



# Palliative Care as a Human Right

**Liz Gwyther**

**MB ChB, FCFP, MSc Pall Med**



University of Cape Town





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# Overview

- What are Human Rights?
- Call from the International Palliative Care community
- Foundation for Palliative Care as a Human Right
- Strategies to advance Palliative Care as a Human Right

# What are Human Rights?

- Human rights have at their core the recognition that all human beings have an equal moral worth
- International Bill of Rights:
  - 1948: Universal Declaration of Human Rights
  - International Covenant on Civil and Political Rights (ICCPR)
  - International Covenant on Economic, Social and Cultural Rights (ICESCR) : aspirational

“Nowhere are the concepts of an ethic of care, human ethics, human rights, and human responsibilities more important than in relation to human dying”

Margaret Somerville

# Call from international Palliative Care community

There are 3 recent key statements from the international palliative care community :

- The Cape Town Declaration (2002)
  - WHO, Diana Princess of Wales Memorial Fund
- The Korea Declaration (2005)
  - WPCA
- The Budapest Commitment (2007)
  - EAPC, IAHPC, WPCA

# Korea Declaration (2005)

The Korea Declaration calls on governments:

- to include hospice and palliative care as part of government health policy
- to integrate hospice and palliative care training into the curricula of health professionals
- to ensure the availability and affordability of all necessary drugs, especially opioids
- to eliminate regulatory and legal barriers to opioid availability
- to strive to make hospice and palliative care available to all citizens in the setting of their choice

# Palliative care is a universal right

- Does this assertion have a recognised foundation?
  - It is a just claim
  - What is the moral foundation?
  - What is the legal foundation?



# Moral foundation

- Hippocrates

“to do away with the sufferings of the sick, to lessen the violence of their diseases and to refuse to treat those who are overmastered by their diseases, realising that in such cases medicine is powerless”

- Stjernsward and Clark

“there is a moral responsibility to give those who leave life..... The same care and attention we give those who enter life”

- Pope Benedict XVI

“it is necessary to stress once again the need for more palliative care centres...This (palliative care) is a right belonging to every human being, one which we must all be committed to defend”

# Legal rights to palliative care

- Depend on where the patient lives
- The Universal Declaration of Human Rights states : “Everyone has the right to a standard of living adequate for the health of himself and of his family...”
- In 2000 the Committee overseeing the ICESCR issued a General Comment on the right to health stating ‘core obligations’ of signatory nations:
  - Access to health facilities, services on non-discriminatory basis, to provide essential drugs (WHO), adopt and implement national health strategy

# SA Patient's Rights Charter

<http://www.doh.gov.za/docs/legislation/patientsright/chartere.html>

- Every citizen has the right to participate in the development of health policies and everyone has the right to participate in decision-making on matters affecting one's health
- Access to healthcare
  - Provision for special needs... patients in pain, person living with HIV or AIDS patients
  - palliative care that is affordable and effective in cases of incurable or terminal illness

# Challenge

- Rights may be articulated *but* are they enacted?
- Concept of rights and obligations
- Rights are vested in all human beings
- Obligations (to fulfil the right) is vested in all signatory nations
- ICESCR - aspirational

# Obligations of governments

**The International Palliative care community appears to be developing a consensus on the content of obligation on individual governments in relation to palliative care. These include:**

- The creation and implementation of palliative care policies.
- Equity of access to palliative care services, without discrimination for adults and children.
- Availability and affordability of essential palliative care medications, including opioids.
- The provision of palliative care at all levels of care to adults and children.
- The integration of palliative care education at all levels of the learning continuum from informal caregivers to health professionals

# Strategies for the advancement of Palliative Care as a Human Right

- Submission to the committee ICESCR
- Submission to the office of the Special Rapporteur to the UN Human Rights Commission on the right to health
- Promotion of an International Convention on Pain
- Encourage human rights organisations to become involved in advocacy for palliative care
- Use current declarations (Cape Town, Korea, Budapest) as advocacy tools with your government



# International Organisations promoting palliative care and pain relief



- International Association for Hospice and Palliative Care IAHPC
- Worldwide Palliative Care Alliance WPCA
- Pan-national Associations APCA, APHN, EAPC, LAP
- International Association for the Study of Pain IASP
- World Health Organisation WHO
- University of Wisconsin Pain and Policy Studies Group

# In conclusion

Excellence in end-of-life care is more than simply good and compassionate medicine; it has an equal foundation in international human rights law.

We can all contribute to the international recognition of this fact and to move the human rights argument forward in our own countries





# We can make it real!



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