

Pressemitteilung

Universität Luzern

Lukas Portmann

10.05.2024

<http://idw-online.de/de/news833382>

Forschungsprojekte
Medizin, Recht
überregional

UNIVERSITÄT
LUZERN

Cultural diversity in medical law

How can the healthcare system take proper account of the special needs of patients from different cultural backgrounds? This question is the focus of a project funded by the Swiss National Science Foundation (SNSF) and led by the Universities of Lucerne and Basel.

Swiss medical and healthcare law is based on the concept of self-determined and rationally acting patients. Once provided with the necessary information, patients autonomously decide whether to proceed with a medical procedure – in a sense on par with their physicians. Patients are expected to make the decision based on a critical assessment of the medical diagnosis and a careful weighing of potential treatment benefits against the risks and harms of treatment versus non-treatment. Similarly, as a precautionary measure, the patient determines the medical measures to be taken or omitted in the event of future incapacity.

New challenges

The understanding of human nature that underpins medical and healthcare law often diverges from reality. The new research project led by professors Regina E. Aebi-Müller, Bernhard Rütsche (both University of Lucerne) and Bijan Fateh-Moghadam (University of Basel) focuses on patients and their relatives whose values and needs related to medical care depart from the presumed rationality ingrained in our legal framework. Values and needs that at first glance may appear “irrational” or “unreasonable” may be socio-culturally shaped by the traditions and worldviews prevalent within the society of origin, religious beliefs, and other factors. Examples include reservations about certain medical products, metaphysical concepts about illness and death, or decision-making responsibilities within the family. Healthcare systems are confronted with these issues on a daily basis – and increasingly so due to global migration and the segmentation of values and lifestyles. Patients and their legal representatives who do not conform to the legal assumptions of rational decision-making are often highly vulnerable and at risk of discrimination.

The research project, with its three coordinated sub-projects, will examine from a civil, public, and criminal law perspective whether current medical and healthcare law takes sufficient account of the diversity of socio-cultural values and behaviours. It will also assess the degree to which improvements in medical practice or adjustments to the legal framework are warranted.

Project title: "Culturally sensitive medical law – legal challenges in dealing with socio-cultural diversity in healthcare"

Project lead: Prof. Regina E. Aebi-Müller und Prof. Bernhard Rütsche, Faculty of Law, University of Lucerne; Prof. Bijan Fateh-Moghadam (University of Basel)

Project collaborators: Dr Tanja Coskun-Ivanovic, postdoctoral researcher (University of Lucerne) as well as two doctoral students and one assistant (to be determined)

Project duration: July 2024 to June 2028

Total funding amount approved: approx. CHF 1,116,000

D