CENTRAL EUROPEAN UNIVERSITY
DEPARTMENT OF POLITICAL SCIENCE
MA PROGRAM

Fall Semester, 2017–2018

HUMAN RIGHTS AND EMERGING TECHNOLOGIES
(CROSS-LISTED WITH GENDER STUDIES)
4 credits

Prof. Judit Sándor

Classes Meet: Mondays- Wednesdays 13:30–15:10
Office Hours: Tuesdays-Thursdays 14:00–16:00 Vigyázó F. u. 2. 205.
Location: N15/202

Course Description

At the beginning of the 21st century the emerging new technologies have become inherently political. Neuroscience, genetics (genetic testing, screening, and DNA fingerprinting), the various assisted reproductive technologies, nanotechnology, robotics, information technologies, and their combination now constitute subjects of governance. Furthermore, as these technologies are increasingly used by governments, it has become difficult to scrutinize or control them, to limit their use or to apply equal access to them. In this process of scrutiny a human rights approach may provide some guidance. Human rights have developed an established set of norms, a specific language, an institutional network and infrastructure for thinking about new technologies, their relevance, or the potential challenges posed by their application. Another benefit of this approach is to provide an alternative to the prevailing economic and technocratic model of innovation.

This course deals with the status of, and current challenges to, human rights in this context. By analyzing relevant texts and landmark cases, new generations of human rights will be explored. Is it possible to interpret human rights norms on the level of the human cells? Should access to transplantation, tissues in biobanks, umbilical cord blood, or the results of stem cell research be based on principle of solidarity? Or do we have to acknowledge that we are inevitably drifting towards a more commercial paradigm? The course will focus on recently emerged new technologies and their implications in the domain of human rights, such as right to privacy, international, national and personal security and DNA testing. The main methodology of this course is qualitative analysis of normative texts and cases that contain elements from both the human rights and public policy.

Uses and effects of biotechnological advances by now have become the subject of intense debates in society. Yet, the policy impacts of life sciences have remained so far understudied or at least not adequately elaborated – even though issues such as reproduction and gender; the new and emergent forms of discrimination; intellectual property and benefit sharing; and the protection of vulnerable groups, would provide a broad scope of study in this area. During the course the students will analyze normative texts and cases that contain elements from both the human rights and new technologies. The Reader and the attached bibliography shall provide the basic literature for further studies.
Goals of the course

In order to achieve this end, the main goals of this course are:

- to examine various forms of new technologies and related policies as challenges to human rights;
- to encourage critical analytical thinking about the role of human rights in shaping and restricting and applying new technologies and science; and
- to analyze various examples and case studies on science and technology and their impact on human rights.

Learning outcomes by the course

- Skills to analyze and to understand human rights problems raised by new challenges of technological advances;
- Capability to find, to analyze and to interpret cases, including their relevance in the political context; and
- Familiarity with basic human rights and to understand their role in the international politics.

Course requirements

Students are required to participate in the discussion of the social and legal issues implicated in the cases and in the literature. Reading assignments and the schedule of the course are enclosed in the detailed syllabus. Course requirements include attendance at lectures and seminars.

Evaluation: active participation in seminar discussion, based on the required readings and seminar presentations (30% of the final grade), and a final essay – a 10 to 12-page research paper on a topic to be chosen after consultation with the instructor (70% of the grade). The paper is due on December 18 of 2017. The topic of the final essay should relate to the themes and concepts of the course and the title should be approved on the basis of a written proposal to be submitted at midterm.

Basic materials for this course:

Schedule

Week Zero
September 11, 2017

Introduction: Basic Concepts in the Field of Contemporary Human Rights

Historical and philosophical origins of human rights; emergence of the modern state, the place of the individual therein; and the role of international law in delineating the relationship between the individual and the state. Ratification and implementation of treaties; the successive 'generations' of human rights and the creation of new human rights. The difference between civil rights and human rights, natural and positive rights.

Required:

Recommended:

Week One
September 18–20, 2017

Technology, Science, and the Notion of Human Dignity

In our biologized culture not only medical conditions but also personalities, capacities, and identities in general may appear to be explicable in biological terms. Politicians and law making bodies have proposed and enacted laws to limit some of the applications that can be seen as a violation of human rights.

Required:

September 20, 2017
Legal Concept of Human Dignity

Required:

Recommended:

Week Two
September 25, 2017

Anti-Discrimination and Its Implications in Science
Eugenics
Eugenics refers to the field of study that aims to improve the human race through genetic means. The word ‘eugenics’ comes from a Greek word that means ‘wellborn’. Supporters of eugenics seek to change the human race through negative or positive artificial selection, such as the controlled breeding of people who have certain physical characteristics or mental abilities.

Required:

Recommended:

September 27
Contemporary Genetics and Discrimination

Required:

Recommended:

Cases:
Buck v. Bell

Week Three
October 2–4, 2017

Freedom of Science and Privacy in Research

October 2, 2017
Freedom of Scientific Research

Required:

Recommended:

Cases:
Mouvement Raëlien v. Switzerland [2012] ECtHR (Application no. 16354/06)

October 4, 2017
Right to Privacy
Right to privacy has numerous challenges due to the new technologies, such as DNA sampling, genetic testing, drones, and various forms of surveillance technology. Unmanned aircrafts have been known by many names, including drones, remotely piloted aircrafts (RPAs), or unmanned aircraft vehicles (UAVs). Technology associated with drones is developing at a rapid and unrelenting pace. On the heels of such progress, law-makers are still attempting to craft appropriate legislation in response to the many concerns citizens possess regarding privacy and safety.


**Week Four**  
October 9, 2017  
**Privacy and Secret Surveillance**


**October 11, 2017**  
**Security, Privacy and Drones**


Recommended:  

**Week Five**  
October 16–18, 2017  
**Boundaries to Life and Reproductive Freedoms**

**Required:**  

**Recommended:**  


**Cases:**  
*Tysiqc v. Poland* [2007] ECtHR (Application no. 5410/03)
Reproductive Technologies and Human Rights


Cases: Menesson v. France (Application no. 65192/11), Parrillo v. Italy (Application no. 46470/11)

Week Six
October 23–25, 2017

October 23, 2017
Right to Life and End of Life

Required:


October 25, 2017
Right to Life (Legal Cases)


Case of Lambert and Others v. France (Application no. 46043/14) Vo v. France [2004] ECHR (Application no. 53924/00) Gross v. Switzerland ECHR (Application no. 67810/10)

Week Seven
October 30- November 1, 2017

Genetics and Human Rights

To what extent ethic of autonomy and equality can be used to explain what is wrong with eugenics? In the age of genomics the use of the word 'eugenics' reappears not only among critics but also among those who defend human enhancement. Is liberal eugenics defensible?

The analysis of the mandated genetic screening on Cyprus poses the questions of whether compulsory genetic screening is in harmony with human rights.
**Required:**


**Further Readings:**


**Cases:**

*S. and Marper v. The United Kingdom* [2008] ECtHR (Application nos. 30562/04 and 30566/04)

*R.R. v. Poland* [2011] ECtHR (Application no. 27617/04)

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**Week Eight**

November 6–8, 2017


**November 6**

**Allocation of Organs**


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**November 8**

**Access to Health**


**Recommended:**


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**Week Nine**

November 13–15, 2017

**Gender Based Discrimination and Commodification**
Should women’s rights be created as a separate category? Can women’s rights be separate from cultural constraints? Should formal equality be the goal of women’s lobbying for rights protection? The Beijing Conference – Outcome and achievements

Required:


Recommended:


November 15, 2017

Commodification


Week Ten

November 20–22, 2017

Governance, Ethics and Biopolitics

“In the context of biotechnology, globalization adds further complexity to policy-making in an area that is already clouded by moral ambiguity, regulatory uncertainty, and rapid scientific advance. Globalization forces, such as the rapid dissemination of scientific knowledge and the international nature of the biotechnology industry, suggest that the world community should, as much as possible, coordinate regulatory policy. Without such coordination, there is likely to be a degree of corporate forum-shopping and we will be unable to respond rapidly to emerging intellectual property issues or broader ethical, social, and legal concerns.” Timothy Caulfield

November 20, 2017

Biobanks

Required:


November 22, 2017

**Technological Innovation and Intellectual property**

*Required:*

*Recommended:*

*Week Eleven November 27, 2017*

**Human Rights and Human Enhancement, Neuro-enhancement**

** Autonomy and Freedom of Science**

What is the difference between the correction of a physical or mental impairment, on one hand, and enhancement, on the other? How should law react to the new technological possibilities for enhancement? Can enhancement challenge the notion of equality, equal opportunity, disability?

*Required:*

*Recommended:*

November 29, 2017

**Neuro-enhancement**

*Recommended:*

Cases:
Sentges v. Netherlands [2003] ECtHR (No. 27677/02)

Week Twelve
December 4, 2017
Artificial Intelligence and Robotics


European Parliament resolution of 16 February 2017 with recommendations to the Commission on Civil Law Rules on Robotics (2015/2103(INL))

December 6, 2017
Conclusions

Conclusions drawn from the class and preparation for the final essay

Appendix
Basic Legal Documents relevant to this course:
- Universal Declaration of Human Rights of December 10, 1948
- International Convention on the Elimination All Forms of Racial discrimination of March 7, 1966
- Convention on the Elimination of All Forms of Discrimination Against Women, 1979