

## **Speech by President Maury Pasquier at the high-level seminar on public debate as a tool for the governance of new technologies**

**Strasbourg, 4 June 2019**

Ladies and Gentlemen,

I would first like to thank the French Presidency and congratulate it on taking the excellent initiative to hold this seminar on *public debate as a tool for the governance of new technologies*.

Ladies and Gentlemen, colleagues,

I am addressing you today in my capacity as President of the Parliamentary Assembly of the Council of Europe, the broadest and most long-standing forum for interparliamentary co-operation in Europe and also one of the Council of Europe's statutory organs.

In this context the Parliamentary Assembly has a dual role: firstly, as politicians elected in our member states, we embody the plurality of views of 830 million Europeans; secondly, as legislators, we pass laws that establish the public policies and normative framework governing our daily lives.

I would therefore like to take this opportunity to present a parliamentary viewpoint on the challenges involved in the use of new technologies and, in particular, the need for a public debate on this subject.

Ladies and Gentlemen,

Scientific and technological developments – whether in biology, medicine or artificial intelligence – have led to spectacular breakthroughs. However, they have simultaneously raised many ethical and legal questions, which are entirely justified.

To answer these questions and to take account of the opportunities and risks accompanying the use of new technologies, we need to have a clear legislative and regulatory framework. Developing this framework and passing the necessary laws is of course the role of parliamentarians.

To prepare these laws, we need substantive knowledge and an awareness of the stakes; we need expert opinions and detailed analyses; lastly, we need to fully understand the views of our fellow citizens. Yet, often, for lack of information, we are not fully aware of the opportunities and risks which new technologies may bring. It is therefore difficult for us to make informed decisions.

This is where public debate proves an effective tool, since we need to hear every point of view and to take into account the positions, fears and expectations of all stakeholders. That is in fact the aim of any public debate.

As you know, the Oviedo Convention requires Parties to “see to it that the fundamental questions raised by the developments of biology and medicine are the subject of appropriate public discussion”. The Parliamentary Assembly has reiterated this principle in a number of its

reports, applying it to the use of new technologies and artificial intelligence in general.

Many Council of Europe member states already have arrangements for holding public debates. May I just say that France is particularly advanced in this regard, having established the National Consultative Ethics Committee for Health and Life Sciences (CCNE) in 1983. This is one example we are bound to mention in our discussions, alongside many others based on the practice of our 47 member states. The work of the Committee on Bioethics (DH-BIO), which is currently developing a *Guide to public debate*, will also inform our discussions.

I myself would like to give you a general outline of what I think public debate should comprise.

Firstly, the debate must be open – that is the very essence of the participative democratic process. Science and technology can be a source of progress only if they are accompanied by democratic advances.

Secondly, the debate must be inclusive: it is essential to involve the greatest possible number of groups concerned: scientific experts of course, political decision makers, non-governmental organisations and citizens' associations. The conditions must allow the greatest possible number of people to express themselves: for example, why not use online platforms to reach a larger audience?

Thirdly, the debate must be organised in such a way that all parties can be heard. The subjects that we are likely to debate often spark controversy – that is the very nature of public debate, whose aim is not

necessarily reaching consensus. At the same time, the purpose of debate is not to pressurise legislators to adopt a given political decision. Quite the opposite, the aim of debate is to provide an objective analysis and reflect the different views existing in society so as to allow legislators to make informed political decisions.

Fourthly – and this is particularly relevant to us in our capacity as representatives of the Council of Europe – the discussions must be consistent with the fundamental standards we all adhere to. These standards are laid down in the European Convention on Human Rights, in the Court’s case law and in many of the legal instruments produced by the Council of Europe. As members of the Parliamentary Assembly, we have a duty to act as vigilant guardians of the Convention standards within our national parliaments.

Lastly, I would point out that, in general, public debate is important not only in respect of developments linked to new technologies, but also when the legislation on bioethical matters is no longer in tune with social or legal developments. I would like to cite a tangible example, which we gave in our recent report on the *Anonymous donation of sperm and oocytes: balancing the rights of parents, donors and children*. In April 2018, Portugal’s Constitutional Court held that donor-conceived persons had the right to know their genetic identity and their gamete donor. Prior to that decision, the 2006 Portuguese law guaranteed virtually absolute anonymity for donors, as anonymity could only be waived where there was a risk of consanguinity. The Portuguese Parliament is presently dealing with the transition from the old to the new system, by addressing a number of sensitive issues, including what should become of cryopreserved gametes donated (and embryos created) before the

Constitutional Court's decision, as well as whether anonymity should or should not be waived retroactively. These issues, together with the matters of donor compensation and the maximum number of donor-conceived children allowed per donor, necessitate a broad and informed public debate.

Ladies and Gentlemen,

In conclusion, I would like to reiterate that the Parliamentary Assembly is ready to play its role to the full and to contribute to these proceedings dealing with the issue of public debate and new technologies.

Our Committee on Culture, Science, Education and Media is preparing a report on *New forms of public debate on the ethical aspects of rapid advances in science and technology*, and the rapporteur Stefan Schennach will present its main points at the plenary session this afternoon. This work should allow the Assembly to identify good practices and develop guidelines and recommendations for our member states.

I look forward to working with you today and I thank you for your attention.