resources (2017).

