



**HUMAN RIGHTS,
DEMOCRACY
AND THE RULE OF LAW**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**DROITS DE L'HOMME,
DÉMOCRATIE
ET ÉTAT DE DROIT**

Human Rights in biomedicine. Impact of the Council of Europe

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- 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”

Impact of the Oviedo Convention

1. Impact on national legislation and practices
2. Reference at European level
3. Reference at global level

Impact of the Oviedo Convention

1. Impact on national legislation and practices

- Ratified by 29 Member States (requiring compliance with all provisions)
- Serves as an important reference also in those States which have not (yet) ratified

High level Seminar (Dec. 2016)

International case-law
in bioethics:
insight and foresight



Impact of the Oviedo Convention

2. Reference at European level

- Case-law of the European Court of Human Rights

[Case-law compilation: Bioethics and the case law of the ECtHR](#)

- European Union: Charter of Fundamental Rights, Directives, Ethical rules for framework programmes

Oviedo Convention (1997)	EU Charter (2000)	UN Declaration on Bioethics and Human Rights (2005)
	Art. 3...the following must be respected in particular:	
An intervention in the health field may only be carried out after the person concerned has given free and informed consent to it. (Art. 5)	- the free and informed consent of the person concerned (...)	Any preventive, diagnostic and therapeutic medical intervention is only to be carried out with the prior, free and informed consent of the person concerned (...) (Art.6)
The human body and its parts shall not, as such, give rise to financial gain. (Art. 21)	- the prohibition on making the human body and its parts as such a source of financial gain,	
Additional Protocol on the Prohibition of Cloning Human Beings (1998).	- the prohibition of the reproductive cloning of human beings.	Declaration on Human Cloning (2005)

Impact of the Oviedo Convention

3. Reference at Global level

- UN Declaration on Bioethics and Human Rights
- Inter-American Court of Human Rights: Artavia Murillo et al. case against the State of Costa Rica, judgment of 28.11.2012 (concerning ban on IVF treatment)

Oviedo Convention: Relevance confirmed

20th
ANNIVERSARY



20th anniversary Conference

International Conference October 2017

New Human Rights challenges arising from

- New Scientific and technological Developments
 - e. g. gene-editing techniques

[Statement on genome editing technologies \(2015\)](#)

Article 13 – Interventions on the human genome

An intervention seeking to modify the human genome may only be undertaken for preventive, diagnostic or therapeutic purposes and only if its aim is not to introduce any modification in the genome of any descendants.

Article 28 – Public debate

Parties to this Convention shall see to it that the fundamental questions raised by the developments of biology and medicine are the subject of appropriate public discussion in the light, in particular, of relevant medical, social, economic, ethical and legal implications, and that their possible application is made the subject of appropriate consultation.

20th anniversary Conference International Conference October 2017

New Human Rights challenges arising from

- Evolution of biomedical practices
 - e. g. taking into account children's evolving autonomy ([study](#) by researchers from Leiden University Law School (the Netherlands))



"From Law to Practice: Towards a roadmap to
strengthen children's rights in the era of biomedicine"



“More than ever, the basic principles laid down in this Convention and the kind of dialogue cherished by the Council of Europe are essential in order to address the new human rights challenges raised by science and technology. ”

Gabriella Battani Dragoni, Council of Europe Deputy Secretary General

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