

AMU - Master 1

Introduction to International Human Rights Law

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In this session, we will cover several human rights issues referring to the personal autonomy & the protection of dignity by human rights institutions (especially by the European Court of Human Rights).

The objective of this session is to show how human rights discussion works around ethical and complex issues and how human rights bodies may interpret human rights provisions to solve controversies.

Session 4:

The personal autonomy & the protection of dignity

Methodology
Cases presentation

Session 4:

The personal autonomy and the protection of dignity

- ❖ Challenge: Can you do whatever you want with your body (and your sexual life) ?
- ❖ Challenge: Is there any right to abortion in international human rights law ?
- ❖ Challenge: Human Rights protection of the unborn child
- ❖ Challenge: Human Rights protection of the embryo
- ❖ Challenge: Forced sterilisation and human rights
- ❖ Challenge: Is the criminalisation of homosexuality compatible with human rights ?
- ❖ Challenge: Fighting discrimination against LGBT
- ❖ Challenge: Is the gender identity protected under international human rights law ?
- ❖ Challenge: Is there a right to die in international human rights law ?
- ❖ Challenge: Can you define what is human dignity ? Can you renounce to the protection of your human rights ?

Case n° 1: The sadomasochistic case (Belgium)

- ❖ **Challenge: Can you do whatever you want with your body (and your sexual life) ?**
- ❖ **European Court of Human Rights, KA and AD v. Belgium, 17/02/2005**
- ❖ Context: Violent sexual practices and criminalisation
- ❖ Consent and renunciation to human rights

Case 2: Access to Abortion

- ❖ **Challenge: Is there any right to abortion in international human rights law ?**
- ❖ **European Court of Human Rights (GC), Case of A, B and C v. Ireland, Judgement of 16 December 2010**
- ❖ Context: Abortion
- ❖ Self-determination, Ownership of your body, Right to live of a foetus ?

Case 3: The right to live of the foetus

- ❖ **Challenge: Human Rights protection of the unborn child**
- ❖ **European Court of Human Rights (GC), Vo v. France, Judgment of 8 July 2004**
- ❖ Context: Unintentional killing of an unborn child
- ❖ Right to live of a foetus ?

Case 4: The embryo

- ❖ **Challenge: the protection of the embryo**
- ❖ **European Court of Human Rights (GC), Parrillo v. Italy, Judgement of 27 August 2015**
- ❖ **I/A Court H.R., Case of Artavia Murillo et al. (In Vitro Fertilization) v. Costa Rica. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 28, 2012. Series C No. 257.**
- ❖ Embryo v. Self-determination

Case 5: Forced sterilisation

- ❖ **Challenge: Sterilisation without informed consent**
- ❖ **European Court of Human Rights, V.C. v. Slovakia, Judgment of 8 November 2011**
- ❖ **I/A Court H.R., Case of I.V. v. Bolivia. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 30, 2016. Series C No. 329**
- ❖ Context: Discrimination against women of Roma ethnic origin / Reproductive rights
- ❖ Reproductive rights / Consent

Case 6: Criminalisation of homosexuality

- ❖ **Challenge: Is it legal to be homosexual ?**
- ❖ **European Court of Human Rights (GC), Dudgeon v. UK, 22 October 1981**
- ❖ **United Nations Human Rights Committee, Toonen v. Australia, communication 488/1992, views of 31 March 1994**
- ❖ **Context: homosexuality**
- ❖ **Sexual life - Autonomy**

Case 7: Discrimination against LGBT

- ❖ **Challenge: Fighting discrimination against LGBT**
- ❖ **I/A Court H.R., Case of Atala Riffo and daughters v. Chile. Merits, Reparations and Costs. Judgment of February 24, 2012. Series C No. 239**
- ❖ **Discrimination against LGBT - Stereotypes**

Case 8: Gender identity

- ❖ **Challenge: Is the gender identity protected under international human rights law ?**
- ❖ **European Court of Human Rights (GC), Christine Goodwin v. The UK, judgment of 11 July 2002**
- ❖ **Discrimination, right to respect for private life.**

Case 9: Right to die

- ❖ **Challenge: Right to die**
- ❖ European Court of Human Rights, *Pretty v. UK*, 29 April 2002
- ❖ Euthanasia - Assisted suicide

Case 10: The dwarf tossing (France)

- ❖ **Challenge: Can you define what is human dignity ?
Can you renounce to the protection of your human rights ?**
- ❖ **UN Human Rights Committee, Wackenheim v. France, 15 July 2002**
- ❖ Context: dwarf tossing prohibition
- ❖ Personal autonomy, subjective definition of human dignity

Conclusions

- ❖ Human rights law is about:
 - ❖ Justice v. Law - Values & Indetermination - Argumentation [discursive approach of human rights] - Interpretation [margin of appreciation; consensus; dynamic interpretation; determination of norms] - Universalism v. Relativism
 - ❖ Self-determination - Autonomy - Body ownership - Sexual autonomy - Private life - Dignity - Gender identity - Discrimination - Reproductive rights