

*Presidenza del Consiglio dei Ministri*



**MOTION FOR COMPLETION OF THE RATIFICATION  
PROCESS OF THE OVIEDO CONVENTION**

**APPROVED IN THE PLENARY SESSION OF THE 24<sup>th</sup> OF FEBRUARY 2012**

## MOTION

- Considering the constant attention given by the Council of Europe to important bioethical issues relating to the protection of human rights in the field of biology and medicine, as established by the Convention on Human Rights and Biomedicine (also called the Oviedo Convention ), which came into force the 1<sup>st</sup> of December 1999, and the Additional Protocols which have followed, namely: the Additional Protocol on the Prohibition of Cloning Human Beings; Additional Protocol concerning Transplantation of Organs and Tissues of Human Origin; Additional Protocol on biomedical research, the Additional Protocol concerning Genetic Testing for medical purposes;

- Considering the active participation which is still offered by several members of Bioethics Committees of different countries to the activity of the Council of Europe's Steering Committee on Bioethics (CDBI), the drafting body of the aforementioned documents;

- Conscious of the continuous and active cooperation of the National Committee on Bioethics, established in 1990, with the above mentioned Committee of the Council of Europe;

- Recalling its work in order to request the relevant offices, the depositing of the Italian instrument of ratification of the Oviedo Convention and, in particular, the motion of the 17<sup>th</sup> of January 2003 (paragraph 6);

- Considering that on the 13<sup>th</sup> of January 2012, 29 European countries had undersigned and completed their adhesion to the Oviedo Convention by depositing the instruments of ratification and also noted that other countries are completing the necessary steps for national ratification;

- Given Law No. 145/2001 entitled "Ratification and implementation of the Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the application of biology and medicine: Convention on Human Rights and Biomedicine, done in Oviedo on the 4<sup>th</sup> of April 1997 and the "Additional Protocol of 12<sup>th</sup> January 1998, No. 168, on the Prohibition of Cloning Human Beings", conscious of the fact that Italy has not yet undertaken the depositing of its instrument of ratification;

- Conscious that Article 3 of that Law states verbatim:

- *"1. The government is mandated to adopt, within six months from the date of entry into force of this law, one or more legislative decrees bearing additional provisions needed for adaptation of the Italian legal principles and norms of the Convention and Protocol referred to in Article 1.*

*2. The patterns of the legislative decrees referred to in paragraph 1 shall be transmitted to the Senate and the Chamber of Deputies so that the relevant*

*Standing Committees may express their opinion within forty days, after which date the legislative decrees shall be emanated also in the absence of the opinion”;*

- stressing the importance of the provisions of Article 36 of the Oviedo Convention, under which each State may, when signing this Convention or when depositing the instrument of ratification, make a reservation in respect of a particular provision of the Convention to the extent that any law then in force in its territory does not comply with this provision. Reservations of a general character shall not be permitted under this Article;

- recognizing that the National Federation of Professional Associations of Physicians and Dentists has proceeded to - after the coming into force of the Convention - the drafting of a revised edition of the Code of Medical Ethics, which came into force in 2006 and is still in force, the Code was inspired by the articles of the Convention;

- the NBC, having already participated in the Interdepartmental Working Group established by the Ministerial Decree 30 October 2002 by Prof. G. Sirchia, Minister of Health pro tempore, for the drafting of a text in line with national requirements for the implementation of the Convention,

#### STRESSES THE NEED

- to carry out completion of investigation in order to have the opportunity to make the Oviedo Convention fully operational in all respects;

#### REITERATES ITS WILLINGNESS

- to examine in bioethical terms all issues related to the completion of the ratification process, including an indication of any reservations and appropriate adjustments to the code.

The motion was voted by Profs. Salvatore Amato, Luisella Battaglia, Adriano Bompiani, Stefano Canestrari, Cinzia Caporale, Antonio Da Re, Riccardo Di Segni, Romano Forleo, Silvio Garattini, Marianna Gensabella, Laura Guidoni, Assunta Morresi, Andrea Nicolussi, Laura Palazzani, Rodolfo Proietti, Monica Toraldo di Francia.

Profs. Francesco D'Agostino, Demetrio Neri abstained.

Profs. Bruno Dallapiccola, Lorenzo d'Avack, Vittorio Possenti and Lucetta Scaraffia all absent at the meeting, subsequently expressed their adherence.