

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

Individual and  
Community



Rights-bearer



Nation state/  
state party





# 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

# Art. 12 GC 14.

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

Slovenian translation: [http://www.coe.int/t/dg3/healthbioethic/texts\\_and\\_documents/ETS164\\_Slovenian.pdf](http://www.coe.int/t/dg3/healthbioethic/texts_and_documents/ETS164_Slovenian.pdf)

Entered into force in Slovenia 1999



**Every good  
conversation  
starts with  
good listening.**

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Thank you for your attention

Hvala za vašo pozornost!