

Course: Human Rights in Medical Context
Teachers: Prof. Violeta Beširević, PhD; Prof. Jelena Simić, PhD
Course type: elective
ECTS: 12
Prerequisite: Compliance with conditions for entry into PhD studies of law at UU School of Law
<p>Course description:</p> <p>The aim of the course is to work on classic and the latest bioethical dilemmas in the context of human rights. The issues of the legal protection of basic human values (life, bodily integrity, human dignity, privacy) are becoming increasingly relevant given the progress in medicine and biology. Ethical and legal problems that arise at different levels in connection with new biological knowledge and the development of medical technology through their application in the field of organ transplantation, genetic engineering, assisted reproduction and controversial issues related to the beginning and end of life of a natural person (from embryonic legal status to euthanasia), but also the life of a natural person in the context of variations of gender identity or health care in cases of infectious or rare diseases, require serious and well-argued legal answers in the 21st century. By analyzing the relevant legal solutions and examining the existing case law of the legal systems of different countries, the course will explore these complex ethical and legal issues.</p>
<p>Learning outcomes:</p> <ol style="list-style-type: none"> 1. Developing the ability to analyze and understand human rights in the context of bioethical dilemmas; 2. Strengthening the ability to understand modern legal challenges in health and biotechnology; 3. Encouraging analytical skills and critical thinking in the context of relevant court decisions with special emphasis on conflicting interests such as the right to life and personal autonomy and the right to self-determination; 4. Introducing students to basic international and national human rights protection mechanisms in the context of bioethics.
<p>Topics:</p> <ol style="list-style-type: none"> 1. Human rights in the medical context: challenges of legal regulation 2. Informed patient's right to consent to medical research or medical treatment 3. Legal dilemmas at the beginning of life: reproductive and therapeutic cloning 4. Legal dilemmas at the beginning of life: reproductive rights and freedom of birth 5. Case study: Abortion as a means of family planning: USA, Romania, China, Serbia 6. New technologies and genetic research in the context of human rights protection 7. The human body as a commodity: modern challenges of the right regulation of organ transplantation 8. Case study: prohibition of human trafficking 9. Human rights and transgender identity 10. Legal dilemmas at the end of life: for and against the legalization of voluntary euthanasia 11. Case study: palliative care instead of voluntary euthanasia? 12. Public health and human rights in the context of controlling communicable diseases 13. Case study: COVID-19 virus pandemic 14. The rights of person with mental disabilities 15. Human First and Artificial Intelligence: Contemporary Challenges
<p>Recommended reading:</p> <ul style="list-style-type: none"> - Beširević, Violeta, <i>Euthanasia: Legal Principles and Policy Choices</i>, Firenca: European Press Academic Publishing, 2006; - Beširević, Violeta, "End-Of-Life Care in XXI Century: Advance Directives in Universal Rights Discourse", <i>Bioethics</i>, vol. 24, no. 3, 2010, pp. 105-112; - Beširević, Violeta, EULOD: The EU-funded Project on Living Organ Donation in Europe, with F. Ambagtsheer et. al., <i>Transplant International</i>, vol. 26, no. 2, 2013, pp. 139-140; - Beširević, Violeta, "Bioethics in Democracy: Transforming the Clash of Absolutes into Human Rights Issues," in: Walter Schweidler (ed.), <i>Bioethik –Medizin –Politik/Bioethics -Medicine -Politics</i>, Sankt Augustin, Germany: Academia Verlag, 2012, pp. 79-89; - Beširević, Violeta, "Mission (Im)Possible: Defending A Right to Die", in: Kenneth Himma, Bojan Spaić (eds.), <i>Fundamental Rights: Justification and Interpretation</i>, The Hague, Eleven Publishing International, 2016, pp. 149-177; - Beširević, Violeta, "Unlocking Human Cloning: Does Constitution Help?" in <i>Perfect Copy? Law and Ethics of Reproductive Medicine</i>, J. Sándor, (ed.), Budapest: CEU Center for Ethics and Law in Biomedicine, 2009, pp. 97-116; - Beširević, Violeta, "Organ Trafficking, Organ Trade. Recommendations for a more Nuanced Legal Policy", with J. Sandor et al., in: <i>The EULOD Project: Living Organ Donation in Europe: Results and Recommendations</i>, Ambagtsheer, F., Weimar, W. (eds.) (Lengerich, Germany: Pabst Science Publishers, 2013), pp. 147-174;

- Beširević, Violeta, "Discourses of Autonomy in International Human Rights Law: Has the Age of a Right to Die Arrived?," *Cuadernos Constitucionales de la Cátedra Fadrique Furió Ceriol*, no. 62/63, 2008, pp. 19-34;
- Beširević, Violeta, "Basic Norms of Bioethics: Informed Consent in UNESCO Bioethics Declarations," *The Annals of the Faculty of Law Belgrade -Belgrade Law Review*, vol. III, 2008, pp. 257-265;
- Беширевић Виолета, "Богови су пали на теме: о уставу и биоетици," *Анали Правног факултета у Београду*, бр. 2/2006, стр. 205-229;
- Беширевић Виолета, "Право на достојанствену смрт", *Гласник адвокатске коморе Војводине*, бр. 12/2008, стр. 527-541;
- Simić, Jelena, Life in legal limbo - Trans* persons in Serbia, (pp.155-173.) U: *Contemporary Issues and Perspectives on Gender Research*, (L. Čičkarić i Z. Mršević (ur.), p.235, Institute of Social Sciences, Belgrade, 2109. ISBN 978-86-7093-226-5; CIP 305(082); 316.662-055.2(082); COBISS.SR-ID 280838924;
- Симић Јелена, Медицинскоправни аспекти транссексуалности – У сусрет признавању правних последица промене пола у Србији, *Правни записи*, бр.2/2012, Правни факултет Универзитета Унион у Београду, 2012; стр. 299-322; UDK 616.89-008.442:342.7 ; ISSN2217-2815, COBISS.SR-ID – 515705276
- Симић, Ј., Узети своје тело у своје руке: Интерсекс особе и изазови стварања интерсекс заједнице у Србији, (стр. 66-85). У: *У мрежама другости: Интерсекционалност и ЛГБТ активизам у Србији и Хрватској*, Б. Билић (ур.), Нови Сад, Mediterran Publishing, CIP 342.726-055.3(497.11) ; ISBN 978-86-6391-112-3.
- Симић Јелена, Правни проблеми дефинисања поља правне заштите *pondum conceptus-a*, *Страни правни живот*, бр.3/2018. Институт за упоредно право, Београд, 2018; стр. 25-42; ISSN 00392138 (штампано издање); UDK 347.15/.17; ISSN 2620-1127 (Online). COBISS.SR-ID – 517914812
- Simić Jelena, The protection of *nasciturus* within the Civil law, *Pravni zapisi*, 2/2018, Правни факултет Универзитета Унион у Београду, 2018; стр.255-270; UDK 342.721-051.1; ISSN 2217-2815 (штампано издање); ISSN 2406-1387 (Online). COBISS.SR-ID – 517905084;
- Јелена Симић, Права у области здравствене заштите за особе које живе са ХИВ/сидом, у: *ПОЗИТИВАН живот*, В. Јовановић и Д. Макојевић (ур.), Институт за јавно здравље Србије „Др Милан Јовановић Батут” и Човекољубље, Добротворна фондација Српске православне цркве, Београд, 2019, стр. 29-60. ISBN 978-86-88757-08-9; COBISS.SR-ID 281173260;
- Симић Јелена, 'Корак напред, два корака назад – годину дана од усвајања Закона о заштити лица са менталним сметњама', *Зборник радова: Права особа са менталним сметњама - У сусрет новим правним правилима*, књига III, (Гајин С., ур.), Центар за унапређивање правних студија, Београд, 2014, стр. 15-65, ISBN 978-86-7546-089-3; COBISS.SR-ID 513639857;
- Ракић Војин, Иван Младеновић, Рада Дрезгић (прир.), *Биоетика*, Београд: Службени гласник, 2012;
- Judit Sandor (ed.), *Studies in Biopolitics*, Budapest: CEU Center for Ethics and Law in Biomedicine, 2013;
- Judit Sandor (ed.), *Perfect Copy? Law and Ethics of Reproductive Medicine*, J. Sándor, (ed.), Budapest: CEU Center for Ethics and Law in Biomedicine, 2009;
- Judit Sandor (ed.), *Society and Genetic Information: Codes and Laws in the Genetic Era*, Budapest: CEU Press, 2003;
- Mason, John Kenyon; Laurie, Graeme T., *Mason and McCall Smith's Law and Medical Ethics*, 9th ed., Oxford : Oxford University Press, 2013, ISBN - 978-0-19-965990-6; COBISS.SR-ID – 516220860;
- Jackson, E., *Medical Law: text, cases, and materials*, 3rd ed., Oxford : Oxford University Press, 2013, ISBN - 978-0-19-969360-3, COBISS.SR-ID – 516286652;
- Herring, J., *Medical law and ethics*, 3rd ed., Oxford : University Press, 2010, ISBN - 978-0-19-957648-7 , COBISS.SR-ID – 512076465.

Number of classes: 5 a week	Teaching: 5	Practicum: -
Teaching methods: Theoretical classes, practical classes and consultations (presentation method, Power Point presentations, interview method, method of working on papers, analyses of court decisions and scientific papers, independent research tasks and their presentation, writing short essays).		
Grading (max. points: 100) The final grade consists of the points achieved by fulfilling the pre-examination obligations and the final written exam. The final grade is formed on the basis of the results achieved by the student: (a) in fulfilling pre-examination obligations (maximum 45 points): active participation in classes (15 points), preparation of a research task and essays (each of which carries 15 points); (b) on the final written examination - essay (maximum 55 points).		

Pre-examination obligations	Points	Final exam	Points
In-class activity (during lessons)	15	Final written examination - essay	55
Out-of-class activity (additional, self-induced: writing texts, preparation of a research task and essays, etc.)	30		