



## Judicial Protection of Health as a Fundamental Right

EJTN HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS PROJECT

**14 – 15 December 2023**  
Centre For Judicial Studies (CEJ)  
Lisbon, Portugal

CENTRO  
DE ESTUDOS  
JUDICIÁRIOS

[HFR/2023/10]



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Programme of the European Union

## DESCRIPTION

Judges, prosecutors and court staff will be able to analyse the right to health protection, the legal effects of its provision as a fundamental right and as a human right, and the state duties that such provision demands.

The one-and-a-half face-to-face training consists of providing a general overview of the European legal framework as well as the ECHR and CJEU jurisprudence.

Expert speakers will focus on aspects such as health and healthcare in the Charter of Fundamental Rights of the European Union, the Right to healthcare and the European Court of Human Rights jurisprudence, the principle of

Effectiveness and Complementarity between health and Consumer Protection, Health Data and their regime under GDPR, Health and non-discrimination on the basis of illness, obesity, temporary incapacity, Conflict between health and other fundamental rights.

Practitioners will be able to exchange knowledge and best practices among experts and peers across the EU by applying the European legal framework and jurisprudence in practical cases.

**Contact person from the EJTN Secretariat:** **Borja Sáez Martínez, Junior Project Manager,** [borja.saez-martinez@ejtn.eu](mailto:borja.saez-martinez@ejtn.eu)

## PROGRAMME

### Thursday, 14 December 2023

<b>8.45 – 9.00</b>	<i>Arrival and Registration of Participants</i>	
<b>9.00 – 9.30</b>	<b>Welcoming Words</b> <b>Presentation of the European Judicial Training Network (EJTN)</b> <b>Pre-Training Knowledge Assessment</b>	<b>Patrícia COSTA</b> , Deputy Director, Centre For Judicial Studies (CEJ) <b>Fernando DUARTE</b> , Activity Coordinator, Administrative Judge, trainer at the Portuguese Judicial School <b>Arno VINKOVIC</b> , Project Manager, European Judicial Training Network (EJTN)
<b>9.30 – 10.15</b>	<b>Health as a fundamental right: a European Union law perspective</b>	<b>Claudia MONGE</b> , Professor, University of Lisbon, lawyer, Portugal
<b>10.15 – 10.30</b>	<b>Q&amp;A – Discussion</b>	
<b>10.30 – 11.00</b>	<i>Group Photo &amp; Coffee-Break</i>	
<b>11.00 – 11.45</b>	<b>The right to healthcare and the European Court of Human Rights jurisprudence</b>	<b>Claudia MONGE</b> , Professor, University of Lisbon, lawyer, Portugal
<b>11.45 – 12.00</b>	<b>Q&amp;A – Discussion</b>	
<b>12.00 – 12.45</b>	<b>Balancing the right to health with other fundamental rights: the role of general principles of European Union Law</b>	<b>Jean V. MCHALE</b> , Professor, University of Birmingham, United Kingdom
<b>12.45 – 14.30</b>	<i>Lunch break</i>	
<b>14.30 – 14.45</b>	<b>Plenary Presentation of the Case Study</b>	<b>Jean V. MCHALE</b> , Professor, University of Birmingham, United Kingdom
<b>14.45 – 15.45</b>	<b>Discussion of the case study in the Working Groups</b>	

15.45 – 16.00	<i>Coffee-break</i>	
16.00 – 16.45	Plenary discussion of the case study	
16.45 – 17.00	Final conclusions of the case	<b>Jean V. MCHALE</b> , Professor, University of Birmingham, United Kingdom
17.00	End of First Day	
19.30	OFFICIAL SEMINAR DINNER	

## Friday, 15 December 2023

8.45 – 9.00	<i>Arrival and Registration of Participants</i>	
9.00 – 09.30	Cross-Border Healthcare	<b>Tiago FIDALGO DE Freitas</b> , Professor at the University of Lisbon, Portugal
09.30 – 10.30	Case study presentation and discussion	<b>Tiago FIDALGO DE Freitas</b>
10.30 – 11.00	<i>Coffee-Break</i>	
11.00 – 11.30	Data protection and health	<b>Teodora LALOVA-SPINKS</b> , Postdoctoral Researcher, Unit of Clinical Pharmacology and Pharmacotherapy of the Department of Pharmaceutical and Pharmacological Sciences and at the Centre for IT and IP Law (CiTiP), KU Leuven
11.30 – 12.30	Case study presentation and discussion	<b>Teodora LALOVA-SPINKS</b>
12.30 – 13.00	Plenary discussion of the case studies	
13.00 – 13.15	Closing Words Post-Training Knowledge Assessment	<b>Fernando DUARTE</b> , Activity Coordinator, Administrative Judge, Trainer at the Portuguese Judicial School  <b>Arno VINKOVIC</b> , Project Manager, European Judicial Training Network (EJTN)
13.15	<i>Departure of Participants</i>	

# **SPEAKERS**

## **Tiago FIDALGO DE FREITAS**

Professor at the University of Lisbon, Portugal

## **Teodora LALOVA-SPINKS**

Postdoctoral Researcher, Unit of Clinical Pharmacology and Pharmacotherapy of the Department of Pharmaceutical and Pharmacological Sciences and at the Centre for IT and IP Law (CiTiP), KU Leuven

## **Claudia MONGE**

Professor, University of Lisbon, Portugal

## **Jean V. MCHALE**

Professor, University of Birmingham, United Kingdom

## **Fernando DUARTE**

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