Advance Care Planning for Slovenia

Providers and states’ obligations in the framework of

Biomedical ethics and international law

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Bioethical Framework: provider/patient partnership

Basic Principles

• Respect for patient autonomy

• Beneficence/non maleficence

• Justice: universality, non-discrimination
Entails Commitment to Process and Conversation

Deep listening calls forth virtues of

• Courage
• Honesty
• Wisdom/skill

Classical virtues of citizenship
Deep Listening

“The branches of your intelligence grow new leaves with this listening”

Rumi
Rights Framework

International Community

Treaties, etc.

Laws and directives

Nation state/
state party

Rights-bearer

Individual and Community
ACP implicates

- Right to life
- Universal Declaration
- Right to highest attainable standard of health
- ICECR, Article 12, GC 14
- Right to be free from torture — cruel, inhuman, and degrading treatment
- Convention Against Torture
Essential elements of obligation to provide the highest attainable standard of physical and mental health include

- Services and facilities must be accessible and must include:
  - Accessible information:
    - the right to seek, receive and impart information and ideas concerning health issues. (directly supports ACP)
  - Services must be respectful of medical ethics and of culture
European Convention on Human Rights

- ARTICLE 8: Right to Private Life
  - Entails giving full and informed consent before procedure on one’s own body
  - all physicians should know about PC
Council of Europe

Recommendation 1418

• protects the terminally ill or dying person’s right to self-determination, while taking the necessary measures:
  
  • iv. “to ensure that a currently incapacitated terminally ill or dying person’s advance directive or living will refusing specific medical treatments is observed.”
Council of Europe
Rec 24 of the Committee of Ministers

- calls on governments to guarantee equitable access to palliative care for anyone whose state of health requires it;

- “Doctors are not obliged to continue treatments that are patently futile and excessively burdensome to the patient” … the patient may refuse such treatment.

(Explanatory Memorandum)
Oviedo Convention

Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, Convention on Human Rights and Biomedicine

“The previously expressed wishes relating to a medical intervention by a patient who is not, at the time of the intervention, in a state to express his or her wishes shall be taken into account.” Art. 9


Entered into force in Slovenia 1999
Thank you for your attention
Hvala za vašo pozornost!