

**Objective of CoE activities in bioethics:**

**Protection of human rights in the field of biology and medicine**

**Pioneering** work of the Council of Europe –

Continues to be **unique by its human rights approach**



# Convention on Human Rights and Biomedicine « Oviedo Convention »

- **Only legally binding international instrument** in the area of human rights in biomedicine
- **Fundamental principles applicable to:**
  - daily medical practice (« European treaty on patients' rights »)
  - new technologies in the area of biology and medicine
- **Links to the European Convention on Human Rights:**
  - Key concepts, terminology
  - serves as a reference of a European consensus, referred to in the the case-law of the ECtHR
  - Formal link in Art.29 Oviedo Convention



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# DH-BIO Statement on human rights considerations relevant to the COVID 19 pandemic

Severe cases, scarce resources, uncertainties...



Major ethical challenges  
Respect for human dignity  
Upholding Human Rights



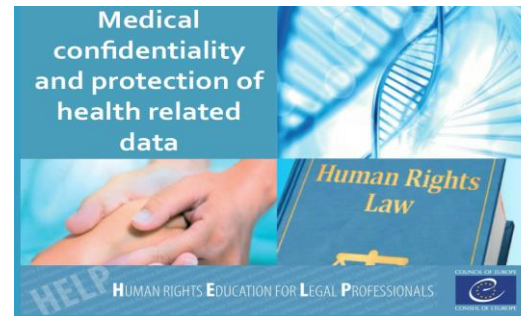
## Principles which are particularly relevant in the context

- Consent
- Protection of health related data
- Biomedical Research
  
- Equity of access to health-care





# HELP course on Key human rights principles in Bioethics





## Emergency situations

Under [Article 8 of the Oviedo Convention](#), the conditions for an intervention without the required consent are the following:

- this possibility is restricted to emergencies which prevent the practitioner from obtaining the appropriate consent;
- the possibility is limited solely to medically necessary interventions which cannot be delayed (not only for life-saving interventions);
- the intervention must be carried out for the immediate benefit of the individual concerned;
- however, a doctor must make every reasonable effort to determine what the patient would want, getting to know it from either a patient himself or herself or from the representative of the patient.

Click 'Next' to continue.



## Restrictions of informed consent in case law

Here are some case law examples of when informed consent has been restricted. Explore them and then click 'Next' to continue.

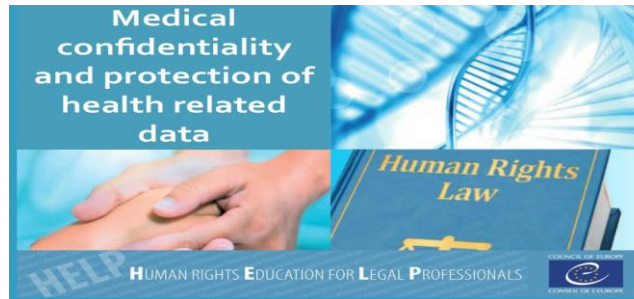


Compulsory  
Vaccination



Mandatory  
X-Ray





## Data security and storage

Health related data must be processed in a manner that ensures appropriate security of the data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.



As many improper disclosures of patient information are unintentional, it is advised for medical professionals to avoid discussing such information at the reception of health care institutions or in other public areas. Health care facilities must ensure the possibility for a patient to discuss more intimate information not only at a patient's bedside, but in more secure conditions.

In order to prevent the notes and records of a patient from being seen by other patients, unauthorised staff, or the public they must be stored and managed securely at all times against improper access, disclosure or loss.



The health related data can be stored or otherwise processed for no longer than is necessary for the purposes for which the data are processed, unless otherwise provided by national law. It is also subject to implementation of the appropriate technical and organisational measures in order to safeguard the rights and freedoms of the patient. **Click 'Next' to continue.**

## Legitimate aims: protection of public health

When public health comes into question there are several conditions under which the disclosure of confidential data or production of medical records is mandatory required by law and the doctor has to comply with such requirements. Compulsory notification of appropriate authorities is usually required by law if the doctor suspects any infection or contamination of certain highly infectious diseases (such as cholera or typhoid). But can doctors warn other individuals who might be at risk from a patient with a serious contagious disease?

Can a family doctor alert a wife about the fact that her husband is HIV-positive? Doctors are encouraged to persuade the infected person to inform his sexual partners. If persuasion fails, then the doctor should consider whether he should inform the sexual partner at risk of infection (especially if that person is also his patient). If there is strong evidence of a risk of injury or disease which can cause harm to the physical or moral integrity of any third party, the public interest is sufficient to justify the disclosure of the health related data of that person so that he or she can protect him/herself appropriately.

Click 'Next' to continue.





## Ethical principles: a check list

How can I know whether a specific research is consistent with the mentioned principles?  
May I self-assess the compliance of the research with ethical standards?

Explore the buttons below to explore the checklist.





# Strategic Action Plan on Human Rights and Technologies in Biomedicine (2020-2025)

## Equity in healthcare

➡ Combating health disparities created by social and demographic changes in Council of Europe member States



Guide to health literacy for older persons

➡ Promoting equitable and timely access to appropriate innovative treatments and technologies in healthcare



Equitable and timely access to innovative treatments





Thank you very much!

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