

# SAJBL

South African Journal of Bioethics and Law

December 2012, Vol. 5 No. 2

## EDITORIAL

- 62 **Vulnerability exploited and a population betrayed**  
*A Dhai*

- 64 **The plight of Professor Karabas**  
*H H Lewis*

## FORUM

- 65 **Hospital exclusion clauses limiting liability for medical malpractice resulting in death or physical or psychological injury: What is the effect of the Consumer Protection Act?**  
*D McQuoid-Mason*

## ARTICLES

- 69 **Stem cell tourism in South Africa: The legal position**  
*S Mahomed, M Nöthling Slabbert*

- 74 **Human dignity and consent in research biobanking**  
*D G Kirchoffer, K Dierickx*

- 78 **The 'war on drugs' has failed: Is decriminalisation of drug use a solution to the problem in South Africa?**  
*R Fellingham, A Dhai, Y Guidozi, J Gardner*

- 83 **In defence of Helsinki and human rights**  
*A Plomer*

- 87 **FDA abandons the Declaration of Helsinki: The effect on the ethics of clinical trial conduct in South Africa and other developing countries**  
*L J Burgess, D Pretorius*

- 91 **Compensation for research-related injury in South Africa: A critique of the good clinical practice (GCP) guidelines**  
*C Slack, P Singh, A Strode, Z Essack*

- 95 **Are students being coerced into HIV testing? Ethical considerations related to offering incentives for HIV counselling and testing at tertiary institutions in South Africa**  
*D Cameron, H van der Merwe*

- 98 **Discharge against medical advice: Ethico-legal implications from an African perspective**  
*J O Fadare, A C Jemilohun*

- 102 **Conflict of interest: A tenacious ethical dilemma in public health policy, not only in clinical practice/research**  
*L London, R Matzopoulos, J Corrigan, J E Myers, A Maker, C D H Parry*

## EDUCATION AND TRAINING

- 109 **Bridging the gap: Focused, in-depth and practical short courses in bioethics and health law**  
*K Behrens*

- 110 **CPD QUESTIONNAIRE**

## Editor

Ames Dhai

## Co-Editor

David Mcquoid-Mason

## Editorial Board

J P De V Van Niekerk

Kevin Behrens

Willem Landman

Charles Ngwenya

Daniel Wikler

Alexandra Capron

Leslie London

Liz Gwyther

Mariana Kruger

Nhlanhla Mkhize

Peter Cleaton-Jones

## HMPG

### Editor

Janet Seggie

### Editor Emeritus

Daniel J Ncayiyana

### Managing Editor

J P De V Van Niekerk

### Deputy Editor

Bridget Farham

### Assistant Editor

Emma Buchanan

### Technical Editors

Marijke Maree

Robert Matzdorff

Melissa Raemaekers

Taryn Skikne

Paula Van Der Bijl

### Head Of Publishing

Robert Arendse

### Production Manager

Emma Couzens

### Art Director

Siobhan Tillemans

### Dtp & Design

Anelia du Plessis

Carl Sampson

### HMPG Board of Directors

M Raff (Chair)

R Abbas

M Lukhele

D J Ncayiyana

T Terblanche

M Veller

Issn 1999-7639