



31 C/12  
18 July 2001  
Original: French

Item 5.1 of the provisional agenda

## BIOETHICS AND THE RIGHTS OF THE CHILD

### OUTLINE

**Source:** 30 C/Resolution 24 (see Annex I).

**Background:** In 30 C/Resolution 24, the General Conference invited the Director-General to organize in 2000, in close liaison with the World Association of Children's Friends (AMADE), an international symposium on bioethics and the rights of the child, and to transmit the report on the proceedings of that seminar to the Member States and to the relevant intergovernmental, governmental and non-governmental institutions.

**Purpose:** The Director-General submits to the General Conference the results of the international symposium on "Bioethics and the Rights of the Child" organized by AMADE and UNESCO and held in Monaco from 28 to 30 April 2000.

**Decision required:** This report does not propose a decision.

## **I. INTRODUCTION**

1. In paragraph 1(a) of 30 C/Resolution 24 (Annex I), the General Conference invited the Director-General to organize in 2000, in close liaison with the World Association of Children's Friends (AMADE), an international symposium on bioethics and the rights of the child.
2. In pursuance of that resolution, an international symposium on "Bioethics and the Rights of the Child" was held in Monaco from 28 to 30 April 2000.

## **II. RESULTS OF THE SYMPOSIUM**

3. More than 200 persons from 45 countries attended the symposium. The opening ceremony was honoured by the presence of HRH the Princess of Hanover, President of AMADE, and Ms Jaroslava Moserová, President of the General Conference; the closing ceremony was honoured by HSH the Hereditary Prince Albert, Honorary President of AMADE.
4. The text adopted at the end of the symposium is set out in Annex II ("Monaco Statement: Considerations on bioethics and the rights of the child").

## **III. FOLLOW-UP TO THE SYMPOSIUM**

### **A. Within UNESCO**

5. In compliance with paragraph 1(b) of 30 C/Resolution 24, the documents stemming from the symposium were sent to the Permanent Delegations and to the National Commissions.
6. They were also sent to the members of UNESCO's International Bioethics Committee (IBC), which held an exchange of views thereon at its seventh session (Quito, Ecuador, 7-9 November 2000).
7. Finally, the symposium was brought to the notice of the Intergovernmental Bioethics Committee (IGBC) at its second session (Paris, 14-16 May 2001), which:

*"Takes note of its conclusions entitled 'Monaco Statement: Considerations on bioethics and the rights of the child'".*

8. The symposium's proceedings, issued in June 2001, were very widely distributed.

### **B. Outside UNESCO**

9. With a view to the extraordinary session of the United Nations General Assembly for the follow-up to the World Summit for Children (September 2001), the Director-General brought to the attention of the Executive Director of UNICEF the texts of the symposium, which were made available to the States concerned.
10. The symposium's texts were also widely circulated by the participants themselves, in particular among the community of non-governmental organizations interested in bioethics and the rights of the child.

#### **IV. CONCLUSION**

11. That symposium, the result of cooperation between a non-governmental organization and UNESCO, made it possible to highlight the general problem area within which bioethics and the rights of the child overlap, and to do so at a time when the ethical issues at that point of overlap were being increased tenfold by the advances in research on prenatal and neonatal medicine and by their applications. UNESCO has therefore, at the same time, fulfilled its ethical watch function and has served as a catalyst in the pooling of information and views in a field where the debate is constantly being enriched and enlivened by scientific and technological progress.

## ANNEX I

### 24 Bioethics and the rights of the child<sup>1</sup>

*The General Conference,*

*Reaffirming* the principles set out in the Universal Declaration on the Human Genome and Human Rights, which it adopted on 11 November 1997,

*Recalling* the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, proclaimed by the General Assembly of the United Nations on 10 November 1975,

*Referring* to 25 C/Resolution 7.3 “Human rights and scientific and technological progress”, which emphasizes “the respect of fundamental human and, above all, children’s rights”,

*Referring also* to 27 C/Resolution 1.20 “Preventive education”,

*Bearing in mind* the Convention on the Rights of the Child, which was adopted by the United Nations General Assembly on 29 November 1989 and came into force on 2 September 1990,

*Noting* that that Convention recalls in its Preamble that “as indicated in the Declaration of the Rights of the Child ... ‘the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth’”,

*Believing* that, given the dangers that certain constantly-evolving scientific advances and their applications may pose for children, an urgent need arises to examine bioethical issues from the viewpoint of protecting them,

*Welcoming* the work done by the World Association of Children’s Friends (AMADE) since its establishment in Monaco in 1963 to promote, in particular, the legal protection of children and to contribute to their full development,

1. *Invites* the Director-General:
  - (a) to organize in 2000, in close liaison with AMADE, an international seminar on bioethics and the rights of the child;
  - (b) to transmit the report on the proceedings of this seminar to the Member States and to the relevant intergovernmental, governmental and non-governmental institutions;
2. *Requests* the Member States to take part in the dissemination of this report by making it available to all public and private bodies and to interested researchers in their countries;
3. *Decides* to place this matter on the agenda of its 31st session.

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<sup>1</sup> Resolution adopted on the report of Commission III at the 25th plenary meeting, on 16 November 1999.

## ANNEX II

### INTERNATIONAL SYMPOSIUM ON “BIOETHICS AND THE RIGHTS OF THE CHILD”

(Monaco, 28-30 April 2000)

#### MONACO STATEMENT: CONSIDERATIONS ON BIOETHICS AND THE RIGHTS OF THE CHILD\*

The International Symposium on Bioethics and the Rights of the Child, jointly organized by the World Association of Children’s Friends (AMADE) and UNESCO, was held in Monaco from 28 to 30 April 2000. It presents hereafter a number of considerations regarding the progress in biology and medicine with a view to reinforcing and implementing the protection of children’s rights.

It acknowledged the issue of childhood as a complex, evolving reality, which now merits specific consideration. Children are fragile beings. However, their autonomy should not be misconceived. Therefore their rights – particularly their survival, development and participation – and the protection they need are effectively reflected in numerous national and international texts aimed at protecting human rights, to which specific provisions are added regarding children, *inter alia* the United Nations Convention on the Rights of the Child. These observations acquire their fullest dimensions in the light of recent progress in biology and medicine and of new cultural developments concerning the early stages of life.

#### I. THE ORIGINS OF THE CHILD

- Every child is a unique, new being.
- The dignity of the embryo produced in vitro in cases of a couple’s infertility or to prevent the transmission of particularly serious conditions, and then of the human foetus, should be respected.
- The uses of genetic and foetal medicine data should respect the principle of non-discrimination and should not aim at the reduction or elimination of human diversity, nor at that of the element of chance intrinsic to life.
- A child’s disability, whatever the degree, should never be considered as a liability.

#### II. THE TIES OF THE CHILD

- Measures that are taken to ensure the protection of the rights of children should be suited to the latter’s degree of autonomy.
- Taking into account the child’s interest, parents or those exercising parental responsibility should decide on the extent of information to be imparted to the child

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\* This text does not necessarily reflect the position of all organizations represented at the symposium.

in regard to the circumstances of his/her birth whenever these circumstances have involved medically assisted reproduction.

- The care and education offered in the context of a family, whose members have responsibilities towards the child, are the most beneficial to the child, and should therefore be sought in every circumstance.
- The child should be involved in decisions pertaining to his/her health, as well as education, and this to a greater and finer degree as his/her autonomy is progressively asserted. Both parents should abide by that requirement.
- When interests differ, the child's best interest should, in principle, prevail over that of the adult.

### **III. THE BODY OF THE CHILD**

- The care of a child's health should include due consideration for his/her information, consent and, as the case may be, refusal of consent, according to his/her growing degree of autonomy.
- This principle should be particularly enforced with regard to tests and/or samplings which may be performed upon the child and may aim solely at an imperative health interest that cannot be met otherwise. Under no circumstances should the sole interest of society prevail over that of the child.
- Protection of rights must be reinforced if the child is disabled. Scientific progress and their applications, particularly concerning prevention and treatments, should benefit disabled children and never lead to their exclusion or marginalization.
- Society should in particular foster research endeavours pertaining to rare diseases and the development of efficient therapies.
- The symposium believes that these considerations will enhance the respect of the dignity and the protection of the rights of the child.