

Facial transplantation as a human right and preservation of identity

El trasplante facial como derecho humano y preservación de la identidad

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Abstract

This article examines the ethical and legal aspects of biolegal issues in the context of facial vascularized composite allotransplantation. It highlights the importance of preserving facial identity as a fundamental right due to the central role of the face in human communication and relationships. Facial transplantation allows people to restore their original appearance, which contributes to regain confidence and emotional connection. From a bioethical and humanistic perspective, this intervention protects human rights and improves the well-being of recipients. Informed consent guarantees the recipient's autonomy, while science provides personalized options and fosters rigorous ethics. Facial transplantation promotes the right to have a recognizable face,

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addressing ethical dilemmas and offering new possibilities in a multi-disciplinary approach.

Keywords: human rights, biolegal, facial transplantation, informed consent, personal identity.

1. Methodology

The methodology followed for the elaboration of this article involved the following: Initially, the object of study was defined, focusing on the human rights implicit in facial transplantation. Objectives were established with the purpose of analyzing and understanding in depth the ethical and legal aspects related to this topic. The research question posed was: What are the most relevant ethical and legal aspects in the practice of facial transplantation and how do they influence the human rights of the recipients?

The research was classified as a dissertation, which allowed addressing the questions posed. This included the review of scientific and legal literature, as well as the analysis of practical and ethical cases in the context of facial transplantation. The methodological approach contributed to strengthening the validity and relevance of the study in the field of biolegal and human rights.

2. Introduction

Biolab is a new discipline that is necessary and complementary to bioethics, which goes beyond professional deontology by regulating ethical issues in the field of research and biotechnological application to human beings. This discipline focuses on the prevention and care of ethical and legal principles that reinforce and give meaning to the gray zone of national and international legal regulations, as well as offering a guide to address anomic and perform a herme-

neutics of borderline issues. (1) In this paper, we explore how facial transplantation can restore identity and hope to people, focusing on the human right to have a face. This approach addresses an underexplored topic within the context of law, placing special emphasis on the importance of preserving facial identity as a fundamental right. In addition, it highlights the positive emotional and social impact that facial transplantation can have on people's lives, giving them a new opportunity to live life to the fullest. This unique perspective contributes to broadening knowledge and understanding on the subject, bringing a biolegal, ethical and humanistic vision to medical practice and the protection of human rights. The present research has involved a rigorous approach in terms of methodology. Particular attention has been paid to precision in the definition of the object of study, which focuses on the human rights implicit in facial transplantation. The objectives of the research have been clearly and precisely established, seeking to analyze and understand in depth the ethical and legal aspects related to this topic. The research has been classified as a dissertation, allowing us to comprehensively address the question posed. To ensure methodological rigor and relevance throughout the research process, the most appropriate methods and techniques were carefully selected. This included the review of scientific and legal literature, as well as the analysis of practical and ethical cases in the context of facial transplantation. This rigorous and methodological approach has contributed to the quality and reliability of the results obtained, strengthening the validity and relevance of the study in the field of facial transplantation and human rights.

3. Facial identity is fundamental to every person

Facial identity plays a fundamental role in every person's life. Through our face, we express our emotions, communicate and establish connections with others. It is through our facial appearance

that we recognize ourselves and are recognized by others. Preserving and protecting our facial identity is essential to maintaining good self-esteem and a sense of belonging in society. (2)

In cases of severe facial disfigurement, face transplantation is presented as an innovative surgical intervention that seeks to restore people's facial identity. It is not only a physical reconstruction, but a process that has a profound impact on the person's identity. By allowing them to recover their original appearance, face transplantation gives them the opportunity to reestablish their emotional connection with their own image and regain their self-confidence.

For interpersonal relationships, the importance of facial identity and its relationship to a person's emotional well-being is noteworthy. (3) This focus on identity preservation and the positive impact that face transplantation can have on people's lives reinforces the relevance of this topic today.

4. The face as a fundamental part of identity

The face plays a fundamental role in our personal and social identity. It is through the face that we recognize ourselves and are recognized by others, establishing meaningful connections and relationships. Our face connects us to the world and allows us to establish emotional bonds with those around us. (4) It is an integral part of who we are and how we relate to others, shaping both our individual and collective identity. (5)

The face is much more than just physical structure. It is a genuine reflection of our emotions, expressions and communication. Through facial expressions, we convey a wide range of feelings: the smile that expresses joy, the tears that reveal sadness, the surprise in our eyes. Wrinkles, gestures and looks speak for themselves, allowing a deep and empathetic understanding between people.

In addition to its communicative function, the face acts as a universal language. (6) It transcends language barriers and connects us

on an emotional and human level. It is through faces that we recognize each other as human beings, identify with each other and establish empathetic bonds. It allows us to read and understand the emotions of others, promoting empathy and solidarity in our daily interactions.

Preserving and protecting our facial identity is essential to our self-esteem and sense of belonging. The face is the gateway to our personality and is an integral part of our self-image and self-perception. When we suffer an alteration to our face, whether due to accident, disease or congenital conditions, it can have a profound impact on our identity and emotional well-being.

As shown in Table 1, the face is an essential component of our identity, shaping both our individuality and our membership in the community. It is through the face that we present ourselves to the world and relate to it, enriching our interactions and expressing our true essence. Caring for and valuing our facial identity is fundamental to maintaining an authentic connection with ourselves and others. (7)

Table 1. The face plays a crucial role in personal and social identity, influencing various aspects of a person's life

Dimension	Description	Visual example
Personal Identity	The face allows us to recognize ourselves and to be recognized. Through it, we develop our self-esteem and sense of belonging.	A person looking in the mirror.
Communication	Facial expressions convey a wide range of emotions, facilitating communication and empathy between people.	A sequence of faces showing different emotions (joy, sadness, surprise).
Social relations	The face facilitates connection and the formation of emotional bonds, being a universal language that transcends language barriers.	A group of people interacting, some with facial scars and others with restored appearance.

Emotional impact	Alterations to the face due to accidents or illness can profoundly affect identity and emotional well-being.	Before and after a facial transplant.
Empathy and solidarity	Through the face, we read and understand the emotions of others, promoting empathy and solidarity in our daily interactions.	A group of people showing empathy and support.

Source: own elaboration.

5. The hope of face transplantation and successful cases

Facial vascularized composite allotransplantation, known as face transplantation, has emerged as an innovative medical option for those who have suffered severe facial disfigurement. This complex surgical procedure has undergone significant advances in recent years, thanks to improvements in surgical techniques, immunosuppression protocols and postoperative care. (8) Successful face transplants have proven to be transformative, allowing people to regain their original facial appearance and, in many cases, restore their confidence and improve their quality of life.

These procedures not only have an aesthetic and functional impact, but also address psychological and emotional aspects. As shown in Table 2, by restoring their face, individuals can rebuild their identity and reintegrate into society with greater confidence and self-esteem. (9) The right to have a complete and recognizable face becomes, then, a fundamental human right that guarantees the dignity and well-being of individuals.

In Mexico, around four hundred people suffer partial or total amputation of the face, due to various factors such as burns, gunshot wounds, animal attacks, and countless other causes. (10)

These procedures not only have an aesthetic and functional impact, but also address psychological and emotional aspects. By recovering their face, people can rebuild their identity and reintegrate into society with greater confidence and self-esteem. The right to have a complete and recognizable face thus becomes a fundamental human right that guarantees the dignity and well-being of individuals.

In addition, the advancement of technology in the field of face transplants has opened up new possibilities for those who previously had no treatment options. Research in the area continues to develop, seeking to further improve the results and feasibility of these procedures. This leads us to reflect on the importance of continuing to support medical research and promoting equitable access to treatments that allow people to exercise their right to have a full and recognizable face. (11)

Table 2. Face transplantation has transformed the lives of many people, improving their appearance and emotional well-being

Aspect	Description	Visual example
Medical innovation	Facial vascularized composite allotransplantation has advanced significantly in surgical techniques and immunosuppression protocols.	A facial transplant procedure.
Aesthetic and functional impact	Face transplants allow people to regain their original facial appearance and improve their quality of life.	The before and after of a facial transplant.
Psychological rehabilitation	These procedures address psychological aspects, helping people to rebuild their identity and self-esteem.	A person regaining confidence in front of a mirror.

Statistics in Mexico	About 400 people in Mexico suffer partial or total amputation of the face each year due to various causes.	Causes of facial amputation (burns, gunshot wounds, animal attack, etc.).
Human Right	The right to a full and recognizable face is fundamental to a person's dignity and well-being.	A group of people with restored faces, symbolizing dignity and well-being.
Technological advances	Technology continues to improve the results and feasibility of face transplants, opening up new treatment possibilities.	Progress in transplant techniques over time.

Source: own elaboration.

6. Ethical dilemmas related to face transplantation

Face transplantation is a medical procedure that presents several complex ethical dilemmas. One of the main dilemmas relates to the preservation of the recipient's personal identity and autonomy. (12) Upon receiving a face transplant, a person undergoes a radical transformation in physical appearance, which may affect his or her sense of identity and belonging.

Preserving the recipient's identity implies considering his/her active participation in the decision-making process, highlighting the importance of informed consent. Article 20, of the Regulations of the General Health Law on Research Involving Human Subjects, on informed consent, states:

Informed consent is understood as the written agreement, by means of which the research subject or, if applicable, his/her legal representative authorizes his/her participation in the research, with full knowledge of the nature of the procedures and risks to which he/she will be subjected, with the capacity of free choice and without any coercion whatsoever.

This is an essential component of medical ethics, ensuring respect for the patient's autonomy and dignity.

Informed consent (13,14) requires that the recipient receives clear and complete information on the risks, benefits, alternatives and consequences of the procedure as stated in article 20 of the Regulations of the General Health Law on research. This information must be provided in an adequate and timely manner to allow for an informed and voluntary decision.

The relevance of informed consent in facial transplantation lies in the significant risks and the physical and psychological consequences involved. The recipient must be fully informed about all medical, surgical and psychological aspects of the procedure to make an informed decision.

In addition to providing information, informed consent also involves respecting the recipient's autonomy, allowing him or her to accept or refuse the transplant without coercion. It is essential that medical professionals respect autonomous decisions and provide a supportive environment for expressing concerns and preferences, in accordance with the provisions of Article 21 of the Regulations of the General Health Law on Health Research, in Title Two, Chapter I, which reads as follows:

ARTICLE 21. In order for the informed consent to be considered existing, the research subject or, as the case may be, his/her legal representative shall receive a clear and complete explanation, in such a way that he/she can understand it....

Informed consent also has important ethical implications in relation to organ donation for facial transplantation. Before transplantation is performed, informed consent must be obtained from the donor or the relatives of the deceased donor. In this case, it is essential to ensure that the donation is voluntary and free of any form of coercion. The donor's wishes must also be respected, and it must be ensured that the donor's body is treated with dignity and respect throughout the process.

Technically, it is feasible to use 3D technology to print a face and replace the donor's face in a facial transplant. (15) This innovative technique not only provides the opportunity to restore the recipient's facial appearance, but also respects the integrity and dignity of the deceased donor. (16) By using 3D printing, a customized face can be recreated that perfectly matches the recipient's facial features, achieving greater accuracy and naturalness in the final result. This approach can also reduce the need to rely on living donors and, therefore, ensure greater preservation of the cadaver and its respect. 3D technology offers an innovative solution that not only benefits facial transplant recipients, but also promotes more rigorous ethics and proper respect for deceased donors. Mexican legislation takes care of the use and treatment of the corpse, as is evident in the same RLGSMIS, in Chapter vi of the research on organs, tissues and their derivatives, products and corpses of human beings, which reads:

CHAPTER VI On Research on Organs, Tissues and their Derivatives, Products and Cadavers of Human Beings. ARTICLE 59. The research referred to in this Chapter includes the use of organs, tissues and their derivatives, products and cadavers of human beings, as well as the set of activities related to their procurement, conservation, use, preparation, supply and final destination. ARTICLE 60. The research referred to in this Chapter shall observe, in addition to the respect, dignity and consideration for the human cadaver, the provisions of these Regulations and the provisions of Title Fourteen of the Law and other applicable legal provisions.

Informed consent in facial transplantation is not a one-time event, but an ongoing process involving open and honest communication between healthcare professionals and the recipient. Informed consent should include a detailed explanation of the risks and benefits of the procedure, as well as realistic expectations of the outcome. (8)

This process should be meticulously documented and periodically reviewed to reflect any changes in the patient's health status or medical protocols.

As the transplant process unfolds and during the recovery period, it is essential that the recipient be informed of any changes in their treatment, possible complications and aftercare options. In addition to its ethical and bioethical importance, informed consent also has legal implications. In many countries, informed consent is a legal requirement for any medical procedure, including facial transplantation. Health care professionals have a legal responsibility to ensure that informed consent is adequately obtained and appropriately documented in the patient's medical record. (14)

It is important that the recipient actively participates in the decision-making process and has the opportunity to express his or her preferences and expectations regarding his or her new facial identity. This involves considering their individual values, beliefs and needs, as well as providing emotional and psychological support during the adaptation process.

In addition to the preservation of personal identity, face transplantation also raises ethical issues regarding organ donation as shown in Table 3. The scarcity of donors and the complexity of the procedure make the allocation of a facial organ a major ethical challenge. (18) Clear and transparent criteria need to be established to ensure fairness in organ allocation and to avoid possible injustices in the process.

Also, organ donation for facial transplantation raises ethical questions about informed consent and donor autonomy. It is essential to ensure that donors fully understand the risks and benefits of the procedure and that they make voluntary decisions free of any form of coercion. In addition, the donor's wishes must be respected, and it must be ensured that the donor's body is treated with dignity and respect.

Table 3. The ethical dilemmas associated with face transplantation present significant challenges that require carefully considered solutions

Ethical Dilemma	Description	Proposed solution
Preservation of personal identity	The recipient experiences a radical transformation in their appearance, affecting their sense of identity and belonging.	Active participation of the recipient in the decision-making process, with a focus on informed consent.
Receiver autonomy	The need for the recipient to have clear and complete information about the procedure in order to make an informed and voluntary decision.	Provide detailed and continuous information on risks, benefits, alternatives and consequences of the procedure.
Donor's informed consent	Ensure that organ donation is voluntary and free of coercion, respecting the will of the deceased donor.	Obtain informed consent from the donor or his/her relatives, guaranteeing respect and dignity in the process.
Psychological and emotional impact	The procedure has significant implications for the psychological and emotional well-being of the recipient.	Provide ongoing emotional and psychological support before, during and after the procedure.
Use of 3D technology	The possibility of using 3D printing to recreate faces, respecting the integrity of the deceased donor.	Implement 3D technology to print the donor's face and attach it to the cadaver.
Equity in organ allocation	The shortage of donors and the complexity of the procedure pose ethical challenges in the fair allocation of organs.	Establish clear and transparent criteria for organ allocation, ensuring equity in the process.

Source: own elaboration.

7. Psychological challenges, adaptation and acceptance aspects

The psychological challenges faced by people who receive a face transplant are of utmost importance in their process of adaptation and acceptance of their new facial identity. The psychological impact of undergoing such a radical physical transformation can be significant and varied. (19)

It is common for facial transplant recipients to experience a wide range of emotions, such as anxiety, depression, low self-esteem and insecurity. The new facial appearance may generate feelings of fear of social acceptance, perception of being different, or concern about the reaction of others. In addition, the process of adjustment to the new image may take time and require a restructuring of personal identity.

The process of adaptation and acceptance of the new facial identity can be a complex journey for transplant recipients. They may experience emotional shock when confronted with their new appearance in the mirror and when interacting with others. The process of recognizing themselves in their new face and reconciling their internal image with their external image can generate emotional conflicts and challenges. (21)

To address these psychological challenges, it is critical to provide comprehensive support to facial transplant recipients. This involves providing them with access to psychological support services, such as individual or group therapy, to help them process and accept the emotional and psychological changes associated with the new facial identity. The Helsinki Protocol on Face Transplantation is a fundamental document that establishes ethical and medical guidelines for the development and performance of this type of procedure. In the context of facial transplantation, psychological care takes on crucial importance. Since this procedure represents a dramatic change in an individual's physical appearance, it is essential to provide comprehensive psychological support both before and after transplantation.

Psychological care focuses on helping the patient understand and come to terms with the emotional, psychological and social changes that arise as a result of facial transplantation. In addition, it provides a safe space for patients to express their concerns, fears and expectations, and helps them develop effective coping strategies. Adjustment to the new facial image, personal acceptance and social reintegration are also addressed. Psychological care not only benefits the patient, but also supports their families and caregivers, providing them with the necessary support throughout the process. Ultimately, psychological care plays a key role in the Helsinki Protocol on Face Transplantation, ensuring comprehensive care and promoting the emotional and psychological well-being of patients involved in this complex procedure. (22) Therapy can provide a safe space where recipients can explore their feelings, express their concerns, and receive guidance in dealing with challenges that arise during their adjustment process.

In addition to psychological support, a multidisciplinary approach is essential to address the ethical and psychological challenges associated with facial transplantation. (19) Medical teams and healthcare professionals must work closely with experts in law, ethics, psychology, surgery and postoperative care to provide comprehensive care for recipients. This collaborative approach allows consideration of not only the physical aspects of the procedure, but also the emotional, social and ethical aspects involved.

Informed consent also plays a key role in the psychological support of facial transplant recipients. It is important that recipients fully understand the implications of the procedure and have the opportunity to express their concerns and expectations before making an informed decision. This gives them a sense of control and involvement in their own treatment process, which can be beneficial to their emotional well-being. Informed consent refers not only to the medical and surgical aspects of the procedure, but also to the psychological and emotional aspects that may arise.

The human right to have a full and recognizable face is fundamental to the identity and dignity of each individual, being the most

common and highly relevant identifying factor in new facial recognition technologies. (23) Face transplantation represents a tangible hope for those who have suffered severe disfigurement, allowing them to restore their facial identity and regain emotional connection with their own image. However, this medical breakthrough also raises ethical and psychological challenges that must be carefully and thoughtfully addressed.

Valuing identity and human rights in our society is critical to promoting a culture of inclusion and respect for those who have experienced facial loss. Through continued research and improved face transplantation techniques, we can ensure a future where all people have the opportunity to regain their face and rebuild their identity with hope and dignity.

8. The human right to have a face

The right to have a face, through face transplantation, can be considered a human right by virtue of the principles and foundations of human rights promoted in our country by the National Human Rights Commission. (24)

The right to have a face, through face transplant, is a human right by virtue of the principles and foundations of human rights promoted in our country by the National Human Rights Commission.

In order to argue this statement, it is important to point out, in the first place, that the right to have a face is intrinsically linked to human dignity. Human rights are based on the premise that all individuals possess inherent dignity and that this dignity must be respected and protected. The face is a fundamental part of each person's identity and expression, and having the possibility of recovering or maintaining a face through transplantation contributes to preserving that dignity and respecting physical and psychological integrity.

Furthermore, the right to have a face is supported by both the principle of non-discrimination and the principle of universality.

The principle of non-discrimination (25) states that all persons should be treated equally and without prejudice, regardless of their ethnic origin, gender, religion or other personal characteristics. The principle of universality (26) ensures that human rights apply to all people everywhere in the world. Therefore, anyone who needs a face transplant to improve his or her quality of life or social integration should have access to this medical option without discrimination or stigmatization. (27)

The right to have a face is also linked to the right to health, which is internationally recognized as a fundamental human right. Studies have shown that face transplantation can be a crucial medical intervention to restore the physical and mental health of people who have suffered severe facial injuries or medical conditions affecting their face. For example, the case of Isabelle Dinoire, the first recipient of a face transplant in 2005, demonstrated the importance of this procedure not only in terms of physical health, but also in the social and emotional reintegration of the patient. (29)

Therefore, guaranteeing access to face transplants is aligned with the right to health and with the objective of providing quality medical care without discrimination.

Furthermore, the principle of progressivity is also relevant in this context. The principle of progressivity states that human rights should continuously advance and not regress. As science and medicine advance, new techniques and treatments, such as face transplantation, emerge that can improve people's lives. In this regard, States have an obligation to encourage and support the development of these medical technologies to ensure the advancement of human rights.

In addition to the immediate reference to human rights principles (30) it is important to consider how these principles apply specifically to the context of facial transplantation. Human rights are fundamental to the respect and dignity of each individual. The importance of the right to have a full and recognizable face lies in its close relationship to personal identity and human dignity. The face is

a fundamental part of how we perceive ourselves and how others recognize us. Through our face we express emotions, establish social connections and communicate with the world around us. It is an essential tool for human interaction and building meaningful relationships.

The right to personal identity and its protection are fundamental, since they constitute the pillars on which other rights that define the human person as a whole are based. This right is closely related to various fundamental aspects, such as the right not to be discriminated against, to enjoy good health, to maintain personal privacy, to live a dignified life and to have freedom of religious belief, thought and opinion, among others. (31) These rights are intertwined and complement each other, creating a web of guarantees that safeguard the integrity and autonomy of each individual in his or her unique identity. Recognition and respect for each person's identity is essential for the promotion of an inclusive and equitable society, where diversity is encouraged, and the fundamental rights of all human beings are protected.

Denying someone the right to have a full or recognizable face would be tantamount to denying them the opportunity to fully express themselves and experience a meaningful connection with others. (32) This could impact their sense of identity and belonging in society. The face is an integral part of who we are and how we relate to others. It is through our face that we present ourselves to the world and feel recognized as unique individuals.

In the legal realm, we can argue for the existence of the human right to have a face through different legal and policy perspectives. The following is an argumentative structure that supports this assertion:

Grounded in human dignity: the right to have a face is grounded in the principle of human dignity, (33) which is widely recognized in international human rights instruments. Human dignity implies recognition and intrinsic respect for the worth and uniqueness of each individual, including his or her physical and personal identity. The

face, as an essential part of a person's identity, deserves protection and respect.

Principle of autonomy, the right to identity and to have a face is related to the principle of autonomy, which recognizes the right of each individual to make informed and autonomous decisions about his or her own physical appearance. The principle of autonomy is fundamental to understanding the situation of people in a state of vulnerability and reminds us that society has a responsibility to help them. (34) Autonomy implies the right of people to make free and informed decisions about their lives, but when they are in situations of vulnerability, their ability to fully exercise this autonomy is compromised. It is therefore crucial that society provides solidarity and support to those who need it most. This means that both government and civil society must create inclusive policies and programs that address the specific needs of vulnerable people, ensuring their access to the resources and services necessary to improve their situation. In addition, a compassionate and empathetic environment that values the rights and dignity of all people, regardless of their personal situation, must be promoted. By providing the necessary assistance, we are strengthening the ability of vulnerable people to exercise their autonomy and participate fully in society. (35)

Recognition in international human rights instruments, the right to have a face can be derived from different human rights recognized in international instruments. For example, the right to personal integrity, (30) enshrined in Article 3 of the Universal Declaration of Human Rights, establishes that everyone has the right to security and protection from torture, cruel, inhuman or degrading treatment. (31) Mutilation or serious damage to the face can be considered a violation of this right, but undoubtedly also, not providing the opportunity to recover it would be an interpretation of the non-protection of this right.

Right to personal identity, the face is an essential component of the personal identity of each individual. The legal and social recognition of a person is based on his or her facial appearance and denying

someone the right to have a full or recognizable face would be tantamount to denying him or her his or her personal identity. The right to personal identity is protected in various international instruments, such as Article 8 of the Convention on the Rights of the Child. (36)

Right to expression and communication, the face is a fundamental means of expression and communication for individuals. Through facial expressions, we convey emotions, establish relationships and communicate with others. (36) Denying someone the ability to have a full or recognizable face would limit their ability to fully express and communicate, which could constitute an unwarranted restriction on their freedom of expression.

Protection against discrimination, denying someone the right to have a full or recognizable face could be considered an act of discrimination, as it would be based on physical characteristics or facial appearance. The principle of equality and non-discrimination, enshrined in several international instruments, protects people from being treated unfavorably because of their physical appearance. (37) Guaranteeing the right to have a face would help prevent and combat discrimination based on facial appearance.

Another legal argument is that the right to have a face and the right to free development of personality are closely related in the context of human rights. The right to free development of personality is a fundamental principle that recognizes the autonomy and capacity of each individual to determine his or her own identity and pursue his or her own development. It implies the right of each person to be who he or she wishes to be, without arbitrary restrictions or external impositions. The face, as an integral part of personal identity, plays a fundamental role in the free development of personality. Through our face, we express ourselves, relate to others, and establish our self-image to the world. To deny someone the right to have a full or recognizable face would be a direct violation of their right to free development of personality, as it would limit their ability to express themselves and connect with others.

The pro persona principle, in conjunction with the right to have a face, establishes a fundamental link in the protection of human

rights. The pro persona principle implies that human rights norms should be interpreted broadly and favor the broadest protection of individuals at all times, in accordance with the Constitution and international treaties. (39-40)

In the specific case of the right to have a face, this pro persona approach takes on special relevance. By recognizing the importance of the identity and dignity of each individual, it guarantees comprehensive and respectful attention to those who have lost their face and seek to recover it through a face transplant as shown in Table 4.

The application of the pro persona principle implies that the authorities must consider constitutional norms and international human rights treaties to determine the applicable norm in situations related to the right to have a face. In the event that there is a difference in the scope or protection offered by these norms, the one that provides greater protection to the person or implies a lesser restriction in the exercise of his or her rights must prevail. In this way, the pro persona principle contributes to ensuring that individuals in need of a face transplant are treated with the utmost respect for their identity and dignity. (39) By promoting a broad and favorable interpretation of human rights, it seeks to guarantee that people have access to the procedures necessary to recover their face and, with it, their sense of identity and emotional well-being.

In Mexico, the legal framework for transplants is covered by Article 4 of the Constitution, which protects the right to health; and general criteria are established in the General Health Law and its Regulations, as well as in other related legal and regulatory provisions.

General Health Law (LGS): This is the main health law in Mexico and establishes the basis for the regulation and supervision of health services. The LGS addresses general aspects related to organ, tissue and cell donation and transplantation.

Regulation of the General Health Law on the Provision of Health Care Services: This regulation complements and details provisions of the LGS on the donation and transplantation of organs,

tissues and cells, establishing the requirements, procedures and guidelines for carrying out such activities.

General Health Law on Health Research: This law regulates health research, including research related to organ, tissue and cell donation and transplantation. It establishes the ethical and legal requirements for conducting studies and clinical trials in this area.

Norma Oficial Mexicana (NOM)-005-SSA2-1993: This norm establishes the technical criteria and minimum requirements that must be met for the practice of procurement, distribution and transplantation of organs, tissues and cells in human beings.

General Health Law on Sanitary Control of Activities, Establishments, Products and Services: This law regulates the sanitary surveillance and quality control of health establishments and services, including transplant centers and organ, tissue and cell banks.

It is important to note that this legal framework is complemented by other specific regulations issued by the Ministry of Health and regulatory bodies, as well as international conventions ratified by Mexico, such as the Convention on the Rights of the Child and the Oviedo Convention on Human Rights and Biomedicine.

Table 4. The human right to have a face is based on several fundamental principles of human rights

Argument / Principle	Description
Human dignity	The right to have a face is intrinsically linked to human dignity, which must be respected and protected.
Non-discrimination	All people should be treated equally and without prejudice, regardless of their personal characteristics.
Universality	Human rights apply to all people everywhere in the world.
Right to health	Face transplantation can be a crucial medical intervention to restore people's physical and mental health.

Progressivity of rights	Human rights must continuously advance and not regress, encouraging the development of new medical technologies.
Personal identity	The face is an essential component of personal identity and must be protected to preserve physical and psychological integrity.
Expression and communication	The face is fundamental for expression and communication, allowing the transmission of emotions and the establishment of social relationships.
Protection from discrimination	Denying the right to have a full face can be considered an act of discrimination based on physical appearance.
Free development of personality	The face is crucial for the free development of the personality, allowing people to express themselves and connect with others.
Pro persona principle	Human rights norms should be interpreted broadly to favor the broadest protection of individuals.

Source: own elaboration.

9. Conclusions

- 1) Facial identity is essential for every individual, and face transplantation emerges as an innovative tool that can restore identity and reestablish the emotional connection with one's own image. Research in this field contributes to a better understanding of the importance of preserving and protecting our facial identity, thus promoting greater well-being and sense of belonging in society.
- 2) The face is an essential component of our identity, shaping both our individuality and our membership in the community. It is through the face that we present ourselves to the world and relate to it, enriching our interactions and expressing our true essence. Caring for and valuing our facial identity is fun-

damental to maintaining an authentic connection with ourselves and others.

- 3) The right to have a full and recognizable face is essential to the respect and dignity of each individual. Face transplantation has proven to be an innovative medical option that not only transforms physical appearance, but also restores people's identity and emotional connection to their self-image. Promoting and guaranteeing this fundamental human right is crucial to ensure the well-being and full participation of all individuals in society.
- 4) Informed consent plays a fundamental role in facial transplantation by preserving personal identity and guaranteeing the recipient's autonomy. It provides the recipient with the information necessary to make an informed and voluntary decision about the procedure, and also protects the rights and dignity of the donor. Informed consent is a cornerstone of medical and legal ethics, and compliance with it is essential to ensure quality and respectful care in the field of facial transplantation.
- 5) The psychological challenges faced by facial transplant recipients in their process of adjustment and acceptance of their new facial identity are significant. Comprehensive psychological support and a multidisciplinary approach are critical to address these challenges and provide optimal care. Informed consent also plays a crucial role in ensuring the recipient's active and autonomous participation in their treatment. By addressing both the ethical and psychological aspects of facial transplantation, we can work toward more comprehensive care focused on the well-being of recipients. This involves recognizing the importance of providing comprehensive emotional and psychological support, encouraging acceptance and healthy adaptation to the new facial identity.
- 6) The right to have a face, through face transplantation, is a human right by virtue of fundamental human rights principles,

such as human dignity, non-discrimination, the right to health and the principle of progressivity. Ensuring access to facial transplants is crucial to preserve the physical and psychological integrity of individuals and to promote an inclusive society that respects human rights.

- 7) The right to have a full and recognizable face is closely related to personal identity and human dignity. To deny someone this right would be tantamount to denying them the opportunity to fully express themselves and to experience a meaningful connection with others. This right is based on the principle of human dignity and is related to other fundamental principles and rights, such as autonomy, the right to identity, protection against discrimination and free development of personality. In addition, the *pro persona* principle plays an important role in favoring the broad and favorable interpretation of human rights for the benefit of individuals. Guaranteeing the right to have a face contributes to the promotion of an inclusive and equitable society, where diversity is valued, and the fundamental rights of each individual are protected. It is essential to promote access to face transplants and provide comprehensive support to those who have lost their face, so that they can regain their identity and live a dignified life.
- 8) The legal framework for transplants is supported by the General Health Law and its Regulations, as well as by other complementary norms. These laws and regulations establish the requirements, procedures and guidelines for organ, tissue and cell donation and transplantation, with the aim of guaranteeing safety, equity, and ethics in these practices. It is essential that health professionals and transplant centers comply with these legal provisions to promote a transparent and reliable system for the benefit of patients in need of transplants.

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