

Ano Letivo 2019-20

Unidade Curricular Criminal Law: Specific Offenses

Cursos Mestrado em Direito Forense e Arbitragem
Área de especialização: Magistratura
Área de especialização: Advocacia (*)
1º Ciclo em Direito (*)

(*) Curso onde a unidade curricular é opcional

Unidade Orgânica Faculdade de Direito da Universidade Nova de Lisboa

Código da Unidade Curricular 28102

Línguas de Aprendizagem Português

Docente Responsável Athina Sachoulidou

DOCENTE	TOTAL HORAS DE CONTACTO (*)
Athina Sachoulidou	36

* Para turmas lecionadas conjuntamente, apenas é contabilizada a carga horária de uma delas.

ANO	PERÍODO DE FUNCIONAMENTO*	HORAS DE CONTACTO	HORAS TOTAIS DE TRABALHO	ECTS
1º	S	36TP	112	4

* A-Anual;S-Semestral;Q-Quadrimestral;T-Trimestral

Precedências recomendadas

Não aplicável

**Objetivos de aprendizagem
(conhecimentos, aptidões e
competências)**

After successfully completed this course, students will be able to:

1. identify concepts, terminology, sources and arenas of medical criminal law with regard to specific offences,
2. apply common concepts of criminal law in the field of medical criminal law,
3. make use of legislation and case law regulating health care services in general and criminal liability of health care services providers in particular,
4. and develop arguments on the intersection between criminal law, medical profession and bioethics.

Conteúdos programáticos

Week 1: 21 February 2020 : Introduction to Medical Law, and Medical Criminal Law with respect to specific offences

Week 2: 28 February 2020 : Consent to medical treatment (I): notion and different types of consent

*** There will be no class on 6 March 2020 ***

Week 3: 13 March 2020 : Consent to medical treatment (II): the function of consent in the field of criminal law

Week 4: 20 March 2020 : Criminal liability of health professionals on the ground of medical negligence (I): general part

Week 5: 27 March 2020 : Criminal liability of health professionals on the ground of medical negligence (II): violations against human life and bodily integrity

Week 6: 3 April 2020 : Criminal liability of health professionals on the ground of medical negligence (III): case law

Week 7: 17 April 2020 : Violations against confidentiality and privacy

Week 8: 24 April 2020 : Regulation of criminal liability in the field of medically assisted reproduction

Week 9: 8 May 2020 : Regulation of criminal liability in the field of transplantations

Week 10: 15 May 2020 : Regulation of criminal liability in the field of clinical trials

Week 11: 22 May 2020 : End-of-life decision-making: assisted dying, euthanasia and advance directives

Week 12: 29 May 2020 : Medicalizing Crime vs. Criminalizing Health? Final remarks

Demonstração da coerência dos conteúdos programáticos com os objetivos de aprendizagem da unidade curricular

This course will provide an insight into specific offences, which pertain to the so-called *medical criminal law* in terms of a multidisciplinary field of criminal law studies. More specifically, it aims to introduce the participants to the central issues that arise in the field of health care with respect to criminal liability of natural persons by highlighting the concepts of liability being common in criminal law in general and medical criminal law in particular (see *1st and 2nd expected learning outcomes*: 'identify concepts, terminology, sources and arenas of medical criminal law with regard to specific offences' and 'apply common concepts of criminal law in the field of medical criminal law'). These include: the notion of **consent** to medical treatment, different types of consent and the function of consent within the context of criminal law; criminal liability of health professionals on the ground of medical **negligence** (including different forms of action to be discussed on the basis of specific cases); medical criminal liability arising from violations against confidentiality and privacy; the regulation of criminal liability in the field of medically assisted reproduction, transplantations and clinical trials; and end-of-life decision-making, including cases of assisted dying, euthanasia and advanced directives (see *3rd expected learning outcome*: 'make use of legislation and case law regulating health care services in general and criminal liability of health care services providers in particular'). All topics of discussion are chosen and designed to promote critical thinking with regard to criminal liability issues arising in different fields of medical practice and being related with its bioethical dimension, which becomes clear, for instance, in the field of medical research (see *4th expected outcome*: 'develop arguments on the intersection between criminal law, medical profession and bioethics').

Método de Ensino

The course will consist of short lectures and seminar-style discussion based on input provided in the form of a power point presentation. The teaching material will consist of both theories on medical criminal law with regard to specific offences, as well as of short cases related to criminal liability of natural persons in the same field.

This said, the students are expected to actively participate in the in-class discussion (including exercises solving), and work on readings to be made accessible before each meeting on the Moodle platform. The readings will include articles on medical criminal law and liability, court decisions, legal texts as well as short exercises.

The in-class time will also be used in order to discuss at the beginning of each meeting the *muddiest* point of the previous one, to answer any kind of questions, and to give thoughtful feedback both to the lecturer and the students.

Método de Avaliação

The assessment of students will proceed on the basis of a 3-hour written exam. Students will have to answer to both short and open questions, and solve exercises related to the previously described learning outcomes.

Bibliografia

- Alghrani A. (2013), *Bioethics, medicine, and the criminal law. Volume 1: The criminal law and bioethical conflict: walking the tightrope*, Cambridge; New York: Cambridge University Press
- Brazier M. (2013), *Bioethics, medicine, and the criminal law. Volume 3: Medicine and bioethics in the theatre of the criminal process*, Cambridge; New York: Cambridge University Press
- Erin C./Ost S. (2007), *The criminal justice system and health care*, New York: Oxford University Press
- Griffiths D./Sanders A. (2013), *Bioethics, medicine, and the criminal law. Volume 2: Medicine, crime, and society*, Cambridge; New York: Cambridge University Press
- Hoppe N./Miola J. (2014), *Medical law and medical ethics*, Cambridge: Cambridge University Press
- Jackson E. (2010), *Medical law: text, cases and materials*, Oxford: Oxford University Press
- Kirchhoffer D./Richards B. (2019), *Beyond Autonomy. Limits and Alternatives to Informed Consent in Research Ethics and Law*, Cambridge: Cambridge University Press
- MacLean A. (2009), *Autonomy, Informed Consent and Medical Law. A Relational Challenge*, Cambridge: Cambridge University Press
- Miller F. (2012), *Death, dying, and organ transplantation: reconstructing medical ethics at the end of life*, Oxford: Oxford University Press

Academic Year

2019-20

Course unit

Criminal Law: Specific Offenses

Courses

Master Degree in Law: Litigation and Arbitration

Área de especialização: Magistratura

Área de especialização: Advocacia (*)

First Cycle - Law (*)

(*) Curso onde a unidade curricular é opcional

Faculty / School

Faculdade de Direito da Universidade Nova de Lisboa

Language of instruction

Portuguese

Coordinating teacher

Athina Sachoulidou

Teaching staff	Hours (*)
Athina Sachoulidou	36

* For classes taught jointly, it is only accounted the workload of one.

YEAR	WORKING PERIOD*	CONTACT HOURS	FULL WORKING HOURS	ECTS
1º	S	36TP	112	4

* A-Annual;S-Biannual;Q/T-Quarterly

Prior knowledge and skills

Not Applicable

The students intended learning outcomes (knowledge, skills and competences)

After successfully completed this course, students will be able to:

1. identify concepts, terminology, sources and arenas of medical criminal law with regard to specific offences,
2. apply common concepts of criminal law in the field of medical criminal law,
3. make use of legislation and case law regulating health care services in general and criminal liability of health care services providers in particular,
4. and develop arguments on the intersection between criminal law, medical profession and bioethics.

Syllabus

Week 1: 21 February 2020 : Introduction to Medical Law, and Medical Criminal Law with respect to specific offences

Week 2: 28 February 2020 : Consent to medical treatment (I): notion and different types of consent

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Demonstration of the syllabus coherence with the curricular unit's learning objectives

This course will provide an insight into specific offences, which pertain to the so-called *medical criminal law* in terms of a multidisciplinary field of criminal law studies. More specifically, it aims to introduce the participants to the central issues that arise in the field of health care with respect to criminal liability of natural persons by highlighting the concepts of liability being common in criminal law in general and medical criminal law in particular (see *1st and 2nd expected learning outcomes*: 'identify concepts, terminology, sources and arenas of medical criminal law with regard to specific offences' and 'apply common concepts of criminal law in the field of medical criminal law'). These include: the notion of **consent** to medical treatment, different types of consent and the function of consent within the context of criminal law; criminal liability of health professionals on the ground of medical **negligence** (including different forms of action to be discussed on the basis of specific cases); medical criminal liability arising from violations against confidentiality and privacy; the regulation of criminal liability in the field of medically assisted reproduction, transplantations and clinical trials; and end-of-life decision-making, including cases of assisted dying, euthanasia and advanced directives (see *3rd expected learning outcome*: 'make use of legislation and case law regulating health care services in general and criminal liability of health care services providers in particular'). All topics of discussion are chosen and designed to promote critical thinking with regard to criminal liability issues arising in different fields of medical practice and being related with its bioethical dimension, which becomes clear, for instance, in the field of medical research (see 4th expected outcome: 'develop arguments on the intersection between criminal law, medical profession and bioethics').

Teaching methodologies

The course will consist of short lectures and seminar-style discussion based on input provided in the form of a power point presentation. The teaching material will consist of both theories on medical criminal law with regard to specific offences, as well as of short cases related to criminal liability of natural persons in the same field.

This said, the students are expected to actively participate in the in-class discussion (including exercises solving), and work on readings to be made accessible before each meeting on the Moodle platform. The readings will include articles on medical criminal law and liability, court decisions, legal texts as well as short exercises.

The in-class time will also be used in order to discuss at the beginning of each meeting the *muddiest* point of the previous one, to answer any kind of questions, and to give thoughtful feedback both to the lecturer and the students.

Teaching evaluation

The assessment of students will proceed on the basis of a 3-hour written exam. Students will have to answer to both short and open questions, and solve exercises related to the previously described learning outcomes.

Bibliography

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Inválido para efeito de certificação