



**HUMAN RIGHTS,
DEMOCRACY
AND THE RULE OF LAW**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**DROITS DE L'HOMME,
DÉMOCRATIE
ET ÉTAT DE DROIT**

Human Rights and ethical principles in biomedicine. Interaction between medical professionals and lawyers

Ritva Halila

Senior Medical Officer, M.D., Ph.D. Specialist in Paediatrics
Ministry of Social Affairs and Health

Finland
ritva.halila@stm.fi

- no financial connections to medicinal industry
- no shares, not accounts abroad
- MD, Finnish Medical Association and other medical societies
- Docent in the University of Helsinki
- Health care professional

- Patient, mother of 3 children

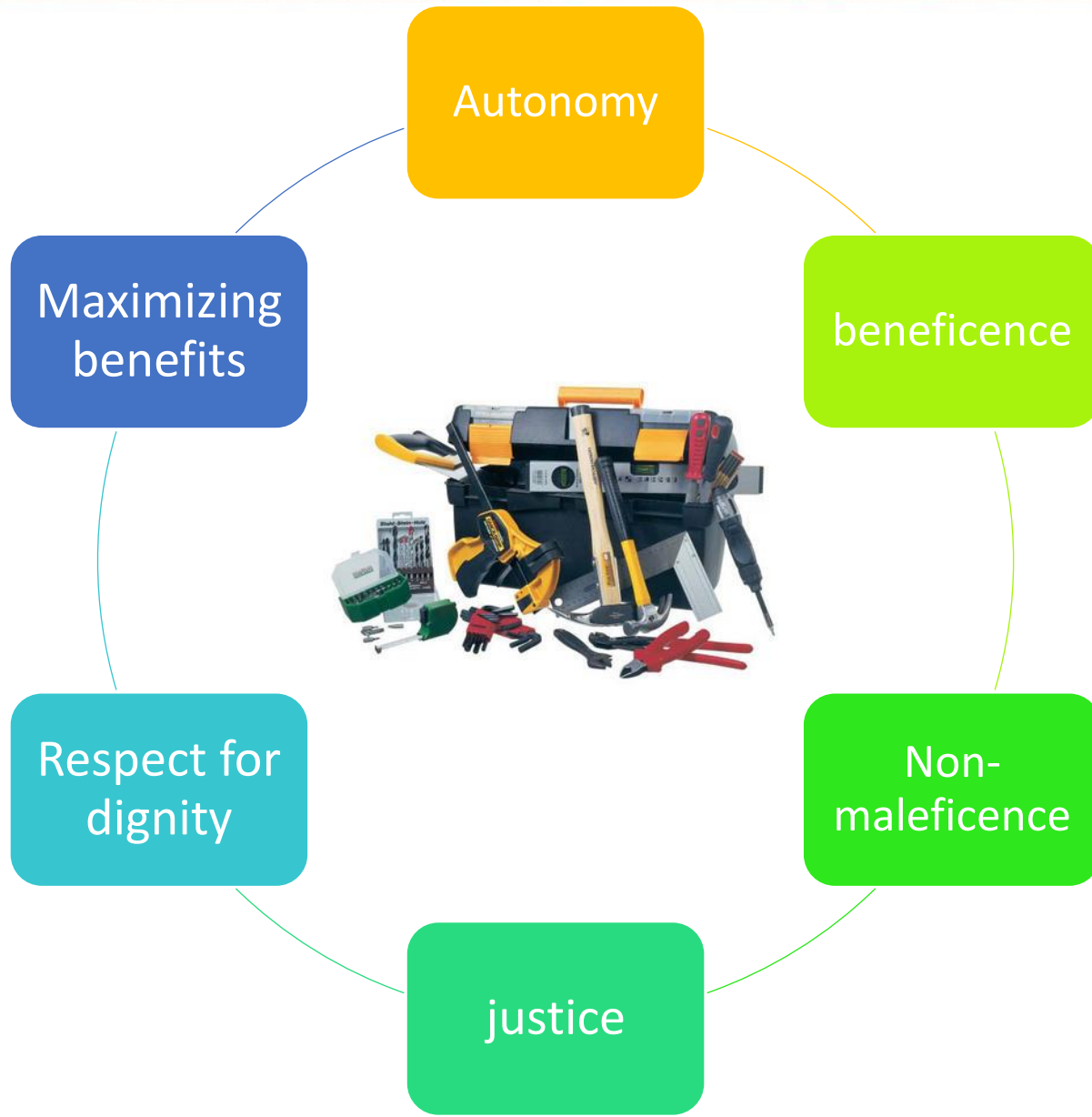
- ethical principles in biomedicine and medical research vs. human rights
- Interaction between lawyers and medical professionals

- Right to life
 - What does it mean in medicine?
- Right to integrity
 - Legal grounds for interventions
 - Non-discrimination
- Right to self-determination – right to personal freedom
 - Informed consent
- Right to be cared for, right to good medical care

- Right to good quality health care
 - Right to information about his/her disease, treatment options, risks of treatments, treatment choices/alternatives,
 - right to refuse treatment – right to consent
 - Involuntary care only in situations prescribed by law
 - Right to privacy – obligation of secrecy
- Good quality health care
 - In a right time, right place, performed safely
 - Qualified professionals
 - Emphasis on prevention

- Does this right collide with other rights?
- Right to die?
- ?
- Right to reasonable life? Good life? Worthy life?
- Who evaluates what kind of life is reasonable, good or worthy?
- Some examples





- right to take part in the decision making about his/her health care
- Right to consent – right to refuse
- If refuse – right to another treatment that is medically grounded
- Right to refuse any treatment
- Living will / advanced directive: A person has the right to tell in advance, how he/she should be treated in situations where he/she cannot express him/herself
 - Must be respected, unless there are reasons to believe that a person would have changed his/her mind, or the living will would have based on false or out-of-date information

- A doctor should always try to find the best treatment for his/her patient, so that the patient could benefit from it
- A doctor cannot suggest the patient any treatment that would cause harm; even if the patient would ask for that
- Medical doctors must use proven and known methods. If unproven, the doctor has to ask the patient for his/her consent

- Everyone has a similar, inalienable and undivided dignity
- A person is treated with respect as an individual, not as object or as an expense
- A person's right to help, right to live without pain and suffering...
- Respect of persons rights and privacy
- Emphasized at the beginning and especially at the end of life

- The right of equitable access to health care
- Persons with equal needs should be treated equally
- Emphasis on vulnerable groups

- Principle of justice is emphasized where resources are limited: delivery of health care services has to proceed according to accepted principles;
- No discrimination

- The doctor should always search for the best possible treatment: most efficient, least harmful, causing least suffering
- While responses to medicines and other treatments are individual, even proven treatment might sometimes not be the best possible choice for him/her

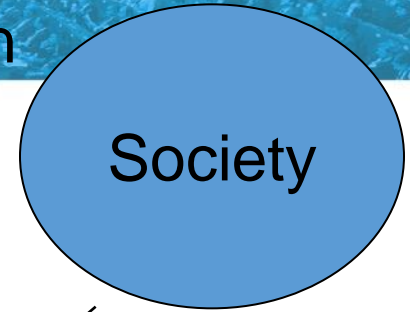
- Aim: to develop new treatments for patients
- Medical research is strictly regulated in many countries (and also internationally)
- Uncertainty of the results
- Must be approved before starting the research on humans



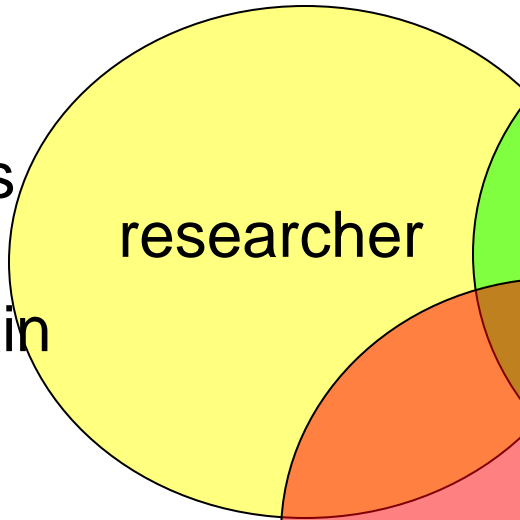
- Autonomy emphasized
- Written informed consent is often required
- Research must be based on scientific grounds, animal / other tests
- Group size minimal to get results;
- All results should be published



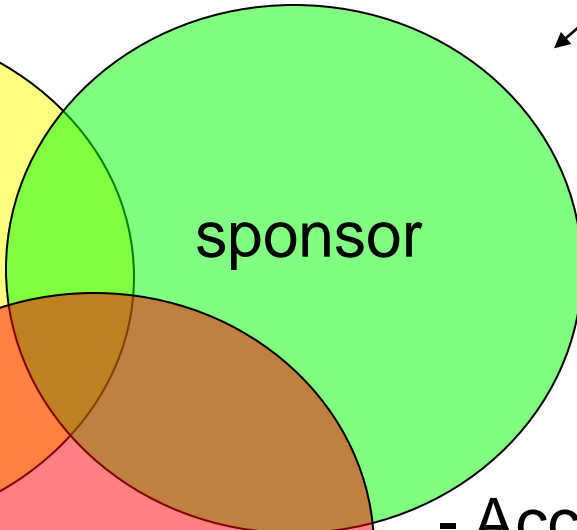
healthier
population



career
-publications
-status
-financial gain
-doing good

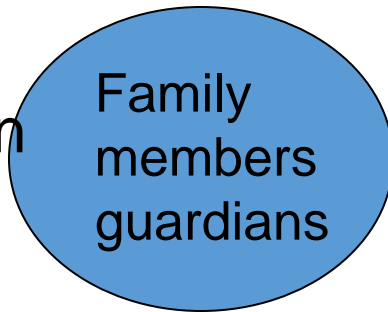


researcher

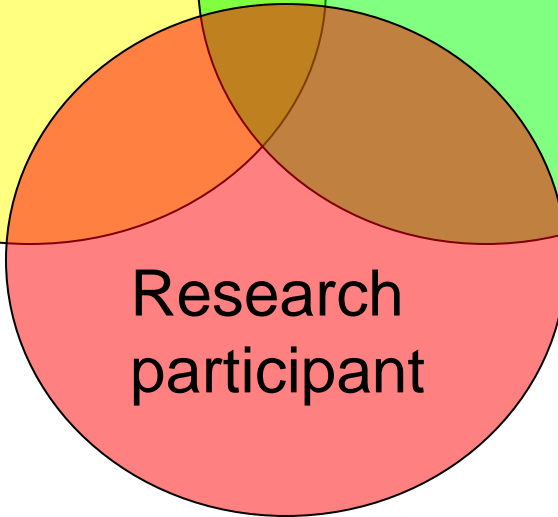


sponsor

Financial gain
-Market share
-patents



Family
members
guardians

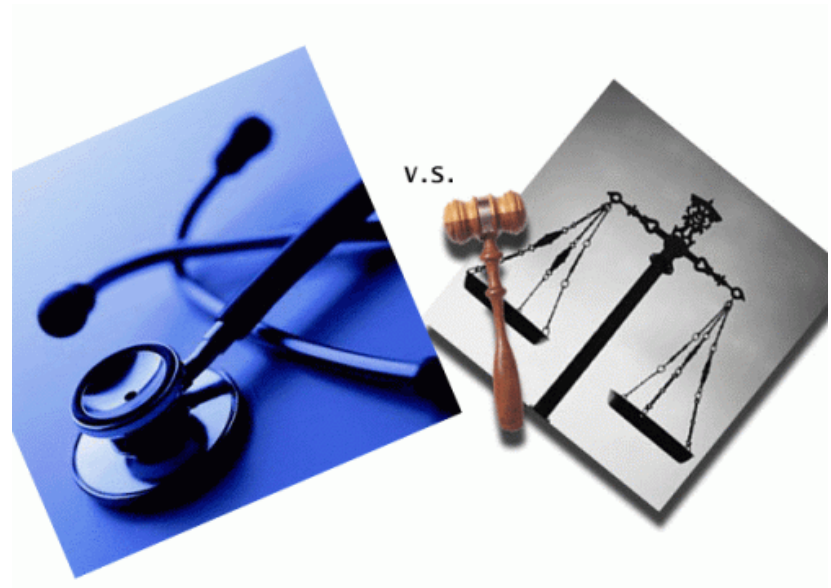


Research
participant

- Access to care
- Alleviation of
suffereing
- Financial gain?

-protection
-financial
gain

- How can legal professionals protect the rights of patients with health care professionals?
- How to promote discussion between these two disciplines





- Students' groups: cases
- Multi-disciplinary courses

- In every-day life:
 - Support patients' autonomy: end-of-life care; children, old people
 - Patient organisations: both experts needed

- In different specialties: Psychiatry; forensic psychiatry, forensic medicine; paediatrics



- Promoting and supporting autonomy and other rights of patients
 - Advanced directives
 - Involuntary care
 - Development of legislation
- Working together
 - Ethics committees
 - Ethics groups





Thank You!

Kiitos!

