

The Compensation Systems for Damages Caused by Errors in Medical Fertility Treatments in the Laws of Iran, England, and France

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Abstract

Errors in medical fertility treatments are a serious problem that can be committed in the process of infertility, particularly by the medical team. By recognizing the damages resulting from errors in medical fertility treatments, the main question is: What is the way to compensate for the types of damages caused by such errors? Studying the types of damages and how to properly compensate for each of them in the prominent legal systems of the world such as those of England and France is of high importance. Therefore, in the leading research, a descriptive-analytical method with an applied approach has been used to investigate the compensation systems.

In French law, an efficient system has been designed that can combine the use of medical fertility treatments with security. French law has provided methods for all types of damages according to the request of the aggrieved party. In England, the coverage of all physical, material, and spiritual damages caused by medical errors is also followed seriously, and various dimensions have been supported by the legislature. Using annual tables in the field of physical and spiritual damages designed by experts including physicians, psychiatrists, and psychologists, can effectively facilitate the assessment of damages. The special support fund for medical accidents established in French insurance law can be exploited. The classification of damages and the prioritization of compensating significant damages can be defined and supported in Iran's insurance system.

Keywords: Medical fertility treatments; Damages exceeding blood money; Material damages; Physical damages; Spiritual damages; Errors.

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