**Dutchak S. [Objective](https://www.multitran.ru/c/m.exe?t=5496946_1_2&s1=%EE%E1%FA%E5%EA%F2%E8%E2%ED%E0%FF%20%F1%F2%EE%F0%EE%ED%E0) part of [elements of crime](https://www.multitran.ru/c/m.exe?t=4671948_1_2&s1=%F1%EE%F1%F2%E0%E2%20%EF%F0%E5%F1%F2%F3%EF%EB%E5%ED%E8%FF) ‘violation of the rights of patients’**

The objective side of the crime consists of the obligatory elements: a socially dangerous act, socially harmful consequences and a causal connection between them, as well as optional elements: place, time, circumstances, method and tools or means of committing an act. Disposition of Art. 141 of the Criminal Code is formulated as follows: an act – ‘carrying out clinical trials of medicinal products without the written consent of the patient or his legal representative, either in respect of a minor or incapacitated person’, a causal relationship – ‘if these actions were caused’ and the consequences – ‘death of the patient or other grave consequences’.

Written informed consent to participate in the clinical trial of medicinal products is a documentary confirmation of the informed consent of the patient, or his legal representative, close relative, or the witness of the oral presentation of the patient's informed consent to such participation. Disposition of Art. 141 of the Criminal Code provides for criminal liability only in the event of the consequences that the legislator formulates as "death of the patient or other grave consequences". In our opinion, the moment of occurrence of consequences in the form of death of the patient in medical crimes in general, and in particular, in the crime, stipulated by Art. 141 of the Criminal Code, the onset of clinical death should be considered.

The causal link should be established not between the lack of informed consent and the test results, but between clinical trials of drugs and death or other grave consequences.

Optional features of the objective part of the crime include time, place, situation, way of committing an act, as well as tools and means of committing it. Position of the disposition of Art. 141 of the Criminal Code describe medicines - as tools of a crime. Consequently, tools from the facultative elements of the objective side of the crime go into the basic, subject to proof and affect the qualifications.

The attitude to the right to life in domestic law and practice of the ECtHR also requires rethinking. In particular, regarding the definition of the concept of human life from the standpoint of assessing the life of the human embryo. In the domestic legal practice of human life begins with the onset of physiological birth. However, the practice of the ECHR has recently demonstrated a number of ambiguous approaches to assessing the right to a fetus (human embryo), even in cases where the preservation of the fetus of the dissonant with the mother's health, or, conversely, the destruction of the frozen embryo through the interruption of family relations extinguishes the right to motherhood. Although the decisions in these cases are not identical with regard to the beginning of human life, the ECHR, which ‘always seeks a balance between personal and social interests, in the absence of standards in a particular region, answers the question of the beginning of life at the discretion of the state in order to take into account certain circumstances and needs of the own population’.

***Keywords:*** *violation of the rights of patients, clinical trials of medicines, informed consent of the patient, causal connection, death of the patient.*