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Human Rights and Health in European Courts and Legislation

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Introduction

The phenomenon of the internazionalization of Human Rights

The consequence of the expansion of human rights
in the transition of the structure and protection of
these rights



from the political/cultural
sector of the State

to a juridical heritage
which presumes to be the
property of humanity as a
whole



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Consequences in Europe

Fundamental rights become the *core jurisprudence* of the Court of Law.

The expansion of the European Union to include 27 member States and the extension of the laws of the European Court of Human Rights beyond the original boundaries





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**A fundamental role was played by the
judiciary of the Court of Justice**





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**Circulation of standards between the
Courts based on equality**

**Circulation has equality as its central
point of reference**



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**Unsuitability of the
classical formulation of the
principle of equality according to
Aristotelian ideology in which
“similar cases must be treated in
a similar manner”**



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Protection of individual rights from a bio-ethical point of view

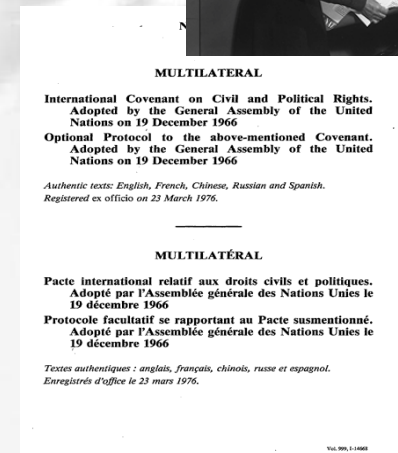
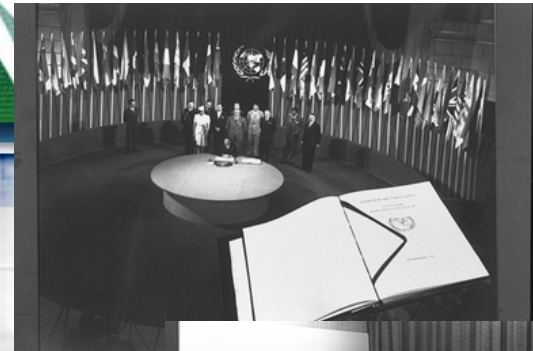
Until December 2000 bioethical protection did not benefit from general legislation on European scale which would place the dignity of the individual at its centre



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- **1945** The United Nations Charter
- **1948** The Universal Declaration of Human Rights
- **1966** The UN International Covenant on Civil and Political Rights

have the recognition of dignity as the foundation of human rights





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The European Charter of Fundamental Rights



“Human dignity is not only a fundamental right in and of itself, but constitutes the ***basis of fundamental rights***”



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Dignity as base of fair clinical trials

**Dignity is a
“quality which is intrinsic to the human
condition”**

**Inviolability is a concept used by Charter only
with reference to dignity**



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“Dignity must be respected and
protected”

(art. 1 of the Charter)

Art. 1 introduces an ***active obligation*** on the part of the
Institutions of the European Community



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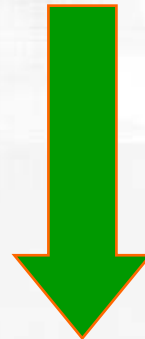
Judges have intervened many times to protect
respect of human dignity damaged
by the wounds
inflicted

on the integrity of the person, on the **right to life**
and the various rights regarding
**prohibition of torture and inhumane or
degrading treatment.**



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The guardianship of dignity as the main way to prevent the clinical trials from transcending inherent and ethical limitations and affecting also only scratching the human dignity



the exchange of messages between the Courts enhances the unbroken dialogue among judges in order to guarantee that no treatment disrupt the principle of equality.



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**Thank You
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