Unitar Online Catalogue

Executive Diploma on Law and Neuroscience – A Comparative Approach

Multilateral Diplomacy

Date limite: 31 Mar 2024

Type:	Course
Emplacement:	Web-based
Date:	2 avr 2024 to 8 Mai 2024
Durée:	5 Weeks
Zone du programme:	Multilateral Diplomacy, , International Law
Site internet:	https://unitar.org/sustainable-development-goals/multilateral-diplomacy/our-por…
Prix:	3 650.00 $US
Personne de référence de l'évenement:	info.ilp@unitar.org
Partenariat:	Maastricht University, Center for Law, Brain Behavior Massachusetts General Hospital Harvard Medical School, Maastricht Law Faculty

ARRIÈRE PLAN

Advances in neuroscientific research and technologies have become increasingly important for the field of law. Not only are the number of court cases involving neuroscientific evidence rapidly rising, neuro-legal studies are also used to inform us on substantive legal doctrines, such as the insanity defence. Additionally, the interaction between the law and the neurosciences is highly relevant for criminal policy issues, such as the possible implications of brain research for juvenile offenders or addicts. However, the use of neuroscientific techniques in the legal system is not without its problems, and raises empirical, practical and ethical questions.

This course critically reflects on the present and future relevance of applications of neuroscience in the field of law, in particular criminal law. By using a comparative approach, considering both US and European jurisdictions, participants will understand how neuroscientific research may inform criminal justice doctrine, practice, and policy.

OBJECTIFS DE L'ÉVÉNEMENT

This course introduces participants to the interdisciplinary field of law and neuroscience (in short: neurolaw). The aim of this course is to explore current applications, but also some challenges and limitations, of implementing neuroscientific research and neurotechnology in the legal system. Special emphasis will be placed on criminal law applications.

The course is designed to provide unique access to information, comparative perspectives, updates and analysis on the intersection between law and neuroscience for both those seeking to develop a working background on the topics as well as those already thoroughly versed in their dynamics. During the five-week substantive program conducted online, participants from around the world will listen to international experts to gain insight and rare first-hand knowledge about law and neuroscience from a wide range of perspectives.

The substantive sessions will explore specific areas, such as the insanity defense, as well as the coercive use of neurotechniques and human rights from a comparative perspective. They will also engage some of the pressing current debates, particularly on the role of adversity and trauma from a legal psychology perspective within the context of asylum law and the position of adolescents/juveniles in (criminal) law.

In addition to the substantive e-workshops, e-learning components, such as readings and recordings, will provide participants with a wholistic training experiences and allow them to put their substantive knowledge into practice.

OBJECTIFS D'APPRENTISSAGE

At the end of this course, participants should be able to:

- Understand the legal relevancy of neuroscience on both a theoretical and practical level;
- Explore how neuroscience is used in different criminal law systems, and what kind of legal, conceptual and empirical problems may arise;
- Understand the basic conditions of criminal responsibility and relate these to neuroscientific insights and challenges;
- Understand the relevance of neuroscientific techniques (neuroimaging) as a diagnostic tool in order to determine mental states and disorders (especially in relationship with the insanity defence);
- Reflect on the use of neuroscientific techniques (brain interventions) to modify the brain;
- Reflect on neuroscientific developments in light of human rights, especially related to lie-detection
- Reflect on the present and future possibilities of the intersection between (criminal) law and neuroscience.

CONTENU ET STRUCTURE

Week 1 – Preparatory Knowledge (no live sessions – literature and pre-recordings)

- Introduction to the basics of brain structure/functioning and neurotechniques (including reliability issues) that may be used for legally relevant diagnosis, assessment and intervention;
- Introduction to basics of US common law system (in particular criminal law) preparing for the upcoming weeks;
- Introduction to basics of European civil law systems (Netherlands and Germany) preparing for the upcoming weeks (focus will be on explaining conditions of criminal responsibility, some procedure and how these ‘rules’ may differ from common law).

Week 2 & Week 3 – European Civil Law and US Approach (Literature, recordings + live sessions)

The following topics are proposed for each system and will thus be taught in a comparative way.

- The insanity defence: Multiple angles: on a policy level: how neuroscientific insights on disorders and mental capacities may affect the (re)shaping of the law on legal insanity (and diminished responsibility); more concretely, in what way neuroscience may be relevant in case law for assessing insanity defence;
- Addiction: The relationship between addiction and criminal responsibility: e.g. how relevant are different models of addiction for assessing responsibility and/or treatment?
- Interpersonal violence / aggression: How does neuroscience impact our view of interpersonal violence and aggression? Does a shift in the way that aggression and crime are perceived (a 'violent' brain) affect legal systems? In which ways could neuroscientific tools/interventions be employed to diagnose or even reduce pathological aggression?

Week 4 - European Civil Law and US Approach (Literature, recordings + live sessions)

- Coercive use of neurotechniques and human rights from a comparative perspective;
- Focus on lie detection. Interpretations of the European Convention of Human Rights (ECHR) versus US case law;
- Didactical approach of presenting specific cases and seeing how they legally unfold depending on the US versus the ECHR approach;
- Showing the increasing relevance of "neurorights";
- Rules of evidence/admissibility of (neuro)scientific evidence in court – problems of reliability and validity and practical issues pertaining to e.g. the Daubert standard. Focus on neurotechnological lie detection.

Week 5 - European Civil Law and US Approach (Literature, recordings + live sessions)

This module is focused on (future) policy and legislation topics.

- Adversity and trauma: A discussion on whether the (evidentiary) rules and procedures for asylum seekers in asylum proceedings are compatible with current scientific insights in legal psychology, for instance pertaining to

courts evaluating memories of past events;
- The position of adolescents/juveniles in (criminal) law. This theme has sufficient comparative weight (also in terms of accessible literature – e.g. the Dutch system has changed its justice system recently for adolescents, largely due to neuroscientific insights. There is now also first case law and empirical studies on how this change is applied by courts (or not).

MÉTHODOLOGIE

The course is offered online through a five-weeks period and organised in three modules. The first preparatory week provides a legally relevant introduction to the basics of brain structure, function, and current methods and limitations for measuring and modifying brain function. Participants are also introduced to some concepts and rules of criminal law, comparing the US common law with some European civil law jurisdictions, to allow them to better understand how the interaction between neuroscience and the law may differ from system to system. In the first module (week 2 and 3) participants explore how neuroscientific techniques may be used in law, with a particular focus on the insanity defence, violence and addiction. The second module (week 4) covers the topic of the coercive use of neurotechniques (ranging from lie-detection to brain stimulation) in the light of human rights. In the third module (week 5) participants explore how neuroscientific research may help us to inform some present and future policy challenges, such as the legal position of adolescents and young adults in criminal law.

The course will be delivered via UNITAR’s e-Learning platform. This pedagogical tool will help the student meet the course’s learning objectives through a self-paced study routine supported by multimedia, optional and required readings, discussion forums, assessment quizzes, and a wealth of other information.

e-Learning: The course is internet-based, moderated by senior international experts, asynchronous, and places emphasis on online discussions and self-paced learning. The participants will be primarily responsible for their own learning over the five-week span of the course. The course will consist of the following components:

- Compulsory and optional reading material, intended to teach the basic concepts and principles of the lesson's subject-matter;

- External links to additional books, articles, documents, and websites related to the lessons;
- Quizzes and case studies at the end of each module. To be eligible for the course certificate, a passing grade of 80% on both quizzes and case studies is required together with the submission of a short paper (max 1000 words);
- A Community Discussion Board will be available for participants to post questions or comments visible to the instructor and other participants. This discussion board will be moderated by the course director and UNITAR;

Estimated learning time: 50 hours approximately;

Participants will be eligible to receive a certificate after the successful completion of the course.

AUDIENCE VISÉE

Government officials, policy-makers, international civil servants, lawyers, judges, NGO representatives, academics, law students, private sector professionals in the field of international law and international organizations.

INFORMATIONS SUPPLÉMENTAIRES

The *Executive Diploma on Law & Neuroscience - A Comparative Approach is* implemented by *UNITAR* in collaboration with *The Center for Law, Brain & Behavior (CLBB)* at *Massachusetts General Hospital (MGH),* and *Maastricht University (MU),* with faculty affiliated with *Harvard Medical School, Harvard Law School, Stanford Medical School*.