



## Public Health System Applications On Medical Business

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#### ABSTRACT

In this article, we tried to analyze a sample of “Medical Works” as they are the most debated and controversial issue at this moment among Scientist, Doctors, Jurists, and clerics, and among us and others about their legality. Because the nature of doctors’ duties has changed and they become numerous and diversified due to the advancement achieved in the fields of Medicine and Biology.

Nowadays, an obstetrician is not only a doctor with specialist qualifications in delivering babies and providing medical care to women during pregnancy and after the birth , But he is also a doctor for Medical Abortion, both curative and non-curative, sterilization, transsexual, hymen reconstruction surgery, as he also performs Artificial Insemination, Embryo Implantation and other modern operations to control reproductive techniques.

The surgeon does nowadays a number of unusual surgeries, such as taking an Organ from a person’s body or from his Corpse to transplant it into another person’s body, or an Autopsy for research and educational purposes.

This is done in order to come up with some statistics that are related to the Situation of Morocco in terms of Human Organ Donation as well as the Legality of the Sterilization process in Morocco and Comparative Laws with other Countries. Its purpose is also to come up with some measures regarding the determination of the patients’ rights in Morocco, due to the absence of the law that explicitly protects this category, following the Right Approach of the International and Comparative systems.

**Keywords:** *Medical work, Abortion, sterilization, transsexual, hymen reconstruction surgery, obstrecrian*

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#### INTRODUCTION

The Moroccan legislation has specified a list of works that should be undertaken by doctors, surgeons, dentists and others within a general nomenclature [1]. The reason behind doing this classification is the assessment of services provided by doctors to patients who are the beneficiaries from Insurance System. In this case, it’s not expected of it to account all the works. That is done by doctors. Therefore, the works which have been mentioned above are just added in the light of the low. But, what is incontrovertible is that all the works mentioned in it do not raise any discussion in terms of their legality as long as the doctors have recognized them and have been adopted by the legislator, as well as insurance companies and sickness insurance organizations [2].

Therefore, Medical Works is no longer limited to the targeting treatment with surgery or medication and others, but, it also covers doing Cosmetic Operations. Some of these operations are medically necessary, and others are not, like transsexual surgery from male to female or vice versa, changing the body, as well as carrying out medical experiments on humans [3].

In the present paper, we are not going to shed light on the whole of the Modern medical business statistics in terms of its legality. But, we will focus on some of them in terms of its purpose and whether it is a treatment or not.

<sup>1</sup> -For more detail: Look at article I, Minister of Health Decision No. 177.06

<sup>2</sup> - Adryoush, A. The Medical Contract: Reflections on the Legal Problems Raised by the Relationship between the Doctor and his Client, Publications of the Legal Knowledge Series, Rabat Security Press, second edition, augmented and revised, 2015-2016, pp. 166.

<sup>3</sup> Adryush, A. The medical contract: Reflections on the Legal Problems Raised by the Relationship between the Doctor and his Client, Publications of the Legal Knowledge Series, Rabat Security Press, second edition, augmented and revised, pp. 123-124.

We will also discuss the legality or illegality of some medical works which have become a huge issue that affects right to life, and some non-curative medical work that clearly relates to the Moroccan public health system.

The importance of our topic is analyzing a sample of “Medical Works” as they are the most debated and controversial issue at this moment among Scientist, Doctors, Jurists, and clerics, and among us and others about their legality.

Because the nature of doctors’ duties has changed and they become numerous and diversified due to the advancement achieved in the fields of Medicine and Biology.

Nowadays, an obstetrician is not only a doctor with specialist qualifications in delivering babies and providing medical care to women during pregnancy and after the birth , But he is also a doctor for Medical Abortion, both curative and non-curative, sterilization, transsexual, hymen reconstruction surgery, as he also performs Artificial Insemination, Embryo Implantation and other modern operations to control reproductive techniques.

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For a better understanding of the topic, we propose the following problematic:

To what extent was the Moroccan legislation able to organize the public health system applications on Medical Business?

The main hypotheses underlying this research are namely:

- 1) The Moroccan legislation selects a group of Public health system applications on medical work affecting the right to life.
- 2) The Moroccan legislation selects a group of Public health system applications on medical work affecting the right to physical and mental integrity.
- 3) The Moroccan legislation selects a group of Public health system applications on medical work which is not really targeting treatment.

Given the nature of the topic, we opted for an 'Analytical Method' in order to analyze each important part of the subject matter, leading to some observations, conclusions and perceptions that we will try as much as possible to graft with some solutions to overcome the difficulties and obstacles surrounding the subject of the study. In addition to that, we are going to clarify the position of the Moroccan judiciary in the light of judicial jurisprudence on this subject.

We are also relying on the Comparative Approach, which will help us to compare between national medical jurisprudence and Judicial Jurisprudence issued by Moroccan courts with comparative laws in other countries.

The reasons that push up to choose this topic are mainly shedding light on this sensitive field through the clarification of public health system applications on medical business. This latter will help the patients know their rights and duties within the bounds of this unbalanced relationship.

The paper is divided into two parts. The first part will provide the Medical work affecting the human body. The second part will be devoted to a Medical business that does not target treatment.

## **I. The Medical work affecting the human body**

In this part, we are going to talk about a type of work that affects the human body.

### **1. Medical Works affect right to life**

We will see two types of works that affect right to life namely: Euthanasie and Abortion because they both touch Public Health System, Morals and Religion.

#### **a) Euthanasie:**

In spite of the development of science that helps man to control matter, this latter couldn’t control the soul, because it is from the commandment of Allah. Does a man have the right to demand death? Does he also have the right to end the life of a hopeless person? [4].

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<sup>4</sup> - Ashush, K. The Medical Contract, Homa House for Printing, Publishing and Distribution, Algeria, 2007, without mentioning the edition, pp. 122.

Is it ok for a doctor to take compassion on a patient to put an end to his life and his pain?

All of these questions push us to go further and study what is known as “Euthanasie” [5].

At the beginning of 1973, the first such case took place in Tunisia. A Tunisian girl was eighteen years old, and she was continuing her education in the final year of secondary school killed her two-year-old brother, who was paralyzed, and doctors were unable to cure him, by drowning him in a bowl full of water in their home. The Tunis Criminal Court convicted her to commit the crime murder intentional, the court passed judgment and sentenced her five years with extenuating circumstances. This case caused huge news among Tunisians public opinion. Some are for Euthanasie and others are against.

In Morocco and in Article 407 of Criminal Code is punished for the crime attempts at suicide, although, the judiciary did not record any facts of medical liability in particular and criminal responsibility in general. And concerning, what happened in Tunisia when a Tunisian girl killed her two-year-old brother; it had an impact in posing the problem with Moroccan jurists [6].

According to the Professor Fatoum Koudama as one of the ancients the Bar of lawyers in Rabat who says “We need to pay attention to this very important issue, because if we have not yet encountered a similar issue in our society, this does not mean that it pertains to certain societies or is linked to social data and special geographical borders, but rather it is a human phenomenon, Its events and facts have multiplied, and many societies have known it, and maybe one day we will be surprised by this kind of case” [7].

In Western “the right to life” has been a controversial issue. There are certain laws that explicitly allow doctors to shorten the lives of their patients under certain conditions, such as French law in Article 10-1110 L from Health Law. As well as in Dutch law that permits performing such medical work by means of a law published In 1993/02/03 with no more than 28 conditions [8].

## **b) Abortion:**

Abortion is illegal. It is a crime punishable in Article 449 in Criminal Law except into two cases:

### **1) Saving women's lives:**

Abortion in Morocco is illegal except to safeguard a woman’s life or health. Morocco has put some sexual and reproductive health policies into motion that are in line with the standards defined by the World Health Organization and the United Nations Population Fund, especially after the 1994 International Conference on Population and Development, but Morocco’s Penal Code continues to criminalize the practice [9].

According to Article 453 from Criminal Law, if it is proven that the continuation of the pregnancy situation until the time of delivery poses a danger to the mother, the doctor must abort her in order to preserve the health and safety of the mother [10].

### **2) therapeutic abortion**

According to Article 453 from Criminal Law, the obstetrician can conclude a medical contract for doing therapeutic abortion in return for its fees.

## **II. The Medical work affecting the right to physical and mental integrity:**

At this point, we will discuss three types of Medical work that affecting the right to physical and mental integrity, namely: Human Cloning, Human Organ Transplantation and Medical work affecting Mental Health.

### **1) Human Cloning:**

The International regular refused using Human Cloning technology. In a document issued by UNESCO called the Universal Declaration on the Human Genome and Human Rights, 186 countries as members of this International

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<sup>5</sup> - Ibid.

<sup>6</sup> - Ibid.

<sup>7</sup> - Naji, R. Euthanasia or Salvation, Postgraduate degree in private law, Rabat, 1987, pp. 56.

<sup>8</sup> - Harichaux Ramu, M. Juris classeur civil fascicule 440-2- Article 1382 to 1386, 1993, pp. 6.

<sup>9</sup> - An article written by *Irene Capelli and* entitled: “Non-marital Pregnancies and Unmarried Women’s Search for Illegal Abortion in Morocco”, December, 19, 2019. For more detail, see <https://www.hhrjournal.org/2019/12/non-marital-pregnancies-and-unmarried-womens-search-for-illegal-abortion-in-morocco/>.

<sup>10</sup> - See Chapter 453 of the Criminal Code.

Organization has approved to prevent the use of Human Cloning Technology. According to Article 11 of this declaration which says "practices contrary to human dignity, such as human reproductive cloning, shall not be permitted."

On January 2, 1998 the European Council approved an agreement of Protection of Human Rights and respect for human by emphasizing the need to prevent Human Cloning.

In this context, the United Nations conference that held in September 2001 considered that human cloning leads to the selection of embryos and the identification of male or female and their specifications, which may lead to disastrous consequences for humanity [11].

However, the French legislator was clearly against using Human Cloning. For the French Legislator, Human Cloning was considered as a crime against Humanity [12]. So, the French Legislator prevented human cloning in his public health law, whatever the goal behind it: whether it is therapeutic, industrial, commercial, or aimed at scientific research, then it took the initiative to issue a law on August 6, 2004 which punished the work of the reproductive cloning of human beings and the lack of Offspring thirty years in prison and a fine of 7 million five hundred thousand Euros [13] and if these acts are undertaken within the framework of an organized gang, the penalty shall be fixed to life imprisonment and the same fine as above [14].

In addition to that, The French legislator also criminalized the act of taking samples intended to be directed to the birth of a child who is genetically similar to another person, alive or dead, with ten years in prison and a fine of one hundred and fifty thousand Euros [15].

It also criminalized all forms of incitement to carry out cloning, whether through gift, threat, order, abuse of influence or authority, or through publicity, whatever the means used in that [16].

The French legislator also punished anyone who cloned embryos with the aim of their industrial or commercial exploitation with seven years in prison and a fine of 100,000 Euros [17], and it is the same punishment that was assigned to anyone who performs cloning for the purposes of scientific research or even for therapeutic purposes.

As for the Moroccan Legislator that adopted a special law aimed at Banning all human cloning works attuned with the global trend in this regard, as it is preparing to adopt Law No. 47.14 relating to medical assistance in procreation, which prohibits all forms of reproductive cloning and selection of offspring. But this technology does not include all practices associated with this work prohibited by all laws and regulations [18].

In this context, the Moroccan Legislator stressed the penalty for anyone who was tempted to commit any of the practices related to human reproductive cloning and anyone who did so will be punished with imprisonment from ten to twenty years and a fine of 500,000 to 1,000,000 dirhams [19] and it further follows the process of human cloning several risks [20].

## **2) Human Organ Transplantation:**

The history of the Moroccan Legislator concerning Human Organ Transplantation goes through three phases: The first phase: (starting from the Second World War to the mid-sixties of the last century) the corpse was the source of the organs;

The second phase :( since sixties) the human body has become a rich source of replacement organs;  
The third phase: is attempting to unify the legislative requirements regulating implant therapy, where these attempts began at the regional level in the mid-eighties of the last century, then the attempts of world health organization (W. H. O) in the beginning of nineties.

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<sup>11</sup> - Aqroro,S. The criminal responsibility of doctors in light of modern scientific development, a comparative study, publication and distribution of Somadil, Casablanca, first edition, 2015, pp. 406.

<sup>12</sup> - Ibid.

<sup>13</sup> - Ibid.

<sup>14</sup> - Ibid.

<sup>15</sup> - Ibid.

<sup>16</sup> - Ibid.

<sup>17</sup> - Ibid.

<sup>18</sup> - Ibid.

<sup>19</sup> - See Article 40 of Draft Law No. 47.14 on medical assistance in procreation.

<sup>20</sup> - Ibid.

In Morocco, The regulation of organ donation has been passed with the Law no. 16- 98 on the donation, removal, and transplantation of organs and tissues promulgated on September 16, 1999, which authorizes the removal for the benefit of the recipients under two conditions: the donation must be free and the aim must be therapeutic [21].

### 3) **Medical Work affecting Mental Health.**

The most important Medical Work affecting Mental Health are those represented in describing toxic substances and describing narcotic substances. These latter should be prohibited by a law.

Rather, the judiciary considered the contract that responds to these articles null and void due to the illegality of the place. But if it is necessary to take some of these substances, then pharmacists and doctors may prescribe them as a medicine or preparation for treatment or use them for surgical purposes, according to the legal and medical controls that have been codified by a legislator and stipulated since the Dahir of 2/12/1992 as it was changed and supplemented.

Thus, the work in itself is prohibited, and even criminalized according to explicit texts. But, it became legitimate due to the legitimacy of the reason behind it, which is treatment; Then, according to the law, the doctor can treat with narcotic substances either by prescribing them to the patient or by using them by himself in the treatment of a disease [22].

### **III. Medical business which is not targeting treatment.**

There are many works that are doing by doctors and which are not aimed to treatment, for example, Medical certificates, Plastic surgery , transgender, female circumcision ( is not a Moroccan habit), hymenoplasty surgery, the sterilisations and so on.

#### 1) **Plastic surgery:**

Plastic surgery is also known as Cosmetic Surgery Differentiate from curative surgery. The main goal of plastic surgery is to restore the function and appearance of tissue and skin; so it's as close to normal as possible.

Firstly, the judiciary took an attitude towards plastic surgery, since it was considered as a mistake if a person took a treatment as to beautify and the doctor bears all the damages that arise from the treatment. But, the development of Human thought, Scientific Progress and the desire of man and woman to search for the best have led the Judiciary to change its opinion concerning "Plastic Surgery" with respect the same principles of responsibility as surgical operations in general.

Also, Plastic Surgery is not done urgently, but rather it is done slowly and carefully by a doctor [23].

In this regard, the French courts have gone to consider the doctor's obligation in plastic surgery as closer to an obligation to achieve a result than to an obligation to take care [24].

However, the Moroccan judiciary has accepted the consideration of the dispute arising from a medical contract in which the doctor committed to beautify his client's nose, which was disfigured as a result of burns [25].

#### 2) **Transgender:**

Transgender is a concept which includes many ways that people's gender identities can be different from the sex they were assigned at birth. It is a process whose purpose is to change the sexual identity of the person who is subject to it, so that he turns from a man to a woman or vice versa.

Broadly speaking, changing people's gender identities impact in the civil identity of a person with legal effects that produce social problems such as marriage's problems, inheritance, changing names and so on [26].

The French legislator was against this phenomenon and limited the consequences of its results to two problems: The first one is the illegality of this medical intervention.

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<sup>21</sup> -Al-Ghasham Al-Shuaibi, A.The Medical Contract, Dar Al-Salaam for Printing, Publishing and Distribution,Rabat, first edition, 2016, pp. 81

<sup>22</sup> -Ibid.

<sup>23</sup> -Ibid.

<sup>24</sup> - Mansour, M. Medical Responsibility, Alexandria Knowledge Foundation, without mentioning the edition,2001, pp. 75

<sup>25</sup> -Ibid.

<sup>26</sup> -Ibid.

The second one is the problem of civil status and changing the name of the self- expressing person, and the resulting administrative problems [27].

And it issued various decisions refusing to legitimize the process of gender change due to its violation of public order and morals; However; the French Legislator recently has changed its opinion and it has allowed the area of sexual change to be somewhat expanded, in accordance with the principles of the freedom of personal life. In this context, the French Court of Cassation issued in 1999/12/11 a decision in which accepting the changing name in the civil status register of a person who has undergone a sex change operation on the basis of respect for personal freedoms [28].

This is view of Islamic jurists as applied the Court of Appeal in Tetouan, in the case of the Moroccan woman who demanded that her civil status be corrected from male to female after changing or correcting her gender [29].

It is an annul judgment that was overturned by the Court of Appeal of Tetouan, according to the request, based on the following reasoning:

“As the plaintiff’s lawsuit aims to issue a ruling to change his personal name from Muhammad Ghali Thoraya and attach his request with evidence and medical reports that he became obedient after he underwent a minor surgery; And since the court had previously issued a preliminary decision appointing two doctors to examine the person, they clarified in their joint report that his external structure was that of a woman and that after the surgery that was performed on him abroad, he had a reproductive system that appeared to be of the female type, and that from the physiological, psychological and behavioral aspects of the female type [30].

“And since after reviewing what the jurists of the Maliki school wrote in their books about what I know about the problematic hermaphrodite, it all relates to what he must do in terms of worship and transactions, without any of them referring to the intervention of surgical medicine to fix the condition of the problematic hermaphrodite, as in our case in this situation. But Imam Ibn Qudamah in his book “al-Mughnī (The Persuader)”, says “The problematic is when the hermaphrodite says, “I am a man,” he did not prevent him from marrying women, and he did not have the right to marry other than that after, and likewise if he had previously said “I am a woman,” he would only marry a man.” He also adds, according to Alkaraki “If he mentions that he is a man and that his nature is inclined to marrying women, then he may marry them, and if he mentions that he is a woman by nature inclined to men, marry a man... Then he said, he accepts his statement just as he accepts what a woman says during her menstruation and her period [31].

In his book “Islamic jurisprudence and its evidence” the Professor Wahbah Mustafa al-Zuhayli Part VIII on page 426 says “And the problem is one of the forms of his affairs, he did not know his masculinity from his femininity” he also adds “he appears to him with a beard and breasts at the same time, and often with the advancement of modern medicine, his problem is ended by performing an operation for him that leads to clarification of his matter.

Through medical reports and minor surgery that conducted on the person, his order became clear and classified in the female gender. Thus, it is necessary to authorize the annulment of the appealed judgment and sentencing to accept the request and the order to change the person’s personal name and make Thoraya instead of Muhammad and record this change in the civil registers [32].

This case that happened in Tetouan is the same in Tunisia, but the Court of Appeal in Tunisia adopted another judgment. A person whose name is Sami requests from jurisdictions to change his civil identity from male to female and to change his name from Sami to Samia. Indicating that he is originally male, but through days his masculine characteristics changed to feminine ones (the growth of the breasts, the growth of hair in the pubic naturally in a female form...). This forced him to undergo a sex change operation, supporting his request with evidence that he belongs to the female sex in an original and natural way. After that, he conducted a female genital organs operation. However, Court of Appeal in Tunisia refused to recognize his changing gender and his name’s from Sami to Samia [33].

### 3) The Sterilizations:

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<sup>27</sup> -Ibid.

<sup>28</sup> -Ibid.

<sup>29</sup> -Ibid.

<sup>30</sup> -Ibid.

<sup>31</sup> -Ibid.

<sup>32</sup> -Ibid.

<sup>33</sup> -Ibid.

The jurist Adel Abdel Ibrahim defined the Sterilizations as “The process by which the work or effectiveness of the genitals is permanently or temporarily stopped” [34].

The question that has been asked is the legality of the sterilization process and the purpose behind it. Another sense, sterilization is not a means of recovery, but rather it is the purpose of the contractors. So is sterilization suitable as a place for a medical treatment contract. In this context?. There are two trends:

- 1) This trend is against sterilization if it is not based on therapeutic. For this trend, sterilization is only necessary to save the patient's life. In this case, we find that The French judiciary supported this trend, as the Bordeaux court ruled to convict two doctors who were performing sterilization operations based on the consent of the person subject to it, and their actions were considered as beating and willful wounding. Consequently, their criminal responsibility was raised and every agreement between the auditors and these two doctors was nullified, because this act was in violation of the provisions of the Penal Code, according to the interpretation of the court [35].
- 2) This trend is different from the previous ones; as it legitimized some sterilization operations, even if it was not imposed by the necessity of saving the patient's life including that sterilization is permissible in the case of a desire to prevent the transmission of genetic mental diseases and sugar addiction or prevent the transmission of criminal traits. The Finnish legislator supported this trend in his criminal law issued on June 13, 1930 in force, and the Danish legislator also supported it in his criminal law issued on June 1, 1929 in force [36].

As well as the American legislator in 35 states, when Indiana passed the country's first sterilization law in 1907, it was motivated by the eugenic family studies of supposedly defective lineages, such as the Jukes and the Kallikaks, that were very much in vogue at the turn of the century [37]. More broadly, such legislation was part of a wave of Progressive Era public health activism that encompassed pure food, vaccination, and occupational safety acts. In 1909, driven by the desire to apply science to social problems, California passed the third sterilization bill in the nation [38]. Envisioned by F. W. Hatch, the secretary of the State Commission in Lunacy [sic] (renamed the Department of Institutions in 1921), this legislation granted the medical superintendents of asylums and prisons the authority to “asexualize” a patient or inmate if such action would improve his or her “physical, mental, or moral condition.

Therefore, the situation on these acts varies according to different laws and states, some of them are permissible, and some are not. But rather consider them a crime unless it is done for medical reasons specifically.

All over the world, there are some countries that are with compulsory sterilization process such as Germany (the law of 07-14-1933) and India. During the period of Indira Gandhi, there were sterilized 7 million Indians of Muslims and Buddhists.

In this regard, The World Health Organization report stated that “in countries that allow compulsory sterilization, there is a tendency to abolish its practice.” As for optional sterilization, it seems that there is a tendency to allow it under certain conditions that were settled by the deliberations of the Second International Conference on the subject in Geneva 1975 [39].

However, In Moroccan law, researchers define sterilization as a crime of beating and wounding (articles 402 and 403 of Criminal Law).

## CONCLUSION

“Medicine is an art whose magic and creative ability have long been recognized as residing in the interpersonal aspects of patient-physician relationship” [40].

Doctor has an obligation of means toward his patient, not an obligation of result. This means that he has to take appropriate steps available to make the right diagnosis, provide treatment and follow-up on his patient's progress. His mission is to defend human physical, mental health and alleviate his suffering while respecting the life of the individual and his human dignity.

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<sup>34</sup> -Ibid.

<sup>35</sup> -Ibid.

<sup>36</sup> -Ibid.

<sup>37</sup> - taken from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1449330/#r4/> in 2022/07/11 entitled: STERILIZED in the Name of Public Health: Race, Immigration, and Reproductive Control in Modern California. See more Nicole Hahn Rafter, White Trash: The Eugenic Family Studies, 1877–1919 (Boston: Northeastern University Press, 1988).

<sup>38</sup> - Ibid.

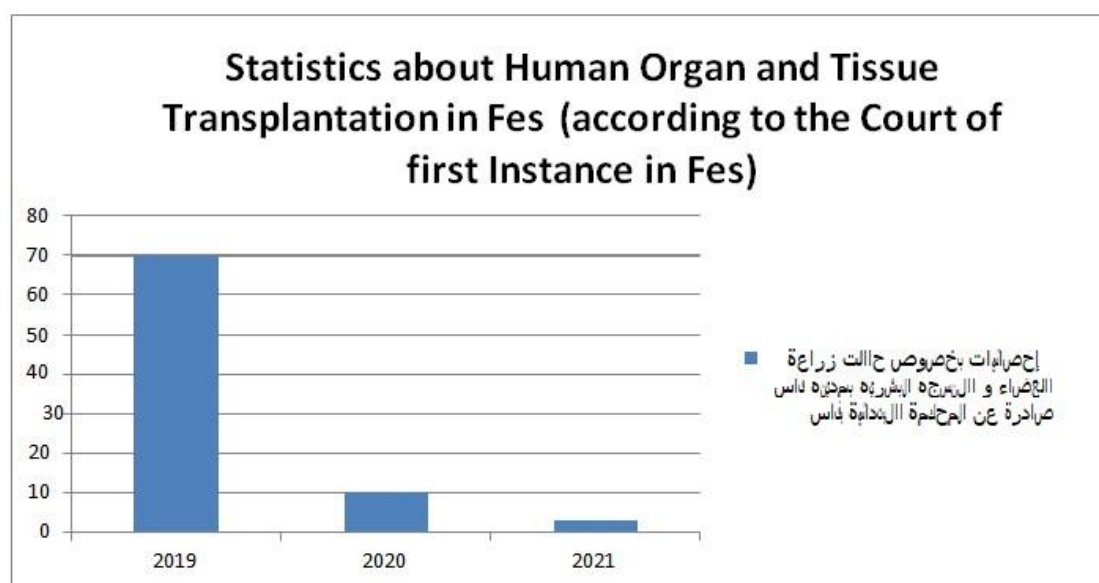
<sup>39</sup> - Ibid.

<sup>40</sup> - Hall J. A., Roter D. L., Rand C. S. Communication of affect between patient and physician. J Health Soc Behav. 1981. pp.22.

In this article, we sought to analyze a sample of “Medical Works” as they are the most debated and controversial issue at this moment among Scientist, Doctors, Jurists, clerics, and among us and others about their legality.

In brief, the study’s key findings are:

- We conclude that killing the patient in an act of compassion is out from the basic principle and the legitimate aim of medical work, which is treatment. On the basis of this act, our Islamic religion and morals forbid the doctor to engage in such act.
- We conclude that the human body is sacred; that is to say, the doctor should take this into consideration. His aim is therapeutic.
- We find that Moroccans are some of the least likely to donate, perhaps, this is due to the absence of religious scruples or they don’t know the important of donation on the one hand. On the other hand, there may be a lot of expenses that have to be done before this operation and this can be explained through the following statistics:



The most important suggestions reached through this article are as follows:

- We appeal to the Moroccan legislator for his concern for the rights of the patient and to follow the approach of other developed countries in terms of creating a special charter that respect the rights of the patient in our society.
- We appeal to the Moroccan legislator to set some points that can determine the rights of the patient in Morocco. These points can be presented as a future law. This latter can include the following points:
  - \* Every person has a right to health and medical care corresponding to his state of health.
  - \* A patient has the right to have a good quality care and high professional standards that are continually maintained and reviewed.
  - \* The patient must be treated by appropriately qualified and experienced staff.

The right of the patient is to ensure that the doctor monitors his health status.

- \* A patient has the right to know the names and the jobs of his or her caregivers. A patient also has the right to choose his/her doctor.
- \* The patient has the right to see all the information about his health from his doctor or in the hospital.
- \* The duty of the doctor is to respect the patient’s personality and dignity, and to ensure that he exercises his private life freely and independently in all stages of the disease.