

HELP in the 28 course on Right to the Integrity of the person (Bioethics)

Summary

The **right to integrity of the person** is based on what it means to be a person. It is linked to the idea of human dignity and that each person's physical and mental space ought to be protected. It is a broad right, which includes the prohibition of physical and mental torture, inhuman and degrading treatment and punishment, as well as a wide range of less grave forms of interference with a person's body and mind.

Therefore, the RIOP is a very important aspect of bioethics. When we speak of bioethics, we mean **human rights in the field of biology and medicine**; two areas where research and developments have produced major progress for humankind. However, there are also increasing possibilities to control human life, which raise challenges for the protection of individual's rights.

The '**HELP in the 28**' course on the "**Right to the integrity of the person (Bioethics)**" explores this topic in an interactive way, showing the synergies and differences between the Charter of Fundamental Rights of the EU, the European Convention on Human Rights and the Convention on Human Rights and Biomedicine (Oviedo Convention). It also reviews the case law of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) pointing out to problems such as:

- medical interventions or removal of organs without consent
- medically assisted procreation
- physical abuse
- end-of-life situations

The course has been created under the European Programme on **Human Rights Education for Legal Professionals** in the 28 EU countries, otherwise known as "HELP in the 28." The Programme is implemented by the Council of Europe using its HELP methodology. Funded by the EU, "HELP in the 28" is the largest training project within the EU on fundamental rights for judges, prosecutors and lawyers.



Learning objectives

By the end of this course you will be able to:

- ✓ better identify situations of potential violations of the right to integrity of the person within the fields of medicine and biology
- ✓ refer to and apply the relevant legal framework in your daily work, as a legal professional in the EU

To achieve this goal you will have the opportunity:

- to put into practice the definition and scope of the right to integrity as established in the Charter of Fundamental Rights of the EU (EU Charter) and the European Convention on Human Rights (ECHR), which are directly applicable at national level
- to learn about case law of the ECtHR and the CJEU
- to carry out exercises on the interdependencies between the EU Charter and the ECHR in the field of the right to integrity

Target audience

This free on-line course, developed under the EU-funded Programme "HELP in the 28", is primarily addressed to legal professionals (judges, prosecutors, lawyers or senior court staff) but can be also useful for authorities and personnel working in the field of health.

Course outline

This course will explore the right to integrity over two large chapters:

The first one presents the **RIOP** in general which has been traditionally covered by the right to private life and the prohibition of torture.

The second one covers the **RIOP in the specific fields of medicine and biology** and consists of the following modules:

- ✓ Principle of free and informed consent
- ✓ Prohibition of eugenics
- ✓ Prohibition of human reproductive cloning
- ✓ Prohibition of financial gain

The course covers all these issues in detail and will provide you and other legal practitioners in your country, with the skills needed to **apply or invoke the relevant European norms or jurisprudence**. Indeed, most complaints on human rights should effectively be resolved at the national level without reaching the European Courts in Strasbourg or Luxemburg. It is recommended that you complete the course in order.

The right to integrity in the ECHR, the Charter and the Oviedo Convention – overview

The right to integrity has been traditionally covered by the right to private life (Article 8 ECHR) and prohibition of torture (Article 3 ECHR). This will be addressed in part I of the course.

The terms in which it finds correspondence in the Charter broadens its scope and introduces third generation fundamental rights, in the field of bioethics. The principles of Article 3.2 of the EU Charter are already included in the Convention on Human Rights and Biomedicine (Oviedo Convention). The right to integrity in the specific fields of medicine and biology will be addressed in part II of the course.

Some of the key provisions relevant to integrity from the EU and CoE systems are presented below:

CoE system	EU system
ECHR - Article 8 (right to private life)	EU Charter - Article 3 (right to integrity of the person)
ECHR - Article 3 (prohibition of torture)	EU Charter - Article 4 (prohibition of torture)
ECHR - Article 2 (right to life)	EU Charter - Article 2 (right to life)
Oviedo Convention ¹	

Access the free on-line course

To access the course, you just need to enter the HELP e-learning platform at <http://help.elearning.ext.coe.int/>. First you need to open yourself an account at HELP if you have not yet done so (2 min).

If you complete the course and scores over 60% in the multiple choice questions throughout it, you will be entitled to print a 'statement of accomplishment' from the HELP in the 28 Programme.

¹ The Oviedo Convention is the first international legally binding instrument on the protection of human rights in the field of medicine and biology. This Convention is also a point of reference in European Union law. It has been complemented by additional protocols on issues such as the prohibition of human cloning and transplantation of organs and tissues of human origin.