

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 3 January 2022

CDBIO/INF (2022) 1

**STEERING COMMITTEE FOR HUMAN RIGHTS IN THE FIELDS OF
BIOMEDICINE AND HEALTH (CDBIO)**

Terms of reference of the CDBIO for 2022-2025

STEERING COMMITTEE FOR HUMAN RIGHTS IN THE FIELDS OF BIOMEDICINE AND HEALTH (CDBIO)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Type of committee: **Steering Committee**

Terms of reference valid from: **1 January 2022 until 31 December 2025**¹⁴

PILLAR/PROGRAMME/SUB-PROGRAMME ▼

Pillar: Human Rights

Programme: Effective ECHR implementation

Sub-programme: Protection of Human Rights in the fields of Biomedicine and Health

MAIN TASKS

Under the authority of the Committee of Ministers, and bearing in mind the Council of Europe legal standards, as well as the relevant jurisprudence of the European Court of Human Rights, the CDBIO will:

- carry out the work assigned to the Steering Committee in Bioethics by the Convention on the protection of human rights and the dignity of human beings with regards to the applications of biology and medicine (Convention on Human Rights and Biomedicine);
- conduct the intergovernmental work on human rights protection in the fields of biomedicine, as well as health; in particular with regard to issues raised by the Covid-19 pandemic and taking into account the lessons to be learnt from the health crisis;
- advise and provide expertise to the Committee of Ministers on all questions within its fields of competence.

In particular, the CDBIO is instructed to:

- (i) ensure the follow-up of the relevant decisions taken at the 131st Session of the Committee of Ministers (Hamburg, 21 May 2021),¹⁵ and in particular contribute to the implementation of the key strategic priorities relating to its specific field of expertise as identified in the Strategic Framework of the Council of Europe, and respond to the respective key findings and challenges set out in the Secretary General's 2021 Report on the state of democracy, human rights and rule of law "A democratic renewal for Europe";
- (ii) promote equitable access to health care, patient rights, protection of persons in vulnerable situations and citizen participation in the healthcare and biomedical research policies and, where appropriate, prepare relevant guidelines and other tools (reference tools, implementation guides), in accordance with the principles laid down in the Convention on Human Rights and Biomedicine;
- (iii) assess ethical and legal challenges raised by scientific and technological developments, as well as by the evolution of practices, in the fields of biomedicine and health;
- (iv) contribute to raising awareness and facilitating the implementation of the principles laid down in the Convention on Human Rights and Biomedicine and its additional protocols, taking also into account the outcome of co-operation activities in the relevant fields;
- (v) carry out the regular re-examination foreseen in the Convention on Human Rights and Biomedicine and its additional protocols;
- (vi) develop further the principles laid down in the Convention on Human Rights and Biomedicine as appropriate also in the light of the relevant case law of the European Convention on Human Rights;
- (vii) co-operate with the relevant intergovernmental bodies and organisations in particular with a view to promoting consistency between normative texts;

(viii) jointly with the Steering Committee for the Rights of the Child (CDENF), develop a guide of good practice for the participation of children in decision making processes on matters relating to their health;

(ix) hold regular exchange of views in order to evaluate its activities and advise the Committee of Ministers and the Secretary General on future priorities in its sector including possible new activities and those that might be discontinued;

(x) take due account of the following mainstreamed perspectives in the performance of its tasks: gender, youth, children's rights, rights of persons with disabilities, and Roma and Traveller¹⁶ issues;

(xi) where relevant, contribute to building cohesive societies and to strengthening the role and meaningful participation of civil society in its work;

(xii) in accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an examination of some or all of the conventions for which it has been given responsibility¹⁷ and report back to the Committee of Ministers;

(xiii) contribute to the achievement of, and review progress towards, the UN 2030 Agenda for Sustainable Development, in particular with regards to Goal 3: Good health and well-being, Goal 5: Gender equality, Goal 10: Reduced inequalities and Goal 16: Peace, justice and strong institutions.

14 These terms of reference are approved for the first biennial period 2022-2023. For the second biennial period 2024-2025, they are approved on a provisional basis, subject to confirmation upon the adoption of the budget for 2024-2025.

15 CM/Del/Dec(2021)131/2a, CM/Del/Dec(2021)131/2b, CM/Del/Dec(2021)131/2c and CM/Del/Dec(2021)131/3.

16 The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "*Gens du voyage*", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

17 Cf. relevant decisions of the Committee of Ministers (CM/Del/Dec(2013)1168/10.2) and list of Conventions in document CM(2021)132.

MAIN DELIVERABLES ▼

Under the authority of the Committee of Ministers, the CDBIO is instructed to complete the following deliverables, within the following deadlines:

	<i>Deadline ▼</i>
1. Recommendation on equitable access to medical treatment and equipment, in the context of the Covid-19 pandemic and other situations of scarce resources	31/12/2022
2. Guide on the promotion of health literacy for persons in vulnerable situations	31/12/2022
3. Conclusions of a round table on human rights and neurotechnologies (in co-operation with T-PD, UNESCO and OECD)	31/12/2022
4. Overview of the national legislation on the protection and promotion of patients' rights (users of the health system)	31/12/2023
5. Online publication of the Recommendation on equitable access to medical treatment and equipment, in the context of the Covid-19 pandemic and other situations of scarce resources in non-official languages	31/12/2023
6. Online publication of the Guide on the promotion of health literacy for persons in vulnerable situations in non-official languages	31/12/2023
7. Overview of the legal framework and practices in the member States relevant to medically assisted procreation	31/12/2023
8. Guide of good practice for the participation of children in decision making processes on matters relating to their health (jointly with CDENF)	31/12/2023
9. Conclusions of a seminar on relevant legislation and good practices with regard to early intervention on intersex children	31/12/2023
10. Online publication of the Guide of good practice for the participation of children in decision making process on matters relating to their health in non-official languages	31/12/2024
11. Report on artificial intelligence applications in healthcare	31/12/2024
12. Report on promoting dialogue amongst public, practitioners and policy makers for the purpose of the development of regulation on genomics medicine	31/12/2024
13. Guidelines on equitable access to innovative treatments and technologies in healthcare systems	31/12/2025
14. Youth forum on bioethics	31/12/2025

COMPOSITION ▼

MEMBERS:

Governments of the member States are invited to designate one or more representatives of the highest possible rank, with appropriate expertise in the various aspects of bioethics, in particular legal, medical and scientific aspects, including in relation to emerging technologies and to the functioning of their health system, and able to consider these from a human rights perspective.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

Each member of the Committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

In accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

PARTICIPANTS:

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Commissioner for Human Rights of the Council of Europe;
- Conference of INGOs of the Council of Europe;
- Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD);
- Conference of the Parties of the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (Medicrime Committee);
- Steering Committee for Human Rights (CDDH);
- Steering Committee on the Rights of the Child (CDENF);
- European Committee on Legal Cooperation (CDCJ);
- Committee on Transplantation of Organs and Tissues (CD-P-TO);
- Committee on Blood Transfusion (CD-P-TS);
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA));
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- other international organisations: WHO, UNESCO, OECD and European Science Foundation (ESF).

OBSERVERS:

The following may send representatives, without the right to vote and without defrayal of expenses:

- Australia, Israel;
- the Conference of European Churches (KEK).

Observer status may be requested in accordance with Article 8 of Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

WORKING METHODS ▼

	Plenary meetings ▼			Bureau meetings ▼		
	Members incl. Chair	Meetings per year	Days per meeting	Members	Meetings per year	Days per meeting
2022	48	2	4	7	2	2
2023	48	2	4	7	2	2
2024	48	2	4	7	2	2
2025	48	2	4	7	2	2

The rules of procedure of the Committee are governed by Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods. The CDBIO will appoint from amongst its members up to 5 Rapporteurs on mainstreamed perspectives, including a Gender Equality Rapporteur.

The CDBIO will hold regular exchanges of views with the Steering Committee for Human Rights (CDDH).