

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 9 June 2023

CDBIO / Abr RAP 3

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

3rd meeting

6-9 June 2023

Strasbourg

Abridged report

Adopted by the CDBIO

Opening of the meeting and adoption of the agenda

The Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO) held its 3rd meeting in Strasbourg, from 6 to 9 June 2023. The meeting was chaired by Siobhán O’Sullivan (Ireland).

The agenda of the meeting is contained in Appendix I. The full report of the meeting, including the list of participants, is available from the Secretariat (doc. CDBIO/RAP3).

List of items for decision by the Committee of Ministers

The CDBIO:

- finalised the mid-term report of its Strategic Action Plan on Human Rights and Technologies in Biomedicine (2020-2025), and agreed to send it to the Committee of Ministers to take note.

List of items for information of the Committee of Ministers

The CDBIO:

- welcomed the pilot youth forum on AI in healthcare, made possible thanks to a voluntary contribution from the Irish government. The forum allowed the CDBIO to develop its reflection on the future engagement and consultation of young people in its intergovernmental work, including the organisation of a larger scale forum as part of the Committee’s Strategic Action Plan on Human Rights and Technologies in Biomedicine (2020-2025);
- noted with satisfaction the progress made by the Drafting group on the impact of AI on the patient-doctor relationship, welcoming the general structure and content of its draft report. Delegations were invited to provide any written comments on the draft report to be sent to the Secretariat at the latest by 10 July 2023;
- examined the draft Recommendation on respect for autonomy in mental healthcare services. Delegations were invited to send written comments by 10 July 2023. The remaining sections of the draft (Chapter 4 onwards) will be examined during the next plenary meeting, with a view to a targeted consultation at the beginning of 2024 and adopting the Recommendation by the end of 2024.
- expressed satisfaction regarding the publication of the report on the case-law of the European Court of Human Rights entitled "The rights of persons subject to non-consensual placement and treatment in mental health facilities", prepared by the Research Unit of the Court;
- noted with satisfaction progress made in the development of the "Draft Guide on children participation in decision-making about their health" and formulated comments on the text. Delegations were invited to send any written comments and national examples of practice to the Secretariat, by 20 June 2023. A revised draft will be circulated in the Summer to CDENF and CDBIO in a view of its adoption by both Committees, in November 2023;
- welcomed the report, prepared by Dr Rumiana Yotova, Consultant, (Cambridge University, UK), entitled "Human rights-based approaches to healthcare". The CDBIO agreed on a questionnaire, based on this report, aiming at collecting information to provide an overview on national legislation on the protection and promotion of patients’ rights in member states; delegations will be invited to send this information by 10 October 2023.
- agreed that Recommendation CM/Rec(2023)1 on "Equitable access to medicines and medical equipment in a situation of shortage" already covers most issues related to

innovative treatments and technologies. The Committee agreed to prepare a discussion paper to assess any outstanding ethical issues. It decided to entrust a consultant, supported by two or three CDBIO members, with the task of preparing a preliminary draft, to be presented to the CDBIO at its 4th plenary meeting;

- took note of the rapporteur's report of the workshop on "Public dialogue on genomic medicine", held online on 10 November 2022. The Committee supported the development of further work in this field, including on awareness raising activities among different stakeholders and, in the light of the outcome of the seminar, the re-examination of the Additional Protocol to the Oviedo Convention concerning Genetic Testing for Health Purposes. and of Rec(2016)6 on research on biological materials of human origin;
- took note of the rapporteur's report of the seminar on "Early intervention on intersex children - Promoting the rights of the child", held on 31 May 2022. The Committee agreed that its content reflected properly the outcome of the seminar;
- invited delegations to express interest in participating in the Drafting group in charge of preparing a draft Recommendation on the rights of intersex persons, under the authority of the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI);
- welcome the draft programme for the Conference entitled "Promoting person's autonomy in mental health care", to be organised in cooperation with the Ombudsman of the Republic of Latvia and the University of Latvia, under the auspices of the Latvian Chairmanship of the Committee of Ministers (Riga, 14 November 2023);
- took note of the activities carried out as part of the project: human rights in biomedicine II, under the second Armenia Action Plan;
- agreed to develop a new strategic action plan by the end of 2025 and to organise, in 2024, an 'horizon scanning' exercise to that end. The CDBIO decided to set up a small preparatory group, composed of Bureau members and interested delegations, to propose a methodology for this exercise;
- invited delegations to update their replies to the questionnaire on access to medically assisted procreation (MAP), on the right to know about their origin for children born after MAP and on surrogacy, with a view to their publication in December 2023;
- agreed to hold the next meetings on:
 - o 4th plenary meeting: 14-17 November 2023, in Riga at the invitation of the Latvian Authorities
 - o 5th plenary meeting: 11-14 June 2024, in Strasbourg

Any changes to the composition of the Committee Bureau

The CDBIO:

- agreed to postpone the election of a new Bureau member until the next plenary meeting, so as to hold, from now on, all Bureau elections during winter plenaries.

Appendix I
Agenda

Tuesday 6 June 2023 (09.30-13.00 / 14.30-18.00)

Pilot Youth Forum on AI in healthcare (9.30 – 13.00)

Brief exchange following the Pilot Youth Forum

1. Adoption of the draft agenda

- New CDBIO members invited to introduce themselves
- Reminder about the main decisions to be taken during the meeting

2. Equitable access to appropriate innovative treatments and technologies in healthcare

Objective: Decision on the way forward

9. Bureau election

Objective: Decision on the possible postponement of the election to the November meeting

- The organisation of any Bureau election at the end of the year would facilitate the yearly budget planification for interpretation at Bureau meetings. It is therefore proposed to extend the current mandate of Mark Bale by 6 months and proceed with the election of a new member of the Bureau at the 4th plenary meeting.

Wednesday 7 June 2023 (09.30-13.00 / 14.30-18.00)

3. Draft Recommendation for the promotion of voluntary measures

Objective: Guidance to the Bureau for the further development of the draft Recommendation, including with regard to a possible consultation on the draft

- Examination of the draft Recommendation prepared by the Bureau

4. Artificial intelligence and biomedicine

Objective: Guidance to the Drafting Group for the further development of the report

- Examination of a draft report

Thursday 8 June 2023 (9.30-13.00 / 14.30-18.00)

5. Overview of legislation and practices on patients' rights

Objective: Agreement on the draft questionnaire

- Discussion on the introductory document prepared by the Consultant
- Examination of the draft questionnaire prepared by the Consultant

6. Mid-term review of the SAP

Objective: Finalisation of the SAP mid-term report

- Examination of the draft mid-term report prepared by the Drafting Group

7. Guide on children participation in decision-making process on matters relevant to their health

Objective: Guidance to be given to the Drafting Group for the finalisation of the draft Guide with a view to its adoption at the CDBIO 4th plenary meeting and the CDENF 8th plenary meeting

- Examination of the draft Guide revised in the light of the comments received during the consultations of stakeholders and children

Friday 9 June 2023 (9.30-13.00)

8. Genomics and public dialogue

Objective: Presentation of the rapporteur report and discussion on its proposals

9. Bureau election (Subject to the decision of the CDBIO on the postponement of the election)

Objective: Election of a new Bureau member for a two-years term renewable once

Submission for nominations should be sent in writing to the Secretariat by Thursday 8 June 2023 at 2.00 pm.

12. Other business

a. Dissemination of adopted documents

Objective: Information about the measures taken by the Secretariat to contribute to the further dissemination and information on adopted documents

b. Early intervention on intersex children

Objective: Presentation of the rapporteur report of the Seminar (31 May 2022)

c. Replies to questionnaire on medically assisted procreation, including surrogacy

Objective: Inviting delegations to check the information provided with a view to their publication at the request of the Committee of Ministers

d. Conference on “Promoting autonomy in mental health care” (Riga, 14 November 2023)

Objective: Presentation of the draft programme

e. Armenia Action Plan II

Objective: Information on the cooperation project Human Rights and Biomedicine II




10. Adoption of decisions taken by the CDBIO at its 3rd meeting

Objective: Approval of the abridged meeting report which includes the decisions

11. Dates of the next meetings

- 4th meeting of the CDBIO: 14-17 November 2023 (Riga)
- 5th meeting of the CDBIO: 11-14 / 18-21 June 2024

POINTS TO BE DEALT WITH IN WRITING

	<p>13. Developments in the field of bioethics</p> <p>Delegations, including observers, are invited to send information in writing.</p> <ol style="list-style-type: none">Developments in member states and other statesDevelopments in the field of bioethics in international organisationsDevelopments in other Council of Europe bodiesDevelopments at the European Court of Human Rights
	<p>14. Chart of signatures and ratifications of the Convention on Human Rights and Biomedicine, the Protocol on the Prohibition of Cloning Human Beings, the Protocol concerning Transplantation of Organs and Tissues of Human Origin, the Protocol concerning Biomedical Research and the Protocol concerning Genetic Testing for Health Purpose</p>
	<p>15. Cooperation with other committees</p> <ol style="list-style-type: none">Steering Committee for Human rights (CDDH)European Committee on Organ Transplantation (CD-P-TO)European Committee on Blood Transfusion (CD-P-TS)Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD)Steering Committee for the Rights of the Child (CDENF)Steering Committee for Legal Cooperation (CDCJ)