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Report

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**REPORT BY THE DIRECTOR-GENERAL ON THE
WORK OF THE INTERNATIONAL BIOETHICS COMMITTEE (IBC) AND
OF THE INTERGOVERNMENTAL BIOETHICS COMMITTEE (IGBC)**

OUTLINE

Source: Article 11, paragraph 2, of the Statutes of UNESCO's International Bioethics Committee (IBC).

Background: In accordance with Article 11, paragraph 2, of the IBC Statutes, the Director-General shall transmit to the General Conference the opinions of the Intergovernmental Bioethics Committee (IGBC), together with the advice and recommendations of IBC.

Purpose: This report reviews the work carried out by IBC and IGBC since the 34th session of the General Conference.

I. INTRODUCTION

1. In terms of statutory meetings, IBC held its fifteenth session in October 2008, whilst IGBC held its sixth session in July 2009. Moreover, a joint session of IBC and IGBC was convened by the Director-General in October 2008, as a follow-up to the recommendations of IGBC that called for enhanced ways and means to foster dialogue and interaction between the two committees.

2. The sixteenth session, initially scheduled in May 2009 in Mexico, was postponed in light of the global health situation caused by the A(H1N1) influenza epidemic. The session is now scheduled in Mexico in the second half of November 2009.

II. WORK OF IBC

3. The work programme of IBC for 2008-2009 was finalized by the Bureau of IBC taking account of the initial programme approved at the fourteenth session of IBC in 2007, the wishes of the Director-General and the conclusions of the fifth session of IGBC in 2007. In accordance with this programme, during the biennium IBC:

- continued its work on the principle of social responsibility and health, as set forth in Article 14 of the UNESCO Universal Declaration on Bioethics and Human Rights (2005) (hereafter “the Declaration”);
- focused on the issue of human cloning and international governance;
- also focused on the principle of respect for human vulnerability and personal integrity, as set forth in Article 8 of the Declaration.

Social Responsibility and Health

4. A working group involving new members of IBC was established and met in July 2008. On this occasion, two external experts were invited to attend the meeting and provided two background documents: one focusing on the ethical implications of Article 14 of the Declaration, the other on the legal context and the link with human rights. Moreover, in order to ensure the inclusiveness of deliberation on this topic, a representative of the World Health Organization (WHO) was also invited to take part in the discussions.

5. While the previous version of the draft report mainly included descriptive information and empirical health data, the group concentrated on the ethical and legal dimensions of the principle of social responsibility and health and worked towards a more concise document focusing on the bioethical aspects of social responsibility and health.

6. IBC examined the preliminary results of this group at its fifteenth session in October 2008 and also had the opportunity to hear comments and opinions from members of IGBC at the joint session of IBC and IGBC.

7. On the basis of these discussions, a new version of the draft report was drawn up¹ and was submitted to IGBC at its sixth session (see below) for further comments and contributions in view of its finalization at the sixteenth session of IBC in November 2009.

¹ The Draft report (Ref. SHS/EST/CIB-15/08/CONF.502/3 REV of 29 March 2009) as well as all the documents mentioned are available, in English and French, upon request from the Division of Ethics of Science and Technology as well as on the Internet (www.unesco.org/bioethics).

8. A working group was established with the aim to examine the 2007 report *Is human reproductive cloning inevitable: future options for un governance* of the Institute of Advanced Studies (UNU-IAS), United Nations University and explore whether there is any scientific, social or political change that would justify a new initiative at international level.

9. The group held its first meeting in July 2008 and devoted one day to a public hearing involving a broad-based group of experts in the field as well as a representative of WHO. The preliminary results of its work were presented and discussed at the fifteenth session in October 2008. On this occasion, IBC also benefited from a second round of public hearings with representatives of national bioethics committees (from Brazil, Indonesia and Madagascar) and the International Society for Stem Cell Research, as well as inputs from IGBC.

10. Since this topic was included in the work programme to respond to a wish of the Director-General, despite the postponement of the sixteenth session, IBC considered appropriate to let the Director-General have its conclusions before the 35th session of the General Conference. Therefore, through a written consultation IBC finalized its Report on Human Cloning and International Governance and transmitted it to the Director-General of UNESCO on 9 June 2009.

11. In this Report, IBC is of the position “that, although it may be premature for the international community to engage now in the elaboration of a new binding normative instrument aiming at harmonizing both practices and principles in this area, the issues surrounding the international governance of human cloning cannot be ignored and a focused international dialogue is crucially needed. UNESCO, with its ethical mandate that remains unique within the United Nations system and its normative achievements in the field of bioethics, is in a privileged position to continue this reflection.

Respect for human vulnerability and personal integrity

12. As a first step, a thematic conference on the principle of respect for human vulnerability and personal integrity was organized within the framework of the fifteenth session of IBC, with the aim of providing IBC with an overview of the existing debate and reflection and with some orientations on how the principle can be angled by the Committee. The presentation gave an historical and theoretical overview of the concept of human vulnerability and its inclusion in the Declaration, as well as of the practical achievements made to date, on determining the specific applications of the concept.

13. Further to the discussion at the fifteenth session, some members of IBC agreed to initiate the work on this issue. The topic and the pertinent preliminary working document will be presented and discussed at the sixteenth session of IBC.

Publication of the Report of IBC on Consent

14. The finalization of the Report of IBC on Consent (2007) – the first report of IBC related to the principles of the Declaration – was an occasion to start a new series of publication of reports of IBC, intended to effectively and broadly disseminate IBC’s reflection and deliberations concerning specific principles of the Declaration, thus fostering reflection and facilitating action of stakeholders.

15. Before publication, the Report has been the object of careful examination by an editorial group, which also carefully examined the recommendations of IGBC and comments made by IGBC Member States on this issue as a follow-up to the IGBC Session of July 2007.

16. The new publication is already available in English and will be available in French as soon as possible.

III. WORK OF IGBC

Sixth session of IGBC

17. In addition to the joint session of IBC and IGBC (October 2008), IGBC held its sixth session in Paris on 9 and 10 July 2009, and had the opportunity to examine and further comment on the new draft report drawn up by IBC on social responsibility and health and examined the Report of IBC on Human Cloning and International Governance.

18. The following Member States of IGBC were represented: Colombia, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, France, Germany, India, Indonesia, Iran (Islamic Republic of), Jamaica, Japan, Kenya, Lebanon, Madagascar, Mauritania, Mauritius, Netherlands, Peru, Philippines, Poland, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Syrian Arab Republic, Slovakia, United Republic of Tanzania, United States of America, Uruguay and Zambia.

19. The Committee elected its Bureau as follows: Mr Abdulaziz Al Swailem (Saudi Arabia) as Chairperson; Ms Cheryl Brown (Jamaica), Ms Linda Nielsen (Denmark); Mr Rem Petrov (Russian Federation) and Mr Endang Sukara (Indonesia) as Vice-Chairpersons; and Mr Faneva Randrianadraina (Madagascar) as Rapporteur.

20. At the outcome of the session, IGBC approved the following conclusions:

At its sixth session, the Intergovernmental Bioethics Committee (IGBC):

1. Considers that a more in-depth reflection on the procedures for the election of the Bureau of IGBC is necessary and requests that the revision of Rule 3 of the Rules of Procedure of the Committee be included as an agenda item for discussion and decision by IGBC as soon as possible, preferably at an extraordinary session in 2010 in conjunction with a joint session of the International Bioethics Committee (IBC) and IGBC if it is convened by the Director-General;
2. Invites the Director-General to explore the possibility of providing financial support to facilitate the participation of IGBC Members from Least Developed Countries (LDCs) in IGBC sessions;
3. Expresses appreciation for IBC's commitment to the dissemination and promotion of the principles set forth in the Universal Declaration on Bioethics and Human Rights (2005) (hereafter "the Declaration");
4. Congratulates IBC for its efforts to elaborate the principles of the Declaration and encourages it to continue its work in this area, as a means of contributing to the reinforcement of the capacity of Member States in the field of bioethics;
5. Recalls that Member States have the prerogative to take appropriate measures, whether of a legislative, administrative or other character, to give effect to the principles of the Declaration, and that documents produced by IBC, while constituting an essential contribution to the promotion of the Declaration, are not of a prescriptive character;
6. Suggests that, when finalizing its work programme for 2010-2011, IBC focuses its work primarily on developments in life sciences and associated technologies and bioethics, and considers the possibility of elaborating other principles of the Declaration in cooperation with IGBC, for example those set forth in Articles 16 and 21, as well as the issue of traditional medicine and its ethical implications;

7. Congratulates the Secretariat for the coherent work carried out in the field of bioethics, especially in the promotion of the Declaration and capacity-building actions through the Ethics Education Programme, the Assisting Bioethics Committees Project and the Global Ethics Observatory;
8. Emphasizes the importance of bioethics teaching and encourages the Secretariat to continue its efforts to support capacity-building and harmonizing of practices in Member States with respect to the teaching of bioethics, the training of ethics teachers and the collection of data in this area;
9. Encourages Member States of UNESCO to establish and/or strengthen cooperation with the Secretariat in the implementation of the bioethics programme at regional and national levels.

In relation to the **Report of IBC on Human Cloning and International Governance**,

10. Acknowledges and values the work carried out by IBC on human cloning and international governance, congratulates IBC for an inclusive and balanced report on the topic and invites the Secretariat to continue updating the annex to this document;
11. Concurs with IBC that an international dialogue on the international governance of human cloning is needed and should be pursued, and that the dissemination, discussion and debate on cloning issues at the international level remain essential to foster public sensitivity and awareness-raising, with a special attention to developing countries;
12. Supports the assessment of IBC that an in-depth analysis aiming at reviewing the terminology for human cloning according to the new developments in biomedical research would be highly beneficial;
13. Suggests that in pursuing its reflections on human cloning, IBC considers reviewing the terminology for human cloning as well as a wide range of related issues such as other possible options for its regulation and the vulnerability of women.

In relation to the **Draft report on Social Responsibility and Health**,

14. Recognizes the improvements made to the draft report on social responsibility and health by IBC and appreciates the efforts made by IBC to take the comments made by IGBC into account;
15. Considers that IBC should take care that the proposed actions in the draft report be framed in a way that avoids any specific normative interpretations;
16. Invites Members of IGBC to submit their comments on the draft report in writing to the Secretariat for transmission to IBC and suggests that in the revision of the draft report IBC considers specific issues raised during this session of IGBC such as the review of the terminology used, particular vulnerability of women and the ethical implications of responses to pandemics.

IV. CONCLUSIONS

21. Despite the difficulties encountered during the biennium, IBC and IGBC have been able to fulfil their mandate. Today, they continue to offer a platform for reflection and debate that is different from other existing international committees due to their pluridisciplinary, multicultural and pluralist approach.

22. The joint session of IBC and IGBC convened by the Director-General in October 2008 revealed itself to be a good modality of fostering dialogue and interaction between the two committees and allowing IGBC to actively contribute to the work in progress. Therefore this initiative deserves to be pursued in the future.