

## Research Project

### La protection du bien-être par le juge

#### **Third-party funded project**

**Project title** La protection du bien-être par le juge

**Principal Investigator(s)** Büschel, Isabell ;

**Organisation / Research unit**

Ethik / Bio- und Medizinethik (Elger)

**Department**

**Project Website** <http://ibmb.unibas.ch/research/protection-of-human-well-being/>

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#### **The protection of human well-being by the law – a comparative study of Swiss, German, French and European case-law**

Commonly, well-being is defined as state of feeling healthy and happy“ . A larger definition extends to prosperity . Both definitions confer this notion a larger meaning than just being synonymous to health . In the absence of a legal definition of the term „ well-being ”, it must be questioned whether and if so, to what extent the protection of the well-being of the individual, but also of a State’s population is guaranteed by the law.

The methods suggested to conduct this research are two-fold. They cover research and analysis of literature (legal, sociological, economic, medical) and policies (health, security, environmental, consumer protection, economy), as well as an empirical part (survey of patients, doctors, prisoners, immigrants, health care officials, security forces, data protection authorities, policy makers and judges concerning factors that contribute to well-being in general and, more precisely, their understanding of well-being, but also analysis of social and economic indicators) .

Until now, legal texts which literally protect the individual's well-being seem to be non-existent in Europe. However, many texts on the quality of life, human dignity, health, security and other reasons of overriding interest contribute implicitly to the objective of promoting human well-being through the law. Several horizontal clauses contained in the Treaty on the Functioning of the European Union require that a high level of security (art. 67 §3), human health protection (art. 168 §1), consumer protection (art. 169 §1), as well as environmental protection (art. 191 §2) be ensured. Others exist, but these four need to be stressed for their immediate impact on the physical, mental, social and economic well-being of patients, consumers, prisoners or citizens in general. As social protection policy and financial and economic stability mechanisms also might have an impact on the human well-being, they need to be considered as well. Reversely, one could ask whether guaranteeing the well-being of a sum of individuals is likely to have a positive impact on the economy and/or on the social, sanitary or securitarian environment of a State and, at a larger scale, in Europe. The study will be based on a comparison between situations in several regions which are characterized by differences in size and culture : France, Germany, Switzerland as opposed to the EU as a whole. May we observe similarities or differences concerning the protection of individual and collective well-being between those States, and between those States and the EU ?

**Keywords** EU law and policy, fundamental rights, protection of individual and public health and security

**Financed by**

Foundations and Associations

## Add publication

### Published results

1150838, Cammilleri-Subrenat, Anne; Prouvèze, Rémy; Verdier-Büschel, Isabell, Nouvelles technologies et défis du droit en Europe - L'imagerie active au service de la sécurité globale, 978-2-8027-3594-6, Publication: Authored Book (Verfasser eines eigenständigen Buches)

1464332, Prouvèze, R.; Verdier-Büschel, I., Nationalité et citoyenneté dans l'espace de liberté, de sécurité et de justice, 978-2-8027-3539-7 , Publication: ConferencePaper (Artikel, die in Tagungsbänden erschienen sind)

1012677, Verdier-Büschel, Isabell, Le Parlement européen condamné au versement de 25.000 au titre des préjudices matériel et moral subis par une candidate à l'embauche du fait du traitement illégal des données médicales de celle-ci, Publication: Discussion paper / Internet publication

1464341, Verdier-Büschel, Isabell, „ Quelle protection pour la victime en droit de l'Union européenne ? - un bref état des lieux ", 1281-3389, Observateur des Nations Unies, Publication: JournalArticle (Originalarbeit in einer wissenschaftlichen Zeitschrift)

## Add documents

### Specify cooperation partners

ID	Kreditinhaber	Kooperationspartner	Institution	Laufzeit - von	Laufzeit - bis
1558892	Büschel, Isabell	Cournil, Christel, Associate Professor of Public Law	University Paris 13 - Pres Sorbonne Paris Cité, IRIS (Institut de recherche interdisciplinaire sur les enjeux sociaux), CERAP	01.01.2012	31.05.2012
1558902	Büschel, Isabell	Brosset, Estelle, Associate Professor of Public Law	University of Aix-Marseille	01.01.2013	31.12.2015
1558904	Büschel, Isabell	Mehdi, Rostane, Professor of Public Law	College of Europe, Campus Bruges	01.10.2012	31.03.2013