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## Protecting human rights and dignity by taking into account previously expressed wishes of patients

**Reply to Recommendation<sup>1</sup>:** Recommendation 1993 (2012)  
Committee of Ministers

1. The Committee of Ministers has carefully considered Recommendation 1993 (2012) of the Parliamentary Assembly on “Protecting human rights and dignity by taking into account previously expressed wishes of patients”, which it has transmitted to a number of intergovernmental bodies for information and possible comments.<sup>2</sup>

2. The Committee of Ministers welcomes the references made by the Assembly to recent Council of Europe standards in this area, including the Committee of Ministers’ Recommendation CM/Rec(2009)11 on principles concerning continuing powers of attorney and advance directives for incapacity. It is of the opinion that personal autonomy and informed consent, notably in the medical field, are essential for respecting the human rights and the dignity of each person.

3. Considering the need to address new challenges arising from demographic developments and changes in society, the Committee of Ministers encourages member States to implement the standards mentioned in the Assembly’s recommendation and notably those in Recommendation CM/Rec(2009)11. The Committee of Ministers particularly supports the call for the signature and ratification of the Oviedo Convention and invites member States to take the necessary measures for its implementation.

4. With regard to the need to further develop Council of Europe standards in this field, the Committee would draw the Assembly’s attention to the work of the Committee on Bioethics (DH-BIO) on the decision-making process regarding medical treatment in end of life situations. This work, which entails consideration of the procedures for implementing Article 9 of the Convention on Human Rights and Biomedicine, could lead to the drafting of a text, the purpose of which would be to strengthen the application of principles that are already recognised in end of life situations. This work is carried out with the same aims in mind as those expressed by the Parliamentary Assembly, in other words to protect the human rights and dignity of patients by taking into account their previously expressed wishes. This text should be finalised in 2013.

5. Finally, the Committee of Ministers would underline that people with disabilities may in certain cases have more difficulty in making their wishes heard. The Committee therefore highlights the Council of Europe Disability Action Plan 2006-2015, particularly action line No. 9 on health care, the first objective of which is to ensure that all disabled people, regardless of gender, age and origin, nature or degree of impairment, are as fully involved as possible in the decision-making process regarding their personal care plan.<sup>3</sup>

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1. 2012 - Third part-session

2. Forwarded to the European Committee on Legal Co-operation (CDCJ), the Steering Committee for Human Rights (CDDH) (Committee on Bioethics (DH-BIO)) and to the European Committee for Social Cohesion (CDCS).

3. Recommendation Rec(2006)5 of the Committee of Ministers to member States on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life with people with disabilities 2006-2015, adopted on 5 April 2006.

