

# At heart of the matter: Human Rights Imperative for Public Health

In the crossroads of Fair and Just Health Care.

-Gustav Foghammar, MD

Senior Consultant

*Specialist in General Psychiatry  
and Family Medicine*

*Master of Public Health Student  
at Karolinska Institute*

Department Stockholm Centre of  
Eating Disorders/SCÄ

tph 0046 708 66 60 66 mobile

gurre@mail.com

Stockholm

2004-06-22

# The Aim of the presentation

- The aim and focus of the presentation is to give a brief introduction of terminology of Human Rights and the linkage between Public Health and Ethics.
- Global health and security problems: are human rights to public health respected, protected, or fulfilled; are there negligent omissions or violations
- Broaden the spectrum for thought on ethics and human rights dimensions of access to health care and the quality of that care, and to acknowledge the impact of poverty and lack of physical support.
- When the micro-ethics of medical care are translated into the macro-ethics of public health, does the transition compels some compromise of personal autonomy, a key feature of Western bioethics, in favour of societal analysis?

# Introduction

- This powerpoint presentation presents an overview of ideas and thoughts related and associated to Professor *Jonathan Mann*, former director of the Centre for Health and Human Rights, Harvard School of Public Health, with the emphasis placed on his contributions to matters of Human Rights and Public Health and discussions on the theme of Fair and Just Health Care.

# Human Rights Imperative for Public Health

- *Disposition*
- Core Brief presentation of Mann's ideas and HR.
- HR structural aspects
- “Interactive” Public Health
- Clinical aspects
- Summary
- Conclusion

# Human Rights Imperative for Public Health

One of the main key ideas of Mann is that he extensively wrote and spoke about was

**The core statement :**

**Human rights violations result in adverse health effects. (17)**

It is not a question of more money to the preventive works but ***constructive ideas and coherence of the strategies*** (for example in HIV prevention).

# Human Rights Imperative for Public Health -Spreading of Infections

- The questions of **equality, economy, human rights and other society related factors** has to be better recognised as important factors of the spreading of diseases/ infections as HIV/AIDS.
- *The topic of "behaviour" -"risk behaviours"*
- The term "**vulnerability**" -discrimination, gender aspects as violence against women ,disrespect of human rights and personal integrity, weak, discriminated or stigmatised groups are in general more vulnerable to infection.
- I e the HIV infection continuously and increasingly obvious get more "**fragmentized**" and involving more different groups in the society – *Subepidemic groups like pensionist's in US.*

# Human Rights Imperative for Public Health Health Definition

- *From the homepage of WHO (1):*
- ***The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being..."*** -  
Preamble to the WHO Constitution
- ***From WHO's constitution:***  
***--And health is a state of complete physical, mental and***

# Introduction to Health and Human Rights

- Looking at health and human rights problems from the **multiple perspectives of the social sciences** (political science, public policy, sociology, law) and **the natural and quantitative sciences** (medicine, biology, demography, statistics, epidemiology) enables us to conceive more promising solutions and employ more accurate evaluation techniques—thus ensuring that the most effective steps are being taken by policymakers and practitioners to promote human rights and health (12) **(Homepage FBX)**

# Human Rights Imperative for Public Health Risk analysis Problem fields of concern

- “medical paternalism trap”.
- “medical police”
- interference for the “People’s Best”. ie *A Hitler als Arzts des deutschen Volkes.*(19)

# Human Rights Imperative for Public Health UN and Human Rights

- ***UN The Universal Declaration of Human Rights Article 1.***
- **All human beings are born free and equal in dignity and rights.**
- **They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood**

# Human Rights Imperative for Public Health

## Distinction has to be made between :

- **Charter-based Human Rights.** The Charter of UN holds broader human Rights mandates, address an unlimited audience and take action on majority voting.
- **Treaty-based Human Rights Bodies.** more narrowly mandates (i e the set of issues codified in the legal instrument involved) addresses a limited audience(i e only those countries that have ratified the legal instrument in question) and base their decision-making on consensus .In UN Committe against Torture Committe on Economic, Social and Cultural Rights, Committe on the Elimination of Discrimination against Women, Committe on the Elimination of Racial Discrimination, Committe on the Rights of The Child, Human Rights Committe

(21)

# Human Rights Imperative for Public Health

- **International Laws**
- **Philosophical**
- **Aspirational/Rhetorical**

<ul style="list-style-type: none"> <li>● <b>Human Rights</b></li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<ul style="list-style-type: none"> <li>● <b>International Laws</b></li> </ul>	<ul style="list-style-type: none"> <li>• International (laws) Bill of Human Rights; Civil and political; economic, social, and cultural Treaty Obligations; text and precedent International humanitarian law</li> </ul>
<ul style="list-style-type: none"> <li>● <b>Philosophical</b></li> </ul>	<ul style="list-style-type: none"> <li>• Reasoning and Argumentation Import of individual interests Values clarification Rights theory, Theories of justice</li> </ul>
<ul style="list-style-type: none"> <li>● <b>Aspirational/Rhetorical</b></li> </ul>	<ul style="list-style-type: none"> <li>• Appeal to the fundamental rights of people Symbolic commanding reverence and respect Tool of advocacy Human rights activism</li> </ul>

# Human Rights Imperative for Public Health-Definition Human Rights

- "Human Rights are universal legal guarantees protecting individuals and groups against actions which interfere with fundamental freedoms and human dignity. Some of the most **important characteristics** of human rights are that they are(4)
  - - ***guaranteed by international standards;***
  - - ***legally protected;***
  - - ***focus on the dignity of the human being;***
  - - ***oblige states and state actors;***
  - - ***cannot be waived or taken away;***
  - - ***interdependent and interrelated;***

# Human Rights Imperative for Public Health

## Twin Challenge of HR promotion vs HR Protection Table

<b>Twin challenge of</b>	<b>Human Rights perspective</b>	<b>Analogous to</b>
Human Rights Promotion	Hopefully preventing rights violations	Health Promotion preventing Disease
Vs		
Human Rights Protection	Emphasizing accountability and redress for violations	Medical care once has occurred

# Human Rights Imperative for Public Health

## Diverging Perspectives Human Rights Scholars vs Ethicists

<b>Human Rights Scholars</b>	<b>Ethicists</b>
<p>Stress the Importance of treaty obligations Rely on text and precedent</p>	<p>Seldom refer to international law doctrine Employ philosophical reasoning and argumentation <b>Health Care as a Human Right-</b> Confused-does philosophical principles like justice support this claim or existence of a definable and enforceable right under international law?</p>

Aspirational/rhetorical qualities on the other hand conveys a sense of moral certainty. Social and economic rights notably the right to health deserves the same rigorous and sustained attention as were required to define and enforce civil and political rights as the Declaration of Human Rights worked out by international forums.(15)

# Human Rights Imperative for Public Health Design of facilitatating the implementation of these rights.

- **The implementation of economic, social and cultural rights - such as the right to health -presents a number of challenges to the human rights community.(6)By Hunt,UN**

# Human Rights Imperative for Public Health

## Design of facilitating the implementation of these rights

**Making the normative content of these rights more understandable**

<b><i>'availability'</i></b>	<b><i>'accessibility',</i></b>
<b><i>'adequacy'</i></b>	<b><i>'quality'</i></b>
<b><i>'core obligations'</i></b>	<b><i>'international minimum threshold'</i></b>
<b><i>'indicators'</i></b>	<b><i>'benchmarks'</i></b>
<b><i>progressive realisation</i></b>	<b><i>resource availability</i></b> <b><i>variable element</i></b>

# Human Rights Imperative for Public Health Mann's Globalism - *The Triad*

***Ideas on ethics*** Mann argued that ethics provided the language for medicine to deal with values, especially regarding the behaviour of individual practitioners, whereas public health “is struggling to define and articulate its core values”.(16)

***Human Rights*** Modern Human Rights seem a far more useful framework, vocabulary and form a guidance for public Health efforts to analyze and respond directly to the societal determinants of health than any inherited from the biomedical or public health traditions because they were developed entirely outside the health domain and seek to articulate the societal preconditions for human well-being.

## ***Ethical Code***

Mann advocated the development of an ethical code or at least a well-articulated values statement for public health professionals. Ethics of Public health should use the vocabulary of dignity rather than biomedicine and that it apply a human rights framework. Mann thought of working toward a code linking health and human rights (but not a normative statement on the relations although they are related) but this would be challenging (16)

# Human Rights Imperative for Public Health By Mann

- The three central functions of Public Health include:
- Assessing health needs and problems
- Developing policies designed to address priority health issues
- Assuring programs to implement strategic health goals.

Potential benefits to and **burden on human rights** may occur on the pursuit of each of these major areas of Public Health responsibility.(13)

- Introduction of the term “ **human rights impact assessment** “ to measure the human rights effects of public health policies knowing that public health policies can and do infringe on human rights
- The **collaboration** of scholars and activists working in human rights, public health, and humanitarian relief in recent years is a powerful force to bolster human rights and health

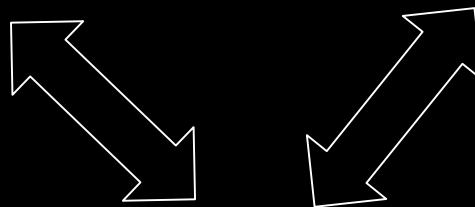
# Human Rights Imperative for Public Health Three Relationships

- Mann's main argument on the relation between ethics ,public health and human rights draws on three relationships

*Public Health policies*



*Programs*



*Practices harmful to human rights*

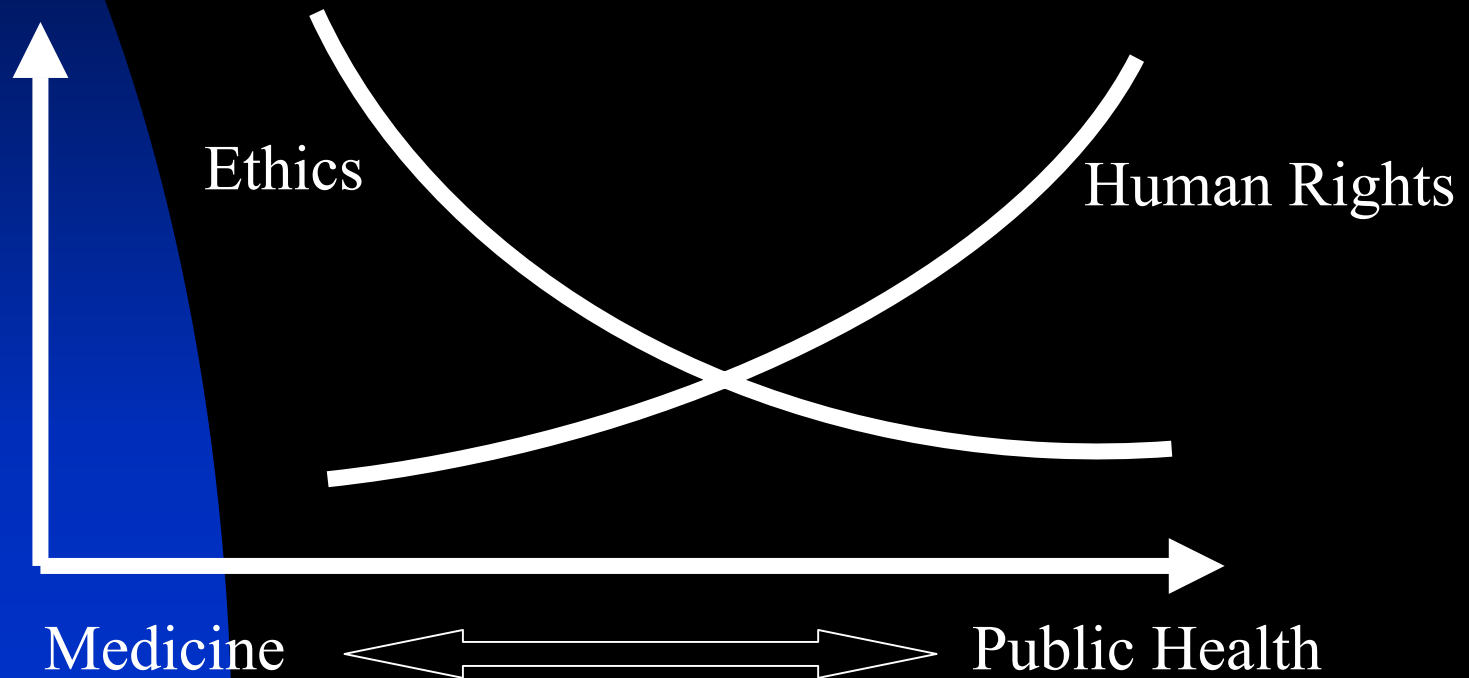
# Human Rights Imperative for Public Health

## Policy Relevance of Ethics and Human rights in the context of Medicine and Public Health

### Public Health Medicine Ethics Human Rights Policy Relevance

It can be illustrated the relative value of ethics and human rights for policy in medicine and public health.(17)

Analysis at the other where the human rights language is more useful. Mixture of human rights and ethical concepts and language are more common in positions between the hypothetical extremes of medicine and public health.(17)  
Discussion of difficult questions of death penalty, womens right to choose and when to give birth ,discriminations.



# Human Rights Imperative for Public Health-Observations by Mann

- The people could not be healthy if governments did not respect their rights and dignity as well as engage in health policies guided by sound ethical values
- Nor could people have their rights and dignity if they were not healthy.
- **Programs of Health Promotion and Education are not enough**
- **The risk of Public Health Interventions **burdening** Human Rights**
- Advocacy of the creation of a **code of public health ethics**
- The adoption of a vocabulary or taxonomy of **” dignity violations”**(15)

# Human Rights Imperative for Public Health The Paradox

- Can Health indicators really measure legal obligations ?
- *An infant mortality indicator measures infant mortality -- --*
- Notice that impressive gains in health status has been seen in some countries not considered of priority of respect to Human Rights .How can we understand this and the health indicators vs Human Rights?
- Showing

[www.gapminder.org](http://www.gapminder.org)

[www.whc.ki.se](http://www.whc.ki.se)

# Human Rights Imperative for Public Health Role and Relationships

- The role of bioethics in conscientious medical care is equated to that of human rights in public health care. (Mann)
- Need of “ **human rights impact assessment** “ to measure the human rights effects of public health policies knowing that public health policies can and do infringe on human rights
- Of importance is **engagement of civil society**.
- Without the mobilization of activist organizations and communities, the toll of HIV/AIDS over the past quarter-century would have been far heavier. The momentum for antiretroviral scale-up owes much to **the sustained advocacy of treatment activists at local, national and global levels and to nongovernmental organizations** such as Médecins Sans Frontières and Partners In Health-Zami Lasante, which demonstrated to the world the feasibility of **delivering antiretroviral treatment in the poorest settings**. (1)

# Human Rights Imperative for Public Health

## Controversial question

---

**Shall the maxim be adopted that health policies and programs should be considered discriminatory and burdensome on human rights until proven otherwise?**

The proposal that promoting and protecting human rights is inextricably linked to the challenge of promoting and protecting health derives in part from recognition that health and human rights are complementary approaches to the central problem of defining and advancing human well-being.

# Introduction of a three-part provisional framework for exploring potential collaboration in health and human rights out (13)

## *1) The first relationship involves*

- The impact (positive and negative) of health policies, programs and practices on human rights

## *2) The second relationship*

- Health Impacts resulting from Violations of Human Rights –

## *3) The third and most fundamental relationship*

- Health and Human Rights Exploring an Inextricable Linkage

# Human Rights Imperative for Public Health Burden of HR

- ⑩ **Violations or lack of attention to human rights can have serious health consequences** (e.g. harmful traditional practices, slavery, torture and inhuman and degrading treatment, violence against women and children).
- ⑩ **Health policies and programmes can promote or violate human rights in their design or implementation** (e.g. freedom from discrimination, individual autonomy, rights to participation, privacy and information).
- ⑩ **Vulnerability to ill-health can be reduced** by taking steps to respect, protect and fulfill human rights (e.g. freedom from discrimination on account of race, sex and gender roles, rights to health, food and nutrition, education, housing).

# Human Rights Imperative for Public Health

## Understanding of HR Violations

- Health impacts are obvious and inherent in the popular **understanding of certain severe human rights violations** such as torture, imprisonment under inhumane conditions, summary execution, and "disappearances."
- The **duration and extent** of health impacts resulting from severe abuses of rights and dignity remain **generally under-appreciated** Clinical example:
  - the right to information may be violated when alcohol or for instance cigarettes are marketed without governmental assurance that information regarding the harmful health effects of alcohol and tobacco smoking will also be available
- **Other violations of the right to information, with substantial health impacts?**
- **Using rights violations as an entry point for recognition of health problems** may help uncover previously unrecognized burdens on physical, mental or social well-being.

# Human Rights Imperative for Public Health

## Public Health Burdening of Human Rights

**Collecting information from individuals ,Personal health status or health behavior information has the potential for missuse by the state** can clearly burden rights to security of person (associated with the concept of informed consent) and of arbitrary interference with privacy (such as sexual orientation, or history of drug use)

**A state's failure to recognize or acknowledge health problems** that preferentially affect a marginalized or stigmatized group may violate the right to non-discrimination by leading to neglect of necessary services, and in so doing, may adversely affect the realization of other rights

**Developing policies to prevent and control priority health problems** may arise important burdens on human rights in the policy-development process

**Assuring programs to implement strategic health goals**

# Human Rights Imperative for Public Health

## Mission of Public Health

- Syllogism presented by Mann :
  1. If the mission of Public Health is to assure the conditions or the population's health and **socio-economic vulnerability and disparity are vital causes of morbidity and premature mortality** then Public Health must address the fundamental determinants of ill health.
  2. The primary function of Public Health is to **promote dignity, reduce inequity and raise living standards** of communities everywhere
- Prof Mann was conceived of **human rights and ethics as centrally importance** to the work of public health and his intention was to steer the field of Public Health in the direction of a broader, more robust agenda that would **address the fundamental determinants** of injury and disease.

# Human Rights Imperative for Public Health and Chronic Illness (18)

- The core value of provision health care (*to the patients with chronic and incapacitating illnesses*) are involved a certain number of ethical values and pinciples that must be considered.(18)
- **Human dignity.**
- **Solidarity.**
- **Subsidiarity**
- **Equity and justice.**
- **Efficacy and Efficiency**

# Human Rights Imperative for Public Health *Clinical Discussions*

- *Tuberculosis (TB) is deeply rooted in populations where human rights and dignity are limited. While anyone can contract TB, the disease thrives on the most vulnerable—the marginalized, discriminated against populations, and people living in poverty*
- *“Tuberculosis is not (only) a health problem. It is a social, economic, and political disease. It manifests itself wherever there is neglect, exploitation, illiteracy and widespread violation of human rights.” (UN document on *The Human Right approach to Tuberculosis*)*

# Human Rights Imperative for Public Health Tuberculosis Human Rights and Public Health

- Human rights as a tool for data collection and analysis
- Health systems and health care delivery are increasingly taking humanrights norms and standards into account
- Neglect of the right to information can also have substantial health impacts.
- The principle of nondiscrimination is fundamental to public health and human rights thinking and practice
- Prisons (*Refugee camps* ) are examined as an environment that increases vulnerability to for instance TB.
- Dualism to HIV and The correlation to Other diseases or epidemic conditions.

# Human Rights Imperative for Public Health

## Questions of concern (15)

- **Ethics of Public Health? "Professional"**
- **Ethics in Public Health? "Applied"**
- **Ethics for Public Health? "Advocacy"**

*As discussed by Prof Gostin, a US leading authority on health law that had been working together with prof Mann.*

# Human Rights Imperative for Public Health

<b>Public Health Ethics</b>	<i>Fig by prof Goskin(15)</i>
<b>Ethics of Public Health</b> (Professional Ethics)	Ethical dimensions of Professionalism Moral Trust society bestows on Professionals to act for the comon good
<b>Ethics in Public Health</b> (Applied Ethics,Situation or Case Oriented)	Ethical Dimensions of Public Health enterpriseMoral standing of population's healthTrade-offs between collective goods and individual interestsSocial justice:equityable allocation of benefits and burdens
<b>Ethics for Public Health</b> (Advocacy Ethics,Goal-Oriented,Populist Ethics)	Overriding value of healthy communities Serves interests of populations,particulary powerless and oppressed Methods :pragmatic and political

# Human Rights Imperative for Public Health

- Summary and ethical analysis

- *Human rights violations result in adverse health effects.(17)*



- *Of all others now the questions of Human Rights has to be put in frontline.(14)*



- *It is not a question of more money to the preventive works but constructive ideas and coherence of the strategies that is important.*

- *Ethical Code in Public Health*

# Human Rights Imperative for Public Health

- Different aspects and ideas by Mann among them the terms of ,
- Ethical guidelines/Codes for Public Health Personal *Treatment of individuals with dignity and respect* essential for health and well-being
- Of importance is *engagement of civil society*.
- *Human rights impact assessment* necessary for further research
- *Relationship between Public Health policies Programs and Practices* harmful to human rights
- The term "vulnerability"
- The topic of "behaviour"
- The concept of "globalism"
- Normative taxonomy HR dignity violations etc

# Human Rights Imperative for Public Health Ethical Analysis

- *If to make a very simple (bio-)ethical analysis of these thoughts they are strongly connected to the Hippocratic tradition.(19) with the well known phrase of **primum non nocere** known by most of the doctor's. The Ode of Hippocrates consists of two ethical principles still of topical ethical concern in medicine;*
- *the Principle of Good, the Principle of Not Harming*

# Human Rights Imperative for Public Health

## *Conclusion*

Thus far, different philosophical and historical roots, disciplinary differences in language and approach, and practical barriers to collaboration impede recognition of important linkages between health and human rights. The mutually enriching combination of research, education and field experience will advance understanding and catalyze further action around human rights and health. Exploration of the intersection of health and human rights may help revitalize the health field as well as contribute to broadening human rights thinking and practice. The health and human rights perspective offers new avenues for understanding and advancing human well-being in the modern world.

*conclusion as the title-*

***Human Rights are imperative***

***for***

***Fair Public Health ?***

# Human Rights Imperative for Public Health-

In more emotional words said by. - United Nations Secretary General, Kofi Annan

***"It is my aspiration that health will finally be seen not as a blessing to be wished for; but as a human right to be fought for."***

# Human Rights Imperative for Public Health

## References and Literature

- (1) Public Health at the crossroads Achievements and prospects Robert Beaglehole Ruth Bönita cambridge University Press ISBN 0-521-58665-8, p. xiii-11.
- (2) Kunitz SJ Explanations and Ideologies of mortality patterns Pop Dev Review 1987 13:379-408
- (3) From Data/computerworks by prof Hans Rosling, Karolinska Institute IHCAR et al) Download at [www.gapminder.com](http://www.gapminder.com) [www.whc.ki.se](http://www.whc.ki.se)
- (4) WHO Health Topics Human Rights [http://www.who.int/health\\_topics/human\\_rights/en/](http://www.who.int/health_topics/human_rights/en/)
- (5) Research and Other Basic Building Blocks on Health and Human Rights *Database on the Right to Health and Health-Related Rights* In collaboration with the International Commission of Jurists, WHO is exploring the development of a database containing the right to health and health-related rights at the international, regional and national levels. At present, no authoritative research instrument exists that allows national, regional and international legal, governmental and civil society actors to access global right to health and health-related rights legal information. This database is designed to fill this gap
- Health and Human Rights Indicators
- The UN Committee on Economic, Social and Cultural Rights (CESCR) issued General Comment 14 on the right to the highest attainable standard of health in 2000. The General Comment noted that "National health strategies should identify appropriate right to health indicators and benchmarks. The indicators should be designed to monitor, at the national and international levels, the State party's obligations under article 12". It identified WHO as one of the UN agencies to guide States in this process.
- (6) *Background note HHR by The UN Special Rapporteur on the Right to Health, Paul Hunt*
- In this context, WHO convened a workshop on May 15, 2003, to advance the process to identify relevant indicators as described by General Comment 14. The importance of bringing multi-disciplinary actors in health and human rights together and of seeking common ground on how to monitor the right to health was emphasized, and both public health experts and human rights practitioners were invited. The workshop meeting report will soon be available on the web
- (7) **The World Health Chart** WHO-collaboration works of prof Hans Rosling et al ; [www.gapminder.org](http://www.gapminder.org) <http://www.whc.ki.se>
- (8) The Human Development Report is an independent report. It is commissioned by the United Nations Development Programme (UNDP) and is the product of a selected team of leading scholars, development practitioners and members of the Human Development Report Office of UNDP. have been developed — the Human Development Index, the Gender-related Development Index, the Gender Empowerment Measure, and the Human Poverty Index. Each Report also focuses on a highly topical theme in the current development debate, providing path-breaking analysis and policy recommendations <http://www.undp.org/hdr/2003/flash.html>
- (9) A human rights approach to Tuberculosis <http://www.who.int/hhr/norms/bn/A%20human%20Rights%20Approach%20to%20Tuberculosis.pdf>
- (10)
- **-International treaties and conventions (in chronological order) relevant to health and human rights**
- **-International Conference Documents and their Follow-up Relevant to Health and Human Rights**
- **-International declarations, norms and standards (in chronological order) relevant to health and human rights**
- **-Regional instruments (in chronological order) in relation to health and human rights**
- <http://www.who.int/hhr/readings/treaties/en/>
- (11) Links UN Agencies <http://www.who.int/hhr/links/en/>
- (12) The Francois-Xavier Bagnoud Centre for Health and Human Rights (FXBC)
- This is the first academic centre to focus exclusively on health and human rights, combining the academic strengths of research and teaching with a strong commitment to service and advocacy. The FXBC centre operates at international and national levels through collaboration and partnerships with health and human rights practitioners, governmental and non-governmental organizations, academic institutions, and international agencies. <http://www.hsph.harvard.edu/fxbcenter/>
- (13) **Inaugural Issue** Vol. 1, No. 1, Fall 1994
- (14) Solidarity and AIDS, N Krieger, International Journal of Health services, Volume 21, Number 3 ,Pages 505-510, 1991
- (15) Public Health, Ethics and Human Rights: A Tribute to the late Jonathan Mann, Lawrence O Gostin, Journal of Law, Medicine & Ethics, 28, (2001) 121-130.
- (16) Jonathan Mann's Legacy to the 21<sup>st</sup> Century The Human Rights imperative for Public Health  
Stephan P Marks, Journal of Law, Medicine & Ethics, 29, (2001), 131-138
- (17) Jonathan's Mantle, Schusky RW, Lancet 1998 Dec 19-26; 352(9145):2025
- (18) Ethics of Chronic care in community, A Laueano Santos, Bioethical Centre of The Lisbon Faculty of Medicine
- (19) Från Cowboyetik till scoutmoral, prof Niels Lynöe ( p 25-85:17)(103:51) , Liber ISBN 789147 04 88 61
- (20) Article and lecture Patient Community Perspective on the Interdisciplinary Work in Chronic Care Prof J P Casquilho, Universiad Nova de Lisboa, Portugal (EACME Annual Conference 2003)
- (21) Introduction on Human Rights ,United Nations Documentation: Research Guide (<http://www.un.org/Depts/dhl/resguide/spechr.htm>)