

HEALTH AND HUMAN RIGHTS IN EUROPE

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Brigit TOEBES, Mette HARTLEV,
Aart HENDRIKS and
Janne ROTHMAR HERRMANN
(eds.)



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PREFACE AND ACKNOWLEDGEMENTS

Increasingly, scholars from various disciplines are addressing the interfaces between health and human rights. As a legal scholar interested in this area, I started to teach a course entitled 'Health and Human Rights' at the University of Aberdeen School of Law in 2006. Finding this an important and developing area of law, I tried to identify its legal contours and its most important topics.

While I decided that there was an urgent need for a book, I struggled to cover all the areas of this broad and developing field. I am therefore utterly grateful to co-editors Mette Hartlev, Aart Hendriks and Janne Rothmar Herrmann for their excellent input and collaboration in this project. Many thanks also go to the other authors for their valuable contributions and for their confidence in this project. Without them we would never have been able to cover so many perspectives of this new field and to demonstrate such knowledge and insight.

Altogether, the book is the result of much interaction and debate between the editors and authors of the book, scholars who together cover the wide areas of health law and human rights law from four different countries in Northern Europe. The aim of our project has been to write a truly coherent and comprehensive work with a number of interconnected chapters. These chapters roughly cover the scope of the area of health and human rights in Europe.

A few people have helped us at different stages in the writing and/or editorial process, including Sofia Gruskin and Daniel Tarantola, Herman Nys, Catherine Jacqueson, Dabney Evans, Maria Green, Simone Wijte, Tom Scheirs (Intersentia Publishing), and Fiona McGrath (for editing). Thanks also go to the School of Law of the University of Aberdeen, for extending my affiliation, and to the Faculty of Law of the University of Copenhagen, for enabling us to 'test' several chapters of the book by teaching a course entitled 'Health and Human Rights' in 2011. Lastly, I am grateful to the Research Department of the Danish Institute for Human Rights for granting me a temporary visiting research position, which enabled me to set the stage for this book.

Brigit Toebes, Managing Editor
Groningen, January 2012

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ABOUT THE EDITORS AND CONTRIBUTORS

Oddný Mjöll Arnardóttir (PhD) is a Professor in human rights law at Reykjavik University, Iceland. Her main research interests are human rights jurisprudence, non-discrimination law, disability rights and health law. Her publications include *Equality and Non-Discrimination under the European Convention on Human Rights* (Martinus Nijhoff 2003), *The UN Convention on the Rights of Persons with Disabilities – European and Scandinavian Perspectives* (ed., with Gerard Quinn and Martinus Nijhoff 2009), and numerous edited book chapters and articles. She currently holds the post of President of the Board of the Icelandic Human Rights Centre.

Jozef Dorscheidt (PhD) is a senior lecturer in health law, Faculty of Law, University of Groningen, the Netherlands, and board member of the Groningen Centre for Children's Rights in Health Care. Furthermore, he is an alternate judge at the District Court in Groningen, and alternate legal member of the Dutch Central Commission on Research involving Human Subjects. His research interests involve the legal position of the child in healthcare, health law matters at the beginning and the end of life, and the regulation of medical research on humans.

Mette Hartlev (PhD and LL.D) is a Professor in health law at the University of Copenhagen, Denmark. Her main research interests are health law and patients' rights, with a special focus on right to health in EU law and international law. She has also researched and published in the field of biolaw and bioethics and law, science and technology studies. She has participated in a number of EU-funded cross-disciplinary research projects, and is a member of the editorial board of *European Journal of Health Law*.

Aart Hendriks (PhD) is a Professor in health law at Leiden University/Leiden University Medical Centre (LUMC); a health law advisor to the Royal Dutch Medical Association (KNMG); a substitute judge at the District Court of Rotterdam; a Member of the Group of specialists on predictivity, genetic testing and insurance of the Council of Europe; a board member of various national and international non-governmental organisations (NGOs) working in the field of health, disability and human rights law; and an editor of several academic

journals. He obtained his Ph.D. from the University of Amsterdam (UvA) on a dissertation concerning the right of persons with disabilities to equal access in the employment market, and has written extensively on such issues as human rights, health law, minority rights and patients' rights.

Janne Rothmar Herrmann (PhD) is an Associate Professor in biolaw at the Faculty of Law of Copenhagen University. Her research interests include biolaw & bioethics, reproductive rights, conscientious objections, beginning and ending of life, and privacy & technology. She is a Member of the Nordic Committee on Bioethics by appointment by the Nordic Council of Ministers, and is currently an elected Member of the Board of Directors of the European Association of Health Law.

Henriette Sinding Aasen (dr. juris) is professor at the Faculty of Law at the University of Bergen, Norway. She is currently the coordinator of the University of Bergen's research programme on the Rule of Law and Democracy. Her current research activities are in the area of health and human rights, vulnerable groups (children, immigrants, women), constitution and welfare state. She has participated in several national law commissions in the area of health, human rights and biomedical research, and is currently leading three interdisciplinary research projects funded by the Norwegian Research Council (Juridification and social citizenship; Constitution, welfare state and citizenship; Health promotion, dignity and human rights: the improvement of maternal health in Tanzania).

Karien Stronks (PhD) is professor of social medicine at the Academic Medical Center (AMC) /University of Amsterdam (UvA), and head of the department of Public Health of the AMC. Her main research interests are inequalities in health caused by socioeconomic status, as well as ethnic background, and the effectiveness of interventions and policies tackle these inequalities.

Brigit Toebes (PhD) is a lecturer in international law at the Faculty of Law of the University of Groningen. She previously worked as a lecturer at the University of Aberdeen School of Law, after which she was based as an external lecturer and consultant in Copenhagen. Her PhD research, which she conducted at Utrecht University, involved the definition of health as a human right (Intersentia 1999). Her research interests are public international law, human rights law, economic, social and cultural rights and the definition of health as a right, health law, and medical ethics. She is a Board Member of the International Federation of Health and Human Rights Organisations (IFHHRO).

LIST OF ABBREVIATIONS

‘Biomedicine Convention’	Convention on Human Rights and Biomedicine (CoE)
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN, 1984)
CEDAW	Convention on the Elimination of All forms of Discrimination Against Women (UN, 1979)
CIE	Committee of Independent Experts (ESC, CoE)
CoE	Council of Europe
CPT	European Convention for the Prevention of Torture (CoE, 1987)
CRC	Convention on the Rights of the Child (UN, 1989)
CRPD	Convention on the Rights of Persons with Disabilities (UN, 2006)
CSDH	Committee on the Social Determinants of Health (WHO)
EC Treaty	Treaty establishing the European Community (EU, 1993)
ECFR	Charter of Fundamental Rights of the European Union (EU, 2000)
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms (CoE, 1950)
ECJ	European Court of Justice
EComHR	European Commission of Human Rights
ECSR	European Committee of Social Rights (ESC, CoE)
ECtHR	European Court of Human Rights (CoE)
ESC	European Social Charter (CoE, 1961)
EU	European Union
GC	Grand Chamber (of the ECtHR)
GC 14	General Comment 14 to the ICESCR (on the right to health) (UN, 2000)
HIV	Human immunodeficiency virus
ICCPR	International Convention on Civil and Political Rights (UN, 1966)

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination (UN, 1965)
ICESCR	International Covenant on Economic, Social and Cultural Rights (UN, 1966)
ICF	International Classification of Functioning, Disability and Health
ILO	International Labour Organization
MIPAA	Madrid Political Declaration and International Plan of Action on Ageing (UN)
MWC	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (UN, 1990)
OECD	Organisation for Economic Co-Operation and Development
'Oviedo Convention'	Convention on Human Rights and Biomedicine (CoE)
PAS	Physician assisted suicide
(Revised) ESC	(Revised) European Social Charter (CoE, 1996)
TEU	Treaty of the European Union (EU, 1992)
TFEU	Treaty on the Functioning of the European Union (EU, 2007)
UDHR	Universal Declaration of Human Rights (UN, 1948)
UN	United Nations
UNECE	UN Economic Commission of Europe
UNESCO	UN Educational, Scientific and Cultural Organisation
WHO	World Health Organization
WMA	World Medical Association