

# ETHICAL ISSUES AND HUMAN RIGHTS

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# INTRODUCTION

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- Ethics and human rights are two of the most important concepts in health care
- Ethics being the moral principles that govern a person's behavior or the conducting of an activity
- Human rights are the rights that all people have by virtue of being human being

# PRINCIPLES OF ETHICS

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- AUTONOMY
- BENEFICENCE
- NON-MALEFICENCE
- JUSTICE

# WHY ARE MEDICAL ETHICS IMPORTANT

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- Medical ethics guide your decision making and your interaction of conduct with patients
- It is an important part of medical professionalism which is always expected
- Violation of medical ethics can threaten your job , medical license and even in extreme cases constitute crime
- Ethics provide us a moral compass to use in situations that may not be straightforward

# AUTONOMY

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- Respect patient self determination
- Patients have the right to accept or reject recommendations for medical care if they have appropriate decision-making capacity

## WHEN IS IT CHALLENGED?

- **Incompetence:** patient is legally deemed unable to make rational decision for themselves e.g Dementia
  - **Incapacity:** patient is clinically determined to be unable to make rational decision e.g Psychosis, Delirium
  - **Thread to self/others:** apply mostly in psychiatry
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# BENEFICENCE

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- Doing what is best for the patient
- Performing care so as to maximise patient wellbeing
- Exercising clinical judgement
- Going beyond the minimum standards required

# NON-MALEFICENCE

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- Doing no harm
- Avoidance of putting a person at risk of avoidable harm
- This is as defined under the Hippocratic oath

# JUSTICE

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- Fair allocation and distribution of resources
- Patients in similar situations should have access to the same care

# HUMAN RIGHTS

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- Is defined as the supreme inherent and inalienable rights to life, to dignity and to self development . It is concerned with issues in both areas of civil and political rights and economic, social and cultural rights founded on internationally accepted human rights obligations
- However for many decades South Africa has experienced a violation of human rights especially in health care services
- Therefore the PATIENT RIGHTS CHARTER was established in 1996

# 12 PRINCIPLES LAWS OF PATIENTS' RIGHTS CHARTER

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1. HEALTHY AND SAFE ENVIRONMENT
2. PARTICIPATION AND DECISION MAKING
3. ACCESS TO HEALTH CARE
4. KNOWLEDGE OF ONE'S HEALTH INSURANCE /MEDICAL AID SCHEME
5. CHOICE OF HEALTH SERVICES
6. TREATED BY NAMED HEALTH CARE PROVIDER
7. CONFIDENTIALITY AND PRIVACY
8. INFORMED CONSENT
9. REFUSAL OF TREATMENT
10. A SECOND OPINION
11. CONTINUITY OF CARE
12. COMPLAINTS ABOUT HEALTH SERVICES

# SCENARIO 1

## THE SOOBARAMONEY VS MINISTER OF HEALTH

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KZN is an important judgement of the constitutional court of SA delivered in 1997, and the first in which the court had to adjudicate on the universal constitutional right to medical treatment as against the problem of an under-resourced health care system. The claimant, Soobramoney, suffered from chronic renal failure. His general physical condition did not qualify him for treatment under criteria or guidelines used by the hospital as he had multiple co-morbidities such as cardiac failure, DM, hypercholesterolemia. He did also not qualify for the clause of emergency treatment as it was a chronic course of renal failure and not an acute episode considered an emergency. The case falls under section 27 of the constitution which deals with the allocation of non-emergency medical treatment. Obligations imposed on the state regarding access to health care are dependent upon the resources available, because of limited resources the hospital had adopted a policy of admitting only those patients who could be cured within a short period and those with chronic renal failure who are eligible for a kidney transplant. The court therefore dismissed the case. A similar case occurred at Helen Joseph where an asylum seeker was denied dialysis on the same grounds.

# SCENARIO 2

## JEHOVAH'S WITNESS AND BLOOD TRANSFUSIONS

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In 2018, the life of a 5 year old boy has been saved after a paediatrician went to court to approve a life saving blood transfusion for him in defiance of his parents' religious beliefs. An urgent interim order was granted to allow the boy who suffers from sickle cell anaemia, to receive blood transfusion as and when necessary. When the Hb dropped to 3.4g/dL, doctors spoke to his parents. Despite the doctors best efforts they still refused to consent, they in fact advised that even if the minor child dies there shall be no claim against the hospital. As a physician it is our responsibility to do what is necessary to save the life of a minor. As in the case of a patient who is younger than 12, a parent may not refuse to consent to a blood transfusion by reason only religious or other beliefs, unless the parent can show that there is a medically accepted alternative choice. The court had granted an interim order to allow the boy to receive the life saving blood before adjourning the matter

# CONCLUSION

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Even though ethics and human rights seems straight forward, but is often more complicated, especially in a country like ours where there is lack of resources and patient load is high. However human rights and ethics play an important role in public health programme. All decisions should be made guided by ethical principles. As health care workers we should try our best to navigate this circumstances to the best of our abilities. Whenever there is no clear direction from the law then ethical principles have to be applied.

# REFERENCES

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