

Medical Peace Work Online Course 2

Medicine, Health &
Human Rights



MEDICAL PEACE WORK



Education and Culture

Leonardo da Vinci

Course 2: Medicine, health and human rights

Objectives

- Inform about international humanitarian law, human rights and the ethical codes that regulate the health professions.
- Introduce situations where health-related human rights are at risk of violation.
- Understand the health worker's responsibility to promote and defend the right to health.

Medicine, health and human rights



- Chapter 1: The legal context
- Chapter 2: Health professionals and human rights

International Human Rights Law

Universal Declaration of Human Rights 1948

International Covenant
On Civil & Political Rights
(ICCPR) 1976



Right to life
Right to a fair trial
Right to freedom of expression

International Covenant
on Economic, Social &
Cultural Rights (ICESCR) 1976



Right to health
Right to education
Right to housing

The indivisibility of rights

The role of health professionals in human rights advocacy & monitoring

- As witnesses & reporters of abuse
- As standard setters & information providers
- As advocates & campaigners
- As educators

"Dr Farooq Ahmed Ashir, chief orthopaedic surgeon at the Srinagar Bone and Joint Hospital, recorded numerous cases of torture and assault on civilians. He was shot dead at an Indian army checkpoint in 1993."

...not without risk:

(British Medical Association 2001)

What can professional organisations do?

As witnesses & reporters of abuse

Provide 'safe' reporting mechanisms

As standard setters, educators & information providers

Provide clear guidance & raise awareness, disseminate codes & guidelines

As advocates & campaigners

Ensure effective mechanisms for dealing with violations
Ensure legal protection for whistleblowers

Implications of the right to health

- Governments should ensure health & health-sustaining services exist.
- Governments can be held to account by their people if they are not.

however...

- People do not have a right to be healthy, or to receive limitless health care.
- People have a right to *'a variety of facilities and conditions ... necessary for the attainment and maintenance of good health'*.

(Asher 2005)

International Humanitarian Law (IHL)



The 'laws of war' regulate the conduct of armed conflict & its consequences.

- The four Geneva Conventions (1949)
- The two Additional Protocols (1977)

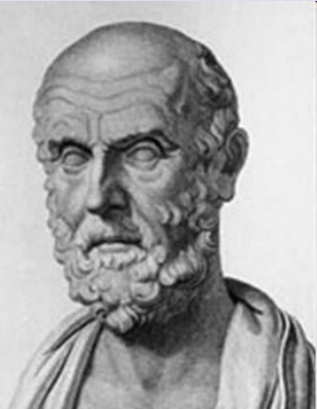
Include the protection of:

- civilians and wounded combatants
- health personnel, facilities and equipment

IHL and medical neutrality

- Health workers have the right to do their job at all times, treating sick and wounded without reference to race, religion, political conviction or nationality.
- Health facilities should only be used for medical (and therefore not military) purposes, and the sick and wounded have the right to be treated impartially and without fear of reprisal or other forms of violent treatment.

Professional Codes of Conduct



From the Hippocratic Oath: 'I will keep them from harm & injustice'



To the Nuremburg Code & informed consent



To the Tokyo Declaration against torture



MEDICAL PEACE WORK



Education and Culture

Leonardo da Vinci

Preparing for difficult situations

Ethical dilemmas & human rights violations are more likely to occur in certain situations:

- detention and imprisonment
- during the administration of corporal punishment or the death penalty
- in armed conflict

Medicine, health and human rights

- Chapter 1: The legal context

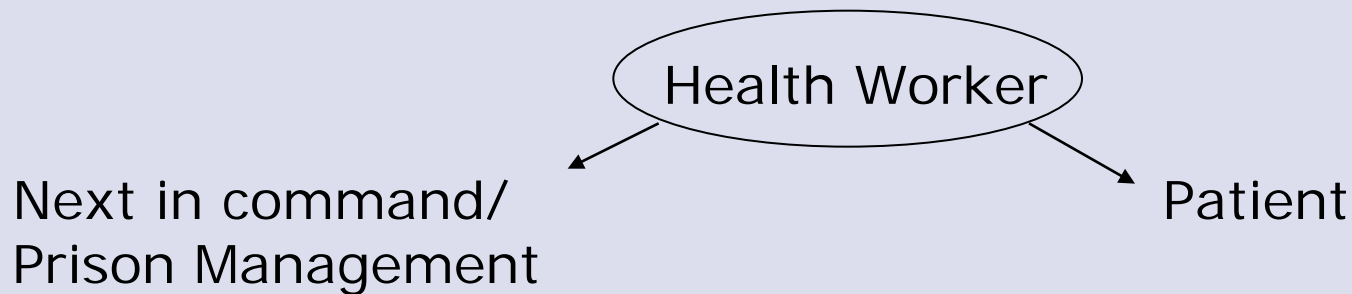


- Chapter 2: Health professionals and human rights

Dual loyalty 1



Ethical dilemmas and human rights abuses are much more likely to take place in situations of '**dual loyalty**'.



However a health worker's duty is **ALWAYS** to their patient!

Dual loyalty 2

Specific risks for prison health staff

- Examining patients while they are constrained
- Violating confidentiality
- Passing on health information without consent
- Cooperating with the practice of solitary confinement
- Not reporting violations in relation to children, hygiene and other prison conditions

The Right to Health 1



The right of everyone to the enjoyment of the highest attainable standard of physical & mental health.

ICESCR Article 12

The Right to Health 2

'First generation rights'

Civil & Political Rights

e.g. the right to vote

Clearer, easier to defend legally.

'Second generation rights'

Economic, Social & Cultural Rights

e.g. the right to health

More complex, harder to uphold.

Violation of the right to health: Where does responsibility lie?



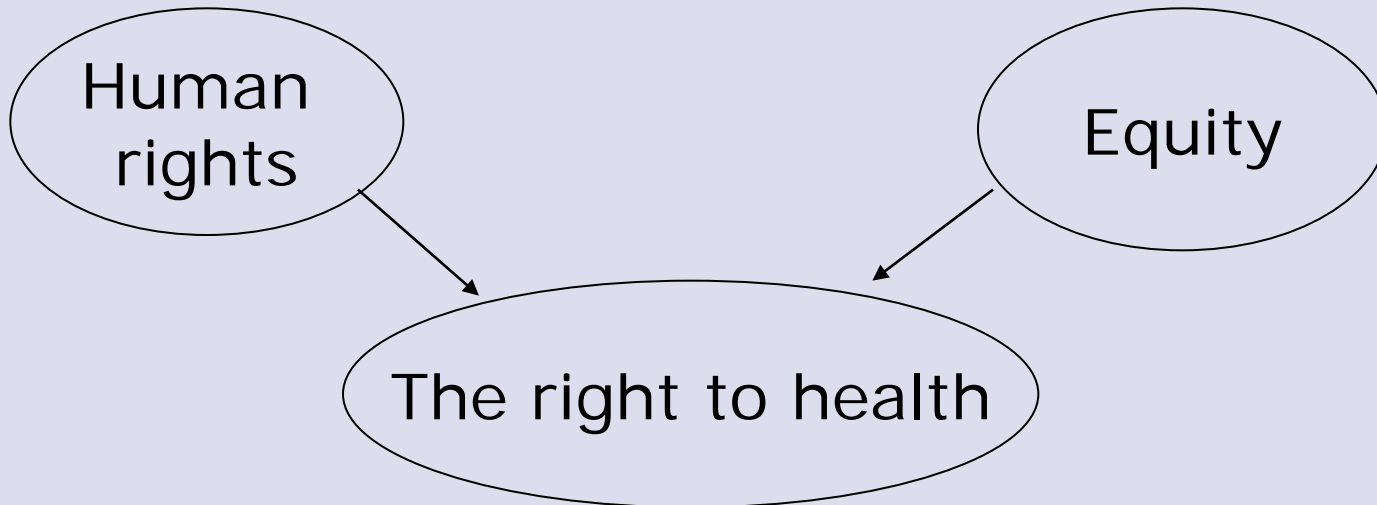
Who is responsible for avoidable maternal mortality?

- The family/ community?
- The health facility?
- The Government?
- The international community?

No clear cause still means it's a human rights violation.

The right to health is not just about legal and political systems, it's about health systems and social and economic factors.

Equity & the right to health



Equity means eliminating inequalities in health and its underlying determinants.

The rights-based approach to health

- Uses human rights as a framework for health work.
- Considers and acts on the human rights implications of health policy, programs and legislation.
- Makes human rights an integral part of the design, implementation, monitoring and evaluation of all health-related activities.



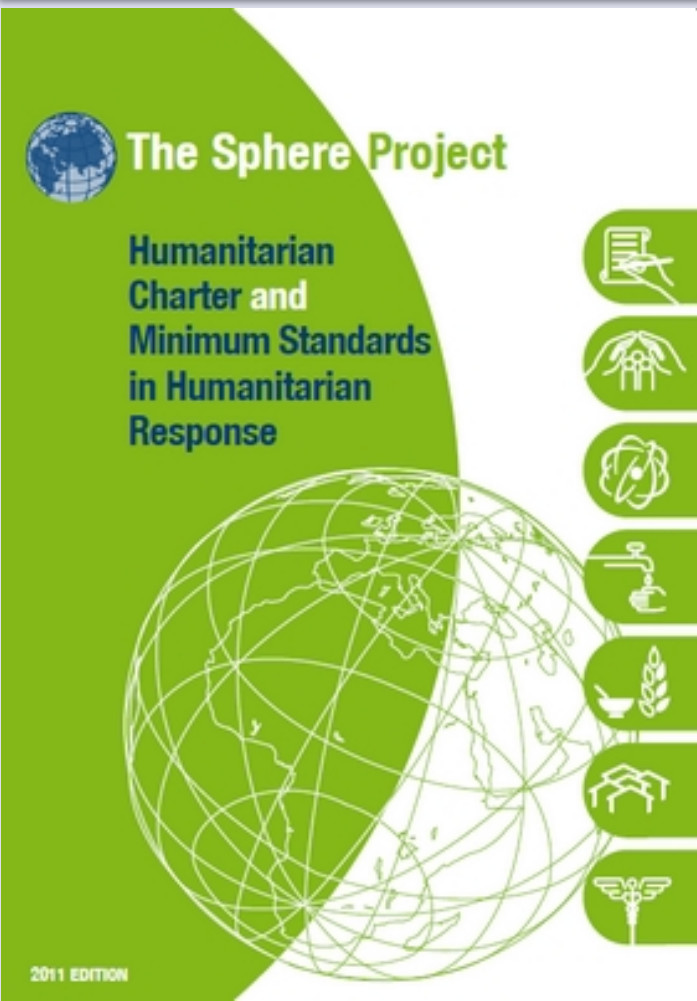
MEDICAL PEACE WORK



Education and Culture

Leonardo da Vinci

The Sphere Project - a practical manifestation of the right to health



“those affected by disaster or conflict have a right to life with dignity and, therefore, a right to assistance”

(Sphere Handbook 2011:4)

- Includes key actions, key indicators and guidance notes in health systems & essential health services



MEDICAL PEACE WORK



Education and Culture

Leonardo da Vinci

References

- Asher J (2005). **The right to health: a resource manual for NGOs.** Brill, New York.
- British Medical Association (2001). **The Medical Profession and Human rights: Handbook for a changing agenda.** London, BMA.
- The Sphere Project (2011). **The Sphere Handbook: humanitarian charter and minimum standards in humanitarian response.** Available at www.sphereproject.org, accessed 30 September 2011.

© **medicalpeacework.org 2012**

Author Marion Birch, editors Mike Rowson and Klaus Melf, graphic design Philipp Bornschlegl