Obligation of informed consent in Medical research

الالتزام بالتبصير والرضا في مجال التجارب الطبية

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DOES NOT have relevant financial interest in commercial products or services as defined by the ACCME.
The necessity of the existence of the obligation of informed consent in medical practice:

1- The Concept of informed consent

Provide patient with information that allow him to decide to undergo the medical procedure or not to take such decision
2- Basis of the obligation of informed consent:

- Medical contract as a basis for the obligation of informed consent
- The infallibility of human body
1- Obligation of informed consent in Medical research

- Basis for strict obligation of informed consent (distinction between clinical and non clinical experiments).
2- How to implement the obligation of informed consent:

- **Who** is liable to execute the obligation of informed consent
- To whom the obligation of informed consent should be performed
- **Content** of the obligation of informed consent
- **Language and form** of the obligation of informed consent
- The **burden of Proof** of the execution of the obligation of informed consent
The consent to be subject of the Medical experiment

- Freedom of acceptance to be under experiment
- Freedom of reversing the acceptance without any particular responsibility
- Acceptance of minors and incompetent persons
1- Civil Responsibility:
   - Responsibility of clinical experiments based on the assumption of mistake that could be reversed by the respondent
   - Responsibility of non clinical experiments based on the notion of prejudice

2- Compulsory insurance against liability arising from medical research

3- Disciplinary and criminal responsibility

ثلاثًا: الأثر المترتب على عدم تبصیر الخاضع للتجاربة والحصول على رضائه

1- المسؤولية المدنية
   - في التجارب العلاجية مسؤولية مبنية على خطاً مفترض يقبل إثبات العكس
   - في التجارب غير العلاجية
     مسؤولية مبنية على فكرة الضرر

2- التأمين الإجباري من المسؤولية الناشئة عن التجارب الطبية

3- المسؤولية التأديبية والجنائية