

Strasbourg, 17 June 2014

CDDH-BU(2014)R91

**STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)**

**BUREAU OF THE STEERING COMMITTEE
FOR HUMAN RIGHTS**

(CDDH-BU)

REPORT

91th meeting

Strasbourg, 12-13 June 2014

PREPARATION OF THE 81st CDDH MEETING (24-27 June 2014)

Introduction

1. The CDDH Bureau held its 91th meeting in Strasbourg, from 12 to 13 June 2014, with Mr Vít A. SCHORM (Czech Republic) as Chairperson. The list of participants appears at Appendix I. The meeting was devoted to the preparation of the 81st plenary CDDH meeting (Strasbourg, 24-27 June 2014).

2. The items below are those that appear in the draft agenda of the June CDDH meeting, as revised by the Bureau (document CDDH(2014)OJ002Rev).

ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND OF THE ORDER OF BUSINESS

3. The Bureau examined the draft agenda and order of business, and made some changes. The revised version CDDH(2014)OJ002Rev will be sent to participants of the CDDH meeting in advance of the June meeting.

4. The Bureau authorised the representatives of the European Trade Union Confederation (ETUC / CES) to participate in items 2 (Recommendations of the Parliamentary Assembly), 3 (Reform of the Court (DH-GDR)), 4 (Development and promotion of human rights) and 8 (Exchange of views with personalities) on the agenda of the CDDH meeting in June. Regarding the participation of the CES in the CDDH meetings, see also item 12 below.

ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY

5. The Bureau exchanged views on Parliamentary Assembly Recommendation 2043 (2014) - "Urgent need to deal with new failures to co-operate with the European Court of Human Rights"¹ along with the possible elements for a CDDH opinion on it prepared by the DH-GDR.² On the basis of those elements, the Bureau will submit to the CDDH a draft opinion as it appears in Appendix II below, for examination and possible adoption in June.

ITEM 3: REFORM OF THE COURT (DH-GDR)

3.1 Ongoing work

6. As regards work on longer-term reform of the Convention system and the Court (GT-GDR-F), the Bureau concurred with the DH-GDR's welcome for the progress made and approval of

¹ The text of this Recommendation appears in document CDDH(2014)007.

² See meeting report DH-GDR(2014)R6, Appendix IV.

working methods, the general direction taken and the proposed structure for the eventual CDDH final report. It underlined the importance of carefully selecting ‘ad hoc experts’ to be invited to future GT-GDR-F meetings, in order to ensure varied, stimulating input, especially when it came to discussion of possible alternative models. The Bureau agreed with the DH-GDR that it would be necessary for the CDDH to request that the Committee of Ministers extend the deadline for presentation of the CDDH final report to 31 December 2015, for the reasons expressed in the DH-GDR meeting report (DH-GDR(2014)R6 para. 14). In addition, it noted with interest a suggestion that the final report could also encompass proposals to the Committee of Ministers for a strategic DH-GDR work programme on implementation of the Convention during the following biennium (2016-2017).

7. As regards work on the legal status of and amendment procedure for the Rules of Court (GT-GDR-G), the Bureau took note of the DH-GDR’s exchange of views with Mr Erik FRIBERGH, Registrar of the Court, welcomed the progress made and agreed with the guidance given by the DH-GDR to the GT-GDR-G with a view to preparation of a draft final report. It recalled the importance of co-ordination between this work and that on longer-term reform, especially as the former is brought to its conclusion in the autumn.

8. The Bureau noted that the CDDH is scheduled to hold an exchange of views with the Chairman of the Ad hoc Working Party on reform of the Human Rights Convention system (GT-REF.ECHR), Ambassador Carl-Henrik EHRENKRONA (Sweden), on Tuesday 24 June, 2014, from 4:30 to 5:30 p.m. (see item 8 below).

3.2 *Baku Conference*

9. The Bureau noted that CDDH will receive the latest information on preparation of the International Conference "Implementation of the ECHR at national level and the role of the national judges" (Baku, Friday 10 October and Saturday 11 October 2014), organised within the framework of Azerbaijan’s chairmanship of the Committee of Ministers, and on that basis will decide on the most appropriate way to be associated with this event.

3.3 *Other business*

10. Mr Philippe WERY (Belgium) indicated that the Belgian authorities are considering a possible conference during Belgium’s chairmanship of the Committee of Ministers (13 November – May 2015) on the implementation of the ECHR, in particular regarding the execution of judgments. The Belgian authorities consider that, in addition to the Department for the execution of judgments, it would be very useful to involve in one way or another the DH-GDR and the CDDH in the preparation of the draft texts to be considered by the participants in such an event. The Bureau considered that the Belgian expert could present information on this possible event to the CDDH in June.

11. The Bureau took note of the request by the non-governmental organisation Open Society Justice Initiative (OSJI) for observer status with the GT-GDR-F and the DH-GDR. It recalled that the OSJI had for several years regularly and constructively participated in work on Court reform and expressed itself in favour of accepting the request. It noted that the CDDH would decide on the

matter at its June meeting. Relevant information regarding this request appears in document CDDH (2014)013.

ITEM 4: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS

4.1 Corporate social responsibility in the field of human rights

12. On the basis of the information provided by the Secretariat, the Bureau reiterated the invitation to submit proposals and comments on the indicative list of issues appended to the report of the 2nd meeting of the CDDH-CORP (CDDH-CORP(2014)R2, appendix III) by the date of the June CDDH meeting at the latest. It was recalled that, on the basis of this indicative list, of the guidance given by the CDDH at the last meeting and of the comments submitted in writing by the members of the CDDH and of the CDDH-CORP, the Secretariat and the Chairman of the CDDH-CORP have already been asked to prepare an initial draft non-binding instrument to be examined by the CDDH-CORP as its next meeting (24-26 September 2014). The CDDH may have a further exchange of views in June on the comments submitted.

4.2 Human rights in culturally diverse societies

13. As regards the elaboration of a Compendium of current Council of Europe standards and national good practices, the Secretariat informed the Bureau that one day before the deadline agreed at the last CDDH meeting, only five member states had submitted examples of national good practices. The Bureau stressed the importance of providing examples of national good practices to enrich the compendium, and invited those members not having yet done so to provide examples to the Secretariat by the June CDDH meeting at the latest, in order to have a sufficient amount of good practices to consider for inclusion in the Compendium.

14. Concerning the elaboration of guidelines on the promotion and protection of human rights in culturally diverse societies (with a possible specific focus on the issues related to human rights education and training), the Bureau stressed the importance for the CDDH to have a thorough exchange of views on this matter in June, in order to provide clear guidance to the CDDH-DC for the beginning of the work on this task. The Secretariat recalled that the Chairperson of the CDDH-DC, Ms Krista OINONEN (Finland) was invited to attend the June CDDH meeting.

4.3 Future work

15. The Secretariat presented to the Bureau the preliminary study on existing standards and outstanding issues concerning the impact of the economic crisis on human rights in Europe (CDDH(2014)011). The Bureau had a short exchange of views and agreed to authorise the distribution of this document to the CDDH in view of the June meeting and of the exchange of views that will be held on this topic with the participation of Ms Françoise TULKENS, former judge and vice-President of the European Court of Human Rights. The Bureau also recalled that on the basis of this exchange of views, the CDDH will appoint in June a Rapporteur and provide guidance to the Secretariat and to the Rapporteur for the preparation of a feasibility study on possible further activities, to be submitted for consideration and possible adoption at the November meeting of the CDDH in accordance with the mandate given by the Committee of Ministers.

ITEM 5: BIOETHICS (DH-BIO)

5.1 Examination of the draft Additional Protocol to the Convention on Human Rights and Biomedicine

16. The Bureau was informed of the ongoing consultations with delegations of the CDDH and the DH-BIO with a view to the examination by the CDDH, in June, of the text of the preliminary draft Additional Protocol, concerning the protection of the human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment (document DH-BIO (2014) 6, prepared by the Drafting Group DH-BIO/Psy). The comments received appear in document CDDH (2014) 008.

17. The Bureau held an exchange of views on the substance of the preliminary draft Protocol. With regard to the three questions on which the members of the CDDH were in particular invited to express an opinion (and which had been raised beforehand with the DH-BIO), the Bureau noted that, concerning question 1 (definition of the scope of the Protocol) the delegations of the DH-BIO had agreed on Alternative C as a working basis, according to which the provisions of the instrument would apply to the involuntary placement and involuntary treatment of persons to address *a risk* arising from a mental disorder. Questions 2 (possible application of the instrument to minors) and 3 (possible role(s) of the person of trust in the procedures) remained open.

18. The Bureau recalled that, on the basis of discussions in the DH-BIO and the CDDH and the comments sent by members of these committees, the Secretariat of the DH-BIO would prepare a consolidated draft text to be submitted to the Drafting Group DH-BIO/Psy at its meeting on 1-2 September 2014. The Drafting Group would prepare on this basis a revised version of the draft Protocol to be presented to the DH-BIO at its 6th meeting (12-14 November 2014).

5.2 Prenatal sex selection

19. The Bureau examined the conclusions reached by the DH-BIO at its 5th meeting (5-7 May 2014, DH-BIO/abr RAP 5, §§21-23). It agreed with the DH-BIO to point out that the root cause of the problem was an issue of gender equality including a cultural dimension. The Bureau also underlined its social impact. Sharing the position of the DH-BIO, it proposed that the CDDH indicate its willingness to contribute, in its field of competence, to any work that might be undertaken within the Organisation on this important issue. Following discussion, the Bureau submitted to the CDDH the draft reply to the Committee of Ministers, set out in Appendix IV, for examination and possible adoption in June.

5.3 Other business

20. The Bureau recalled that the CDDH was invited to take note in June of the *Statement on the prohibition of any form of commercialisation of human organs*, unanimously adopted by the DH-BIO (text appearing for information in document CDDH(2014)OJ2Rev, Appendix IV). Finally, the Bureau held an exchange of views with Ms Laurence LWOFF, Secretary of the DH-BIO, on the work in progress in the committee relating to (i) predictivity, genetic testing and insurance and (ii) ethical issues raised by

emerging technologies and their convergence. It took note that Ms Lwoff would briefly present this work to the CDDH in June.

ITEM 6: YOUNG PEOPLE’S ACCESS TO FUNDAMENTAL RIGHTS

21. The Bureau received information on the preparatory work within the Joint Council on Youth (CMJ) with a view to preparation of a Recommendation of the Committee of Ministers to member States on young people’s access to fundamental rights. It took note in particular of the results of the 26-27 May 2014 meeting of an enlarged working group responsible for examining the added value and defining the objectives of such an instrument, as well as proposing possible working methods, with a view to the first meeting of the ad-hoc working group foreseen for 28-29 August 2014 (see doc. CDDH(2014)009).

22. The Bureau recalled that the participants in the May meeting had decided to propose to the future ad-hoc working group to work, as a starting point, on the conclusions of the youth event that took place before the 9th Conference of Ministers responsible for youth (St Petersburg, September 2012), reproduced at Appendix III of CDDH(2014)009. They underlined that these conclusions should be examined from the perspective of the question of young people’s access to the rights which are mentioned therein, and not from the perspective of creating new rights.

23. The Bureau agreed with its Secretariat, which had taken part in the preparatory work, as to the importance of this activity and the utility of the CDDH being represented in the ad-hoc working group by two experts, to be designated in June. Mr Vladislav ERMAKOV (Russian Federation) expressed his availability and interest to participate, if necessary, in this work.

ITEM 7: EXPERTS REPRESENTING THE CDDH IN OTHER BODIES

24. The Bureau noted the information already sent by experts who have participated in other meetings (document CDDH(2014)010) with a view to the June meeting.

ITEM 8: EXCHANGE OF VIEWS WITH PERSONALITIES

25. The Bureau welcomed the exchange of views foreseen in June with Ambassador Carl-Henrik EHRENKRONA, Permanent Representative of Sweden to the Council of Europe and Chairman of the Ad hoc Working Party on Reform of the Human Rights Convention system (GT-REF.ECHR), and with Mr Morten KJAERUM, Director of the European Agency for Fundamental Rights (FRA). The Bureau proposed that Ms Maud de BOER-BUQUICCHIO, independent Personality appointed by the Council of Europe to sit in the Agency’s governing bodies, who will not be able to participate in June³, be invited to a future meeting. Furthermore, it noted with satisfaction that Mr Lətif HÜSEYNOV, Chairman of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), confirmed

³ The Bureau was informed that on 8 May 2014, the Human Rights Council of the United Nations appointed Ms de Boer-Buquicchio Special Rapporteur on the sale of children, child prostitution and child pornography. She remains independent Personality appointed by the Council of Europe to sit in the Agency’s governing bodies of the FRA. She hopes to be able to share with the CDDH, in the near future, her experience in both positions.

his participation in the November meeting. The Bureau instructed the Secretariat to inform the CDDH in June on the possible availability of a representative of the Office of the High Commissioner for Human Rights of the United Nations (OHCHR) for its November meeting.

26. For future invitations, the Bureau proposed to consider the possibility to invite, at an appropriate stage, personalities in fields such as:

- bioethics (for example, a personality linked to the European Forum on Bioethics of Strasbourg⁴);
- access to official documents in respect of possible future work on awareness of Convention CETS 209;
- young people's access to justice in the framework of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (for example, a member of the Committee on rights of the child);
- rights of persons with disabilities (for example, the German expert within the conventional body of the Convention on the rights of persons with disabilities);
- social rights, linked with the work on the economic crisis (for example, a personality representing the European Committee on social rights).

27. Finally, with regard to these always very productive exchanges of views, the Bureau suggested that the CDDH discuss also their format. Indeed, for some topics, it might be useful to devote more time, inviting several personalities and members of other Secretariats involved in the subject for a discussion that might, for example, take place over half a day (see below, item 11).

ITEM 9: CALENDAR OF MEETINGS

28. The Bureau examined the draft calendar of meetings, as adopted by the CDDH at its April meeting. It noted that the Secretariat will in June submit preliminary proposals for meeting dates in 2015. The Bureau underlined the need to retain the necessary flexibility to modify the duration of a meeting if necessary, according to the expected load of its agenda. If such a modification (reduction or increase of the number of days) would be required, it would be proposed by the Bureau in due time, but this implies that the CDDH members and its subordinate bodies bear this in mind and avoid booking their travel too far in advance.

ITEM 10: REVIEW OF COUNCIL OF EUROPE CONVENTIONS

29. The Bureau noted the information from the Secretariat, which will appear in a revised version of document CDDH(2014)005 to be considered by the CDDH in June.

⁴ This forum has been created by Professor Israël NISAND and is currently chaired by M. Jean-Louis MANDEL, Professor at the *Collège de France*.

ITEM 11: CDDH WORK BEYOND THE CURRENT BIENNIUM

30. Referring to document CDDH(2014)006 that the CDDH had discussed at its previous meeting in Oslo, the Bureau considered a revised version of this document, in which the Secretariat had developed further reflections on the working methods which, in the medium term, may be most relevant to the CDDH in order to respond to the new environment and new challenges of the Organisation. These issues were presented by the Director General of Human Rights and Rule of Law, Mr. Philippe BOILLAT. The Bureau thanked the latter for his very enlightening presentation and also invited him to address the CDDH during consideration of this item in June. The Bureau exchanged views on this item and instructed the Secretariat to reflect them in the revised version of CDDH(2014)006 which will be sent to the CDDH members as a basis for further thoughts in June. It stressed that this item on the agenda targets the medium term and that, at this stage, the CDDH is not expected to adopt conclusions. In the light of discussions in June, the Secretariat will be invited to further refine the content of the document.

31. In this context, the Bureau also took note of the exchange of views in the DH-GDR on the element of its current terms of reference requiring it to “ensure that information concerning the implementation of the Convention and execution of the Court’s judgments is exchanged regularly – in order to assist member States in developing their domestic capacities and facilitate their access to relevant information” (DH-GDR(2014)R6 paras. 9-12). It noted the parallels between this new role and the ideas put forward concerning its own future work. It also took note of the fact that the possible database being considered by the DH-GDR would simply be a tool to support inter-governmental work, and that its full exploitation would only become possible in the following biennium.

ITEM 12: REQUEST FOR ADMISSION AS OBSERVER TO THE CDDH

32. The Bureau exchanged views on the request sent by the European Trade Union Confederation (ETUC/CES) for admission as an observer to the CDDH. Given the regular and constructive contributions of this organization since 2011 to the work of the Steering Committee and its subordinate bodies, as well as its capacity to contribute to the future work, the Bureau would have no objection to a favorable reply to this request. It recalls that it is foreseen that the CDDH will discuss the matter in June. Relevant information regarding this request appears in document CDDH (2014)012.

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Appendix I**List of participants****ARMENIA / ARMENIE**

Mr Levon AMIRJANYAN, Chef du département des affaires juridiques, Ministère des affaires étrangères

AUSTRIA / AUTRICHE

Mrs Brigitte OHMS, Deputy Government Agent, Division for International Affairs and General Administrative Affairs, Federal Chancellery

BELGIUM / BELGIQUE

Mr Philippe WERY, Attaché, SPF Justice, Service des Droits de l'Homme

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Mr Vít A. SCHORM, Government Agent, Ministry of Justice, Chairman of the CDDH / Président du CDDH

ESTONIA / ESTONIE (*Apologised*)**GERMANY / ALLEMAGNE**

Mr Hans-Jörg BEHRENS, Head of Unit IVC1, Human Rights Protection; Government Agent before the European Court of Human Rights, Bundesministerium der Justiz

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Mr Vladislav ERMAKOV, Ministry of Foreign Affairs

SWITZERLAND / SUISSE

Mr Frank SCHÜRMANN, Agent du Gouvernement, Chef de l'Unité Droit européen et Protection Internationale des droits de l'Homme, Office fédéral de la justice

AUTRES PARTICIPANTS / OTHER PARTICIPANTS**CHAIRMAN OF THE DH-GDR / PRÉSIDENT DU DH-GDR**

Mr Morten RUUD (Norway), Ministry of Justice and the Police, Legislation Department,

CHAIRMAN OF THE GT-GDR-F / PRÉSIDENT DU GT-GDR-F

Mr Martin KUIJER (The Netherlands), Senior legal adviser human rights law, Ministry of Justice

SECRETARIAT

**DG I – Human Rights and Rule of Law / Droits de l'Homme et État de droit
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Mr Philippe BOILLAT, Director General / Directeur Général, Directorate General of Human Rights and Rule of Law / Direction Générale droits de l'Homme et Etat de droit

Mr Mikhail LOBOV, Head of Human Rights Policy and Development Department / Chef du Service des politiques et du développement des droits de l'Homme

Mr Alfonso DE SALAS, Head of the Human Rights Intergovernmental Cooperation Division / Chef de la Division de la coopération intergouvernementale en matière de droits de l'Homme, Secretary of the CDDH / Secrétaire du CDDH

Mr Daniele CANGEMI, Head of the Human Rights Law and Policy Division / Chef de la Division du droit et de la politique des droits de l'Homme

Mr David MILNER, Head of the Unit on the reform of the Court / Chef de l'Unité sur la réforme de la Cour, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

Mrs Laurence LWOFF, Head of the Bioethics Unit / Chef de l'Unité de Bioéthique, Secretary of the DH-BIO / Secrétaire du DH-BIO

Ms Corinne GAVRILOVIC, Assistant / Assistante, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

INTERPRETERS / INTERPRÈTES

Mr Grégoire DEVICTOR
Mr Christopher TYCZKA
Mme Lucie DE BURLET

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Appendix II

Recommendations of the Parliamentary Assembly 2043 (2014) -
“Urgent need to deal with new failures to co-operate
with the European Court of Human Rights”

Draft opinion by the CDDH

(proposed by the Bureau
on the bases of elements prepared by the DH-GDR⁵)

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2043(2014) on the ‘urgent need to deal with new failures to co-operate with the European Court of Human Rights’. It recalls Committee of Ministers’ Resolution CM/Res(2010)25 on member States’ duty to respect and protect the right of individual application to the European Court of Human Rights, which called upon the member States to “take prompt and effective action with regard to any interim measures indicated by the Court so as to ensure compliance with their obligations under the relevant provisions of the Convention”. It also recalls its own earlier work on the issue, notably its report on interim measures under Rule 39 of the Rules of Court, which reiterated that “member States should be reminded that Article 34 of the Convention entails an obligation for States Parties to comply with an indication of interim measures made under Rule 39 of the Rules of Court and that non-compliance normally implies a violation of Article 34 of the Convention”.⁶

[2. The CDDH notes that certain of the failures to respect indications of interim measures occurred after the adoption of Committee of Ministers’ Resolution CM/Res(2010)25 and that some involved manifestly illegal action at the domestic level. This underlines the need for the Committee of Ministers and the member States to continue searching for adequate responses to such incidents, as implied by paragraphs 2 and 3 of the Parliamentary Assembly’s recommendation. The CDDH emphasises the importance of full implementation of the relevant measures contained in the 2011 Committee of Ministers’ Guidelines on eradicating impunity for serious human rights violations, where appropriate on account of the nature of the actions occurring at the domestic level.⁷]

3. The CDDH also notes paragraph 5 of the accompanying PACE Resolution 1991(2014), to which the recommendation refers, and which calls to mind perceptions of conflict between the obligation to comply with an indication of interim measures under Rule 39 of the Rules of Court, and other international legal or diplomatic commitments. The Committee of Ministers may wish to reflect on whether and how this issue could be further examined.

⁵ The text of the Recommendation appears in document CDDH(2014)007.

⁶ See para. 54 of doc. CDDH(2013)R77 Addendum III: under examination by the Committee of Ministers at the time of writing.

⁷ Doc. CM/Del/Dec(2011)1110/4.8, Appendix 5.

4. Finally, the CDDH notes the Assembly's call for speedy treatment by the Court of applications in the context of which interim measures have been indicated, and recalls its own recommendation in this sense made in its 2013 Report.

Appendix III**Draft reply by the CDDH to the Committee of Ministers
Regarding prenatal sex selection**

(prepared by the Bureau at its 91st meeting (12-13 June 2014)
on the basis of conclusions reached by the DH-BIO
at its 5th meeting (5-7 May, DH-BIO/abr RAP 5, §§21-23)

Introduction

- (i) In reply to [Recommendation 1979 \(2011\)](#) of the Parliamentary Assembly on prenatal sex selection, the Committee of Ministers, at its 1146th meeting at Deputies' level (20 June 2012), invited the Steering Committee for Human Rights (CDDH) to «to take account of the suggestion made by the Assembly in paragraph 3.2⁸ of its recommendation when carrying out intergovernmental work on the protection of human rights in the sphere of biomedicine, subject to available resources. »
- (ii) Following this decision, the CDDH invited the Committee on Bioethics (DH-BIO) to conduct a comparative study on prenatal sex selection and consider, where appropriate, the elaboration of guidelines and good practices on prenatal sex selection in the context of Article 14 of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (ETS No164) (Oviedo Convention).
- (iii) A questionnaire on prenatal sex selection sent to all the member states made it possible to collect information on the situation in 38 member states and 2 non-member states. The information collected showed a sex ratio in some states that could not be explained by natural biological reasons. Some states also indicated that they have started examining this phenomenon in more detail.
- (iv) Le DH-BIO examined all the information provided and discussed, on that basis, possible initiative that could be taken to address this problem, including the drafting of guidelines and good practices. In this context, an exchange of views on the problem of prenatal sex selection with other intergovernmental

⁸Recommendation 1979 (2011) of the PACE on prenatal sex selection

“3. The Assembly therefore invites the Committee of Ministers to:

...

3.2 instruct the Steering Committee on Bioethics to conduct a comparative study on prenatal sex selection and consider the elaboration of guidelines and good practices on prenatal sex selection in the context of Article 14 of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (ETS No. 164);

...”

organisations working on this issue was held at the 13th meeting of the UN Inter-Agency Committee on Bioethics (UNIACB) organised in Strasbourg on 25-26 March 2014.

- (v) At its 5th plenary meeting (5-7 May 2014), the DH-BIO adopted its conclusions which were presented to CDDH. On that basis, at its 81st meeting (24-27 June 2014), the CDDH adopted the following reply to the request made by the Committee of Ministers :

Draft reply

1. The CDDH fully shared the important concerns raised for the protection of human rights by prenatal sex selection. It recalled, in this respect, the prohibition established in Article 14 of the Oviedo Convention, to allow the use of techniques of medically-assisted procreation for the purpose of choosing a future child's sex, except where serious hereditary sex-related disease is to be avoided.
2. However, as underlined by the DH-BIO, as well as the World Health Organisation (WHO) and the United Nations Population Fund (UNFPA) at the 13th UNIACB meeting, the root cause of this problem is not related to the biomedical field, but to the issue of gender equality.
3. Consequently, the CDDH agreed with the DH-BIO⁹, that an initiative on this topic in the field of biology and medicine, in the form for example of guidelines intended to professionals, would have a limited added value to properly address the problem, which also includes a cultural dimension, has an important social impact and seems to take on particular significance in certain countries.
4. Considering the importance of the fundamental concerns raised by prenatal sex selection, it considers it necessary to engage in a more thorough and targeted examination within the Council of Europe, so as to address this challenge to the principle of equality between women and men.
5. The CDDH, as well as the DH-BIO, are ready to contribute, in their fields of competence, to any activity that could be undertaken on this issue, whether by relevant bodies of the Council of Europe or at the possible request of a member state.

⁹ However, in the continuity of its work on genetic testing, the DH-BIO plans to go into the reflection more closely on the proposed tests directly to consumers, especially those which, through a simple blood test on pregnant women to determine the fetal sex at a very early stage of pregnancy.