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## The Past, Present, and Future of Mexico's National Bioethics Commission

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# The Past, Present, and Future of Mexico's National Bioethics Commission

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BY MANUEL RUIZ DE CHAVEZ, AIDEE OROZCO, AND GUSTAVO OLAIZ

**H**istorically, Mexico has participated actively in the international dialogue on advancing medical technologies, contributing to a greater awareness and understanding of some of the most pressing challenges of our modern world. The establishment of the National Bioethics Commission (Comisión Nacional de Bioética) was conceived within the context of a global movement aimed at raising awareness of the ethical implications of technological and scientific development, especially in biomedicine. The commission dates back to 1992, when Mexico's General Health Council formed an official advisory body to assess advances in science and technology regarding life, health, and medicine. In 2000, the regulatory framework was modernized by a presidential decree establishing the commission as a permanent body; then, in 2005, a new decree put it under the scope of the Secretariat of Health and granted it technical and operational autonomy, allowing it to become a regulatory agency aimed at promoting a culture of bioethics, encouraging reflection on human health, and developing guidelines for health care, research, and education, through a global, secular, and democratic perspective.<sup>1</sup>

The commission, which the three of us serve,<sup>2</sup> became the leading actor in the strategy for institutionalizing bioethics in Mexico after reforms to the country's General Health Act in 2011, which required that public, social assistance, or private health care facilities establish a hospital bioethics committee to address bioethical dilemmas or issues and, when relevant, a research ethics committee (REC) to address research with human subjects.<sup>3</sup> This assignment has shifted the focus of the activities and goals of the National Bioethics Commission toward establishing these committees in line with current regulations and developing mechanisms to ensure that they operate with the

highest standards of ethical conduct, performance, and accountability.

## Functions and Activities

**T**he commitment to foreground the promotion of a culture of bioethics is reflected in the Health Sector Program 2013-2018. This instrument, which states the strategies and lines of action carried out by the current administration in order to improve health conditions, includes an unprecedented strategy to incorporate bioethics into the management and development policy of the Universal National Health System. The health sector program calls for several lines of action to strengthen the protection of fundamental rights in health care and research with humans:<sup>4</sup>

- fostering respect for dignity, autonomy, and human rights in the provision of health services;
- promoting research in line with scientific integrity, ethical practice, and protection of human rights;
- incorporating bioethics in the formulation and evaluation of public policies;
- strengthening the network of state bioethics commissions, hospital bioethics committees, and research ethics committees;
- observing international standards in line with the interest and health policies of the country; and
- spreading a culture of bioethics in society and promoting personnel training and professionalization.

Although the federal government aims to implement bioethics as a cross-cutting tool for strengthening public policy, efforts should still be made to widen the National

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Bioethics Commission's scope of action so as to encompass research with nonhuman animals and the effects of climate change on human health.

The commission has made several efforts to strengthen Mexico's innovative institutional network of federal and state commissions as well as local bioethics committees through strategies that advance the application of principles and regulatory requirements to promote a human rights frame in health care and research and the ingraining of a culture of bioethics. The evolution of bioethics has a strong correlation with the process of structural change that favors democracy and good governance in our country.<sup>5</sup> The creation of state bioethics commissions, for example, is aimed at ensuring that decision-making in the public sector reflects the ethical perspectives and cultural diversity of the region while fostering open and respectful dialogue, convergence, and collaboration. State bioethics commissions are collegial bodies with a multidisciplinary and interinstitutional nature that creates interconnections among federal, state, and local levels in the life sciences and health care. While maintaining close communication with the National Bioethics Commission, they operate autonomously, adapting to the political profile of the executive of each state and depending directly on the state secretariats of health. Although state bioethics commissions are not entitled to conduct registration of RECs or hospital bioethics committees, as doing so is within the purview of the national commission, they play a significant role in fostering the establishment of and ensuring training for these committees. Implementation of the committees across the country is an ongoing process.

At the local level, hospital bioethics committees are interdisciplinary advisory bodies established within health facilities of the second and third levels of care that engage in open and respectful dialogue to analyze dilemmas arising from complex medical situations, such as assisted human reproduction or palliative care. These committees are a key element to improve health care quality, by providing guidance for patients, relatives, and health personnel. In 2016, 712 hospitals across Mexico had an established bioethics committee.

All institutions in the nation that perform research with human subjects are obliged to establish an REC. The REC's functions consist of assessing research protocols, issuing reasoned judgments, following up on the research process of approved studies, and fostering compliance with criteria of scientific integrity, such as avoiding conflicts of interest, fraud, and intellectual theft. In 2016, there were eighty registered institutional RECs.

The National Bioethics Commission has also been working closely with government bodies, as well as research and higher-learning institutions, to modernize the nation-

al regulatory framework and strengthen the operation of RECs and avoid their overregulation.

*Advisory tasks.* In addition to promoting the establishment of RECs and hospital bioethics committees, the commission serves as an advisory body to executive, legislative, and judicial powers by issuing statements at the national and international levels to address emerging issues in health as well as by providing assessment on normative documents, regulations, and guidelines. The commission has been a key actor in the process of establishing a regulatory framework for assisted reproduction, biomedical research, palliative care, and marijuana regulation, among other concerns.

The commission draws on a council board of six members representing society, with varied professional and academic backgrounds, and possessing outstanding character. Their assignment is granted directly by the secretary of health for a period of four years, without the possibility of reelection. The function of the council consists in deliberating over emerging issues and priorities in health and technology, as well as reviewing the strategic action lines of the commission.

*Education.* Regarding capacity building and training, various innovative courses on bioethics have been implemented. The Course/Workshop on Palliative Care was launched in 2015 with Mexico's National Cancer Institute and is available in virtual or in-person modalities, to provide training for resident doctors in concepts and methodologies, building competencies in clinical practice and promoting a change of attitude toward doctor-patient interactions. The commission also regularly collaborates with public and private institutions of higher learning, such as the National Autonomous University, in the design and execution of courses, workshops, and seminars to promote education in bioethics at graduate and undergraduate levels.

As part of the commitment to empower hospital bioethics committees and RECs, the National Support Network for Training in Bioethics was founded in 2015, led by the National Bioethics Commission, and abetted by the National Council for Science and Technology (CONACyT), to strengthen core competencies for their performance.

Finally, the commission also offers library services for researchers, committee members, and health care providers, granting access to classic and current works and to specialized databases.

*Outreach.* One of the main functions of the National Bioethics Commission is raising social awareness, through information and communication technologies and printed media, about some of the main ethical concerns in health care and emerging biotechnologies. This function is part of the larger goal of creating a culture of bioethics. A wide

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range of editorial offerings has been developed, such as the commission's gazette, *Gaceta Conbioética*,<sup>6</sup> a quarterly publication focused on the analysis of bioethical issues. For the forty-fifth anniversary of CONACyT, the commission and CONACyT jointly published *Research Ethics, Scientific Integrity*, a handbook that offers both a brief introduction to the history of scientific research and malpractice and guidelines for conducting scientific inquiry ethically.<sup>7</sup> The commission also offers a series of videoconferences, which feature, since 2012, lectures from experts on national and international subjects related to bioethics. The series has proven to be an effective instrument for bringing bioethics closer to the general public.<sup>8</sup>

**National partnerships.** The commission has built alliances with institutions and organizations in different sectors. CONACyT has been an ally in advancing education in bioethics and addressing pressing social concerns in health and science. In order to enhance the administration of justice in health care and research, the National Bioethics Commission collaborates with the National Commission of Superior Courts of Justice of Mexico to foster awareness among justice providers across the country of bioethics and law issues and to offer these individuals related training. This effort will continue nationwide by establishing bonds of collaboration between the state commissions and tribunals. The National Bioethics Commission has also begun collaborating with other government bodies to implement an oversight body for RECs, to ensure that they perform with the highest standards of competence and integrity.

**Global perspective.** Valuable alliances have also been established with various associations, organizations, and institutions of higher education around the world. The commission has held an important role as a permanent observer of the Committee on Bioethics of the Council of Europe and the Intergovernmental Bioethics Committee of the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

The commission has also been working to support Mexico's accession to the Oviedo Convention (formally, the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine). In 2015, a group of experts was convened to analyze the impact of the adoption of the treaty. Currently, efforts are being made with the Secretariat of

Foreign Affairs to consolidate the national legal framework on biomedicine and human rights.

In 2014, under the leadership of the National Bioethics Commission, Mexico City hosted the two main events in bioethics worldwide: the 10th Global Summit of National Ethics and Bioethics Commissions<sup>9</sup> and the 12th World Congress of Bioethics.<sup>10</sup> The summit convened more than 130 specialists and official delegates of national ethics commissions from fifty-seven countries, along with representatives of other international organizations, including UNESCO, the Council of Europe, the World Health Organization, and the Council for International Organizations of Medical Sciences, allowing for a collective assessment of bioethics committees and some of the topics they address. The congress, attended by over twelve hundred people from seventy-two countries, fostered deliberation on current trends in the field, along thematic lines—global health, science, society and the individual—and featured lectures from renowned experts from the field of bioethics as well as outstanding symposia and oral and poster presentations.

The National Bioethics Commission's aim is to develop and implement innovative models for providing training in bioethics and ingraining bioethics into academia and science at the international level. In this spirit, a letter of intent for cooperation was signed with the Institute for Bioethics and Health Policy of the University of Miami in order to foster research ethics and scientific integrity among Mexican universities.

Within the Americas, the commission participates in an exchange of views on bioethical issues of global interest, contributing to common understanding and consensus building and helping other nations to strengthen their own bioethical institutions. For instance, the commission collaborates with the Latin-American Federation of Institutions on Bioethics and fosters the Commitment of San Salvador, an agreement promoted by UNESCO to support the development of national ethics and bioethics commissions in Latin American countries.

The Presidential Commission for the Study of Bioethical Issues in the United States and our National Bioethics Commission developed important ties in 2011, on the occasion of the first meeting of bioethics advisory bodies from the region of the Americas in Mexico City, with

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the participation of U.S. commission member Stephen L. Hauser. During the academic events of 2014, Christine Grady, another member of the U.S. commission, made important contributions by discussing standards to protect populations in vulnerable conditions.

**Activities on migration.** For Mexico, a matter of constant concern that includes social, economic, and health dimensions is migration. This phenomenon poses significant challenges from a bioethical perspective, not only regarding access to health care but also in fostering a framework of human rights protections for noncitizens as well as in raising social awareness about the contributions of migrants to host societies and the value of cultural diversity. In 2013, the National Bioethics Commission organized the seminar *Bioethics, Migration and Health: Analysis and Implications for Human Rights*, which brought together renowned experts, such as Xochitl Castañeda, the director of the Health Initiative of the Americas at the University of California, and James Dwyer, of the State University of New York.<sup>11</sup> During the tenth Regional Meeting of State Commissions of Bioethics, held in 2015, national experts met to analyze the implications of migration for health care systems. At the 11th Global Summit of National Ethics/Bioethics Committees, held in Berlin, in 2016, Mexico had the opportunity to raise awareness on the challenges, at the national level, that are associated with migration and to discuss the main actions needed to ensure the protection of human rights for migrant populations.

### Our Commitment and Vision

With a scientific as well as humanistic scope that integrates approaches from diverse fields of knowledge, bioethics contributes great value to society. The commission is celebrating twenty-five years of commitment toward the Mexican population by fostering deliberation on bioethical issues in the fields of health and life sciences with public participation and by promoting public policies that contribute to the protection of human rights and integ-

ity of persons in the practice of medicine and research to ingrain a culture of bioethics in our country with a global perspective.

1. Mexican Congress, Decree Establishing the Creation of the Deconcentrated Organ Designated as the National Bioethics Commission, Mexico City, September 2005.
2. Manuel Ruiz de Chavez is the commissioner of the National Bioethics Commission of Mexico, Aidee Orozco is the commission's communication coordinator, and Gustavo Olaiz is its deputy director on ethics in public health policy.
3. Mexican Congress, General Health Act (Mexico City: Mexican Congress, January 2013).
4. Secretariat of Health of Mexico, *Health Sector Program 2013-2018* (Mexico City: Secretariat of Health, 2014), 64.
5. United Nations Educational, Scientific, and Cultural Organization, *National Bioethics Commissions in Action* (Paris: UNESCO, 2010), 9-11.
6. Secretariat of Health of Mexico, *Gaceta Conbioética*, [http://www.conbioetica-mexico.salud.gob.mx/interior/gaceta\\_conbioetica/gaceta.html](http://www.conbioetica-mexico.salud.gob.mx/interior/gaceta_conbioetica/gaceta.html).
7. D. Koepsell and M. Ruiz de Chavez, *Ética de la investigación, Integridad científica [Research Ethics, Scientific Integrity]* (Mexico City: Secretariat of Health-National Bioethics Commission, 2015), [http://www.conbioetica-mexico.salud.gob.mx/descargas/pdf/Libro\\_Etica\\_de\\_la\\_Investigacion\\_gratuito.pdf](http://www.conbioetica-mexico.salud.gob.mx/descargas/pdf/Libro_Etica_de_la_Investigacion_gratuito.pdf).
8. These lectures are available through the YouTube channel of the commission at <https://www.youtube.com/user/conbioetica>.
9. For more details about this event, see M. Ruiz de Chavez and R. Jimenez, eds., *10th Global Summit of National Ethics/Bioethics Committees: Finding Paths through the World* (Mexico City: Secretariat of Health-National Bioethics Commission, 2015), at <http://www.conbioetica-mexico.salud.gob.mx/descargas/pdf/registrocomites/10thGlobalSummit.pdf>. See the videos at <https://vimeo.com/channels/globalsummit>.
10. See M. Ruiz de Chavez, R. Jimenez, and D. Koepsell, eds., *12th World Congress of Bioethics: Inspire the Future to Move the World* (Mexico City: Secretariat of Health-National Bioethics Commission, 2015), at <http://www.conbioetica-mexico.salud.gob.mx/descargas/pdf/registrocomites/Bioethics.pdf>. See the videos at <https://vimeo.com/channels/worldcongressofbioethics>.
11. M. Ruiz de Chavez, ed., *Bioética, migración y salud: Aproximaciones, experiencias, aportaciones* (Mexico City: Secretariat of Health-National Bioethics Commission, 2013), [http://www.conbioetica-mexico.salud.gob.mx/descargas/pdf/publicaciones/memorias/1Bioetica\\_Migracixn.pdf](http://www.conbioetica-mexico.salud.gob.mx/descargas/pdf/publicaciones/memorias/1Bioetica_Migracixn.pdf).