

Therapy in a coercive context

The dilemma of medical secrecy in court-ordered therapies

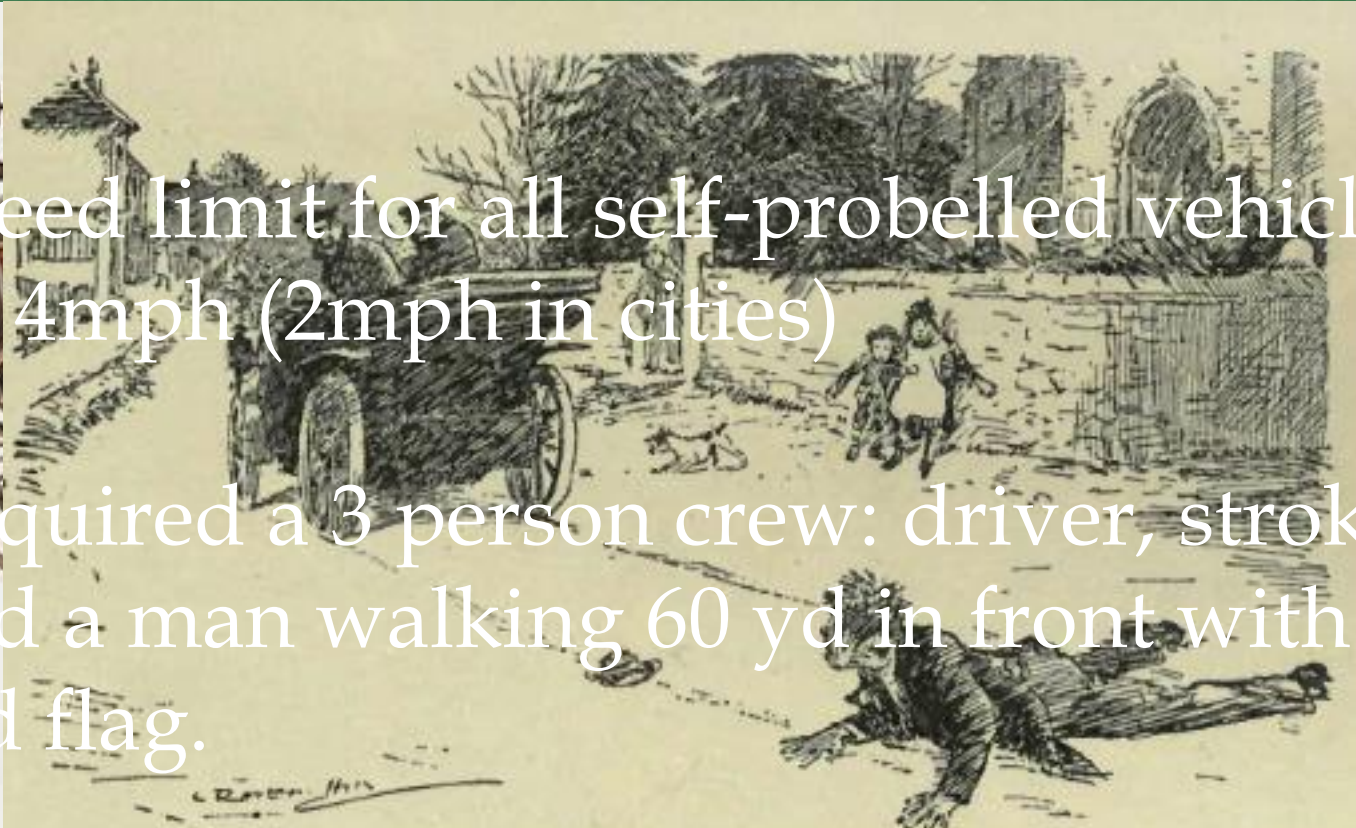
Dr. med. Michael Braunschweig

Chief physician of the Psychiatric-Psychological Service of the Office for Execution of Penal Sentences and Justice of the Canton Zurich, Switzerland

Red flag act 1865-1896

Speed limit for all self-propelled vehicles of 4mph (2mph in cities)

Required a 3 person crew: driver, stoker and a man walking 60 yd in front with a red flag.



Motor Fiend. "Why don't you get out of the way?"
Victim. "What! Are you coming back?"

World Wide Web

- 30.04.1993 release of the World Wide Web on by CERN (Conseil européen pour la recherche nucléaire)
- How to deal with data and data protection is not a technical, but a sociopolitical issue of far-reaching consequence.

Declaration of Geneva 1948 of the World Medical Association

- CARE

The health and the **well-being** of my patient will be my first consideration

- FREE Will

I will respect the **autonomy and dignity** of all my patient

- EQUALITY

Regardless of the person I will give the **same treatment** to all my patients

- MEDICAL CONFIDENTIALITY

I will **respect the secrets** that are confided in me

The purpose of professional medical secrecy?

- Protection of individual privacy
- Sovereignty of my personal data
- The confidential relationship between patient and doctor
- Public Health

Does the maxim of medical secrecy always apply?

- The answer is a clear “Yes, but!”
- Exceptions are possible if:
 - The patient's permission has been given (e.g. advanced directive)
 - The physician has been authorized or required by law to disclose information.
 - Upon request by responsible authority

Examples

- Diseases with a high risk of infection like tuberculosis, plague, AIDS, hepatitis or venereal diseases
- Does a prisoner have a right to suicide?
- Is a suicidal, severely depressed patient even able to express free will?
- In what cases should prison staff be informed about the health status of an inmate?

The three ethical dimensions

The right to selfdetermination,

The well-being of the patient

The interests of third parties

Therapy in a court-ordered coercive context

- Is a successful therapy against the patient's will possible?
- What about medical secrecy under such circumstances?
- Can the required therapeutic relationship be established under such conditions?

Difference between a normal psychotherapy and a court-ordered therapy

	psychotherapy	court-ordered therapy
<i>motive</i>	voluntary	court-ordered
<i>occasion</i>	psychological strain	offence
<i>will to change</i>	high	tendentially low
<i>principal</i>	client	judiciary
<i>setting</i>	practice / clinic	penal system
<i>goal</i>	improve quality of life	reduce risk of relapse
professional secrecy	full	limited

Thank you very much for your interest

