LLM Human Rights and Health Care Law

Module leader: **Professor Jean McHale (/staff/profiles/law/mchale-jean.aspx)**

Teaching and assessment (2014): Semester 1, Exam - 3hrs

Module description:

To what extent do and indeed should patients be recognised as having rights to health care? The rapid evolution of health care law in the UK over the past decade has been increasingly impacted by the discourse of human rights. But have human rights and the Human Rights Act 1998 really changed the face of the discipline - and indeed should they?

This course explores the interface between human rights and health care law. It examines the evolution of Health Care Law both before and after the enactment of the UK Human Rights Act 1998. It explores this debate in the context of a number of controversial and topical issues. Issues examined will include is there a right to health care? Does and indeed should the Human Rights Act facilitate a “right to reproduce”? Do modern health care technologies such as genetics mean that we need to reconceptualise our perceptions of individual rights. To what extent does respect for bodily integrity require the “right to consent” to treatment and what precisely would such a right mean? When should human rights give right to other considerations such as the public interest? What are the rights of research participants post Nuremberg? To what extent should the law respect the human rights of a health professional over that of a patient in the treatment decision? Should health professionals be able to “opt-out” of their professional duties on the basis of conscience? To what extent should the delivery of health care be affected by the need to respect the rights to faith and belief of patients? The course is rooted in domestic health care law and policy and draws upon domestic human rights jurisprudence and ECHR jurisprudence. In addition it will where appropriate draw comparisons with legislation, case law and policy from other jurisdictions.

Seminar topics:

- Health as a Human Right and Health Law
- A Right to Health Care?
- Reproductive Technologies and the right to reproduce.
- Reproductive Technologies and the right not to reproduce..
- Bodily integrity and human rights : a question of consent?
- Informational privacy and personal health information.
- Limiting rights in the “public interest” :Public Health and Human Rights – Human Rights and the Health Care Professional.
- Human Rights, Faith and Belief and the Patient.
- Rights and Health Care Research (1) From Nuremberg to Research Ethics Committees:
- Rights and Health Care Research (2) - Genetic research: New Regulatory Challenges, New Rights?

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