

## Genetic Research: From Ethical Criteria to European Court of Human Rights Jurisprudence

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### Abstract

Nowadays, the development of new technologies and sciences has had a great impact in human life. Genetic Science for instance, has significantly changed the medical world and provided better treatments. There is no doubt that genetics as a new and outstanding science offers helpful aids to humanities. The rising of numbers of genetic laboratories that offers medical and preventive services demonstrate the magnitude of this new arrival science. Having said that, it can be clearly seen the inevitable role of Genetic Science in recent medical development in treatment of some incurable diseases such as cancer diseases. Therefore, there is no exaggeration to say that a fundamental genetic change in a short time have created a new world for us.

However, the negative aspects of this science in human life should not be neglected. Although this development is positive for the human civilization, it has also brought some problems and challenges. This could be the ability of human to make its own organisms, which has provoked many religious and ethical concerns. For example, genetics enable us to produce its own human organism as clonage. This fact issued the ethical and religious concerns. In this context, legislators of different countries have created ethical roles and restrictions for geneticists to prevent these concerns. However, this restriction seems to be inadequate. So, how we could control the Genetic Science in a way that it can be useful for human life and also respect ethical values? However, the restrictions seems that it is not enough and the genetic concerns should be addressed with more restrictions. On the other hand, increased restrictions in terms of basic principles of human rights can also be problematic, itself. Study of some European court of human

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Original Article Received: 15 September 2016 Accepted: 3 April 2017

rights' decision insist on the fact that the member states should review their restrictive policies in term of genetics. These limits are mainly in the area of privacy and a fair trial and particularly article 6 and 8 of the European Convention on Human Rights.

This article will review all limitations of genetic research in European countries.

#### **Keywords**

Genetic Research, Medical Ethics, Human Rights, European Court of Human Rights, Genetic

Please cite this article as: Jafari A, Parandak Z. Genetic Research: From Ethical Criteria to European Court of Human Rights Jurisprudence. Iran J Med Law 2017; 11(40): 61-80.

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