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PRACTICAL BIOETHICS ПРАКТИЧЕСКАЯ БИОЭТИКА

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MEDICAL LAW, BIOETHICS AND MULTICULTURALISM: POINTS FOR CLOSE COOPERATION OF UNESCO AND WAML

V.Y. Mammadova

*Leading scientific worker, Institute of Law and Human Rights,
National Academy of Sciences Baku, Azerbaijan,
vafa_mammadova12@mail.ru*

V.G. Mammadov

*Prof., Dr., Ph.D, M.D., J.D. Law faculty, Baku State University,
Baku, Azerbaijan, vumammadov@yahoo.com*

Medical Law and Bioethics are new scientific disciplines appeared in the end of the last century as response to the challenges and technological innovations coming to the human activities related with health and biology. To respond these challenges on the global level scientists and experts come together within different organizations on international level in attempt to find out possible suggestions and solutions, appropriate in the different parts of the world. World becomes smaller nowadays and international cooperation starts to play crucial role for future success. This increases role and importance of Multiculturalism as approach based on general and global human values with respect to the diverse cultural needs and particularities. World Association of Medical Law (WAML) was created in 1967 in Gent, Belgium with purpose to focus on multicultural issues in the field of Medical Law. UNESCO as one of the largest UN organizations is a key international organization in the field of science, education and culture, which declared Bioethics and Multiculturalism as own priorities. The first session of the General Conference of UNESCO took place in Paris in 1946. Despite WAML has indirect associate membership at UNESCO as non-governmental non-profit professional organization, in recent years cooperation of these two influential organizations has not been strongly seen. The 23rd WAML Congress in Baku, Azerbaijan in July 2017 was named “Medical Law, Bioethics and Multiculturalism” and brought together these international organizations.

Keywords: Medical Law, Health Law, Bioethics, Multiculturalism

МЕДИЦИНСКОЕ ПРАВО, БИОЭТИКА И МУЛЬТИКУЛЬТУРАЛИЗМ КАК СФЕРЫ ТЕСНОГО СОТРУДНИЧЕСТВА ВАМЛ И ЮНЕСКО

В.Я.Мамедова

*Ведущий научный сотрудник Института Права и Прав
Человека Национальной Академии Наук Азербайджана, Баку,
Азербайджан, vafa_mammadova12@mail.ru*

В.Г.Мамедов

*Доктор медицинских наук, юрист, профессор юридического
факультета Бакинского Государственного Университета,
Баку, Азербайджан, vumammadov@yahoo.com*

Медицинское право и биоэтика – это новые научные дисциплины, появившиеся в конце прошлого столетия как ответ на вызовы и технологические преобразования в сфере человеческой деятельности в областях медицины, здравоохранения и биологии. Для консолидации усилий ученых на глобальном уровне очень важным является совместное обсуждение актуальных проблем в рамках различных международных организаций в целях поиска общих решений и предложений, которые могли бы быть полезны в различных странах и во всем мире. Активное международное научное сотрудничество становится ключевым инструментом для успешного решения многих проблем в сегодняшнем быстро меняющемся мире, что актуализирует значение Мультикультурализма как платформы

уважения общечеловеческих ценностей совместно с особенностями различных культур. Всемирная Ассоциация Медицинского Права (ВАМП) была создана в 1967 году в Генте, Бельгия с целью подробного изучения мультикультуральных вопросов в области медицинского права. ЮНЕСКО – одна из самых больших организаций ООН и самая авторитетная международная организация в области науки, образования и культуры, провозгласившая биоэтику и мультикультурализм своими приоритетами деятельности. Первая сессия Генеральной Конференции ЮНЕСКО прошла в Париже в 1946 году. Несмотря на не прямое ассоциативное членство ВАМП в ЮНЕСКО в качестве неправительственной профессиональной международной организации, активного сотрудничества и взаимодействия между этими двумя организациями в последние годы не наблюдалось. 23-й конгресс ВАМП в Баку, Азербайджане в июле 2017 года под названием “Медицинское право, биоэтика и мультикультурализм” стал важной вехой для активного взаимодействия этих международных организаций.

Ключевые слова: Медицинское право, здравоохранительное право, биоэтика, мультикультурализм

World Association of Medical Law (WAML) was created in 1967 in Gent, Belgium by group of dedicated professionals with purpose to focus on multicultural issues in the field of Medical Law. Honorary Founder of the WAML, professor of Law Faculty in Gent University Robert Dierkens has focused his researches on actual matters on the border of the law and medicine and found big support from leading forensic medical specialists. Ever since creation of association, its main purposes and objectives have been:

- to encourage the study and discussion of problems concerning health law, legal medicine and ethics, and their possible solution in ways that are beneficial to humanity and advancement of human rights;
- to promote the study of the consequences in jurisprudence, legislation and ethics of developments in medicine, health care and related sciences, and
- to address any matters that involve issues of health law or legal medicine [1].

It is worth to mention that Forensic Medicine had a key role in creation and development of Medical Law on national and international level. In many other countries as in Belgium, Medical Law has been supported by leading forensic medical experts that gave it faster development and right direction because they have unique vision from both legal and medical perspectives.

The WAML makes arrangements for consultation and cooperation with international and national organizations and also sponsors institutes or centers concerned with particular areas of Medical Law or Health Law. The Association has been pursuing its purposes by,

inter alia, organizing a World Congress on Medical Law triennial, then at two-year intervals, encouraging regional congresses on Medical Law, supporting National Associations for Medical Law, and promoting their affiliation to the association. Starting from 2014, according to decision of Board of Governors, WAML is organizing now annual world congresses.

UNESCO is one of the largest United Nations organizations with focus on science, education and culture. UNESCO declared Bioethics and Multiculturalism as priorities. The Constitution of UNESCO was signed in London on 16 November 1945 by 37 countries and came into force on 4 November 1946 after ratification by twenty countries: Australia, Brazil, Canada, China, Czechoslovakia, Denmark, Dominican Republic, Egypt, France, Greece, India, Lebanon, Mexico, New Zealand, Norway, Saudi Arabia, South Africa, Turkey, United Kingdom and United States. The purpose of the Organization was defined as: “to contribute to peace and security by promoting collaboration among nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.” The first session of the General Conference of UNESCO took place in Paris in 1946 with the participation of representatives from 30 governments entitled to vote. Today, after more than 60 years of existence, UNESCO functions as a laboratory of ideas and a standard-setter to forge universal agreements on emerging ethical issues. The Organization also serves as a clearinghouse – for the dissemination and sharing of information and knowledge – while helping Member States to build their human and institutional capacities in diverse fields. For all of UNESCO's major areas of focus (Culture, Education, Natural Science, Social and Human Science, and Communication and Information), it is possible to trace the ideas on which UNESCO was based to the Organization's present activities [2].

From values and purposes of both organizations it is clearly seen that both are promoting international collaboration among nations through education and science in order to respect for justice, for the rule of law and for the human rights without any discrimination and respect to multicultural approaches. This is a good platform for

cooperation of WAML with UNESCO. This is why from 80-s of last century the WAML gets associate membership in Council For International Organizations of Medical Science (CIOMS). CIOMS is an international, non-governmental, non-profit organization established jointly by WHO (World Health Organization) and UNESCO in 1949 and represents a substantial proportion of the biomedical scientific community through its member organizations, which include many of the biomedical disciplines, national academies of sciences and medical research councils [3]. However, during last decade close collaboration of WAML neither with UNESCO or CIOMS and WHO has not been noticed until its 23rd World Medical Law Congress in Baku, Azerbaijan.

Azerbaijan is a country with about 10 million population situated at the eastern boarder of the Europe at the seaside of the biggest lake of the world - Caspian Sea, on the geographical crossroad of Europe and Asia, West and East, North and West. This is the middle of the different routes of the Great Silk Way connecting China with European countries. Historically this geographical crossroad turned into the crossroad of civilizations and different cultures and religions. So, both historically and geographically Azerbaijan has turned into the one of the global lands of Multiculturalism and Tolerance and continues this life style today. Different religions and nations live in this part of land for centuries. Year 2016 was year of Multiculturalism in our country announced by President of Azerbaijan Mr. Ilham Aliyev. Many International Humanitarian Forums, UN Inter-civilization Dialogue Alliance meetings, UNESCO International Bioethics Committee sessions have been implemented in Baku in recent years. Heydar Aliyev Foundation led by The First Vice-President of Azerbaijan, UNESCO and ISESCO Goodwill Ambassador M-me Mehriban Aliyeva pays much attention to science, health, humanitarian and social projects.

The 23rd WAML Congress was held in Baku during 9-13 July 2017 under the main theme “Medical Law, Bioethics and Multiculturalism” and had 3 subthemes:

- Bioethics and Medical Law Education
- Bioethics, Religion and Multiculturalism
- Challenges of Medical Law and Legal Medicine in the XXI Century.

The Congress became an historical event both for WAML and Azerbaijan:

- 1/ this was a celebration of the 50th Golden, Anniversary of the Association
- 2/ this was for the first time in the 50 year history of the Association that the World Congress was held in this part of the post-soviet world: in the middle of Eurasia, at the Eastern edge of Europe and the cusp of Central Asia, where West meets East and North with South
- 3/ this was the first time, that specialists from CIS (Commonwealth of Independent States), Turkish speaking countries, Arab world, Middle East, and Central Asia had such a significant representation at a WAML congress. This stressed once again the role of Azerbaijan as the bridge between civilizations and religions, a unique place for multicultural dialogue. Multiculturalism, being one of the main objectives of WAML, is also one of the core objectives of the modern state policy of Azerbaijan.
- 4/ finally, this was historical first international scientific event on the World Congress level in Azerbaijan. For the first time world professionals of certain scientific fields selected Baku as the venue for their World Congress. Baku has hosted numerous big international scientific, cultural, political, humanitarian, and sport events in recent years, but never before, neither in the Soviet period or post-Soviet independence years, a World Scientific Congress.

380 leading specialists met together to exchange their experiences and knowledge in medical law, bioethics and legal medicine to start another 50-year history of WAML here. About 300 abstracts were collected and 235 of them from 50 countries were selected for the Program: Algeria, Australia, Azerbaijan, Bangladesh, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chili, China, Croatia, Czech Republic, France, Egypt, Ethiopia, Ghana, Hong Kong, Hungary, Italy, India, Indonesia, Iran, Iraq, Israel, Japan, Jordan, Kazakhstan, Macao, Malaysia, Netherlands, New Zealand, Nigeria, Oman, Pakistan, Peru, Poland, Portugal, Qatar, Russian Federation, Saudi Arabia, Slovenia, South Africa, Sudan, Tunisia, Turkey, UK, Ukraine, USA. The largest delegations of 10-48 participants were from Russian Federation, Azerbaijan, China, USA, Turkey, Israel, Saudi Arabia, Belgium, Indonesia and Kazakhstan. This was a unique and outstanding opportunity to bring together people working in the same disciplines who have never met

before. To achieve this target, the 23rd WCML was promoted at 6 National and International Conferences in China, Russia, Saudi Arabia and Kazakhstan during the October 2016 – March 2017 period:

- Silk Road Forensic Consortium Symposium at Xi'an Jiaotong University and Xi'an International Studies Universities in China;

- National Conference of Medical Law of Russian Federation and National Congress of Forensic Medicine in Moscow, Russia

- 2nd Saudi International Conference of Forensic Medicine and Sciences in Riyadh, Saudi Arabia

- 1st International Conference on Medical Law in Astana, Kazakhstan.

3 Scientific Committees (Honorary, International and Local), an Abstracts Review Committee and an Award Committee were formed. One of the world's foremost forensic scientists and founder of the Henry C. Lee Institutes of Forensic Science in USA and China, Prof. Henry Lee has become a key-note speaker and made an excellent talk "New Concepts in Criminal Investigation" at the opening ceremony. The second key-note speech "The Medieval Contribution of Arabs and Muslims in Forensic Medicine and Toxicology" was delivered by Dr. Suha Al-Fehaid from Saudi Arabia. In the Opening Ceremony, formal greeting and welcome from the Azerbaijan State was given to the Congress by Minister of Health of Azerbaijan, Prof. Oqtay Shiraliyev. Taking into account the great contributions of Mrs. Mehriban Aliyeva, The First Vice-President of Azerbaijan, UNESCO and ISESCO Goodwill Ambassador, and President of Heydar Aliyev Foundation into the development of Medical Law, Bioethics and Multiculturalism, WAML awarded Mrs. Mehriban Aliyeva the "WAML 50th GOLDEN ANNIVERSARY AWARD" and WAML Diploma to acknowledge her unique excellent achievements in these fields and recognition of enormous efforts invested in serving to promote multicultural dialogue between different religions and civilizations in order to enhance the spirit of tolerance and strengthen global peace and security. Mrs. Aliyeva is one of the first scientific researchers of the region on bioethical and medico-legal issues of Euthanasia and WAML holds in high esteem and strongly values her pioneering scientific results and involvement in the fields of health, science and education.

First time ever WAML

Congress was also endorsed by UNESCO. Assistant Director General of UNESCO, Head of Social and Human Sciences Sector, M-me Nada Al-Nashif wrote in her letter of the 2nd June 2017, addressed to the name of Prof. Thomas Noguchi, President of WAML "UNESCO attaches great importance to Bioethics and Multiculturalism, which are crucial to the achievement of our mandate. Therefore, we wish to express our appreciation and support for this Congress, which puts these matters at the core of the international debate". Three members of UNESCO International Bioethics Committee, who are Bioethics experts appointed by UNESCO Director General, representing Turkey, Iran and Oman have been attending Baku Congress and after congress reflected it to UNESCO in very positive way.

In general, post-congress survey organized by WAML administration revealed that 100 % of the respondents found scientific program fully met the stated objectives. Among responses to Question "What was the most important feature of this program for you?" the most were "emphasis on multiculturalism", "diversity of topics and papers presented", "discussion on a range of topics and learning the different perspectives from differing countries", "impressive multinational and multicultural event". Generally, organizing committee collected 148 positive feedbacks from the colleagues after their departure like:

"Baku Congress of 50th Golden Anniversary of WAML was a successful meeting. People enjoyed. This was beyond our expectations!" Prof. Thomas Noguchi, WAML President, University of Los Angeles, California, USA

"Baku Congress was a very important meeting for WAML to celebrate 50th Golden Anniversary. I want specially to underline that it was the first World Congress on the territory of the post-soviet world. So the largest delegation among 400 participants from 51 countries was the Russian delegation with about 50 people. Azerbaijan does a lot for development of multiculturalism so the main theme of the congress was correctly selected. Program Chair made an outstanding job in building scientific program and organizing excellent event for all participants and guests. We enjoyed being in Baku, meeting our old friends and making new ones." Acad. Yuri Sergeev, Sechenov's First Moscow Medical University, Russia

"We enjoyed attending Baku 50th Golden

Anniversary WAML meeting. A long time ago, I made a talk at a WAML meeting and was pleased now to be invited and to make a presentation at the Opening Ceremony. This was a wonderful meeting; we enjoyed the Congress and the Country.” Prof. Henry Lee and Margaret Lee, University of New Heaven, Connecticut, USA

“...The conference was a tremendous success and it received National News media coverage. That speaks volumes alone... ” Ken Berger, WAML SG, University of Toronto, Canada

“The attractive Country and venue made the 50th Golden Anniversary Meeting a big success.” Oren Asman, WAML EVP, Tel-Aviv University, Israel

“It was a very nice meeting you made at the bioethics conference in Baku. It was a great conference.” Prof. Atsun. Z. Guo, Chairman of IRB of China National Gene Bank, Chairman of BGI-IRB

“...The conference was fabulous and it was really so well organized as an event... We enjoyed a very good scientific program. Country is so beautiful and the people are so hospitable.” Prof. Osama Al Madani, Chief Forensic of the Ministry of Health, Dr. Manal Bamousa and Dr. Suha Al-Fehaid, Saudi Arabia

“Excellent job in planning and managing the recent World Association for Medical Law Meeting in Baku, Azerbaijan. Excelled all expectations, with excellent content, a well-organized agenda, enjoyable social program and excellent complementary tours in the Baku area. It was truly a wonderful educational experience. Bravo!!” Prof. William Hinnant, President of American College of Legal Medicine, USA

“Have enjoyed the excellent meeting.” Dr. Richard Wilbur, Chairman, American Medical Association, USA

“...This was fabulous, fabulous work to collect so many countries and participants.” Prof. Roy Beran, University of New South Wales, Australia

“ ... The WAML meeting was a great success.” Prof. John Conomy and Dr. Jill Mushkat-Conomy, University of Cleavland, USA

“...my compliments for the WAML 2017 conference! It was excellently organized and there were many interesting presentations...” Prof. Henriette Roscam Abbing, University of Maastricht, Netherlands

“Most successful and enjoyable Congress. It's been stimulating from an academic perspective, friendly

and welcoming and facilities were excellent. High standards of presentations with a good variety & the facilities are first class.” Prof. Melinda Truesdale, University of Melbourne, Australia

“Amazing Congress. We were very pleased to participate in excellent Congress which was an inspiring and very successful meeting. We had a great time and were very touched by warm hospitality.” Prof. Cemal and Prof. Ayse Guvercin, Dokuz Eylul University, Izmir, Turkey

“Everything was just so perfect and excellent. So memorable...Please use Baku standard in organizing future conferences as a yardstick...” Prof. Puteri Kassim, International Islamic University, Kuala Lumpur, Malaysia

“...thank you for great possibility to attend so interesting and successful event. Enormous work to make it of the highest level. It was well done and very professional. Thank you for invitation and support of Kazakhstan team” Svetlana Saukenova, Kazakhstan State of Law and Humanity Sciences, Astana, Kazakhstan [4].

In conclusion, synergy among international organizations with common purposes and objectives is important. We think UNESCO and WAML should cooperate more closely in the fields of Bioethics and Medical Law. Bioethical values and principles from 2005 UNESCO Universal Declaration on Bioethics and Human Rights will be better realized on international and national level if they will be framed properly in legal frameworks and find adequate attention from lawyers [5]. WAML as international organization covering all continents may be an excellent partner for UNESCO to provide legal support for bringing mentioned bioethical values and principles to the focus of the health lawyers and national legislations. From other side, close cooperation with such highly reputable organization like UNESCO brings much respect to WAML.

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ETHICAL PROBLEMS WHEN CONDUCTING HYGIENE STUDIES IN MODERN RUSSIA

N.I.Latishvskaya

MD, PhD, Professor, Head of the Department of General Hygiene and Ecology, Volgograd State Medical University, Volgograd, Russia, SI "Volgograd Medical Research Center", biosoc2008@yandex.ru

G.P. Guerusova

Md, Phd, Ass.Professor, Department of General Hygiene and Ecology, Volgograd State Medical University, Volgograd, Russia, biosoc2008@yandex.ru

T.I. Guba

PhD, Ass. Professor, Department of Foreign Languages with a Course of Latin, Volgograd State Medical University, Volgograd, Russia, tatianaguba2012@yandex.ru

M.D.Kovaleva

Phd, D.Sc. (sociology), professor, Department of General Hygiene and Ecology, Volgograd State Medical University, Volgograd, Russia, biosoc2008@yandex.ru

Ethical problems arising from hygiene research in modern Russia are considered in the article. Changes in socio-economic conditions in the country (emergence of enterprises of various forms of ownership, employer's disinterest in assessing working conditions and, in fact, development of measures for prevention of diseases, primacy of the concepts of «human rights» and «voluntary consent» in organization of hygienic research; sometimes the lack of interest of administrative structures in obtaining real indicators of the health status of those surveyed, which often entails the need to develop in accordance with the laws of the country and the introduction of activities that require organizational and additional material costs) was the reason for the formation of new approaches and new conditions for solving scientific problems in the system hygienist (researcher) - the tested (healthy person). The authors determine ethical problems that arise from conduct of sanitary-hygienic, physiological, sociological and mathematical methods in the real conditions of production and human activity. It is the lack of interest of the subject in the research and the possibility of effective belief in the necessity of the research because of insufficient level of education and motivation. And it is the reluctance of the employer to show the real situation due to the negative results of hygienic studies in the dynamics of health status and the identification of risk factors for health at work, educational establishment etc. The solution to these problems is based on informal communication with the subjects, its encouragement in the form of various bonuses and in the absence of official permissive document. The relevance of the discussion about the ethical principles of research in preventive medicine is argued in the article.

Key words: Hygienic research, modern socio-economic conditions in Russia, ethical problem in the hygienist (researcher) - the tested (healthy person) system, ethical problems arising from

the conduct in the real conditions of production and human activity, various bonuses in preventive medicine.

ЭТИЧЕСКИЕ ПРОБЛЕМЫ ПРИ ПРОВЕДЕНИИ ГИГИЕНИЧЕСКИХ ИССЛЕДОВАНИЙ В СОВРЕМЕННОЙ РОССИИ

Н.И.Латышевская

Д.м.н., профессор, зав каф.общей гигиены и экологии, профессор, ФГБОУ ВО «ВолгГМУ» Минздрава России, Волгоградский медицинский научный центр, г.Волгоград, biosoc2008@yandex.ru

Г.П.Герусова

к.м.н., доцент каф. общей гигиены и экологии, ФГБОУ ВО «ВолгГМУ» Минздрава России, г.Волгоград, biosoc2008@yandex.ru

Т.И.Губа

к.соц.н., доцент кафедры иностранных языков с курсом латинского языка, ФГБОУ ВО «ВолгГМУ» Минздрава России, г.Волгоград, tatianaguba2012@yandex.ru

Ковалева М.Д.

д.соц.н., профессор, кафедра общей гигиены и экологии, ФГБОУ ВО «ВолгГМУ» Минздрава России, г.Волгоград, biosoc2008@yandex.ru

В статье рассматриваются этические проблемы, возникающие при проведении научных гигиенических исследований в современной России. Изменение социально-экономических условий в стране (появление предприятий различных форм собственности, незаинтересованность работодателя в оценке условий труда и, соответственно, разработке мероприятий по профилактике заболеваний; главенство понятий «права человека» и «добровольное согласие» при организации гигиенических исследований; иногда отсутствие заинтересованности административных структур в получении реальных показателей состояния здоровья исследуемых, что зачастую влечет необходимость разработки в соответствии с законодательством страны и внедрения мероприятий, требующих организационных и дополнительных материальных затрат) явилось причиной формирования новых подходов и новых условий для решения научных задач в системе гигиенист (исследователь) – испытуемый (здоровый человек). Авторы определяют этические проблемы, возникающие при проведении? (применении?) санитарно-гигиенических, физиологических, социологических и математических методов в реальных условиях производства и жизнедеятельности человека. К ним относятся, например, отсутствие заинтересованности испытуемого в проведении того или иного исследования и, часто, возможности эффективного убеждения в необходимости проведения той или иной исследовательской процедуры в связи с недостаточным уровнем образованности и мотивированности. Часто это нежелание работодателя «выносить сор из избы» при получении по результатам гигиенических исследований негативных результатов в динамике состояния здоровья или при выявлении факторов риска здоровью работающих на производстве, в учреждениях образования и т.п. Решение этих проблем зачастую базируются на неформальном общении с испытуемым, его поощрением в виде бонусов различного характера и при отсутствии официальных разрешительных документов. В статье аргументируется актуальность дискуссии об этических принципах проведения научных исследований в профилактической медицине.

Ключевые слова: Гигиенические исследования, современные социально-экономические условия России, этические проблемы в системе «гигиенист (исследователь) – испытуемый (здоровый человек)», реальные условия производства и жизнедеятельности человека, поощрительные бонусы при выполнении гигиенических исследований.

Hygiene is the most important branch of preventive medicine, which focuses not on diseases or a