



W1-2-60-1-6

**JOMO KENYATTA UNIVERSITY OF AGRICULTURE AND TECHNOLOGY  
UNIVERSITY EXAMINATIONS 2019/2020  
YEAR I SEMESTER I EXAMINATION FOR THE DEGREE OF MASTER OF  
SCIENCE IN PUBLIC HEALTH**

**TPH 3113: LAW ETHICS AND HUMAN RIGHTS**

**DATE: FEBRUARY, 2020**

**TIME: 3 HOURS**

**INSTRUCTIONS: ANSWER ANY FOUR QUESTIONS**

**Question 1**

It is paramount that professionals are able to distinguish the convergence and divergence of legal requirements as set out in statute/legislation and ethics outlines in codes of conduct and good practice. Only then can they begin to critically explore the best way to resolve resulting conflict.

- Define law, ethics and Human Rights (3 mks)
- Distinguish between legal and ethical obligations. (12 mks)
- More often than not, what a professional/provider is required to do in order to act lawfully, is much the same as what he should do to behave ethically. Explain this statement (5 mks)
- However, there may be occasions when law and ethics appear to conflict, creating difficult situations for professionals/ providers and clients/ patients alike. Explain this statement (5 mks)

**Question 2**

There have been numerous unethical practices historically that have made significant scientific discoveries and shaped the development of ethics.

- Discuss the events that led to the 'Murder Act' of 1752 in England (5 mks)
- Explain the moral basis of human experimentation by Dr. Edward Jenner (5mks)
- Discuss the case of Dr. J Marion Sims (5 mks)
- Discuss 5 principles of the Nuremberg Code (10 mks)

**Question 3**

At Nanyuki hospital, Timothy 16, is suffering from a life-threatening illness and has been having seizures. His condition has deteriorated rapidly and because of his fragility, the doctors treating him have made a decision that artificial ventilation will not be given should

he suffer another seizure. Timothy's family who are deeply religious disagree with the doctor's opinions and fiercely oppose their decision.  
Provide a moral basis for the differing positions. (25mks).

#### Question 4

Obtaining Informed Consent is a key component of ethical research and requires that the patient or research participant be adequately informed about all aspects of the trial, which are important for the participant to make a decision and after studying all aspects of the trial the participant voluntarily confirms his or her willingness to participate in a particular clinical trial and significance of the research for advancement of medical knowledge and social welfare. This is not just a one-time requirement but a process. Discuss the basic elements of written consent process. (25 mks)

#### Question 5

Scientists are offering up to Sh48,000 to volunteers who agree to be infected with malaria. Researchers are investigating how some people manage to resist malaria; knowledge that can be used to create new vaccines and drugs against the disease. In the study is to be conducted in young men aged 18-24 within a prison in rural Kenya, researchers will be screening 2,000 volunteers to pick 200 suitable candidates to be injected with the malaria parasite. Successful volunteers are then injected with the malaria parasite and monitored as inpatients for 24 days. For every overnight stay each participant is paid Sh2,000 with a possible maximum of 24 night - totaling Sh48,000. In the study, participants will be monitored closely and those who develop malaria will be identified, treated, paid for the nights spent and then released. The concept of vulnerability has held a central place in research ethics guidance since its introduction in the United States Belmont Report in 1979.

- a. Who are vulnerable populations? (1 mks)
- b. Distinguish the categorical and contextual approaches of determining vulnerability (4 mks)
- c. Explain 5 different circumstances of vulnerability in this case (10 mks)
- d. What mechanisms must be established to ensure consent by the participants is acceptable? (10 mks)

#### Question 6

- a. Briefly describe the procedures of releasing confidential medical reports. (10mks)
- b. Give an account of the challenges of using electronic health records. (15mks)