

Scottish Council on Human Bioethics

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Consultation response to United Nations Educational, Scientific and Cultural Organisation (UNESCO)

Third outline of a text of the Declaration on Universal Norms on Bioethics

The Scottish Council on Human Bioethics (SCHB) would, first, like to thank the UNESCO for its invitation to respond to the timely and appropriate consultation on the Third Outline of a Text of the Declaration on Universal Norms on Bioethics. It would also like to congratulate the International Bioethics Committee on the work it has undertaken, so far, in the drafting of such a text.

The SCHB would like to make, however, the following comments relating to the contents of the text:

1. Change the title of the document to: **Universal Declaration on Human Bioethics**

2. While the SCHB recognises the duties and responsibilities that humankind has towards the biosphere and affirms the need to deal with all aspects of the biosphere through the elaboration of guidelines and international instruments, as appropriate, on ethical principles related to the environment and other living organisms, the SCHB believes that this should be done in a separate document and not in the proposed Universal Declaration on Bioethics.

Thus, the SCHB concurred that any mention of the biosphere in the present text would (1) undermined the primary aims of the Declaration which is to protect human dignity, and (2) threaten the scope and clarity of the text.

3. The SCHB also believes that it would be appropriate to consider the future declaration as a text that proclaims general principles in the field of bioethics, with concrete subjects to be dealt with in other texts, taking into account the stated principles and the reports already produced by IBC on specific issues.

4. With respect to the different articles of the Declaration, the SCHB agreed that these were often too long with too many bullet points. This considerably weakens the 'thrust' of the Declaration while having the unfortunate effect of undermining its 'poignancy' and clarity. If too much detail is present in the Declaration it will become difficult to use. Only the most important principles should be considered. In addition, the SCHB would like to suggest that a lot of what is present in the articles such as explanations etc. could be incorporated into the accompanying explanatory report.

5. Comments relating to **Article 4 - Beneficence and Non-Maleficence:**

Add (in bold):

Any decision or practice within the scope of this Declaration shall seek to optimize [maximize] the **best interests of a person while minimising** ~~benefits and minimize~~ the possible harms of such a decision or practice [to the persons concerned].

Note:

Best interests is defined as the highest level of well-being that is achievable for a specific person. Best interests cover medical benefit and the respect for the wishes and beliefs of the patient including his or her spiritual and religious beliefs.

6. Comments relating to **Article 7 - Responsibility towards the Biosphere:**

Delete Article 7

Note: Article 7 should not be included here but in another UNESCO document on the Biosphere. In the context of this Declaration it undermines the concept of human dignity.

7. Comments relating to **Article 11 - Consent:**

Note:

- Para (a): *Is the provision of artificial nutrition and/or hydration to a patient considered as a treatment?*
- Para (b): *What if the person does not have a legal representative?*