

In the Name of God, the Beneficent, the Merciful

**The Islamic Charter of Medical
and Health Ethics**

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Medical Behavior and Physician Rights and Duties

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The Islamic Charter of Medical and Health Ethics

(Part One: Medical Behavior and Physician Rights and Duties)

Chapter One

Physician Ethics

Article One:

A physician should be sincere in performing his work, enjoy high moral values, be grateful towards his teachers and trainers, and acknowledge the efforts of others. He should serve as an example in taking care of his own health and giving due attention to the requirements of his body and to his general appearance, and he should refrain from anything that may influence the esteem accorded to his profession inside and outside his place of work.

Supporting Islamic Legal Evidence:

I. In the Glorious Quran:

1. “You have sublime manners” (*Al-Qalam* LXVIII: 4).
2. “Show forgiveness, enjoin what is right, and turn away from the ignorant” (*Al-A'raaf* VII: 199).
3. “If they both opt for weaning by mutual agreement and after consultation, they will be free from blame” (*Al-Baqarah* II: 233).
4. “And they conduct their affairs by mutual consultation” (*Al-Shura* XLII: 38).

II. In the Prophet's Tradition:

1. In an attributed tradition quoting Omar, "If you go in to check on a sick person, ask him to pray for you; his is like angels' prayers." (Cited by Ibn Maaja with a verified chain of citation.)
2. "No person who has in his heart the equivalent of one iota of pride will be admitted into paradise." (Cited by Muslim.)
3. Anas is quoted as saying that the Prophet, blessings and peace be upon him, used to get close to a sick person, sit near his head, and ask how he was doing, saying, "How do you find yourself?" (Cited by Al-Bukhari.)
4. In an attributed tradition quoting Abu Sa'eed, "If you go in to check on a sick person, suggest to him that he still has long to live. That does not change a thing, and it makes the patient feel better." (Cited by Al-Tirmithi and Ibn Maaja.)

Chapter Two

The Physician's Duties towards the Patient

Article Two:

A physician should listen carefully to the patient's complaint, sympathizing with him in his suffering, treat him well, and be gentle while examining him. He should avoid any condescending attitude in dealing with the patient or any ridicule or derision of him, regardless of the patient's educational or social level, or religious or racial background. A physician should respect his patient's opinion, particularly in matters that concern the latter personally, but that should not keep the physician from giving the appropriate instructions.

Article Three:

A physician should treat all his patients equally, without any discrimination based on their prestige, their social or moral status, the physician's own feelings towards them, their religious or racial background, their political orientation, or their gender, nationality, or color.

Article Four:

A physician should fear God when dealing with his patients; show respect for their beliefs, religions, and traditions when engaging in the process of examination, diagnosis, and treatment. He should avoid any violations of

Islamic law, such as being alone with a member of the opposite sex or looking at the private parts (*'awra*) of a patient except in as much as the process of examination, diagnosis, and treatment requires; in the presence of a third party; and after obtaining permission from the patient.

Supporting Islamic Legal Evidence:

I. In the Glorious Quran:

1. “We offered Trust to the Heavens, the Earth, and mountains, but they declined to bear it and were afraid of it, while Man undertook to bear it. He is so unjust and ignorant” (*Al-Ahzaab* XXXIII: 72).
2. “God commands you to deliver trusts where they are due” (*Al-Nisaa* IV: 58).

II. In the Prophet’s Tradition:

3. In an attributed tradition quoting Abu Sa'eed, “Among the worst people in God’s estimate on the Day of Resurrection is a man who tells private things to his wife and she to him, and then he discloses her secret.” (Cited by Muslim.) Another version says, “One of the gravest cases of [betraying] trust in God’s estimate on the Day of Resurrection is a man who tells private things to his wife and she to him, and then he discloses her secret.” (Cited by Muslim, Abu Dawood, and Al-Tirmithi.)
4. In an attributed tradition quoting Jaber, “The confidentiality of meetings should be observed, except in three cases: a meeting where unjustified bloodshed takes place, a meeting where a woman is illicitly violated, and a meeting where property is illegally usurped.” (Cited by Muslim.)

Article Five:

A physician should ask only for the tests needed for the patient, without adding any tests not justified by the patient's case. He should base his whole diagnosis and treatment on the best available evidence and data, and refrain from using any unauthorized, unaccepted, or scientifically unrecognized methods of diagnosis or treatment. Moreover, he should ask only for the medications or surgical operations that are called for in the patient's case.

Article Six:

A physician should honestly explain to the patient or anyone representing him the type, causes, and complications of the illness, and of the usefulness of diagnostic and therapeutic procedures. The physician should also explain clearly the proper options of diagnosis and treatment in as much as the patient's physical and psychological condition allows.

Article Seven:

A physician should not hesitate to refer the patient to a doctor specialized in the type of disease the patient has or to a doctor who has more effective equipment whenever the patient's case calls for such a referral, nor to refer him to a doctor whom the patient wishes to consult. It is unacceptable for a

physician to delay the referral when it is in the patient's interest. The physician should make the patient's medical record accessible when referring him to another doctor, and to give the patient, without delay, an adequate medical report of his case.

Article Eight:

A patient or a member of his family has the right to invite another efficient doctor for consultation, after the original physician's consent has been obtained. The latter, however, has the right to discontinue his services, without having to give any reason, if the patient or a member of his family insist on consulting another doctor unacceptable to him.

Article Nine:

A physician should never decline or discontinue to treat an emergency patient under any circumstances, unless the patient refuses to follow his instructions or seeks, without the consent of the physician attending him, the services of another doctor. Nor should a physician decline or discontinue to treat a patient, unless the case is not within his field of specialization.

Article Ten:

A physician should continue to give an emergency patient the proper

treatment until it is no longer needed or until care for the patient is taken over by another doctor.

Supporting Islamic Legal Evidence:

I. In the Glorious Quran:

1. “And do good deeds, so that you may succeed” (*Al-Haj* XXII: 77).
2. “Do not pursue what you have no knowledge of. Hearing, sight, and the heart — man will be accountable for all these” (*Al-Israa* XVII: 36).
3. “You are the best nation that has been known by Mankind. You enjoin justice and censure evil, and you believe in God” (*Aal 'Imraan* III: 110).
4. “We offered Trust to the Heavens, the Earth, and mountains . . .” (*Al-Ahzaab* XXXIII: 72).

II. In the Prophet’s Tradition:

1. “Religion is sincerity” (Cited by Muslim).
2. In an attributed tradition quoting Ibn Mas'ood, “Any person who keeps knowledge from his people will be restrained by a bridle of fire.” (Cited by Ibn 'Adi).
3. In an attributed tradition quoting Jaber, “The best people are those who give benefit to their folks.” (Cited by Al-Qidhaa'i).
4. “A chief is liable to compensation payment.”

Article Eleven:

A physician should continue to extend proper care to patients with incurable, terminal, or fatal diseases, and to console them and give them hope to the last minutes of their lives.

Article Twelve:

To the best of his ability and with all the preventive and therapeutic means available to him, whether material or psychological, a physician should relieve the patient's pain and give him the feeling that the physician is eager to give him proper care and attention.

Supporting Islamic Legal Evidence:

I. In the Glorious Quran:

1. "To you has come a messenger who is one of you. He grieves that you should perish, and he is solicitous over you. He is compassionate and merciful towards believers" (*Al-Tawbah* IX: 128).
2. "Are you then going, if you are placed in charge, to do evil in the land and sever ties of kinship?" (*Muhammad* XLVII: 22).
3. "Say, 'Lord, forgive and have mercy; you are the Best of the Merciful'" (*Al-Muminoon* XXIII: 118).
4. "Say, 'Lord, have mercy on them for they have raised me up when young'" (*Al-Israa* XVII: 24).

II. In the Prophet's Tradition:

1. In an attributed tradition quoting Al-Ni'maan Ibn Basheer, "In their mutual affection, mercy, and compassion, Muslims are similar to a single body: whenever one of its organs complains, all other organs are mobilized to support it through wakefulness and fever." (Cited by Muslim.)
2. "Answer the person who appeals to you, visit the sick, and relieve sufferers." (Cited by Al-Bukhari and Muslim.) In another, attributed version quoted by Abu Musa: ""Answer the person who appeals to you, visit the sick, and relieve sufferers." (Cited by Al-Bukhari, quoting Abu Musa.)
3. Ibn Maaja quotes Ibn 'Abbaas as saying that the Prophet, blessings and peace be upon him, visited once a sick man. He asked him, "What would you feel like having?" The man said, "I feel like wheat bread." The Prophet said, "If any of you has wheat bread, let him send it to his brother." He added, "If a sick person feels like eating something, let him have it." (Cited by Ibn Maaja).
4. In an attributed tradition quoting Abu Sa'eed, "If you go in to check on a sick person, suggest to him that he still has long to live." (Cited by Al-Tirmithi and Ibn Maaja.)

Article Thirteen:

A physician should see to it that the patient is enlightened as regards his illness and his health in general, as well as to the way to maintain his health and follow proper and effective methods of disease prevention. This should be through face-to-face enlightenment or through the employment of other effective methods when available.

Supporting Islamic Legal Evidence:

I. In the Glorious Quran:

1. “You are the best nation that has been known by Mankind. You enjoin justice and censure evil, and you believe in God” (*Aal 'Imraan* III: 110).
2. “We only sent men before you, so ask people with learning if you do not know, with clear signs and with written rules. To you We have revealed a reminding message, so that you may explain to people what has been revealed for them, so that hopefully they would contemplate” (*Al-Nahl* XVI: 43-44).
3. “Believers, fear God and be among the truthful” (*Al-Tawbah* IX: 119).

II. In the Prophet’s Tradition:

1. In an attributed tradition quoting Tameem Ibn Aws Al-Daari, “Religion is sincerity towards God, His Messenger, and Muslim leaders and masses.” (Cited by Muslim.)
2. In an attributed tradition quoting Ibn Mas'ood, “A person keeps telling the truth

until he is labeled by God as a truthful person.” (Cited by Al-Bukhari and Muslim.)

3. “A Muslim’s claim upon a fellow Muslim consists of six points, and if he seeks your advice be sincere with him.” (Cited by Muslim, quoting Abu Hurairah.)

Article Fourteen:

A patient should not be examined or treated without his consent, except in cases when emergency medical intervention is required and informed consent cannot be obtained for any particular reason, or when the disease is communicable or poses a threat to public health or to others, and in accordance with the laws in force. In the case of a patient with full legal competence, his consent can be expressed orally or implicitly. When the patient is a minor, an unconscious adult, or a person who fails to meet one or more of the competence conditions, consent should be given by someone who legally represents him. For surgical operations and for treatment and examinations that have potential side effects, consent should be informed and given in writing.

Supporting Islamic Legal Evidence:

I. In the Glorious Quran:

1. “We have fastened the fate of every human being around his neck” (*Al-Israa* XVII: 13).
2. “Then give warning; your task is only to warn. You have no control over them” (*Al-Ghashiyah* LXXXVIII: 21 – 22).

3. “Do not consume your property among yourselves in vanity, unless it is a trade by your mutual agreement, and do not kill yourselves: God is Merciful to you” (IV: 29).

II. In the Prophet’s Tradition:

1. In an attributed tradition quoting 'Itbah Ibn 'Aamer, “Do not force food and drink upon your patients; God, the most glorious and sublime, feeds them and gives them drink.” (Cited by Al-Tirmithi, who says it is well-attributed, and Al-Haakem.)
2. In an attributed tradition quoting Haneefah Al-Raqaash, “It is only by his free consent that a Muslim’s property can be touched.” (Cited by Abu Dawood.)
3. In an attributed tradition quoting Abu Bakr, “The blood, property, and honor of each of you are inviolable by the rest of you.” (Cited by Al-Bukhari and Muslim.)

Article Fifteen:

A physician is entrusted to investigate the health care programs suitable for the patient's case. He should ascertain the usefulness of a course of treatment before choosing it and applying it to the patient. He should follow the patient's case until he fully recovers, if the disease is curable. When a patient asks for an ineffectual course of treatment, the physician should convince him that it is useless.

Article Sixteen:

Taking into consideration the stipulation of Article Four, a physician should make sure to observe the following while examining a patient:

- a. He should make a record of the patient's condition and of personal and family medical history before beginning to diagnose and treat the case.
- b. He should be careful and efficient in, and give sufficient time to, the examination and diagnosis process.
- c. Prescriptions should be made in writing and should be clear, with dosages and method of administration specified. The patient or his family members, as the case requires, should be made aware of the importance of following the method of treatment prescribed by the physician and of the serious potential side effects of the medical or

surgical treatment.

- d. Side effects resulting from medical or surgical treatment should be monitored and treated promptly when possible.

Supporting Islamic Legal Evidence:

I. In the Glorious Quran:

1. “To you has come a messenger who is one of you. He grieves that you should perish, and he is solicitous over you. He is compassionate and merciful towards believers” (*Al-Tawbah* IX: 128).
2. “Are you then going, if you are placed in charge, to do evil in the land and sever ties of kinship?” (*Muhammad* XLVII: 22-24).
3. “Say, ‘Lord, forgive and have mercy; you are the Best of the Merciful’” (*Al-Muminoon* XXIII: 118).
4. “Say, ‘Lord, have mercy on them for they have raised me up when young’” (*Al-Israa* XVII: 24).

II. In the Prophet’s Tradition:

1. “In their mutual affection, mercy, and compassion, Muslims are similar to a single body: whenever one of its organs complains, all other organs are mobilized to support it through wakefulness and fever.” (Cited by Muslim.)
2. “Answer the person who appeals to you, visit the sick, and relieve sufferers.” (Cited by Al-Bukhari and Muslim.) In another, attributed version quoted by

Abu Musa: ““Answer the person who appeals to you, visit the sick, and relieve sufferers.” (Cited by Al-Bukhari, quoting Abu Musa.)

3. Ibn Maaja quotes Ibn 'Abbaas as saying that the Prophet, blessings and peace be upon him, visited once a sick man. He asked him, “What would you feel like having?” The man said, “I feel like wheat bread.” The Prophet said, “If any of you has wheat bread, let him send it to his brother.” He added, “If a sick person feels like eating something, let him have it.” (Cited by Ibn Maaja).
4. In an attributed tradition quoting Abu Sa'eed, “If you go in to check on a sick person, suggest to him that he still has long to live.” (Cited by Al-Tirmithi and Ibn Maaja.)

Article Seventeen:

A physician should make sure that surgical operations are performed under the following conditions:

- The physician who performs an operation should have the specialization and medical experience that qualify him to do the required type of surgery.
- The surgical operation should be performed at a therapeutic institution or health establishment which is sufficiently equipped for the performance of such a surgery.
- Proper laboratory and radiology tests should be made to confirm that surgical intervention is necessary and appropriate as a treatment for the patient and to make certain that the patient's health condition allows the surgery to be performed.
- The surgeon attending the patient has the obligation of performing the surgery himself. He may be helped by a resident at the hospital or some other surgeon, with no need for the patient's consent. The surgeon may also authorize an assistant of his to perform certain procedures of the surgery, provided that they are done under the surgeon's supervision and with his help, and that he bears the legal responsibility for them.

Supporting Islamic Legal Evidence:

I. In the Glorious Quran:

1. “We offered Trust to the Heavens, the Earth, and mountains, but they declined to bear it and were afraid of it, while Man undertook to bear it. He is so unjust and ignorant” (*Al-Ahzaab* XXXIII: 72).
2. “God commands you to deliver trusts where they are due” (*Al-Nisaa* IV: 58).
3. “Let no scribe decline to write as taught by God; therefore, let him write” (*Al-Baqarah* II: 282).

II. In the Prophet’s Tradition:

1. “When a person who is unknown to have medical experience practices medicine, he is accountable.”
2. “The blood, property, and honor of each of you are inviolable by the rest of you.”
3. “Injustice leads to layers of darkness on the Day of Resurrection.”

Article Eighteen:

A patient should be made aware of his health condition and of available treatment alternatives, if he can grasp this information. A physician should not force a treatment on a patient without his consent, nor force him to sign, unwillingly, data in his medical file.

Article Nineteen:

A physician should gently, honestly, and wisely and without undue exaggeration explain to the patient the consequences of declining to follow a treatment and the resulting complications. The physician should also take the patient's admission if the latter declines to follow the treatment, and when he refuses to give it, a statement signed by the physician and a member of the nursing staff should be added to the patient's medical file, in order to clear the physician from any responsibility.

Supporting Islamic Legal Evidence:**I. In the Glorious Quran:**

1. "We have fastened the fate of every human being around his neck" (*Al-Israa* XVII: 13).
2. "Then give warning; your task is only to warn. You have no control over them" (*Al-Ghashiyah* LXXXVIII: 21 – 22).

3. “Do not do not consume your property among yourselves in vanity, unless it is a trade by your mutual agreement, and do not kill yourselves: God is Merciful to you” (IV: 29).

II. In the Prophet’s Tradition:

1. In an attributed tradition quoting 'Itbah Ibn 'Aamer, “Do not force food and drink upon your patients; God, the most glorious and sublime, feeds them and gives them drink.” (Cited by Al-Tirmithi, who says it is well-attributed, and Al-Haakem.)
2. In an attributed tradition quoting Haneefah Al-Raqaash, “It is only by his free consent that a Muslim’s property can be touched.” (Cited by Abu Dawood.)
3. In an attributed tradition quoting Abu Bakr, “The blood, property, and honor of each of you are inviolable by the rest of you.” (Cited by Al-Bukhari and Muslim.)

Article Twenty:

When a patient is referred to one of the institutions in which the physician holds shares, the following should be observed:

- a. The establishment should offer outstanding services that are not inferior to others in type or quality.
- b. Referral to the establishment should be warranted by the incapability to deal with the patient's condition. The patient should not stay in the establishment he is referred to longer than necessary.
- c. The physician should inform the patient that he, the physician, has a financial interest in the establishment to which he is referring the patient.

In all cases the patient should be given the freedom of choice.

Supporting Islamic Legal Evidence:

The rules of the Islamic Jurisprudence (*Fiqh*) include the following:

1. A lesser evil is given precedence [in being tolerated] over a more general one.
2. Prevention of harm has precedence over the acquisition of benefits.
3. Intention is the criterion of actions.

Article Twenty-One:

A patient should be checked out of the health establishment where he is receiving treatment only if his health condition allows that or he expresses his desire to leave although he is made aware of the consequences of his departure. In the latter case, a written statement should be obtained from the patient or, when he is not fully competent, from a family member of the first, second, third, or fourth degree of kinship and should be included in the patient's medical file.

Supporting Islamic Legal Evidence:

I. In the Glorious Quran:

1. "We offered Trust to the Heavens, the Earth, and mountains, but they declined to bear it and were afraid of it, while Man undertook to bear it. He is so unjust and ignorant" (*Al-Ahzaab* XXXIII: 72).
2. "God commands you to deliver trusts where they are due" (*Al-Nisaa* IV: 58).
3. "Let no scribe decline to write as taught by God; therefore, let him write" (*Al-Baqarah* II: 282).

II. In the Prophet's Tradition:

1. "When a person who is unknown to have medical experience practices medicine, he is accountable."
2. "The blood, property, and honor of each of you are inviolable by the rest of you."

3. “Injustice leads to layers of darkness on the Day of Resurrection.”

Article Twenty-Two:

A physician should cooperate with the other members of the medical team involved in providing care to the patient, and he should make available to them, whenever he is asked to do so, what information he has of the patient's condition and of the method of treatment he, the physician, has been using.

Article Twenty-Three:

A physician should give to his patient an advance notice of any travel or absence plans he has and should tell him how to act when the physicians is absent. Under all circumstances, a suitable physician should be available in the absence of the doctor in charge of the patient to guarantee that the latter continues to receive treatment.

Article Twenty-Four:

If invited to examine a patient being treated by a colleague, a physician should observe the following rules:

- a. Even if there are no clear justifications, he should answer the invitation for consultation if it comes from the attending doctor. The consulted physician should disclose his findings to his colleague, rather than to the patient himself.

- b. The consulted physician should reassure the patient, reduce his anxiety, and use his own discretion in determining what the patient should know and what should be reserved to the attending physician.
- c. He should guard against any word or suggestion that implies any discredit or disparagement of the attending doctor or any underestimation of the latter's efforts in treating the patient. This should be particularly observed when the consulted physician's point of view differs from that of the attending doctor.
- d. If the patient desires to terminate the service of the original physician, the latter has to be informed of that decision.
- e. The attending doctor has the right to consult another colleague in the same field of specialization after the first consulted doctor has given his opinion and made his recommendations.

Article Twenty-Five:

When a physician is commissioned to extend health care to individuals with limited freedom, he should abide by the following:

- a. He should provide them with the same type and level of health care available to persons with no freedom restrictions.
- b. He should not, actively or indirectly, perform anything that amounts to collaboration in torture procedures or other forms of cruel or

- inhuman treatment, or to complicity in, enticement of, or keeping silent about such acts.
- c. He should never use his professional knowledge or skills to help in the interrogation of people with restricted freedom in a way that is hazardous to their physical or psychological condition. Nor should he participate in any restricting procedure against them.
 - d. If he notices that a restricted person has been or is being subjected to torture or abuse, he should report it to the proper authorities.

Article Twenty-Six:

Physicians who attend minors, should explain to these patients, each to the extent of his comprehension skill, the nature of the medical procedures or interventions applied.

Article Twenty-Seven:

When treating a child patient, a physician should defend his patient's interest if the family or relatives of the child fail to appreciate the case fully or if they fail to carry out their duty towards the child.

Article Twenty-Eight:

A physician attending a patient who takes any addictive material should deal with his patient seriously, carefully, and confidentially. He should endeavor

to apply the best treatment procedures to his patient, whether in special institutions or at his own office if treatment equipment is available. In doing so, the physicians should observe the laws in force.

Supporting Islamic Legal Evidence:

All this can be covered, as far as Islamic Law is concerned, by the above-cited rules of Islamic Jurisprudence (*Fiqh*) and legal purposes.

Chapter Three

Medical Confidentiality

Article Twenty-Nine:

A physician may not disclose a personal secret that has come to his knowledge through the performance of his profession, whether the patient confides the secret to him, or the physician comes to know it in the course of his work, except in the following situations and similar cases that are stipulated in the national laws:

- a. if disclosure of a person's secret is done at his own request, which should be in writing or if disclosure of a secret is in the interest of the patient or of society;
- b. if the laws in operation require disclosure of the secret, or an order to disclose it is made by a judicial authority;
- c. if the purpose of disclosing the secret is to prevent a crime, in which case the disclosure should be strictly to the official authority concerned and to no other party;
- d. if disclosure of a person's secret is in the interest of the patient's spouse, provided that it is made to the couple, and not to one without the other;

- e. if the physician makes the disclosure in defending himself before a judiciary authority at its request and in as much as the defense requires; and
- f. if the purpose of disclosing the secret is to prevent the spread of an infectious disease that would be harmful to society members, provided that the disclosure is made only to the concerned health authority.

Article Thirty:

When minor patients ask to be treated in secret, without their guardians knowing about it, the physician in charge should attempt to find out the reason behind the desire to keep the condition secret from the minor's family, should encourage the patients to get their family involved, and should correct any misconceptions the minor may have.

Article Thirty-One:

A physician may treat underage patients and may refrain from revealing any information that may cause harm to the minors in question, unless the existing laws stipulate otherwise.

Article Thirty-Two:

Before releasing any information about a patient to third parties – such as

researchers, pharmaceutical companies, and data collecting institutions – a physician should obtain the patient’s informed consent in writing.

Article Thirty-Three:

A patient has the right to obtain, upon request, a detailed report of his medical condition from his attending physician, based on the latter’s own examination. The physician, however, should not write a medical report or give testimony on a subject not within his field of specialization, and his report or testimony should be true to the facts that he has learned through his own examination of the patient.

Article Thirty-Four:

A physician may discuss a patient’s case, diagnosis, and treatment, as well as the expected development of the case, with the patient’s lawyer, provided that the patient or his guardian consent to that.

Article Thirty-Five:

A physician may release information about a patient to an insurance agent, provided that the patient or a legal representative of his should consent in writing. The information released should be only what relates to the insurance item involved. Before disclosing the information, the physician should make the patient aware of the consequences of such disclosure.

Article Thirty-Six:

Physicians and all health staff members should do their utmost to guard the confidentiality of medical reports, including those stored in computer memory. Data should be entered into computers only by authorized people. The date and timing of adding any new data entries should be scheduled, and the person adding or modifying an entry should sign his name.

Article Thirty-Seven:

A patient or a representative of his should be informed when the health institution has a computer data base before the physician sends any data related to that patient to the computer department for storage. All parties who can access the data should be specified in advance. Revealing such information to the patient is an important element in getting his informed consent. Security measures, in proportion with the extent of sensitivity of the patient's data, should be taken to prevent any information leakage or any access to the data base by unauthorized persons.

Article Thirty-Eight:

A patient or someone acting on his behalf should be informed before any report containing data that concerns the patient is distributed. Moreover, the attending doctor should be informed before any data or information relating

to the patient is released to parties outside health care establishments, so that no disclosure of such data is made before the patient's consent is obtained.

Article Thirty-Nine:

Confidential information may be disclosed only to parties that keep it highly secret, in accordance with existing laws and regulations, and should be restricted to the data that meets the purpose specified when such disclosure is requested and to the time period specified. All such parties should be told that releasing the data to them does not mean they can pass these data to other parties, apply them for purposes other than what is specified when the data are requested, or use them against the patient's interest.

Article Forty:

Computers should be equipped with backup and retrieval functions to avoid the loss of any data when some failure occurs in the programs or server used. Before a file is deleted, a printout should be submitted to the attending physician.

Article Forty-One:

As soon as the attending physician receives a copy (a printout or a copy saved on a hard, compact, or floppy disk) of stored data, they should be deleted from the data base. The computer department should inform the

attending doctor in writing that the deletion is done. A patient has the right to request the deletion of some of the data that concern him, subject to the laws in operation.

Article Forty-Two:

Very strict measures should be taken to prevent free access to the data base, including the introduction of systems to discover any attempts to break into it by any unauthorized party.

Supporting Islamic Legal Evidence:

I. In the Glorious Quran:

1. “God commands you to deliver trusts where they are due” (Al-Nisaa IV: 58).
2. “Do not spy, and do not backbite one another. Would any of you like to eat the flesh of his dead brother? You would loathe it.” (*Al-Hujuraat* XLIX: 12).
3. “Those who would like atrocities to be common among believers will receive painful punishment” (XXIV:19).

II. In the Prophet’s Tradition:

1. “A chief is liable to compensation payment.”
2. In an attributed tradition quoting Ali, “The confidentiality of meetings is a trust.” (Cited by Al-Khateeb Al-Baghdaadi.)
3. In an attributed tradition quoting Thooban, “Do not cause harm to God’s servants, nor seek to look at their private parts, for soon after a person seeks to

look at the private parts of his fellow Muslim, God would cause his private parts to be exposed so that he is shamed even in his own house.” (Cited by Ahmad.)

4. In an attributed tradition quoting Abu Hurairah, “When an individual shields for another, he is shielded by God on the Day of Resurrection.” (Cited by Muslim, quoting Abu Hurairah.)
5. “Beware of backbiting. If the things you say about a person [in his absence] are true, you are taking him unaware. If they are not, you are slandering him.”

Chapter Four

Physician Duties towards Society

Article Forty-Three:

A physician should be an active member of society, interacting with it, influencing it, and taking interest in its affairs. His actions should also aim at satisfying God, and he should never get involved in any practices or behaviors that are unethical or harmful to society.

Article Forty-Four:

A physician should help society in dealing with elements of health enhancement, disease prevention, and protection of the natural and social environment. He should live up to his responsibility of promoting health awareness and education. He should take advantage of patient visits to offer advice on the proper styles of healthy life and to discourage all health-damaging life styles.

Article Forty-Five:

A physician should use his skill, knowledge, and experience to improve the quality of health services offered to the community.

Article Forty-Six:

A physician should endeavor to conserve health resources and use them in

the best possible way and make optimal utilization of these resources, setting an example by his own behavior.

Article Forty-Seven:

A physician, particularly when holding an official position, should take an active part in setting regulations, drawing health policies, and solving health problems, thus serving the interests of the community.

Article Forty-Eight:

In the case of communicable diseases, a physician should follow relevant regulations, report cases of the disease to the proper authorities, and take all necessary measures.

Supporting Islamic Legal Evidence:

I. In the Glorious Quran:

1. “That this nation of yours is one nation, and I am your Lord, so worship Me”
(*Al-Anbiyaa* XXI: 90).
2. “Whoever contends with the Messenger after guidance has become evident to him and follows a course other than that of believers — We will let him follow what he has chosen and We will place him in Hell, which is a miserable fate”
(*Al-Nisaa* IV: 115) .

II. In the Prophet's Tradition:

1. "A person who cares not for the affairs of Muslims is not one of them."
2. "Stick to the group; a wolf only devours stray sheep."

Chapter Five Social Issues

Utilization of Health Resources

Article Forty-Nine:

Physicians bear the moral responsibility of employing all the professional experience they have to contribute to the decision-making process relevant to the distribution or rational utilization of limited medical resources in a way that protects patient interests and observes the principle of equity and equality.

Article Fifty:

The decision-making process concerning the distribution of limited medical resources should be based on the medical, scientific, and moral criteria applicable to the patient's health condition. These criteria include the extent of the patient's need for these limited resources, the duration of treatment, the likelihood of the patient's death, and, in certain cases, the amount of materials needed for the treatment to succeed.

Article Fifty-One:

A physician should not abandon his role as a patron of the patient entrusted

with the task of guarding the patient's interest, particularly what concerns his treatment needs.

Article Fifty-Two:

Patients who are denied certain medical resources have the right to know the reason for that. The policies practiced by some institutions of controlling scarce medical resources should be made known to the public. Moreover, these policies should be subject to the occasional revision of supervisory medical authorities.

Supporting Islamic Legal Evidence:

The rules of the Islamic Jurisprudence (*Fiqh*) include the following:

1. A lesser evil is given precedence [in being tolerated] over a more common one.
2. Prevention of harm has precedence over the acquisition of benefits.
3. Intention is the criterion of actions.

Article Fifty-Three:

A physician should not make a decision to admit a patient into a hospital, to discharge him, or to engage in any diagnosis or treatment procedure for the purpose of financial gain and without considering the actual need of the patient.

Article Fifty-Four:

Physicians should prescribe medicines and medical aids, equipment, or other approved therapeutic methods only on the basis of medical considerations and patient needs and not under any type of pressure. A physician should not accept offers from other parties.

Article Fifty-Four:

Every physician should endeavor to suggest policies aimed at equity in providing a decent standard of health care to all society members.

Article Fifty-Five:

When selecting the preventive and therapeutic procedures and approaches which guarantee a decent standard of health care, physicians should observe the following ethical considerations:

- a. the extent to which a patient benefits from the course of treatment,
 - b. the likelihood of benefit to the patient from the treatment,
 - c. the duration of that benefit,
 - d. the cost of the treatment, and
 - e. the number of patients benefiting from the treatment.
-

Supporting Islamic Legal Evidence:

The rules of the Islamic Jurisprudence (*Fiqh*) include the following:

1. A lesser evil is given precedence [in being tolerated] over a more common one.
2. Prevention of harm has precedence over the acquisition of benefits.
3. Intention is the criterion of actions.

Patients with AIDS or Any Other Communicable Disease

Article Fifty-Seven:

It is the right of a patient infected with AIDS or with another communicable disease to receive the treatment and health care that his condition warrants, regardless of the cause of his infection. The physician is obliged to treat such a patient, taking the necessary precautions to protect himself and others.

Article Fifty-Eight:

A patient with an AIDS or another communicable infection should be told how to prevent further deterioration of his condition and to avoid transmitting the disease to other people.

Article Fifty-Nine:

A physician who knows that he himself is HIV-positive or a carrier of some other communicable disease must not engage in any activity that involves a clear risk of transmitting the disease to his patients, his colleagues, or others. In such a case, the physician should consult the proper authority at the health establishment where he works to determine the tasks he may perform.

Article Sixty:

Taking the stipulation of Article 28 (d) into consideration, a physician should inform the spouse of a patient with AIDS or another communicable disease of his or her spouse's infection in accordance with existing regulations and in the presence of the patient.

Supporting Islamic Legal Evidence:

The purposes of Islamic Law include

1. self and mind preservation and protection of personal honor,
2. relieving any strain to which the nation is exposed, and
3. bringing benefits and preventing harm.

Euthanasia and Physician-Assisted Death

Article Sixty-One:

Human life is sacred, and it should never be wasted except in the cases specified by *shari'a* and the law. This is a question that lies completely outside the scope of the medical profession. A physician should not take an active part in terminating the life of a patient, even if it is at his or his guardian's request, and even if the reason is severe deformity; a hopeless, incurable disease; or severe, unbearable pain that cannot be alleviated by the usual pain killers. The physician should urge his patient to endure and remind him of the reward of those who tolerate their suffering. This particularly applies to the following cases of what is known as mercy killing:

- a. the deliberate killing of a person who voluntarily asks for his life to be ended,
- b. physician-assisted suicide, and
- c. the deliberate killing of newly born infants with deformities that may or may not threaten their lives.

Article Sixty-Two:

The following cases are examples of what is not covered by the term “mercy killing”:

- a. the termination of a treatment when its continuation is confirmed, by the medical committee concerned, to be useless, and this includes artificial respirators, in as much as allowed by existing laws and regulations;
 - b. declining to begin a treatment that is confirmed to be useless; and
 - c. The intensified administration of a strong medication to stop a severe pain, although it is known that this medication might ultimately end the patient's life.
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Supporting Islamic Legal Evidence:

The purposes of Islamic Law include

- 1. self and mind preservation and protection of personal honor,
- 2. relieving any strain to which the nation is exposed, and
- 3. bringing benefits and preventing harm.

Abortion

Article Sixty-Three:

A physician should not cause a pregnant woman to abort, unless when medical considerations call for it, the mother's health and life being threatened. Abortion, however, is permissible before the end of the fourth month of pregnancy when it is definitely established that continued pregnancy involves a risk of a serious injury to the mother. This, however, should be confirmed by a medical committee of specialists of no less than three members, one of whom familiar with the disease for which the termination of pregnancy is recommended. The committee members should prepare a report in which they specify the definite risk that threatens the mother's health if the pregnancy continues. When abortion is recommended, the mother and her husband or guardian should be advised of the fact and their written consent obtained. All other exceptional cases, including pregnancy resulting from rape, should be referred to the authorities of Islamic *fatwa* and legislation, and to the laws and regulations in force.

Supporting Islamic Legal Evidence:

The purposes of Islamic Law include

1. self and mind preservation and protection of personal honor,

2. relieving any strain to which the nation is exposed, and
3. bringing benefits and preventing harm.

Organ Transplants

Article Sixty-Four:

The procedure of transplanting organs from a living donor or a dead body is one of the most important methods of life saving, a method in which the mutual love, sympathy, and compassion of society members is clearly manifested, provided that Islamic ethical and legal controls are exercised.

Article Sixty-Five:

When physicians declare the death of a certain patient who may have donated some of his organs, they should not get directly involved in removing these organs from his body or in the consequent implanting procedures, and should not be the physicians attending the potential recipients of these organs.

Article Sixty-Six:

Before initiating the procedures of organ transplantation in accordance with the applicable legal regulations, a physician should explain to the donor the medical consequences and hazards he may be exposed to as a result of the procedure. He should also obtain, before the operation, the necessary statements from the donor that indicate his awareness of all such consequences.

Article Sixty-Seven:

It is not permissible to transplant an organ from the body of a living minor to another individual. An exception may be made in the case of regenerative tissues if the law of the nation allows it.

Article Sixty-Eight:

It is not permissible to subject the human body and its components to commercial transactions, and any commerce in organs, tissues, cells, or human genes is prohibited. It is forbidden to advertise the need or the availability of organs in return for a price to be paid or received. A physician should under no circumstances take part in such commercial traffic. Physicians, as well as all other health professionals, should not undertake organ transplant procedures if there is anything that suggests to them that the organs to be transplanted were subject to commercial transactions.

Article Sixty-Nine:

A physician who undertakes an organ transplant procedure should guarantee that full medical care is provided to the donor, ensuring that he would not suffer in any way as a result of that procedure.

Article Seventy:

Physicians are forbidden to transplant testicles or ovaries.

Supporting Islamic Legal Evidence:

The purposes of Islamic Law include

1. self and mind preservation and protection of personal honor,
2. relieving any strain to which the nation is exposed, and
3. bringing benefits and preventing harm..

Cases of Violence

Article Seventy-One:

A physician has the right to report to the proper authorities the cases of violence he learns of in the course of his work, particularly when the victim is a juvenile, a woman, or a helpless person who cannot defend himself either because of old age or due to physical or mental illness, if the physician believes that such an action on his part protects the victim from further physical, mental or psychological violence.

Supporting Islamic Legal Evidence:

The purposes of Islamic Law include

1. self and mind preservation and protection of personal honor,
2. relieving any strain to which the nation is exposed, and
3. bringing benefits and preventing harm..

Chapter Six

Advertisement and the Media

Article Seventy-Two:

What is meant by advertisement and the media is for the doctor to resort, directly or through an intermediary, to conventional visual, auditory, or printed advertisement media – such as newspapers, magazines, visual or auditory broadcasting, and ordinary or electronic mail, as well as other media – to transmit information that introduces the physician, his field of specialization, and his experience.

Article Seventy-Three:

An advertisement may list the physician's degrees, fields of specialization, professional history, experience, and other objective data, as long as none of them is misleading.

Article Seventy-Four:

An advertisement should not include information with the purpose of misleading the receiver, giving a false image, or hiding the side effects of an advertised treatment. Likewise, the advertisement should not be indecent, jeopardize the dignity of the profession, or offend professional colleagues.

Article Seventy-Five:

A physician should not claim for himself or his establishment to have diagnostic or therapeutic skills or services for which he is not qualified or which he is not licensed to perform.

Article Seventy-Six:

A physician should not exploit a patient's ignorance in the field of medicine to mislead him by claiming that the physician is capable of performing certain diagnostic or therapeutic procedures that have no scientific basis, or by offering a guarantee to cure certain diseases. The content of an advertisement should include only true information, with no exaggeration, and should not include statements in any form that imply superiority to others or discredit them.

Article Seventy-Seven:

A physician should have his name, qualifications, address, and contact data in any local or national directory or in other, similar highly regarded publications. Physicians and specialists who work in the private sector may notify their colleagues and other health establishments of the services and practices they perform.

Article Seventy-Eight:

Although it is necessary to use printed, auditory, and visual media extensively for the purpose of health education and health awareness, it is also necessary to take all precautions to avoid abusing these media for the promotion of a physician in a manner contradictory to the advertisement controls listed above.

Article Seventy-Nine:

Physicians who work in private-sector health establishments or specialized clinics should avoid to advertise the services offered by these establishments in statements in the mass media, papers or articles they write, and the like.

Supporting Islamic Legal Evidence:

The purposes of Islamic Law of self preservation and protection of personal honor should be applied.

Chapter Seven

Physician Duties towards the Establishment He Works at

Article Eighty:

A physician should protect the reputation and dignity of the establishment at which he works, and should actively contribute to the organization, development, and improvement of the establishment and its performance.

Article Eighty-One:

He should abide by the laws, bylaws, and regulations applied in that establishment.

Article Eighty-Two:

He should safeguard its property and use it most rationally.

Supporting Islamic Legal Evidence:

I. In the Glorious Quran:

1. “God commands you to deliver trusts where they are due” (*Al-Nisaa* IV: 58).
2. “When in his company on a congregational matter, they do not depart before they beg his leave” (*Al-Noor* XXIV: 62).
3. “Do not withhold a testimony. Any person who withholds it, has a sinful heart. God has knowledge of what you do” (*Al-Baqarah* II: 283).

II. In the Prophet’s Tradition:

1. In an attributed tradition quoting Khawlah of the *Ansaar* (Supporters), “Some

men help themselves unjustifiably to God's property; they will get Hellfire on the Day of Resurrection." (Cited by Al-Bukhari.)

2. In an attributed tradition quoting 'Obaadah Ibn Al-Saamet, "Do not betray the trust you are given; such betrayal is fire and disgrace in this life and the Hereafter for those who practice it." (Verified by Ibn Habbaan.)
3. In an attributed tradition quoting Anas, "Listen and obey, even if an Abyssinian slave is made a ruler over you." (Cited by Al-Bukhari and Ahmad in his attributed collection.)

Chapter Eight

Relations with Colleagues

Article Eighty-Three:

A physician should behave politely and decently towards his colleagues, and base his relations with them on reciprocal trust, constructive cooperation, and mutual respect. He should refrain from direct criticism of a colleague in front of patients. He should endeavor to teach physicians in his medical team and trainees working with him, and should be precise and honest in evaluating them, giving every member his due, without exaggerated praise and without giving the same evaluation to diligent and negligent staff members.

Article Eighty-Four:

If a physician finds that the intervention of one of his colleagues or superiors may undermine his proper medical performance, or if he fears that such an intervention may be hazardous to the patient, he should have an oral discussion of the matter with the colleague or superior concerned. When they fail to reach an agreement, the matter should be referred in writing to the proper authority for consideration and for making the proper decision.

Article Eighty-Five:

A physician should not charge any fees for examining or treating a colleague, or a member of the immediate family of a colleague (a spouse, a parent, or a child), unless it is a reimbursement for additional expenses paid by the examining or attending physician.

Article Eighty-Six:

A physician should never try to compete with a colleague in a dishonest manner in any professional undertaking.

Article Eighty-Seven:

A physician should settle amicably any differences he may have with a colleague. If no settlement is reached, the matter should be referred to the proper authority for a final decision.

Article Eighty-Eight:

When a physician substitutes for a colleague at the latter's office, he should never take advantage of the situation to serve his own interests. He should inform every patient, before examining him, that he is substituting temporarily for the office owner.

Article Eighty-Nine:

When a physician is asked to visit a patient being treated by another doctor who could not be contacted, the new physician should allow his colleague, as soon as he is back, to carry on with the treatment and inform him of the measures taken, unless the patient or his family want the new doctor to continue.

Article Ninety:

A physician should never demand any share of the fees from one of his colleagues or assistants, unless he has actually taken part in the examination or treatment.

Article Ninety-One:

A physician should respect his non-physician professional colleagues, appreciate their role in the treatment extended to the patient, and refrain from criticizing them in front of patients. He should base his relations with them on reciprocal trust and constructive cooperation to serve the patients' interest. He should endeavor to teach and train them, and make sure they abide by the principles of professional ethics.

Article Ninety-Two:

In dealing with members of the supporting medical staff, a physician should

observe the following:

- a. He should respect and honor them and make any professional observations to them in a friendly and proper manner;
 - b. give any instructions to them in writing and with no ambiguity, and make sure, as much as possible, that these instruction are carried out;
 - c. listen objectively and without any condescension to their observations, criticism, and reservations concerning his treatment instructions; and
 - d. help in and contribute to their scientific and career advancement and in the updating of their knowledge and skills.
-

Supporting Islamic Legal Evidence:

I. In the Glorious Quran:

1. “. . . merciful with each other. . .” (*Al-Fatth* XLVIII: 29).
2. “Cooperate in charity and piety and not in sin and aggression, and fear God; God is severe in His punishment” (*Al-Maaedah* V: 2).
3. “When in his company on a congregational matter, they do not depart before they beg his leave” (*Al-Noor* XXIV: 62).
4. “And they conduct their affairs by mutual consultation” (*Al-Shura* XLII: 38).

II. In the Prophet’s Tradition:

1. In an attributed tradition quoting Anas, “Listen and obey, even if an Abyssinian slave is made a ruler over you.” (Cited by Al-Bukhari and Ahmad in his attributed collection.)

2. “In their mutual affection, mercy, and compassion, Muslims are similar to a single body.”
3. “Be gentle when serving under your fellows.”

Chapter Nine Physician Rights

Article Ninety-Three:

A physician has the right to be provided by society with the means of training, acquiring scientific qualification, and drawing regulations that guarantee the high quality of health establishments and their performance, in accordance with internationally recognized standards.

Article Ninety-Four:

A physician has the right to have the opportunity of continuing education through conferences, seminars, scientific gatherings, libraries, scholarships, courses for the refinement of information and skills, and other means. He should not fail to keep up and interact with the latest professional developments in his field of specialization.

Article Ninety-Four:

A physician has the right to be treated by society with due respect and appreciation and be accorded all the human and civil rights enjoyed by other, normal people. He should not to be suspended or prevented from practicing unless this is done within the limits of the law. During any investigation or judicial procedure, his dignity must be respected, he should have legal protection, and he should enjoy the right to defend himself when he commits

any violation of the law.

Article Ninety-Six:

A physician has the responsibility to extend the needed care to a patient of his but not to cure him.

Article Ninety-Seven:

When a physician is treating a patient for a fee, it is permissible for them to reach an agreement that payment is contingent on recovery.

Article Ninety-Three:

A physician should not be influenced physically or morally, or forced to perform or refrain from performing a task related to his professional practice, unless this is done within the limits of the law. He should not be forced to testify against his conscience and should enjoy the full immunity due to him when invited to give an opinion or a technical testimony before a court of law or an investigation authority.

Article Ninety-Nine:

A physician may refer a patient to another doctor or health establishment for diagnosis or treatment, in accordance with the regulations that cover such cases, taking into consideration the following:

- a. The doctor to whom the patient is referred should have specialized experience that can benefit the patient.
- b. The first physician should communicate, verbally or in writing, to the doctor to whom he is referring the patient the information he believes to be necessary for continuing the treatment.
- c. The referral should not be prompted by a belief that the patient's case is incurable or by financial motivation.

Article 100:

A physician has a claim on the health authority members to assist him in carrying out his instructions, to discuss things with him in order to get an explanation whenever possible, and to observe and never go beyond the limits of their profession in their fields of specialization.

Supporting Islamic Legal Evidence:

I. In the Glorious Quran:

1. "They [i.e. women] have as many rights as they have obligations." (*Al-Baqarah* II: 228).
2. "A group from each contingent should stay behind, instruct themselves in religion, and admonish their people when they return to them" (*Al-Tawbah* IX: 128).

3. “The noblest among you in God’s consideration are those who fear Him the most” (*Al-Hujuraat* XLIX: 13).

II. In the Prophet’s Tradition:

1. “A person who does not respect our elderly, is not merciful to our young, and does not observe what is due to scholars is not one of us.” (Cited by Al-Haakem and Ahmad in his attributed collection.)
2. In an attributed tradition quoting 'Aisha, “Concede to people their due positions.” (Cited by Abu Dawood.)

Chapter Ten

Physician Duties towards His Profession

Article 101:

A physician should maintain the dignity and reputation of the medical profession, observe the standards of medical practice, and strive to upgrade the cognitive and scientific aspects of his profession through research, studies, articles, and continuing education and training.

Article 102:

In dealing with a patient, a physician should avoid everything that might undermine his integrity and honesty, or discredit the medical profession. He should strive not to lose the patient's confidence through resorting to deception or fraud, having an inappropriate affair with the patient or one of his/her family members, or making material gain through irregular methods. He should also refrain from seeking fame at the expense of professional ethics and principles.

Article 103:

A physician should give testimony to concerned authorities whenever he is required to do so. Moreover, he should not fail to write honest and precise medical reports according to existing regulation.

Article 104:

A physician should refer a patient to a practitioner of complementary (folk, traditional, alternative) medicine only when the latter is licensed to practice such medicine by the proper health authority.

Supporting Islamic Legal Evidence (1):

I. In the Glorious Quran:

1. “Recite in the name of your Lord, Who created. He created man from clots of blood. Recite, and your Lord is Most Generous, Who has taught by means of the pen. He taught Man what he had not known” (*Al-'Alaq* XCVI: 1 – 5).
2. “God will raise in position those of you who believe and are given knowledge” (*Al-Mujaadilah* LVIII: 11).
3. “We raise whomever we will several degrees, and there is above everyone with knowledge one who is more knowing” (*Yusuf* XII: 76).
4. “God commands you to deliver trusts where they are due” (*Al-Nisaa* IV: 58).
5. “Do not withhold a testimony” (*Al-Baqarah* II: 283).

II. In the Prophet’s Tradition:

1. In an attributed tradition quoting Anas, “The pursuit of knowledge is an obligation for every Muslim.” (Cited by Al-Baihaqi, Al-Tabaraani, and Ibn 'Odai.)
2. “People are as equal as a comb’s teeth; none have distinction over another except in their fear of God.” (Cited by Al-Dailami.)

Article 105:

A physician should serve as an example in maintaining his health and in all his actions. He should take all necessary precautions to protect himself from all potential hazards while practicing his profession.

Article 106:

A physician should never

- a. use intermediaries or illegitimate means, whether paid for or not, to attract patients;
- b. allow his name to be used for the promotion of medicines, drugs, or any other type of treatment, or for commercial purposes in any form;
- c. demand any kind of fee or compensation in return for undertaking to prescribe particular medicines or equipment to patients or for referring them to a health establishment, therapy clinic, nursing home, pharmacy, or any specific place of medical tests and examination or of trading in medical aids and equipment, or act in any way as an agent for another physician or health institution;
- d. offer medical consultations for companies that offer such consultation through communication media; and
- e. sell any medications, prescriptions, or medical equipment or aids in his clinic, while practicing his job, for commercial purposes.

Article 107:

A physician may engage or participate in telemedicine in as much as permitted by laws and regulations.

