



NATIONAL OPEN UNIVERSITY OF NIGERIA
14-16 AHMADU BELLO WAY, VICTORIA ISLAND LAGOS
SCHOOL OF SCIENCE AND SCIENCES
MAY/JUNE 2012 EXAMINATION

HEM 612 Legal and Ethical Issues in HIV/AIDS
Time Allowed: 2 hours

Total Score: 100 marks

Instruction: Answer all Questions in Section A, and any 3 in Section B (Total: 4 questions)

SECTION A: Compulsory (25 marks)

1. The Greek Philosopher, Aristotle, asserted that the rule of Law is better than the rule of -----
2. The distinction between law and policy is that laws are the standard rules and regulations that are compulsory, while policies are :-----
3. Section ----- of 1999 constitution of the Federal Republic of Nigeria states as follows: "The state shall direct its policy towards ensuring that there are adequate medical and health facilities for all persons"
4. John Austin defined law as -----
5. 1999 Constitution of the Federal Republic of Nigeria provides that "everyone has the right of access to adequate health" True or false. -----
6. John Austin definition of law conforms to the ----- or ----- theory of law
7. Fredrich von Savigny maintains that law, is not the creation of the legislator or any sovereign, but emanates from the popular -----
8. Ethics is defined as a process of determining ----- and ----- conduct
9. The Judiciary is theoretically bound by the -----
10. The compulsory test of HIV/AIDS is outlawed in Nigeria and no individual should be tested for the virus without his/her consent. True or false
11. The philosophy of Law is commonly known as: -----
12. HIV counselling is a confidential dialogue between a counsellor and a -----
13. The right to privacy and integrity of individuals is protected under section ----- of the 1999 Nigerian constitution
14. The right to health in Nigeria is located within the fundamental principles and objectives of the state policy in part ----- of the 1999 constitution
15. It is believed that law and ----- guide the legal aspect of HIV/AIDS
16. The most important ingredient of counselling is -----
17. In HIV testing, the law dictates that an individual shall have the right to ----- test

18. The national body in Nigeria that provides support for people living with HIV/AIDS is -----
 19. Early researches on HIV/AIDS focused on the -----
 20. Jurisprudence is often described as the -----
 21. Surrogate decision is taken by 3 parties. That is to say that it is a ----- agreement
 22. In developing Country like Nigeria, the right to life is guaranteed by section ----- of the 1999 constitution of the Federal Republic of Nigeria.
 23. AIDS is an acquired disease because -----
 24. A decision to undergo HIV counseling so as to make informed decisions is achieved through -----
 25. In 1996 UNAIDS, in collaboration with the office of the United Nation High Commissioner for Human Rights, adopted HIV/AIDS and Human Rights - international guidelines. The guidelines focus on four crucial areas. *True or false.*
- (Total= 25 marks)

SECTION B - Answer 3 Questions in this section

QUESTION 1

- a. The right to healthcare is much more than the right of access to medicine. Discuss (10 marks)
- b. Define ethics and identify ethical issues that must be considered in HIV management (15 marks) (Total: 25 marks)

QUESTION 2

- a. There are three widely recognized principles in Nigerian Medical jurisprudence that apply to both clinical and research ethics. Mention the three principles and discuss accordingly (20 marks)
- b. What is Voluntary HIV counseling? (5 marks) (Total: 25 marks)

QUESTION 3

- a. What is 'advance directive' in End of life decision (2 marks)
- b. What is health care proxy (5 marks)
- c. Identify the necessary information or data that must be contained in any health care proxy form (13 marks)
- d. HIV testing may be permitted without informed consent under specific circumstances. Identify 5 of such circumstances (5 marks) (Total: 25 marks)

QUESTION 4

Describe the following concepts

- a. Law (5 marks)
- b. Living will (5 marks)
- c. A treaty (5 marks)
- d. Euthanasia (5 marks)
- e. Euthanasia by omission (5 marks) (Total: 25 marks)

QUESTION 5

- a. People living with HIV/AIDS have certain rights, identify 10 of such rights (10 marks)
- b. Identify the specifications of Section 17(3) of the 1999 constitution of the Federal Republic of Nigeria (5 marks)
- c. Identify at least 10 categories of individuals who can be eligible for HIV counseling (10 marks) *(Total: 25 marks)*