

Legal Regulation of Biotechnology: Problems and Opportunities for Reform

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The implications of developments taking place in the field of genetics and biotechnology towards human rights could be considered as a critical issue, which has given rise to many controversies in the modern context. In view of the issues perceived regarding legal regulation of genetics and biotechnology, there is a pressing need to revisit the legal framework in this regard, examine the human rights implications of such legal provisions and consider alternative approaches, which would ensure sufficient consideration of human rights in this area. The research problem was whether the legal responses that have been made to address the developments in genetics and biotechnology have been successful in ensuring consideration for human rights in jurisdictions such as the European Union and United States of America, where there are developed regimes of intellectual property law. The research objective is to analyse the extent to which the legal frameworks regarding genetics and biotechnology in the European Union and United States of America have been receptive towards human rights considerations, analyse the problematic aspects of these laws and identify other mechanisms, which would pave way for adequate consideration of human rights concerns in this field. Qualitative research methodology was adopted in the research. The research revealed that legislative instruments and judicial decisions in the European Union and United States of America have been responsive towards ethical concerns involved with regard to genetics and biotechnology. Yet it was also revealed that significant issues persist in giving due regard to human rights considerations in this field. In this context, the emergence of bioethics, which consider human rights concerns in the field of genetics and biotechnology assume significance. In view of the importance of considering human rights concerns in this area, it is recommended that further initiatives whereby issues encountered in ensuring consideration of human rights concerns could be solved in the field of genetics and biotechnology should be explored in detail.

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