Key human rights principles in biomedicine

HELP
Human Rights Education for Legal Professionals
Council of Europe

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

KEY HUMAN RIGHTS PRINCIPLES IN BIOMEDICINE

Duration: 8 hours

Available for free on the CoE HELP e-learning platform

Statement of Accomplishment

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HELP ONLINE COURSE

Council of Europe

Human Rights Education for Legal Professionals (HELP) Programme · 2018

Background

Evolution of biology and medicine, including new technologies, has produced **spectacular advances** in the health field. However, these developments raise **ethical issues** that affect the individual and the protection of the individual's rights and dignity.

These ethical and, in many cases, also **legal issues** arise in various areas, such as consent to medical intervention, the right to know one's health data, matters related to medically assisted procreation, recourse to organ or tissue donation and transplantation, etc. All of them in certain aspects may fall into the scope of application of human rights law.

The Council of Europe human rights protection system has responded to this development in several ways:

The Convention on Human Rights and Biomedicine (Oviedo Convention) of the CoE was adopted in 1997. Its provisions are further elaborated and complemented by Additional Protocols on specific subjects.

The **European Court of Human Rights** has addressed an increasing number of cases related to some of these issues, using the Oviedo Convention as a reference.
There is also a substantial set of **non-binding legal instruments** adopted by the CoE Committee on Bioethics, which serve as a reference point at the international level.
The HELP course aims at addressing these issues and bringing the abovementioned documents and instruments closer to the practitioners. Namely, it is aimed at assisting both legal and medical professionals to understand the key human rights principles in the biomedical field.

The topics are explored in a practical way, by using presentations, interactive screens, case presentations, knowledge tests and reflective exercises.

The course includes a Glossary, with definitions of the basic concepts and notions necessary to follow the course. The Glossary can be accessed throughout the course.

The course was developed in 2018.

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About the course

This free on-line course has been developed jointly by the HELP Programme (Human Rights Education for Legal Professionals) and the Bioethics Unit of the Council of Europe.

Target audience

This free on-line course has a twofold primary target audience:
- **Health professionals** and
- **Legal professionals**.
It can successfully be used as a training material by other categories of users, eg. health and law students, staff of national human rights institutions, etc.

Course outline

The course consists of **8 substantive modules:**

0	Introduction : • Definitions • International legal framework • Principles
1	Module 1 : Free and informed consent • Definition of free and informed consent • Refusal or withdrawal • Elements and restrictions of free and informed consent
2	Module 2 : Medical confidentiality and protection of health related data • Definition of health related data • Legal framework • Patient's consent • Restrictions to right to privacy of health related data • Data processing by health professionals • Patients' right of access to health information
3	Module 3 : Protection of the embryo and procreation • Main views on the status of the embryo • Medically assisted procreation techniques • Prohibition of reproductive cloning • Prenatal diagnosis)

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4	**Module 4 : End of life** • Introduction to the end-of-life main issues • Legal framework • Decision making in end-of-life situations • Withdrawal of consent to treatment • Artificial hydration or nutrition • Previously expressed wishes • Palliative care
5	**Module 5 : Genetic testing** • Introduction • Different types of genetic tests • Limitations • Principles and rules • Genetic tests and personal data • Protection of persons not able to consent • Direct-to-consumer tests • Genetic data and insurance purposes
6	**Module 6 : Biomedical research** • Definition • Legal principles • Ethical principles • Legal framework • Information and consent • Safety: health treatment and new developments • Information and confidentiality
7	**Module 7 : Transplantation of human organs and tissues** • Definitions • Ethical and legal issues • Legal framework • General principles • Removal from a living person • Removal from a deceased person

How to access the HELP online course

The model course is available in English, French and several other languages on the HELP online platform at http://help.elearning.ext.coe.int /. To access it, you will need to open a HELP account if you have not yet done so (2 minutes).

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