

CENTRAL EUROPEAN UNIVERSITY  
DEPARTMENT OF POLITICAL SCIENCE  
MA PROGRAM

Fall Semester, 2019–2020

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

Prof. Judit Sándor

**Classes Meet:** Mondays and Wednesdays 13:30–15:10

**Office Hours:** Tuesdays and Thursdays 14:00–16:00 at Nádor utca 9. Room No. FT707

**Location:** TBA Budapest campus

**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, AI, information technologies, and their combination now constitute subjects of governance. Furthermore, as governments have started to rely increasingly on the use of these technologies, 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 perspectives.

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. In order to provide a context for the analysis of normative texts and cases, students will have at their disposal a Course Reader and the attached bibliography, which constitutes 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 the related policies as challenges to human rights;
- to encourage critical analytical thinking about the role of human rights in shaping and restricting the application of new technologies and scientific advances; and
- to analyze various examples of and case studies on the application of science and technology and their impact on human rights.

## Learning outcomes by the course

- Developing skills to analyze and to understand the human rights problems raised by new technologies and scientific advances;
- Attaining capability to find, analyze and interpret cases of human rights relevance, including the understanding of their political context; and
- Gaining familiarity with basic human rights in order to understand their role in 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; two seminar presentations (20–20% of the final grade); and a final essay (a 10–12 pages long research paper of on a topic to be chosen after consultation with the instructor – 60% of the grade). The paper is due on December 15 of 2019. 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:

Brownsword, Roger and Morag Goodwin (2012) *Law and the Technologies of the Twenty-First Century*. Cambridge: Cambridge University Press

Jasanoff, Sheila (2011) *Reframing Rights: Bio-Constitutionalism in the Genetic Age*. Cambridge, MA: MIT Press.

Francioni, Francesco (2007) *Biotechnologies and International Human Rights*. Oxford and Portland, OR: Hart Publishing.

Rose, Nikolas (2007) *The Politics of Life Itself: Biomedicine, Power, and Subjectivity in the Twenty-First Century*. Princeton: Princeton University Press.

## Course Schedule

*Week Zero – September 9, 2019*  
*Introduction to the course*

### **Introduction: Basic Concepts in the Field of Contemporary Human Rights and Emerging Technologies**

Historical and philosophical origins of human rights; emergence of the modern state and the place of the individual therein; 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:*

Jasanoff, Sheila (2016) *The Ethics of Invention*. New York: W.W. Norton Company, 1–31.

*Week One*

*Introduction:*

*What science and technology can teach us about the contemporary notion of human rights?*

September 16, 2019

### **Populism, Technology and the Law**

Participation at an international workshop at the Central European University (Quantum Room)

*Background materials:*

High-Level Expert Group on Artificial Intelligence (xxx) *Ethics Guidelines for Trustworthy AI*.  
Publisher?

September 18, 2019

### **Technology, Science, and the Notion of Human Dignity**

*Required:*

Barak, Aharon (2015) *Human Dignity*. Cambridge: Cambridge University Press, 3–33.

*Recommended:*

Lemke, Thomas (2011) *Biopolitics: An Advanced Introduction*. New York: New York University Press, 9–32.

*Week Two*

*Anti-Discrimination and Scientific Research*

September 23, 2019

### **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:*

Duster, Troy (2003) *Backdoor to Eugenics*. New York: Routledge, 60–79.

*Recommended:*

Stern, Alexandra Minna (2005) *Eugenic Nation*. Berkeley: University of California Press, 82–114.

September 30, 2019

### **Contemporary Genetics and Discrimination**

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:*

Rose, Nikolas (2007) *The Politics of Life Itself: Biomedicine, Power, and Subjectivity in the Twenty-First Century*. Princeton: Princeton University Press, 41–76.

*Recommended:*

Agamben, Giorgio (1995) Biopolitics and the Rights of Man. In *Homo Sacer: Sovereign Power and Bare Life*. Stanford: Stanford University Press, 126–159.

Myles W. Jackson (2015) *The Genealogy of a Gene*. Cambridge: MIT Press, 143–187.

Wailoo, Keith and Stephen Pemberton (2006) *The Troubled Dream of Genetic Medicine*. Baltimore: Johns Hopkins University Press.

### *Week Three*

#### *Freedom of Science and Rights of the Research Participants*

Contemporary research protocols involve the assessment of different kinds of data, personal, health care and in case of biobanks, even biological samples. As a consequence, privacy of the research participants has to be protected. Freedom of scientific research

October 2, 2019

### **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?

*Required:*

Buchanan, Allan, Dan W. Brock, Norman Daniels, and Daniel Wikler (2000) *From Chance to Choice*. Cambridge: Cambridge University Press, 61–82.

Duster, Troy (2003) The Genetic Screening of “Target” Populations. In *Backdoor to Eugenics*. New York: Routledge, 39–59.

Laurie, Graeme (2002) *Genetic Privacy*. Cambridge: Cambridge University Press, 86–182.

*Recommended:*

Wailoo, Keith and Stephen Pemberton (2006) *The Troubled Dream of Genetic Medicine*  
Baltimore: John Hopkins University Press, 116–161.

*Cases:*

European Court of Human Rights, *S. and Marper v. The United Kingdom*, application nos. 30562/04 and 30566/04, judgment of December 4, 2008.

European Court of Human Rights, *R.R. v. Poland*, application no. 27617/04, judgment of May 26, 2011, final judgment of November 28, 2011.

*Week Four*

*Right to Privacy and Technology*

October 7, 2019

**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 craft appropriate legislation in response to the many concerns citizens possess regarding privacy and safety.

Levy, Joshua S. (2011) Towards a Brighter Fourth Amendment: Privacy and Technological Change. *Virginia Journal of Law & Technology*, vol. 16, no.4 (Winter 2011), 499–540.

October 9, 2019

**Privacy and Secret Surveillance**

*Required:*

Richards, Neil M. (2013) Privacy and Technology: The Dangers of Surveillance. *Harvard Law Review*, vol. 126, no. 7 (May 2013), 1934–1965.

*Week Five*

*Security v. Privacy?*

October 14, 2019

**Security, Privacy and Drones**

*Required:*

Schlag, Chris (2013) The New Privacy Battle: How the Expanding Use of Drones Continues to Erode Our Concept of Privacy and Privacy Rights. *Pittsburgh Journal of Technology, Law, and Policy*, vol. 13, no.2 (Spring 2013), 1–22.

Ragatzki, Steve (2017) Filling in the Gaps in FAA Drone Regulation: A Proposed Dual-Zone Model Personal Privacy. *Michigan State University International Law Review*, vol. 25, no. 1 (February 2017) 193–231.

*Recommended:*

Wittes, Benjamin and Gabriella Blum (2015) *The Future of Violence: Robots and Germs, Hackers and Drones. Confronting a New Age of Threat*. New York: Basic Books, 93–122.

October 16, 2019

### **“Killer Robots”**

#### **A Class Debate**

Russell Christian for Human Rights Watch (2016) Making the Case

The Dangers of Killer Robots and the Need for a Preemptive Ban

<https://www.hrw.org/report/2016/12/09/making-case/dangers-killer-robots-and-need-preemptive-ban>

#### *Week Six*

#### *Rights to Life and Biomedicine*

October 21, 2019

### ***Reproductive Technologies and Human Rights***

Required:

Inhorn, Marcia C. (2007) Reproductive Disruptions and Assisted Reproductive Technologies in the Muslim World. In Marcia C. Inhorn, ed. *Reproductive Disruptions: Gender, Technology and Biopolitics in the New Millennium*. New York: Berghahn Books, 183–199.

Cases:

European Court of Human Rights, *Mennesson v. France*, application no. 65192/11, judgment of June 26, 2014, final judgment of September 26, 2014.

European Court of Human Rights, *Parrillo v. Italy*, application no. 46470/11, judgment of August 27, 2015.

#### *Week Seven*

#### *Reproductive Selection and the Principle of Non-Discrimination*

October 28, 2019

### **Reproductive Technologies and Human Rights**

*Required:*

Rothschild, Joan (2005) *The Dream of the Perfect Child*. Bloomington: Indiana University Press, 13–68.

Habermas, Jürgen (2003) *The Future of Human Nature*. Cambridge: Polity Press, 44–66.

*Recommended:*

Styhre, Alexander and Rebecka Arman (2013) *Reproductive Medicine and the Life Sciences in the Contemporary Economy*. London and Burlington: Ashgate.

*Cases:*

European Court of Human Rights, *Tysiqc v. Poland*, application no. 5410/03, judgment of March 20, 2007, final judgment of September 24, 2007.

October 30, 2019

### **Right to Life and End of Life**

*Required:*

Zaman, Shahaduz, Hamilton Inbadas, Alexander Whitelaw, David Clark (2017) Common or Multiple Futures for End of Life Care around the World? Ideas from the 'Waiting Room of History'. *Social Science and Medicine*, vol. 172 (January 2017), 72–79.

Agamben, Giorgio (1995) Potentiality and Law. In *Homo Sacer: Sovereign Power and Bare Life*. Stanford: Stanford University Press, 39–48.

Cases: European Court of Human Rights, *Vo v. France*, application no. 53924/00, judgment of July 8, 2004.

### *Week Eight Medicalization of Death*

*The development of the intensive care and new methods of life support challenge the concept of death and also the interpretation of the right to die.*

November 4, 2019

*Required:*

Sándor, Judit (2012) Bioethics and Basic Rights: Persons, Humans, and the Boundaries of Life. In Michel Rosenfeld and András Sajó, eds. *The Oxford Handbook of Comparative Constitutional Law*. Oxford: Oxford University Press, 1142–1165.

*Cases:*

European Court of Human Rights, *Lambert and Others v. France*, application no. 46043/14, judgment of June 5, 2015.

European Court of Human Rights, *Gross v. Switzerland*, application no. 67810/10, judgment of May 14, 2013, Grand Chamber judgment of September 30, 2014.

November 6, 2019

Managing Data after Death, *Privacy and Biobanking*

*Required:*

Gottweis, Herbert and Alan Petersen (2008) *Biobanks: Governance in Comparative Perspectives*. London: Routledge, 22–39.

Rose, Nikolas (2007) *The Politics of Life Itself: Biomedicine, Power, and Subjectivity in the Twenty-First Century*. Princeton: Princeton University Press, 9–40.

### *Week Nine Right to Health and new Technologies*

Good health and extended life span provide competitive advantages in many field of lief. Poverty in the lack of access to advanced health care treatment can lead to extreme poverty and short life expectancy. Therefore, allocation of health care and technology is an essential characteristic of quality of life.

November 11, 2019

### **Access to Health Care and New Technologies**

*Required:*

Murphy, Thérèse (2013) *Health and Human Rights*. Oxford and Portland, OR: Hart Publishing, 23–57.

*Recommended:*

Kaushik, Sunder Rajan (2006) *Biocapital: The Constitution of Postgenomic Life* (Promise and Fetish Genomic Facts and Personalized Medicine, or Life Is a Business Plan). Durham: Duke University Press, 138–181.

J. Brad Reich & Dawn Swink (2011) *Outsourcing Human reproduction: Embryos & Surrogacy Services in the Cyberprocreation Era: in: Journal of Health Care Law & Policy 14 J. Health Care L. & Pol'y 241*

November 13, 2019

### **Allocation of Organs**

*Required:*

Lock, Margaret (2002) *The Social Life of Human Organs*. In *Twice Dead: Organ Transplants and the Reinvention of Death*. Berkeley: University of California Press, 315–341.

Dyer, Phil and Shelagh McGuinness (2011) *The Allocation of Organs: The Need for Fairness and Transparency*. In Anne-Maree Farrell, David Price, Muireann Quigley, eds. *Organ Shortage Ethics, Law and Pragmatism*. Cambridge: Cambridge University Press, 122–138.

#### *Week Ten*

#### *Rights in the Robotic Age*

November 18, 2019

### **Access to Latest Technologies (nanotechnology, 3D printing, AI)**

Nanotechnology

Susan Hockfield (2019) *The Age of Living Machines*. New York: W.W. Norton & Co., 73–90.

November 20, 2019

### **Artificial Intelligence and Robotics**

*Required:*

Ashrafiyan, Hutan (2015) *Artificial Intelligence and Robot Responsibilities: Innovating Beyond Rights. Science and Engineering Ethics*, vol. 21, no.4 (April 2015), 317–326.

#### *Week Eleven*



## Technology and Governance

November 25, 2019

### **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 27, 2019

### **Technological Innovation and Intellectual property**

#### *Required:*

Dutfield, Graham (2003) *Intellectual Property Rights and the Life Science Industries: A Twentieth Century History*. Ashgate: Aldershot, 135–173.

#### *Recommended:*

Jasanoff, Sheila, ed. (2004) *States of Knowledge. The Co-Production of Science and Social Order*. New York: Routledge, 1–46.

Etzkowitz, Henry (2008) *The Triple Helix*. New York: Routledge, 7–27.

## Week Twelve

### *Human Enhancement and Human Rights*

Can the concept of human rights help us to interpret the numerous options of human enhancement technologies?

December 2, 2019

### **Human Rights and Human Enhancement**

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:*

Erdman, Joanna N. (2015) Bioethics, Human Rights and Childbirth. *Health and Human Rights*, vol. 17, no. 1 (June 2015), 43–51. <http://www.jstor.org/stable/healhumarigh.17.1.43>.

Sandel, Michael J. (2007) *The Case Against Perfection*. Cambridge: Harvard University Press, 1–44.

#### *Recommended:*

Harris, John (2007) *Enhancing Evolution: The Ethical Case for Making People Better*. Princeton: Princeton University Press, 109–142.

Naam, Ramez (2005) *More Than Human: Embracing the Problems of Biological Enhancement*. New York: Broadway Books, 11–41.

Kamm, Frances (2009) What Is and Is Not Wrong with Enhancement? In Julian Savulescu and Nick Bostrom, eds., *Human Enhancement*. Oxford: Oxford University Press, 91–131.

December 4, 2019

## **Neuro-Enhancement**

Thanks to the development of powerful new diagnostic and therapeutic techniques we are able to study the living brain and to enhance its functions. In the aging societies this technology has a wide impact on society and on the rights of the elderly.

### *Required:*

Farah, Martha J. (2010) Neurocognitive Enhancement: What Can We Do and What Should We Do? In Martha J. Farah, ed., *Neuroethics*. Cambridge: Massachusetts Institute of Technology, 30–42.

Greely, Henry, et al. (2010) Toward Responsible Use of Cognitive-Enhancing Drugs by the Healthy: Policy Suggestions. In Martha J. Farah, ed., *Neuroethics*. Cambridge: Massachusetts Institute of Technology, 73–79.

### *Recommended:*

Schwartz Cowan, Ruth (2008) *Heredity and Hope*. Cambridge: Harvard University Press, 41–71.

## **Conclusions**

Conclusions drawn from the class and preparation for the final essay

## **Appendix**

Basic Legal Documents relevant to this course:

Universal Declaration on Human Genome and Human Rights of November 11, 1997 (available at <http://unesdoc.unesco.org/images/0012/001229/122990eo.pdf>)

Universal Declaration on Bioethics and Human Rights of October 19, 2005 (available at <http://unesdoc.unesco.org/images/0014/001461/146180E.pdf>)

Universal Declaration of Human Rights of December 10, 1948

International Covenant on Civil and Political Rights of December 16, 1966 (Treaty Series, Vol. 999. Entered into force on March 23, 1976)

International Covenant on Economic, Social and Cultural Rights of December 16, 1966 (Treaty Series, Vol. 993. Entered into force on January 3, 1976)

International Convention on the Elimination All Forms of Racial discrimination of March 7, 1966

European Convention on Human Rights and Fundamental Freedoms, November 4, 1950, with Protocols

Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948

Convention on the Elimination

Ethics Guidelines for Trustworthy AI (High-Level Expert Group on Artificial Intelligence)