

## The Importance of Patient Rights in Medical Experiments

**Dr. Alta Ann Joseph**

Department of Pathological Anatomy, Samarkand State Medical University

**Abstract:** The article is devoted to the protection of patient rights during medical experiments. The need to develop the Law of the Republic of Uzbekistan "On Biomedical Research" is noted, with the inclusion of provisions on the protection of the rights and dignity of people who participate in biomedical research as subjects. Accordingly, this should be reflected in the educational process when teaching the subject of "Bioethics". In the future, in accordance with the Constitution of the country, state guarantees for the protection of human rights, dignity, autonomy and integrity during biomedical research should be ensured by a national law developed on the basis of the model Law of the Interparliamentary Assembly of the CIS States.

**Keywords:** patient, protection of rights, medical experiment.

**Introduction.** The topic of "Medical and biological research" is given a separate lesson in the subject of "Bioethics". During the lessons, it is noted that ethical expertise is necessary for their implementation; these are studies in which a person and (or) identifiable biological and genetic material of a person (blood, biological fluids, tissues, etc.) are included as a test subject for educational, scientific or scientific-practical purposes. The most common intravital medical and biological studies include clinical trials of drugs, as well as research of a scientific nature, for example, for the preparation of a dissertation or scientific publication. The most common posthumous medical and biological studies include the use of cadavers or cadaveric material in educational work and scientific research [1,2].

Currently, there is no special law in Uzbekistan establishing and protecting human rights in all types of medical and biological research. Only bioethical problems of clinical trials of drugs are regulated by law and regulation. In pursuance of the Law on Medicines, relevant rules for conducting clinical trials have been developed, the Regulation on the Ethics Committee and methodological recommendations on the procedure for their organization and work have been approved [3]. Only certain articles of the Law on the Protection of Citizens' Health ("Rights of Patients"), the Law on Scientific Activity, the Law on Burial and Funeral Services reflect some aspects of protecting the rights of subjects [4,5,6]. However, this does not express the holistic policy of the Republic of Uzbekistan on this issue.

For example, the articles of the Law on Science and Scientific Activity establish that "a research worker is obliged to carry out scientific activity without violating human rights and freedoms, without causing harm to the life and health of others." Unfortunately, this requirement of the law is not supported by departmental regulatory documents (ministerial orders, documents of the Higher Attestation Commission on planning and defending dissertations, etc.), which would determine the rules for conducting biomedical research and guarantee the observance of the rights of subjects. Bioethical examination of planned and ongoing scientific work in the Republic of Uzbekistan (including dissertations) is carried out by the Bioethics Committee. The motivation for conducting bioethical examination of scientific projects in our country are both

ethical considerations and the desire to ensure the rights of subjects.

Other countries and international organizations have developed and adopted not only laws, but also relevant regulatory documents on the protection of human rights and dignity in biomedical research [7,8,9]. Thus, in Russia in 2002, the Higher Attestation Commission made a decision on mandatory independent ethical examination of all medical dissertations defended in the clinical field. Recommendations "On the procedure for conducting biomedical research in humans" were also adopted.

The "Recommendations" state that "... when planning clinical research projects involving humans as a research subject, a candidate for an academic degree must strictly follow the normative and regulatory documentation of the Russian Ministry of Health, and also obtain written informed consent from individuals participating in the biomedical research or their legal representatives and approval for the research from an independent local ethics committee." Over two years (2006-2008), ethical review of more than 600 dissertations was conducted, and in 10% of cases, the Interuniversity Ethics Committee at the Association of Medical and Pharmaceutical Universities of the Russian Federation refused to approve the planned work. Academic councils of universities do not accept for approval dissertation topics that have not undergone ethical review.

The Interparliamentary Assembly of the CIS Member Nations adopted a model Law "On the Protection of Human Rights and Dignity in Biomedical Research in the CIS Member States", recommended to the parliaments of the member states of the Interparliamentary Assembly of the CIS for use in national legislation. However, in the Republic of Uzbekistan, no corresponding law and by-laws have been developed on its basis that would guarantee real protection of human rights and dignity [10].

The need to develop and adopt a Law on the Protection of Human Rights and Dignity in Biomedical Research in the Republic of Uzbekistan is determined by the following reasons:

1. Only on the basis of voluntary informed consent can a person become a participant in biomedical research, and his/her biological material can be used for scientific purposes.
2. The procedures for registration and conduct of the research will provide all possible guarantees of safety for the health and life of the subject.
3. The quality and safety of research will improve, since the Law will increase the responsibility of researchers and the protection of subjects. In the event of an unfavorable outcome of the research, the subject will be able to receive legal assistance and financial compensation.
4. The law will guarantee public control over the research conducted through the activities of ethics committees and the conduct of mandatory ethical review of planned research.
5. Information about the research conducted must be strictly confidential. The law will establish rules for publishing the results of the research in the open press - only works that have passed an ethical review may be permitted for publication.

**Conclusion.** Thus, it is necessary to develop a law of the Republic of Uzbekistan "On Biomedical Research", with the inclusion of provisions on the protection of the rights and dignity of people who participate in biomedical research as subjects. This should accordingly be reflected in the educational process when teaching the subject of "Bioethics". In the future, in accordance with the Constitution of the country, state guarantees for the protection of the rights, dignity, autonomy and integrity of a person when conducting biomedical research should be ensured by a national law developed on the basis of the model Law of the Interparliamentary Assembly of Member Nations of the CIS.

## References

1. Denisov S.D. On the protection of human rights and dignity in medical and biological research // Proceedings of the Republican scientific and practical conference with

international participation "Bioethics and modern problems of medical ethics and deontology", December 2, 2016, Vitebsk, Belarus. - P.121-124.

2. Shamov T.A. On the relationship between ethics, deontology, biomedical ethics and medical law // Upper Volga Medical Journal. - 2012. - V.10. issue. 3. [//http://medjournal.tvergma.ru/89/1/10-3-14.pdf](http://medjournal.tvergma.ru/89/1/10-3-14.pdf)
3. On Medicines and Pharmaceutical Activity: Law of the Republic of Uzbekistan dated April 25, 1997 № 415-I. <https://lex.uz/acts/2229>
4. On the Protection of Citizens' Health: Law of the Republic of Uzbekistan dated August 29, 1996 № 265 -I, <https://lex.uz/acts/41329>
5. On Burial and Funeral Services: Law of the Republic of Uzbekistan dated December 27, 2010 №LRU-276. [//https://www.lex.uz/docs/1721067](https://www.lex.uz/docs/1721067)
6. On Science and Scientific Activity: Law of the Republic of Uzbekistan dated October 29, 2019 № LRU-576 [//https://www.lex.uz/docs/4571492](https://www.lex.uz/docs/4571492)
7. Universal Declaration of Human Rights [Electronic resource]: adopted by resolution 217 A (III) of the UN General Assembly on December 10, 1948 – <http://www.un.org/en/documents/declaration/>
8. Conway P, Gawronski B. Deontological and utilitarian inclinations in moral decision making: A process dissociation approach. //J. Pers. Soc. Psychol. -2013. - №104. P. 216-35.
9. Eliens A. Ethical problems in intensive care unit admission and discharge decisions //Ned. Tijdschr. Evidence-BasedPrac. - 2016. - №14 (1). - P. 12-12
10. On the model law "On the protection of human rights and dignity in biomedical research in the CIS member states": Resolution of the Interparliamentary Assembly of the CIS Member States, November 18, 2005, № 26-10. <http://docs.cntd.ru/document/901984816>.