

## **Report from the**

### **Nordic Medical Law Meeting in Uppsala**

**March 31 – April 2, 2006**

#### ***Background***

In 2003, Uppsala University was the first Nordic university to introduce a chair in medical law, as a joint venture between the Faculty of Law and the Faculties of Medicine and Pharmacy. Nordic research regarding legal aspects of various activities in biomedicine had certainly been carried out for many years before this, but within more traditional fields of law, such as public law, criminal law and private law. Even so, medical law (also called health law) is still a comparatively young field of research in the Nordic countries and the research communities are small, which makes it difficult to fulfil the need for intra-disciplinary discussions and cooperation within each country. Furthermore, despite the longstanding general tradition of Nordic cooperation in legislation and legal research, very little cooperation would seem to have been going on with regard to medicolegal issues. The fact that medical law/health law is not primarily an area of EU competence makes the argument for Nordic cooperation especially strong, considering also our partly common cultural heritage. In view of the fact that no Nordic meeting for researchers in medical law had been arranged for at least the past couple of decades, it was decided that the Uppsala Law Faculty should host such a meeting.

The aim of this first Nordic meeting was to assemble researchers working in the field of medical law, in order to provide an opportunity for exchange of information about on-going activities at different universities in the Nordic countries, as well as scientific discussions concerning medico-legal developments and interesting areas of research. The long term objective was to stimulate different forms of increased Nordic cooperation in research and doctoral studies within the area of medical law, and explore the interest in a network for Nordic research in medical law.

The meeting was financed by the Swedish Council for Research and the Law Faculty of Uppsala University, with additional contribution also from Uppsala municipality.

Invitations were sent out to some 50 representatives of different Nordic universities, senior researchers and teachers as well as research students. A group of about 25 people were finally able to participate in the meeting (one from Iceland, four from Denmark, four from Norway, seven from Finland and eight from Sweden). Nearly half of the participants were doctoral students.

### ***Language and key concepts***

Quite early in the planning of the meeting, it was clear that language would be an issue, since some contact persons advocated English as the meeting language, whereas others felt strongly about being able to use Nordic languages at a Nordic meeting. Based on the fact that some participants did not master Scandinavian, English was chosen as the primary meeting language, but it was accepted that some presenters would still prefer to speak in their mother tongue. In the introductory speech of the meeting, this issue was addressed once more, as well as certain other linguistic matters related to key concepts of the research field. The meeting thus discussed definitions and interpretations of concepts such as medical law, health care law, biomedical law, biolaw and health law. Various aspects of medical law as a legal discipline of its own were also considered.

### ***Overview of the meeting***

The program had been constructed to provide information on present activities and planning of future cooperation, as well as scientific presentations and debate, but still leaving room for more informal discussions and social activities (please see attached programme). The afternoon of Friday, March 31 was thus primarily focused on overview presentations from the five Nordic countries and the Nordic Committee on Bioethics, followed by a buffet dinner at the Law Faculty.

Saturday, April 1, offered a well-filled programme of scientific presentations and discussions. The first part of the day addressed the theme *Medical research and biotechnology*, with speakers providing different aspects of research involving human subjects and human biological material. After lunch, the theme was *Patients and health care in the century 2000*, including presentations on patient safety, coercive psychiatric care, preimplantation genetic diagnosis and e-health. Despite the tight schedule, there was still time for a short guided tour during the lunch break, including a visit to the Anatomic Theatre of Museum Gustavianum. The day ended with dinner at a local restaurant.

On the final day of the meeting, Sunday, April 2, discussions regarding future cooperation first took place in smaller groups. During a summing up session, ideas were then presented and certain decisions made. At noon, the first Nordic medical law meeting was declared closed and participants were offered a brown bag lunch, before returning home.

### ***The summing-up session: discussion and decisions***

#### **A Nordic network**

A strong interest in future Nordic cooperation immediately manifested itself, and it was decided that a network should be formed. The network shall be open to Nordic researchers, teachers and research students in the field of medical law. It shall be administered by a contact group consisting of two representatives from each country, one senior researcher and one research student.

The meeting also decided that the network should have a president and a vice president, not least in view of facilitating contacts with potential sponsors. The president shall thus represent the country that will host the forthcoming Nordic meeting, taking over on January 1<sup>st</sup> of the year after the previous meeting. Vice president shall be a person representing the previous

host country. Based on these principles, the meeting decided that the first president of the network shall be Elisabeth Rynning of Uppsala University, and vice president Raimo Lahti of Helsinki University (who will then take over the presidency at the beginning of 2007).

The network shall have a webpage, with information for members and others. Once it has been introduced, the webpage shall be administered by the host country of the network meeting, for one year before the meeting and one year after. Consequently, Sweden is the first country to be responsible for starting up the webpage.

#### **Future meetings/workshops/conferences**

It was decided that the network shall arrange meetings/conferences every second year. Finland offered to host the next meeting (probably in the spring of 2008, unless the autumn of 2007 would be possible). More informal networking will take place in between these meetings, and additional workshops may be arranged separately, by and for the doctoral students.

The meeting considered that a suitable format for the bi-annual conferences would be two and a half days, for example Friday morning to Sunday lunch. The first day could then be more open to guests of different categories (at least from the host country) and involve some focus on recent legal development in that particular country. This would allow for multi-disciplinary discussions and also facilitate sponsoring.

However, it was very clearly stressed that the primary aim of the network is to provide an opportunity for Nordic researchers in medical law to meet and discuss ongoing research projects and legislative developments. Although researchers in this field carry out a lot of their work in close cooperation with representatives of disciplines such as medicine, ethics etc, they still remain legal scientists and have a need to discuss their research with fellow lawyers. The second day of the conference (normally Saturday) should thus be reserved for network members only, with carefully prepared presentations on comparative topics. The topics should be planned well beforehand, possibly by specific questions regarding certain interesting aspects to be addressed, based on previously distributed information on relevant domestic legislation. Such aspects could for example concern how the law is interpreted and what is going on in practice, and whether formal similarities/differences between countries are real or fictional. It was also proposed that presentations should focus on meta perspectives, analysing research questions at a higher level. Examples of possible comparative topics mentioned were patients' rights legislation and the Nordic patient insurance schemes.

Furthermore, meetings should also provide opportunities for doctoral students to present their projects, possibly in smaller groups but including also senior researchers.

#### **Publications**

The participants agreed that a Nordic Medical Law Journal would not be a realistic venture at this point. A network webpage was considered to be feasible, where electronic versions of meeting presentations and reports could also be published.

It was furthermore proposed that the network should investigate other possibilities of joint publication, in the form of thematic Nordic medical law issues of journals such as *Retfærd* or *Scandinavian Studies in Law*, or comparative articles with several authors in e.g. *Tidsskrift for Rettsvitenskap*.

Salla Lötjönen volunteered to approach the editors of the *European Journal of Health Law* and the *Medical Law International*, to hear whether they would be interested in publishing papers/articles from the next Nordic meeting, or some other type of Nordic thematic issue.

### **Financing**

The question of funding for different network activities was discussed. It was agreed that at future meetings, the participants themselves will probably have to finance accommodation and other similar costs, whereas representatives of the host country should arrange funding for the conference/meeting as such.

Among potential funders were mentioned *NordForsk* and *Stiftelsen Clara Lachmanns fond för befrämjande av den skandinaviska samkänslan*, as well as different national research councils. Additional sponsoring for conferences could also be sought from organisations and public authorities invited to participate, although it was stressed that the network should keep its primary aims in mind, not to have the meetings overtaken by other interests.

### ***Activities following the Uppsala meeting***

#### **Contact persons:**

Following the meeting in Uppsala, network contact persons for each country have been appointed (first name senior researcher, second name research student).

#### *Denmark*

Mette Hartlev, University of Copenhagen ([mette.hartlev@jur.ku.dk](mailto:mette.hartlev@jur.ku.dk))

Line Bune Pedersen, Aarhus University ([lbp@jura.au.dk](mailto:lbp@jura.au.dk))

#### *Finland*

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#### *Iceland*

Oddný Mjöll Arnardóttir, Reykjavik University ([oddney@ru.is](mailto:oddney@ru.is))

#### *Norway*

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Bjørn Henning Østenstad, University of Bergen ([bjorn.ostenstad@jur.uib.no](mailto:bjorn.ostenstad@jur.uib.no))

#### *Sweden*

Elisabeth Rynning, Uppsala University ([elisabeth.rynning@jur.uu.se](mailto:elisabeth.rynning@jur.uu.se))

Ewa Axelsson, Uppsala University ([ewa.axelsson@jur.uu.se](mailto:ewa.axelsson@jur.uu.se))

### **Naming the network**

The contact group has discussed possible names for the network, but has found it difficult to agree on whether the name should include the words “health law” or “medical law”, both concepts having their obvious advantages and drawbacks. Until the next Nordic meeting, however, a majority of the senior contact persons propose that the network be called *the Nordic Network for Research in Biomedical Law*.

**Additional information**

The contact group has agreed that membership in the network should be based on an opt-in principle, and that invitations to join should be sent out to all Nordic researchers that could be concerned (initially based on the invitation list for the Uppsala meeting). Oddný Mjöll Arnardóttir has volunteered to handle responses and compile contact information on the network members.

It has also been decided that Ulrika Sandén from Umeå University will be preparing the network webpage.

Salla Lötjönen has reported a very positive response from the editors of *the European Journal of Health Law*, regarding future publication of a special issue on Nordic medical law, for example based on papers from the next Nordic meeting. The editors would also welcome individual articles from Nordic researchers in medical law. A similar response was reported from Salla Lötjönen's consultation with the editors of *Medical Law International*.

Uppsala, September 29, 2006

*Elisabeth Rynning*