



Recommendation 1160 (1991)¹

Preparation of a convention on bioethics

Parliamentary Assembly

1. The combined applications of biology, biochemistry and medicine, create universal problems which require solutions and have given rise to a new discipline called bioethics. The hopes raised by progress in this domain are sometimes tempered by anxiety over the most basic rights of the human person.
2. From the Council of Europe, inspired particularly by the preparatory work of the Parliamentary Assembly, have come a great many studies, colloquies and reports whose results are given in a number of recommendations to member states. An effort at co-ordination was made in 1985 with the establishment of a multidisciplinary body : the ad hoc Committee of Experts on Bioethics (CAHBI).
3. Furthermore, during the last decade, in certain member countries there has been a growing awareness of bioethical issues, and guidelines, laws, commissions of inquiry and ethics committees have been established in order to follow developments in this field.
4. The Assembly considers that, despite some disparities which still exist in national approaches and the wide range of aspects to consider, the moment seems ripe and timely for joint European action such as the preparation of a legal instrument in order to codify existing work, which is valuable but fragmented. The Assembly already expressed its concern in 1989, in [Recommendation 1100](#) on the use of human embryos and fetuses in scientific research.
5. Since then, there have been positive developments which the Assembly welcomes : a specific proposal by the Secretary General of the Council of Europe relating to a convention on bioethics was favourably received by the 17th Conference of European Ministers of Justice in June 1990 and, consequently, the Committee of Ministers instructed the CAHBI to examine the question. The latter set up a study group to examine the possibility of preparing a convention and to identify the issues involved.
6. The Assembly, which has only recently been represented in the CAHBI, encourages this work which should lead to the preparation of a convention, considering this as the culmination of over fifteen years of intense activity on the question. It currently wishes to give formal support to the principle of a convention and indicate some general guidelines as to the content and progress of work in order to co-ordinate national approaches, which may differ.
7. The Assembly therefore recommends that the Committee of Ministers :
 - 7.1. envisage a framework convention comprising a main text with general principles and additional protocols on specific aspects. The convention should provide a flexible formula with regard to its form, but must not constitute the lowest common denominator as to its content. It must include human rights aspects and take into account the previous work of the Council of Europe ;
 - 7.2. include in the protocols of the convention such essential issues as organ transplants and donations, medical research on the human body, including the use of embryonic structures, genetic technology and studies on the human genome, the use of genetic information in fields other than medical, and human artificial procreation ;

1. See [Doc. 6449](#), report of the Committee on Science and Technology, Rapporteur : Mr Palacios. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 28 June 1991



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- 7.3. authorise and encourage the CAHBI to hold such consultations as it sees fit in preparing its draft, for example with representatives of the Third World, scientific organisations and particularly the Community institutions, as well as with specialised international governmental and non-governmental organisations ;
- 7.4. submit the draft convention to the Assembly for formal opinion before its final adoption.