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## Course 2: Medicine, health and human rights

### Chapter 1: The legal context

#### **Exercise 1: Rights in context**

In pairs, you will be assigned to one of two country groups. In one of the countries it is difficult for health professionals to speak out about human rights; in the other whistleblowers are less likely to be threatened.

You will then be asked to select one of four cards one each of which is written one of the following subject areas:

- *Civil and political rights*
- *Social and economic rights*
- *The right to health*
- *The right not to be tortured*

In your pair you should discuss how a health professional could defend the right you have picked in the context of the country that you have been allocated.

Next, get together with the pair discussing the same right in the other country and see if there were any similarities or differences in the strategies you discussed.

Write your answers to both discussions on a sheet of flipchart paper.

#### **Exercise 2: Whose right to health?**

The facilitator will call for two volunteer judges. Your role will be to adjudicate on whether the groups below have sufficiently made the case that their right to health has been violated. You can do this collaborative with the other judge (looking at each of the four cases) or divide the cases between you.

Half of the remaining people will be divided into four groups to defend the right to health of each person in the scenario below. If you are one of these people, you will be allowed TEN minutes to think about how to make a convincing case for the person in the scenario that you are representing. Each group will be given TWO minutes to present their case.

The remainder will also be split into four groups corresponding with the scenarios below and asked to question the notion that the people in each of the scenarios have had their right to health violated. You will have TEN minutes to construct your counterarguments and TWO minutes to present those arguments.

Write your arguments and counterarguments on flipchart paper.

The judges should then make their verdict on whether the right to health has been violated in each of the four cases.



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### Has the right to health been violated? You decide!

1. You are 20 years old and convinced that your nose is too big. You have just split up with your boyfriend and have decided this is one of the reasons why. You have been trying to convince your doctor that he should refer you to the hospital for an operation to reduce the size of your nose on the ground of your mental well being.

2. You are a mother with a 5 year old daughter with persistent diarrhoea who is losing weight. You try to keep everything clean for the child and boil all water but it is difficult in your living conditions; you have electricity for about 4 hours a day and the water supply is intermittent. You are trying to get your daughter admitted to a nutrition centre attached to the health centre, but places are limited.

3. Your partner has breast cancer and has received chemotherapy and radiotherapy. She has been given six months to live. There is a new medicine on the market which is very expensive – far more than you can afford. Because it is new and expensive it is not supplied by the national health system, however you are lobbying your member of parliament to have the drug supplied free as it will lengthen you partner's life by 6 months.

4. You were demonstrating against some recent government measures when things became very heated and some people started fighting the police. You went to help someone who had fallen and got in the way of the fighting; you were hit hard in the lower back by a truncheon and have had lower back pain since. You are claiming compensation from the police.

### **Exercise 3: Violations of medical neutrality**

Below you will find a number of headings which represent violations of medical neutrality. These headings will be written on flipchart paper and stuck on the wall by the facilitator.

Your task is to think of some examples of these violations of medical neutrality and to write them on the flipchart papers.

The facilitator will then direct you to identify for each example whether

- (a) action was taken to address the violation of medical neutrality
- (b) action was NOT taken
- (c) we do not know whether action was taken

### **Examples of violations of medical neutrality**

#### **Murder and disappearances:**

the killing or disappearance of sick or wounded patients, or of health workers, directly or indirectly caused by one (or all) parties of the conflict.

#### **Torture (and inhuman or degrading treatment):**

not treating the sick or wounded in a humane, ethically responsible manner.



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### **Arrest or imprisonment of sick and wounded:**

arresting or imprisoning the sick and wounded, resulting in the interruption of necessary health care, as well as using a patient's medical condition as an excuse for imprisonment.

### **Punishing health workers:**

punishment of health workers as a result of actions that are professionally responsible, or because of the refusal to act in a professionally unethical way.

### **Military attacks on health workers or medical units:**

military attacks on medical facilities or health workers who are clearly distinguishable as such.

### **Denial of access to care:**

deliberately delaying or obstructing medical transport or the treatment of sick and wounded, or of medical assistance to the civilian population.

### **Harassment:**

openly or implicitly threatening behaviour intended to result in the provision of inadequate health care or the failure to provide care.

### **Discriminatory practice:**

differential provision of care to sick and wounded patients based on non-medical considerations.

### **Disruption of training programmes:**

the ending of health-related teaching programmes for professional and lay health workers, relief workers, and/or health education for patients and civilian populations.

### **Using health workers and units for military purposes:**

the use of health workers or facilities for military purposes, such as patrolling in or around medical units and/or using medical units as command posts, observation posts, troops or weapons transport, or for any other military purpose.

### **Improper use of the medical emblem:**

using an emblem indicating health workers or health facilities, such as the red cross, red crescent or red crystal on a white background, or any other emblem recognizable as a medical one, for military or other non-medical purposes, such as attacking the other party (or parties), transporting uninjured troops, or supplying military units with weapons and/or ammunition. It also includes the failure to identify medical personnel or units with any distinctive medical emblem.

### **Violations committed by health workers:**

health workers taking part in any violation of medical neutrality listed above; unethical use of medical expertise to further the cause of a party to the conflict; unethical medical experimentation and involvement of health workers inflicting torture or concealing its signs



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## **Course 2: Medicine, health and human rights**

### **Chapter 2: Health professionals and human rights**

#### **Exercise 4: Ethical dilemmas and risks**

You should review the following sections from lesson 2.1.

- Why health workers may get involved in torture
- Specific risks for prison health staff
- Medical involvement in the death penalty (examples from the United States and China).

You should refer to the flip charts from the previous exercise.

You will be split into three groups: one group should consider the 'action taken' examples discussed in the previous exercise, the second the 'no action taken' examples, and the third the 'do not know'.

In each group you should consider the risks and dilemmas faced by the health professionals (if they exist) that were behind the possible violations and write these on a piece of flip chart paper. One of you will be asked to present your group's observations.