THE SOUTH AFRICAN JOURNAL OF BIOETHICS & LAW May 2016 Vol. 9 No. 1

CONTENTS

EDITORIAL

2 Medical negligence: Alternative claims resolution an answer to the epidemic? *A Dhai*

FORUM

- 4 May doctors refuse to treat rape survivors in order to avoid having to give evidence in court?

 D McOuoid-Mason
- 7 Mediation as an alternative solution to medical malpractice court claims N Claassen

ARTICLES

J B Gardner

- 11 Constitutional, legal and regulatory imperatives for the renewed care and prevention of congenital disorders in South Africa *H Malherbe, A L Christianson, C Aldous, M Christianson*
- 18 Respect for vulnerability is a human right: Article 8 of the UNESCO Declaration on Bioethics and Human Rights, and senior citizens in South Africa

 R Rheeder
- 22 Social media in the healthcare context: Ethical challenges and recommendations

 C Grobler, A Dhai
 - Should drinking during pregnancy be criminalised to prevent fetal alcohol spectrum disorder?
- 31 Client confidentiality: Perspectives of students in a healthcare training programme

 N Nortje, J de Jongh
- 35 But is this *really* the 'parent' or 'guardian'? Practical strategies for consent to child research in South Africa

 C.M. Slack, A.E. Strode
- 39 Ethical considerations in implementing a biometric co-enrolment prevention system in clinical trials in South Africa

 J Moodley, S Naidoo, N S Morar, V Govender, P Charls, G Ramjee
- **42** Contextualising the role of the gatekeeper in social science research *S Singh, D R Wassenaar*

BOOK REVIEW

- 47 Medical Ethics Today. The BMA's Handbook of Ethics and Law A Dhai
- 48 CPD

26

EDITOR Ames Dhai

CO-EDITOR
David McQuoid-Mason

EDITORIAL BOARD Kevin Behrens Alexandra Capron Peter Cleaton-Jones Liz Gwyther Mariana Kruger Willem Landman Leslie London Nhlanhla Mkhize Charles Ngwenya J P de V van Niekerk Daniel Wikler

HMPG

CEO AND PUBLISHER Hannah Kikaya Email:hannahk@hmpg.co.za

EXECUTIVE EDITOR Bridget Farham

MANAGING EDITORS Ingrid Nye Claudia Naidu

TECHNICAL EDITORS Emma Buchanan Paula van der Bijl Diane de Kock

PRODUCTION AND ADMINISTRATION MANAGER Emma Jane Couzens

DTP AND DESIGN Carl Sampson

CUSTOMER SERVICE AND ONLINE SUPPORT Gertrude Fani

FINANCE AND ADMINISTRATION Tshepiso Mokoena

HMPG BOARD OF DIRECTORS Prof. M Lukhele (Chair), Dr M R Abbas, Dr M J Grootboom, Mrs H Kikaya, Prof. E L Mazwai, Dr M Mbokota, Dr G Wolvaardt

ISSN 1999-7639

