

Speech of Gabriella Battani Dragoni, Council of Europe Deputy Secretary General (in translation)



*"Vice-Minister,
Deputy Director General,
Ladies and gentlemen,
Dear colleagues,*

"A shared ethics that exalts the human person and his or her responsibility". That is how Alcide de Gasperi, Minister of Foreign Affairs of Italy and one of the founding fathers of European integration, described the common European heritage.

It is through the notion of human dignity, the cornerstone of the whole human rights edifice, that law and ethics intertwine.

The European Convention on Human Rights crystallised this link between human rights and ethics. And the Oviedo Convention, whose 20th anniversary we are celebrating today, did it again, this time in the field of biology and medicine.

At that point, some began to talk about a "new generation" of rights.

For the work carried out by the Council of Europe in this context was ground-breaking and led to the adoption of what is still, to this day, the only binding international legal instrument in this field. I am sure the drafting of the Oviedo Convention will be recounted in greater detail by the other speakers of this session.

What I would like to focus on here are the reasons that prompted the Council of Europe to turn its attention to bioethics and why the approach and framework provided by the Council of Europe have been crucial in this process.

Developments in the field of science and in particular medicine have brought and continue to bring great improvements for humankind. The second half of the 20th century was a period of remarkable progress, namely in terms of both transplantation and genetics. In this field in particular, whose basic principles were laid by Gregor Mendel in the Czech Republic over 150 years ago, technological improvements and the advancement of knowledge have paved the way for a better understanding of diseases and the development of new treatments.

The increased scope for intervention and controlling human life associated with these developments very soon sparked concerns about the implications that any improper use of this potential could have for human dignity and integrity. Hope was at times mingled with worry.

Gradually, a collective awareness emerged of the need to prevent any such abuses and to use these advances solely for the benefit of present and future generations.

As stated in the preamble to the Convention, “progress, human benefit and protection can be reconciled as a result of an international instrument devised by the Council of Europe in line with its vocation.”

Developments in the fields of biology and medicine, indeed, raise key issues concerning both individuals and our societies as a whole. These issues involve common basic principles – the core principle of human dignity, but also protection of autonomy, protection of the integrity of the human body, and the principle of justice. The case for an overarching approach becomes evident in this context.

It was the concern to protect these fundamental principles that guided the drafting of the Oviedo Convention – a process that produced a set of principles which have become the common European legal heritage in the biomedical field.

A legal instrument that does not provide answers to all ethical issues – that is not its intention.

A Convention whose content does not constitute the lowest common denominator either.

But a framework convention, forming a bedrock of principles that reflect shared human rights values, and on which states can draw. Principles that are open to scientific progress and recognise their importance, but whose aim is to counter possible abuses.

This Convention is the culmination of a complex process involving highly sensitive issues. A process which would not have succeeded without constructive co-operation between all the relevant bodies and stakeholders. Co-operation whose success was notably underlined by the Parliamentary Assembly, which guided and supported this process, in its opinion on the final draft.

Praising this process, the Parliamentary Assembly rapporteur (Mr Palacios) spoke of “the calm, but positive way in which disagreements have been expressed”, and indeed the importance of remaining calm and positive when dealing with such sensitive issues cannot be overstated.

The aim of protecting fundamental values and progress, and the emphasis which the Council of Europe places on dialogue, were crucial here. And remain so today.

20 years on, this Convention has become a benchmark not only within Europe but also worldwide. The high-level seminar on international case-law in bioethics, held in December 2016, confirmed this. The reference to the Convention in the UNESCO Declaration on Bioethics and Human Rights and the provisions of the EU Charter of Fundamental Rights are a further testament to its importance.

This is a cause for celebration, as are the advances in biomedicine and the improvements in human health that we have seen over the past 20 years.

Given the extremely rapid – sometimes dizzying – speed with which science and technology and their potential applications for human beings are developing, however, the concerns which informed the drafting of the convention 20 years ago are still highly relevant today.

Today's celebrations are also an occasion to remind ourselves of the need for constant vigilance in relation to any development that could pose a threat to fundamental human rights.

It sometimes seems as though old certainties are crumbling; traditional boundaries are becoming blurred; the driving forces and key players are changing.

Developments in science and technology can be seen as a continuum yet one wonders whether perhaps we have now reached a new, unusually critical stage, given the possibilities for controlling or even modifying human life that their potential applications afford.

The time has come for debate, one that concerns all citizens.

As pointed out in Article 28 of the Convention, "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."

Ethics committees can play a key role here. The fact that representatives from several of these national committees as well as ethics bodies at European and international level are present here today seems to me to be very important in this context.

Providing courses on ethics, not only for the professionals concerned but also for teachers and the public at large, likewise helps to raise much-needed awareness of these issues.

The Council of Europe is doing its bit here. The development of a course on the basic principles of bioethics for legal and health care professionals, under the HELP programme, meets this requirement.

Ladies and gentlemen,

The issues that you are going to be discussing today are central to the Council of Europe's remit. Since the 1980s, it has maintained constant vigilance in this area. Through its mission, but also by promoting dialogue and discussion, it has paved the way for the adoption of the Oviedo Convention, which brings us here today.

The Czech Republic's decision to make this conference one of the priorities of its Chairmanship of the Committee of Ministers of the Council of Europe shows the relevance and importance of our Organisation's work in this area. And I would like to thank the Czech Republic for that and for its decision to sign, at this conference, the Additional Protocol to the Oviedo Convention concerning genetic testing for health purposes. We can only hope that signature is swiftly followed by ratification, so that the Protocol can enter into force. A fitting symbol for the country which gave us Gregor Mendel!

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.

Protecting human rights and encouraging advances in biomedicine for the benefit of humankind also means building trust.

I am confident that this conference will contribute to these objectives and provide a sound basis for the action that will need to be taken in response to the priorities identified. I wish you every success."