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EUROPA: **Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings** - 1 Gennaio 1998

ETS no. : 168
Treaty open for signature by the Signatories to Treaty ETS 164

Opening for signature:
Place : Paris
Date : 12/01/98
Entry into force:
Conditions : 5 Ratifications including 4 member States.
Date : 01/03/01

The member States of the Council of Europe, the other States and the European Community Signatories to this *Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being* with regard to the Application of Biology and Medicine,
Noting scientific developments in the field of mammal cloning, particularly through embryo splitting and nuclear transfer;
Mindful of the progress that some cloning techniques themselves may bring to scientific knowledge and its medical application;
Considering that the cloning of human beings may become a technical possibility;
Having noted that embryo splitting may occur naturally and sometimes result in the birth of genetically identical twins;
Considering however that the instrumentalisation of human beings through the deliberate creation of genetically identical human beings is contrary to human dignity and thus constitutes a misuse of biology and medicine;
Considering also the serious difficulties of a medical, psychological and social nature that such a deliberate biomedical practice might imply for all the individuals involved;
Considering the purpose of the *Convention on Human Rights and Biomedicine*, in particular the principle mentioned in Article 1 aiming to protect the dignity and identity of all human beings,
Have agreed as follows:

Article 1

1. Any intervention seeking to create a human being genetically identical to another human being, whether living or dead, is prohibited.

2. For the purpose of this article, the term human being "genetically identical" to another human being means a human being sharing with another the same nuclear gene set.

Article 2

No derogation from the provisions of this Protocol shall be made under Article 26, paragraph 1, of the Convention.

Article 3

As between the Parties, the provisions of Articles 1 and 2 of this Protocol shall be regarded as additional articles to the Convention and all the provisions of the Convention shall apply accordingly.

Article 4

This Protocol shall be open for signature by Signatories to the Convention. It is subject to ratification, acceptance or approval. A Signatory may not ratify, accept or approve this Protocol unless it has previously or simultaneously ratified, accepted or approved the Convention. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 5

1. This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five States, including at least four member States of the Council of Europe, have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 4.

2. In respect of any Signatory which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 6
1. After the entry into force of this Protocol, any State which has acceded to the Convention may also accede to this Protocol.
2. Accession shall be effected by the deposit with the Secretary General of the Council of Europe of an instrument of accession which shall take effect on the first day of the month following the expiration of a period of three months after the date of its deposit.
Article 7
1. Any Party may at any time denounce this Protocol by means of a notification addressed to the Secretary General of the Council of Europe.
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.
Article 8 The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the European Community, any Signatory, any Party and any other State which has been invited to accede to the Convention of:
a. any signature;
b. the deposit of any instrument of ratification, acceptance, approval or accession;
c. any date of entry into force of this Protocol in accordance with Articles 5 and 6;
d. any other act, notification or communication relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.
Done at Paris, this twelfth day of January 1998, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Protocol, to any State invited to accede to the Convention and to the European Community

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