Abstract of the 24th meeting of the CDBI

Strasbourg, 17-20 June 2003

Introduction

The Steering Committee on Bioethics (CDBI) met at the Palais de l’Europe (Strasbourg) from 17 to 20 June 2003. The meeting was chaired by Mrs Ruth REUSSER (Switzerland).

Approval of the draft Protocol on Biomedical Research

The draft Protocol on Biomedical Research, additional to the Convention on Human Rights and Biomedicine, was approved by the CDBI as follows, 36 votes for, 0 against and 3 abstentions. The draft Protocol is going to be submitted to the Committee of Ministers in September 2003. It is foreseen that they will consult the Parliamentary Assembly for an opinion, prior to proceeding to examination of the draft Protocol with a view to its adoption.

The draft Protocol addresses issues such as consent, the protection of persons not able to consent to research, research ethics committees, research in emergency situations, research on persons deprived of liberty, availability of results of research and research in States not party to the Protocol. It will be the first international binding legal instrument covering the field of biomedical research. In regard to emergency research and research in developing countries it sets out principles in areas that have not been regulated on the international or, in most cases, national level until now.

Proposal for an instrument on the use of archived human biological materials in biomedical research and [associated] personal data

The CDBI took the decision to set up a Working Party composed of 7 members to prepare the draft instrument and entrusted the Bureau to appoint its members. In order to discharge its functions, the Working Party shall consist of multidisciplinary expertise enabling it to undertake ethical and legal reflection on the challenges posed by scientific progress related to the utilisation of biological materials and [associated] personal data in medical research. The types of expertise that should be included in the Working Party are scientific research utilising biological materials and [associated] personal data; ethics/philosophy; law; and data protection.

The Working Party will make proposals to the CDBI on the inclusion or exclusion in the scope of personal biomedical data as a whole.

Report on the protection of the human embryo in vitro

The report, drawn up by the Working Party on the protection of the human embryo and foetus (CDBI-CO-GT3), was approved by the CDBI for declassification as a Working Party document. The result of several years’ work by the Council of Europe, it is one of
the most extensive international studies on appropriate protection of the embryo in vitro, and highlights the numerous different approaches taken in Europe, whilst taking an in-depth look at the philosophical, religious, legal and scientific aspects. It covers areas such as fertility treatment, in vitro embryo research, including “therapeutic” cloning and embryonic stem cells, and pre-implantation diagnosis. The various arguments supporting the different existing positions in Europe are clearly outlined.

Working Party on Human Genetics (CDBI-CO-GT4)
The CDBI had given a mandate to the Bureau to designate the new members of the Working Party on human genetics (CDBI-CO-GT4) for the preparation on the one hand, of the part of the draft additional Protocol on human genetics concerning employment and on the other hand the part concerning insurance, from the proposals sent by the delegations. The CDBI took note of the decision of the Bureau to designate Prof Ludger HONNEFELDER (Germany) and Mrs Ruth REUSSER (Switzerland), members of the core group - Mr André ALBERT (France) being already a member of the initial group. Mrs REUSSER would chair the CDBI-CO-GT4.

The Bureau also designated Dr Helena KÄÄRIÄINEN (Finland) and Prof Alexander McCALL SMITH (United Kingdom), members of the Working Party, taking into consideration respectively their medical and legal expertise in the field of employment and insurance. Noting the importance of an expertise in the field of occupational medicine for the work on employment to be started by the Working Party, delegations would propose persons with a particular expertise in occupational medicine. The Working Party, in its new composition, will meet on 13-15 October 2003, to start working on the applications of genetics in the field of employment.

Preliminary draft Recommendation Rec(...)... of the Committee of Ministers to member States to ensure the protection of the human rights and dignity of people with mental disorder, especially those placed as involuntary patients in a psychiatric establishment
The Committee noted that this work had been in development for a very long time. It was clear that a number of States had serious concerns about the text in its present form. A small Drafting Group would meet in the Autumn, composed of the chairperson of CDBI, the chairperson of the Working Group on Psychiatry and Human Rights (Professor David KINGDON, United Kingdom) and representatives of certain delegations.

Information on the preparation of the 7th European Conference of National Ethics Committees (COMETH)
The Committee noted that the themes of the Conference on 1-2 December 2003 were to be bioethics education and research on stored tissue samples and cell lines.

Replies to the questionnaire on organ trafficking
The Committee noted that 37 States had now responded to the questionnaire, and urged the remaining States to send their responses as soon as possible.

Election of the Chair, the Vice-Chair and two members of the Bureau
The Committee elected Mrs Dubravka SIMONOVIC (Croatia) as Chair of CBDI and Dr Elmar DOPPELFELD (Germany) as Vice-Chair, each for a period of one year. It elected Dr Javier JUDEZ GUTIERREZ (Spain) and re-elected Mrs Angela Ui'FHLOINN (Ireland) as members of the Bureau, each for a period of two years.