

Table 5.2. Course Specification

Study Programme: Undergraduate Academic Studies - BA in Law (Hons)
Course Title: Medical Law
Teacher(s): Prof. Violeta Beširević, SJD, Assoc. Prof. Jelena Simić, SJD
Course Status: E (elective)
ECTScredits: 4
Condition: None
<p>Course aim: This course aims at providing students with understanding of the nature, sources and subjects of medical law. It explores the relationship between human rights law and public health, tackling the typical and the latest bioethical dilemmas in the context of human rights.</p>
<p>Course outcome: Learning outcomes include: analyzing public health problems from a human rights perspective and understanding how to apply international law in a domestic legal order.</p>
<p>Course contents:</p> <p><i>Lesson 1-2</i> Why study Medical Law? - Bioethics: Concept and basic questions; Religious bioethics; Secular bioethics; Is there a right to health? - Contents, problems in definition; Domains of constitutional protection, possibility of judicial protection; Comparative and international standards of the right to health protection.</p> <p><i>Lesson 3-4</i> Doctor-patient relationship: Ethical nature, Legal nature: Contractual relationship and consequences of such relationship; Paternalistic approach; Patient rights: Human dignity and the right to self-determination as sources of patients' rights; Legal regulation, international standards; Patient's consent to medical treatment; History; The right to self-determination as a source of consent; Information as a precondition for consent; Form; Emergency treatment; Physician's liability for violation of the patient's right to consent to medical treatment.</p> <p><i>Lesson 5-6</i> The catalogue of rights contained in the Law on Patients' Rights: Protection: The right to object; The right to compensation; Patients' Rights Protection Advisor; Obligation to maintain professional secrecy: Basic questions; The right to privacy; A legal obligation; Incapacitated patients; Deceased patients; Revealing a secret: Permissible legal bases; Protection in case of breach of obligation: Legal means.</p> <p><i>Lesson 7-8</i> Rights of persons with mental disorders; Patients' rights and interests of society in specific issues: AIDS; Infectious diseases; Smoking; Obesity.</p> <p><i>Lesson 9-10</i> Medical-legal aspects of transsexuality;</p> <p><i>Lesson 11-12</i> Medical error: Definition; Standards: Duty of care; Guilt; Liability for a medical error: Civil liability; Prenatal dilemmas; Liability for 'unwanted birth' and 'unwanted life'; Criminal liability; Misdemeanor liability; Disciplinary liability.</p>

Lesson 13-14

Medical error - Examples from case law

Lesson 15-16

KNOWLEDGE TEST 1

Lesson 17-18

Legal dilemmas about the beginning of life: Artificial insemination - Concept and types; Permissibility; Biobanks; Surrogacy; *In vitro* fertilization and embryo transfer (the case of Louise Brown); Legal protection of an *in vitro* embryo;

Case law of the European Court of Human Rights: *Evans v. UK*.

Lesson 19-20

Legal dilemmas about the beginning of life: Abortion - Legal status of the embryo; Women's right to privacy; Legal status of the father; Doctors' obligation and conscientious objection; Case law of the European Court of Human Rights: *Paton v. UK*, *R.H. against Norway*, *Boso v. Italy*, *Open Door Counseling and Dublin Well Woman v. Ireland* and *Tysic v. Poland*;

Legal dilemmas about the beginning of life: Therapeutic and reproductive cloning: Differences and similarities; Constitutional obstacles - the right to life, the right to human dignity and the right to security; International standards; Arguments in favor of reproductive cloning: The right to give birth and the right to equality; Therapeutic cloning and the right to scientific research; Clones' rights: are there any?

Lesson 21-22

Organ transplantation and donation: Organs as a limited resource; Taking body parts from living donors; Taking body parts from deceased donors; Xenotransplantation; Ban on trafficking in human organs; A single network for organ allocation and the rule of rescue; The moment of death; Brain and heart death; New tendencies in defining the moment of death;

Legal dilemmas at the end of life: Euthanasia - Forms and permissibility, comparative review; Dying patients, legally incompetent patients, 'curable' patients; Euthanasia as a reason for excluding criminal liability; Euthanasia as a human right; Euthanasia and the right to freedom of religion;

Case law of the European Court of Human Rights: *Pretty v. UK*, *Glass v. UK*, *Koch v. Germany*.

Lesson 23-24

KNOWLEDGE TEST 2

Coursebook(s) / Readings (in Serbian):**Required reading:**

Jakov Radiic, *Medicinsko pravo* (Beograd: Nomos, 2008)

Violeta Beirevic, *Bogovi su pali na teme: o ustavu i bioetici* (Anali Pravnog fakulteta u Beogradu, Beograd 2006, br. 2).

Violeta Beirevic, *Pravo na dostojanstvenu smrt*, (2008), Glasnik Advokatske komore Vojvodine, no. 12, str. 527-541.

Jelena Simic, „Nevinost bez zatite“ – *Jedno vienje Zakona o pravima pacijenata*, (2013) Pravni zapisi, no. 1, str. 145-168.

Jelena Simic, *Medicinskopravni aspekti transeksualnosti – u susret priznavanju pravnih posledica*, (2012), Pravni zapisi, no. 1, str. 299 -322.

Additional textbooks:

Jelena Simic, *Lekarska greka -graanska odgovornost zbog lekarske greke* (Beograd: PFUUB i Slubeni Glasnik, 2018)

No. of active teaching lessons: 2+0

Theory: 2

Practice: 0

Teaching methods:

Lectures, PPT presentations, class discussions, case study, film, class and individual consultation.

Grading (max. No. of points: 100)

Pre-examination obligations	Points	Final examination	Points
Attendance	5		
In-class activity (during lessons)	15	Written exam	40
Out-of-class activity (additional, self-induced: writing texts, etc.)	-		
Practice lessons	-		
Progress tests	40		
Seminar papers	-		