
Medical Experiments on Persons with Special Needs, A Comparative Study of Islamic Jurisprudence vs. Arab Laws: UAE Law as Case Study

Hamza Abed AL-Karim Hammad, M.A., Ph.D.*

ABSTRACT: This article is a comparative study of medical experiments on persons with special needs in Islamic jurisprudence and Arab laws; United Arab Emirates (UAE) law as case study. The current study adopts a comparative analytical and descriptive approach. The conclusion of this study points out that the Convention on the Rights of Persons with Special Needs, ratified by a number of Arab States, including the United Arab Emirates, approves conducting medical experiments on persons with special needs, subject to their free consent. As a result of ratifying this Convention, a number of special laws were enacted to be enforced in the United Arab Emirates. On the other hand, this issue is controversial from an Islamic jurisprudence point of view. One group of jurists permits conducting these experimentations if they are designed to treat the person involved, and prohibits such experimentations for scientific advancement. Other jurists permit conducting medical experimentations on persons with special needs, whether the purpose of such experimentations is treatment of

*Dr. Hamza Abed Al-Karim Hammad is a Visiting Professor at the Department of Sharia and Islamic Studies, Faculty of Law, University of the United Arab Emirates. He previously worked at the University of Malaya in Malaysia, and the Islamic Science University of Malaysia. Dr. Hammad holds a Master's Degree in Jurisprudence and its Principles (2004) from the Faculty of Sharia, University of Jordan, Amman, Jordan, and a Ph.D. degree in Islamic Jurisprudence and its Principles (2007) from the Faculty of Sharia, University of Jordan.

He has written a number of specialized papers in the medical field from jurisprudence and legal points of view, including *Euthanasia between Jurisprudence and Law*, *Chemical Skin Peeling*, and *Number of Milk Sucks Creating Prohibited Degree of Kinship in Jurisprudence, Medicine and Law*.

Address correspondence to: Department of Sharia and Islamic Studies, Faculty of Law, University of the United Arab Emirates, Postal Code: 15551, Al Ain, United Arab Emirates, Telephone Number: 00971504403702, Email: hamza041@yahoo.com

the disabled or achieving scientific advancement. The opinion of this group is consistent with the International Convention and the Arab laws in this respect. However, neither the Convention nor the Arab laws regulate this matter by specific and comprehensive conditions, as addressed by some contemporary scholars. It is recommended that the Convention and the Arab laws adopt these conditions. Additionally, the Convention does not state whether the experimentations may be conducted for the interest of the person with disability or for the purpose of scientific advancement. The text of the Convention is unclear and therefore requires further illumination.

Keywords: Medical experiments, persons with special needs, Islamic jurisprudence, Arab laws.

Ever since ancient times, humanity, guided by sound instinct, has realized the importance of care for persons with special needs. This concern was reflected in enacting international conventions, establishing global institutions, and holding conferences targeted as a whole towards committing special attention to persons with special needs of diverse segments; meet their special needs; facilitate their development; eliminate their sense of embarrassment; and integrate them into normal life and its productive circle. On the other hand, medical and biological experiments, including experimental and unprecedented surgeries; stem cells experiments; genetic engineering; and human genome, using the newly developed methods in medicine and biological surgery, are the most serious practices throughout human history to which human beings may be exposed to deliver advances in scientific therapy. There is no argument that medical experiments are of paramount importance to the continuation of human advancement in the medical field. Many medical discoveries were based on medical experiments. Indeed, experiments have an effective role in developing and discovering treatments for human beings. However, the nature of medical experiments poses major risks, including potential serious damage to human beings in general, and to persons with special needs in particular. Therefore, it is necessary to take human safety requirements into account, which may not be undermined or prejudiced.

Accordingly, this comparative study is concerned with the opinions on medical experiments on persons with special needs from the Islamic jurisprudence and Arab laws points of view; UAE law as case study. This study adopts comparative analytical and descriptive approach to describe and analyse this practice, and then conducts a comparative study of this practice from Islamic jurisprudence perspective on one hand, and the Arab laws on the other; UAE law as case study.

This article is centered around the following themes: First, the concept of disability under international conventions and Arab laws and its reality in the world. Second, the position of Arab laws; UAE law as case study, *vis-a-vis* medical experiments on persons

with special needs. And third, the position of Islamic jurisprudence *vis-a-vis* medical experiments on persons with special needs.

First, the Concept of Disability in International Conventions And Arab Laws and Its Reality in the Arab World

Article 1 of the *Convention on the Rights of Persons with Special Needs* defines the persons with special needs as those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.¹ On the other hand, the definition of persons with special needs adopted by the UAE legislature is in line with the concept of disability identified in the Convention. According to Article 1 of the Federal UAE Law No. 29 of 2006, as amended by Federal Law No. 14 of 2009, persons with special needs are persons with incapacity or failure of physical, sensory, mental, communicative, educational or psychological abilities, whether whole or partial, permanent or temporary, to the extent that reduces the possibility of meeting their ordinary requirements in the circumstances of their peers with no disabilities.²

The researcher observes that in this definition, the UAE lawmaker has combined medical and human rights approach to disability. This definition extends its protection to those with permanent and temporary disabilities based on the lawmaker's belief that they may be subjected to discrimination because of their disability. Furthermore, the lawmaker's concern to establish this new understanding of disability is demonstrated by dedicating Chapter V of the Federal Law No. 14 of 2009 to ensure the right of the persons with disability to enjoy a qualified environment free of environmental constraints. The lawmaker has recognized that disability is not limited to physical dysfunction or sensory or mental impairment of the disabled person, but rather goes beyond to the surrounding environmental constraints as well as other constraints.³

On the other hand, the World Health Organization, in collaboration with the World Bank, has prepared the first *World Disability Report*, which was released on June 9, 2011. The report puts forward an extended definition of disability and increases the percentage of persons with special needs in the population to 14% and even 15%. This means that one billion persons can be classified as persons with special needs out of the total world population of seven billion.⁴

The author believes that this report compiles the best available information on disability for the purpose of improving the lives of persons with special needs, and

¹ *Convention on the Rights of Persons with Special Needs*, United Nations, § 1. - *Rights of Persons with Special Needs*, §1, Emirate of Abu Dhabi, Judicial Department, First Edition, 2011, p. 12.

² *The Initial Report of the United Arab Emirates on the International Convention on the Rights of Persons with Special Needs*, p 19; *Rights of Persons with Special Needs*, § 1, Judicial Department, Emirate of Abu Dhabi, First Edition, 2011, p. 12.

³ *The Initial Report of the United Arab Emirates on the International Convention on the Rights of Persons with Special Needs*, p 20.

⁴ World Health Organization, *World Report on Disability*, at http://www.who.int/disabilities/world_report/2011/report/en/ (last visited May. 15, 2014).

facilitating the enforcement of the Convention. The report also proposes steps that can be taken by all parties concerned, e.g. governments, civil society organizations, and organizations of persons with special needs, in order to develop rehabilitation services and support; ensure adequate social protection; launch comprehensive policies and programs; and promote new and existing standards and legislation, all for the benefit of the persons with special needs and the community at large. In any case, persons with special needs should be at the very heart of these endeavours.

According to the Global Health Survey, 785 million people (15.6%) of those aged 15 or above live with some form of disability. On the other hand, the *Global Burden of Disease Report* refers to 975 million people (19.4%), 110 million people (2.2%) of whom suffer from extreme difficulties in performing functions, according to the World Health Survey estimates, while 190 million people (3.8%) are considered to have “severe disability” (this term is used for conditions such as Tetraplegia, severe depression, or blindness) according to the *Global Burden of Disease Report*.

The *Global Burden of Disease Report* is the first to refer to disability that affects children aged 0 to 14 years. The report estimates indicate that 95 million children (5.1%) have disabilities, 13 million (0.7%) of whom have severe disabilities. According to the report authors, there are more than one billion persons with special needs, or about 15% of the world’s population, based on 2010 world population estimates. This percentage is higher than the previous estimates of the World Health Organization amounting to 10%, which date back to the seventies.⁵

Second, the Position of Arab Laws; UAE Law as Case Study, vis-a-vis Medical Experiments on Persons with Special Needs

On December 13, 2006, the United Nations formally endorsed the *Convention on the Rights of Persons with Special Needs*, the first human rights convention of the twenty-first century. The *Convention* aims to protect and promote the rights of and opportunities available to people with special needs and disabilities in the world. Hence, the countries that have signed the *Convention* are required to abide by the national laws and dispose of the old ones. Under the *Convention*, persons with special needs are granted, *inter alia*, equal rights to education, employment, and cultural life; the right to ownership and inheritance of various properties; and the right not to be discriminated against in terms of marriage and children, and not to become entities divested of free will in medical experiments. Article 15 of the *Convention* provides as follows: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.”

⁵ Arab Organization of Disabled Persons on the Internet: *First Global Report on Disability*, at http://www.aodp-lb.net/_report.php?events_id=55 (last visited Mar. 15, 2014); World Health Organization, *World Report on Disability*, at http://www.who.int/disabilities/world_report/2011/report/en/ (last visited May. 15, 2014).

The *Convention* has been ratified by many countries of the world, including the Arab States. Yet, the question is what is the impact of this *Convention* on the laws of the State Parties? In this article, the author seeks to analyze the impact of ratifying this *Convention* on the laws of the countries: UAE law as case study.

First of all, since its establishment on December 2, 1971, the United Arab Emirates has dedicated considerable attention and concern to the issue of disability. This is based on the grounds that persons with special needs are an integral part of society and they have similar rights and obligations to those of non-disabled members of the community. The United Arab Emirates, since its emergence, was keen that the basic principles of human rights, enshrined in the *Charter of the United Nations* and the *Universal Declaration of Human Rights*, are incorporated in its constitution and laws. In addition, the UAE has acceded to and ratified various international conventions on fundamental human rights, including the *International Convention on the Elimination of All forms of Racial Discrimination* (1974), the *Convention on the Rights of the Child* (1997), the *Convention on the Elimination of All forms of Discrimination against Women* (2004), the *Convention on the Rights of Persons with Special Needs* (2010), the *Convention against Torture* (2012), the *Convention against Transnational Organized Crime* (2007), and its supplementary *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2009). The UAE also has acceded to the *Arab Charter on Human Rights*, the *Cairo Declaration on Human Rights in Islam*, and Geneva conventions on international humanitarian law. In addition, it has ratified nine of ILO Conventions on working hours; forced labour; labour inspection; night work for women; equal pay; minimum labour age; and the worst forms of child labour.⁶

The author concludes that the attention dedicated by the UAE to persons with special needs is represented in the enactment of laws, legislation, and resolutions that safeguard the rights of this group of community members. The author believes that the UAE was concerned with persons with special needs even before the enactment of the *Convention on the Rights of Persons with Special Needs*. This concern is evident in the statutes, laws, and ministerial resolutions that aim to protect the welfare of this group of community members, and which have culminated in promulgating the Federal Law No. 29 of 2006 on the Rights of Persons with special needs. This law recognizes a wide range of rights for persons with special needs, and identifies the obligations of the State ministries, institutions, and bodies towards this community segment. Signing the *Convention on the Rights of Persons with Special Needs* and its supplementary Protocol on 12/2/2008 confirms the UAE commitment to these rights.⁷

⁶ *The Initial Report of the United Arab Emirates on the International Convention on the Rights of Persons with special needs*, p 18.

⁷ At the informal level, the objectives of Emirates Human Rights Association include raising awareness among individuals, including persons with disability, and identifying their rights and duties towards the community as well as the State's rights and duties towards them. The Association operates within the limits of the law, in cooperation with governmental and civil bodies inside or abroad the State, towards achieving its objectives. It further consolidates the principles of respect for individual rights, including persons with disability, eliminating any violations which they might be exposed to, and maintaining equality between

On the other hand, the UAE ratification of the *Convention on the Rights of Persons with Special Needs* affirms its commitment to ensuring the protection of the personal safety of persons with special needs, in accordance with Article 17 of the Convention, which stipulates that every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others. This right is warranted through the prohibition of using persons with special needs in medical experimentations without his/her consent or the consent of his/her guardian or his/her legal representative.⁸

The author is of the opinion that this fact is clearly reflected in the Federal Law No. 10 of 2008 on Medical Liability,⁹ including Article No. (4), paragraph (4), which states that the medical practitioner, in particular, is required to inform the patient about the nature and seriousness of his/her illness, unless his/her interest requires otherwise, or his/her mental state does not tolerate informing him/her in person. The family of the patient should be notified in the following two cases: If the patient is a minor or incapacitated, or if the health condition of the patient does not tolerate informing him/her in person and it is impossible to obtain the approval of the patient to inform his/her family. Article 7 provides that except for emergencies, which require an immediate surgery to save the patient or fetus life, surgeries may not be performed unless certain conditions are met. Among these conditions are obtaining the written consent of the patient, if the patient has full capacity, or the consent of his/her relatives up to the fourth degree, if the patient lacks competence, or if it was impossible to obtain the patient's consent, on performing the surgery or any other necessary surgery, and afterward explaining to the patient the effects and potential medical complications that might arise from the surgery.

In addition, Article 8 provides that patients are not allowed to be discharged from a health care facility where they receive treatment, unless their health condition allows discharging them according to the common medical principles or based upon their desire to be discharged, despite being informed of the relevant consequences. A written acknowledgement should be signed by the patients or one of their relatives up to the second degree, if the patients lack competence, or their approval was not possible to be obtained. This acknowledgement should be documented in the patient's medical record.

Finally, Article 10 prohibits conducting medical research or experiments on human beings without obtaining a license from the authority specified in the executive regulation, and upon satisfaction of the conditions to be determined by the regulation.¹⁰

On the other hand, a free human being is entitled to rights to his body, which may not be compromised without his consent. Any infringement upon the freedom of the patient or his rights to his body, even if motivated by the interest of the patient, will

community members and non-discrimination based on religious and intellectual beliefs, colour, and race. See Emirates Human Rights Association, <http://www.ehrauae.ae/arabic/index.php> (last visited May. 15, 2014)

⁸ *The Initial Report of the United Arab Emirates on the International Convention on the Rights of Persons with special needs*, pp. 36-37.

⁹ Federal Law of the United Arab Emirates No. 10 of 2008 on Medical Liability, § 4; 7; 8; and 10.

¹⁰ *The Initial Report of the United Arab Emirates on the International Convention on the Rights of Persons with Special Needs*, pp. 36-37.

make the responsible party liable, if this party could have obtained the consent of the patient. The consent is defined as the patient's descent of the immunity established by law for his body. When this consent exists, the medical work is no longer considered as infringement upon the right to be protected by law and the physician's act is considered permissible rather than criminalized. This was decided by the UAE Federal Penal Code which provides for the special conditions that should be satisfied for exercising the right to medication and surgery, including conducting these acts with the explicit or implicit consent of the patient or his legal representative.¹¹

Third, the Position of Islamic Jurisprudence *vis-a-vis* Medical Experiments on Persons with Special Needs

To start with, scientific research and medical experiments on human beings have brought about the need to strike balance between the requirements of modern biology in the fields of medicine, surgery, and empirical scientific research, and maintaining a minimum degree of respect due to the human body and preserving the human dignity of persons with Special Needs. This can only be guaranteed by drafting new "bioethical" legislation to determine the lawful, legal, ethical, and humanitarian controls governing scientific research and medical experiments on persons with special needs.

The author believes that jurisprudential controversy in this regard lies between the scholars' aspirations and the Islamic controls, which aim to maintain the interest and health of human beings, especially the disabled, and protect humanity from damage, harm, and misery. Scholars have concerns about the dark side of science, which is generated when sharp contrast is drawn between science and ethics. The protection of the human body is prescribed by the Islamic law and is sanctioned by Islamic jurisprudence within a framework of rights, guarantees, and Islamic and ethical precepts, which ought not to be violated by the modern medical and biotechnological revolution.

The author's study of the opinions of contemporary Islamic jurists revealed that the scholars have divided this issue into two parts. First, if the disabled person is infected with the disease in respect of which the experimentation is intended to be carried out, the medical experimentation may be conducted subject to the following conditions: the condition of the person should be deemed as incapable of improvement through the recognized treatment methods, and conducting the experiment should stand in the interest of the involved patient. In addition, the entity that will carry out the experiment should have the necessary scientific and ethical capacity, and should not have a reputation for risking people's lives to satisfy scientific desires. Moreover, the experiment should be conducted with the consent of the patient or the person in charge of the patient, after being expressly informed by the doctor of the potential benefit or harm that may arise from the experiment under consideration.

¹¹ See Abdul Ilah, Hamdi, *Medical Liability from a Legal Point of View*, (Paper Presented at the Second Arab Conference for Medical Liability, Dubai, 28-30/11/2012), p 14; and Abdel Aal, Medhat, *Nature of Physicians' Liability*, (Paper presented at the Second Arab Conference for Medical Liability, Dubai, 28-30/11/2012), p.1-2.

Second, if the disabled person is not infected with the disease for which the experimentation is intended to be carried out, most modern scholars have argued that it is not permissible to conduct the experiment in this case, on the grounds that God has honoured man, whether healthy or disabled. Allah says: “وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ” “We have honoured the sons of Adam.”¹² Additionally, the scholars advocating this opinion rested on the principle of natural equality among people, whether disabled or not. According to these scholars, it is not lawful to subject the body of the disabled person to risk and experiments, the benefits of which are unrealized generally, as opposed to conducting these experiments on the patient in order to find cure for the disease in question. This does not prejudice the principle of equality among people, because the person in this case is subjected to these experiments due to his illness and the failure of treatment through the proven means or methods. These scholars also based their opinion on the principle of protecting the human body. Man is obliged to maintain the integrity of his body in order to remain able to perform his social role. Regulations are keen to safeguard mankind from anything that may affect their safety. Moreover, they argue that the medical experiments would often cause damage to the person concerned, and do not have any proven positive result. The purpose of these experiments, they note, is not to cure the person of an illness from which he suffers. These experiments are illegal, even if authorized by the person subjected to the experiment. The consent of the person is of no relevance, unless the experiment is carried out to protect his body or due to a necessity authorized by the legislature, which is not the case in this instance. The proponents of this view conclude their arguments by referring to the lack of necessity, affirming that there is no urgent need to conduct medical experiments on the disabled.¹³

Other contemporary Islamic scholars permit conducting medical experiments on the disabled, if these experiments are geared towards scientific advancement, subject to a number of conditions. Among these conditions are: obtaining the measured and enlightened approval of the person who will be subject to the research or experimentation, or the consent of his representative. This person should have the right to revoke his approval and bring the experimentation to an end at any stage upon his request. In addition, there should be a legitimate justification for undertaking the scientific research and medical experiments on human beings, which is the interest targeted by

¹² Quran, Al-Isra, verse 70.

¹³ Maabreh, Afaf Aiah, *Judgment on Conducting (Therapeutic) Medical Experiments on Human and Animal Subjects*, (Master Thesis, Yarmouk University, 2002), pp. 36-40; Al-Nafeesah, Abdul Rahman Hassan on the Internet: *Judgement on if the medical practitioner may perform tests on a patient treated by the same medical practitioner*, at <http://fiqh.islammessage.com/NewsDetails.aspx?id=7293> (last visited Mar. 15, 2014); Zeini, Mahmoud Mohamed, *Medical Practitioners' Responsibility for Compensatory Operations*, (Alexandria: Culture University Foundation, 1993), p 122; Qudah, Mustafa Ahmed, *Rights of Persons with Special Needs between the Law vs. Sharia*, (PhD Thesis, University of Dar Al-Hadith al-Husseiniya, Rabat, Kingdom of Morocco, 1992), p 43; Aref, Arif Ali, *The Legitimacy of Disposition of Human Organs*, (PhD Thesis, University of Baghdad, Iraq, 1991), p 335; and Abu Al-Ashwaq, Abdul Ilah on the Internet: *Legitimacy and Legality of Science-Based Medical Experiments on Persons*, at <http://www.amanjordan.org/pages/openions/6123.html> (last visited Mar. 20, 2014).

the researcher or medical practitioner from conducting the treatment experiments for purely scientific purpose. The experiment in question should be preceded by adequate and serious laboratory and animal experiments, and the researcher should adhere to the religious, scientific and ethical rules governing medical practices in the course of experimenting on human beings, including the need to respect the principle of the physical entity of the patient. Furthermore, the expected or foreseen benefits should prevail over the potential risks caused by experimentation on humans, after obtaining the necessary administrative and government approvals. In addition, the control bodies in charge of the health regulation should be informed, and the rules and standards set forth in the relevant international agreements should be observed, including the *Declaration of Helsinki* (1964), as well as the *Declaration of Tokyo* (1975). Any hospital authorized to set up a centre for experimental medical research, including transfusion and transplantation of human organs, tissues or cells; unprecedented surgeries; and medical experiments on the disabled, should maintain insurance covering medical liability resulting from damage to the person involved in the scientific research or medical experimentation.¹⁴

This group of scholars note that the ethics of medical experimentations on the disabled should be emphasized. The medical practitioner or researcher, in conducting the research or the experiment, should be guided by the set of rules, conditions, customs and ethics regulating experimental research on human subjects, with the aim of protecting the life, body, and corpse of the person with disability. Utmost respect of the human being, whether alive or dead, should be maintained under the Islamic law. Accordingly, this requires exercising vigilance and caution; commitment to scientific seriousness; adequate prevention of risk; determining the physical framework of the experiment; and adherence to the scientific requirements of experimental research on human subjects. Therapeutic medical experiments are perceived as legitimate only if the benefits derived from such experiments outweigh the risks involved, and are carried out with the consent of the person subject of the therapeutic experimentation, and in conformity with the ethical and scientific principles, and the rules regulating the practice of experimental art.¹⁵

The medical experiments on human subjects should be undertaken by a highly qualified and competent physician, no less than a consultant in the relevant discipline, and should be assisted by adequately qualified medical team. Further, such scientific

¹⁴ See: Belhadj, Al-Arabi on the Internet: *Conditions for Experimental Science-Based Medical Research*, at <http://fiqh.islammessage.com/NewsDetails.aspx?id=6882> (last visited Mar. 20, 2014); *A law that allows medical experiments on human beings raises legitimate controversy*, at: <http://www.alwatan.com/graphics/2001/Dec/21.12/heads/ft9.htm>, (last visited Jul. 25, 2014); and Belhadj, Al-Arabi, *Experimental Scientific Medical Research Conditions*, at: <http://fiqh.islammessage.com/NewsDetails.aspx?id=6882>, (last visited Mar. 20, 2014).

¹⁵ See Al-Othman, Abdul Rahman Ibrahim, *Medical Experiments on Persons: A Comparative Jurisprudential Study*, (PhD Thesis, Imam Muhammad ibn Saud Islamic University, Kingdom of Saudi Arabia, 2010) 1432, p 129; and Saleh, Fawaz, *The Impact of Scientific Progress in Biomedicine on Patients' Rights: Comparative Legal Study* (Damascus University Journal of Economic and Legal Studies, 2009, Volume 25, Number 2), p. 400.

experiments should be conducted only in licensed hospitals that have the necessary medical specialties, the required expertise and capacity, and the requisite technical resources and supplies to conduct such pilot and unprecedented experiments. Over and above, these tests should be subject to constant scrutiny by the medical community in the state concerned.¹⁶

In the final analysis, the rights of the subject of scientific research or medical experiments should be respected; his physical and mental safety and human dignity should be protected; the health and safety of his organs and functions should be maintained; and the effects of the experimental operation on his physical and intellectual abilities should be kept to a minimum. It is not permissible for the medical practitioner or the researcher to impair the physical or mental safety of the person without his consent, or without authorization by the Islamic law. Moreover, the medical practitioner or researcher involved may not trade in or manipulate human organs, tissues or cells, contrary to the provisions of Islamic jurisprudence. Islamic law provides for the penal, civil, and disciplinary liability of physicians, surgeons, and researchers, if the experimentation is conducted without consent of the subject, without informing him of the full risks anticipated, or without informing the medical control bodies. In conclusion, any hospital authorized to set up a centre for scientific and medical research on human subjects is required to establish a medical ethics committee. The mandate of this committee would be to ensure the satisfaction of the legal, scientific, and ethical conditions for experimenting on human subjects, and that the highest degree of care for the human subject of research or medical experimentation is exercised and guaranteed.¹⁷

¹⁶ See Al-Othman, *supra* note 11, pp 109-110; Al-Fadhel, Munther, *Medical Experiment on the Human Body*, (*Kufa Legal and Political Science Journal*, 2010, Vol. 7), p 25; and Othman, Mohamed Raafat, *Use of Human Beings as Test Subjects in Experiments*, at: <http://www.onislam.net/arabic/ask-the-scholar/8358/8346/52350-2004-08-01%2017-37-04.html>, (last visited Jul. 25, 2014).

¹⁷ Othman, Mohamed Raafat on the Internet: *Using Human Beings as Subjects of Scientific Experiments*, at <http://www.onislam.net/arabic/ask-the-scholar/8358/8346/52350-2004-08-01%2017-37-04.html> (last visited Mar. 15, 2014); Al-Ghareeb, Mohamed Eid, *Medical or Scientific Experimentations and the Sanctity of the Human Body*, (no publisher, 1989 m), p 15; Al-Ghamdi, Khalid Abdullah, *Human Right to Health Safety in Law and Sharia: A Comparative Study of the State Conventions*, (Master Thesis, Naif Arab University for Security Sciences, Riyadh, 2007), pp. 175-177; Abu Matar, Nariman Wafeek, 2011, *Scientific Experiments on the Human Body: A Comparative Jurisprudential Study*, (Master Thesis, Islamic University of Gaza, 2011), pp. 85-86; Belhadj, Al-Arabi, *Provisions of Medical Experiments on Human Beings in Light of Sharia and Contemporary Medical Laws*, (Amman: Dar Al-Thaqafah, 2012), p 73.

Conclusion

The *Convention on the Rights of Persons with Special Needs* approves conducting medical experiments on the persons with special needs, subject to their free consent. The *Convention* was ratified by a number of Arab states, including the United Arab Emirates. The ratification of this *Convention* has given rise to enacting special laws in the United Arab Emirates.

On the other hand, there are differing views in Islamic jurisprudence as to this issue. Certain scholars permitted these experiments, on the proviso that such experiments are carried out for the treatment of the disabled, while they described them as forbidden if intended for scientific advancement. Other scholars permitted carrying out medical experiments on persons with special needs, whether aimed at the treatment of the disabled or delivering scientific advancement. The opinion of this group is consistent with the *International Convention* and Arab laws. However, the *Convention* and the Arab laws did not regulate this issue by definite and comprehensive conditions, as addressed by some contemporary jurists. It is recommended that the *Convention* and the Arab laws adopt these conditions. Additionally, the *Convention* does not state whether the experimentations may be conducted for the interest of the person with disability or for the purpose of scientific advancement. The text of the *Convention* is unclear and therefore requires further illumination.



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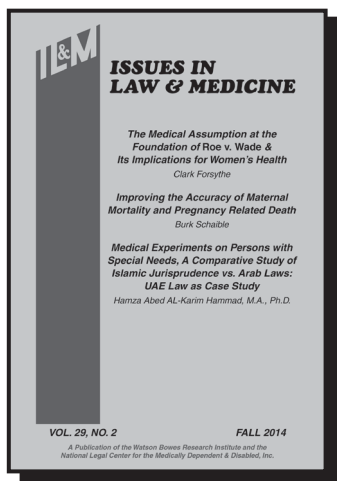
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