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# Charter on the Right to Health

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## **The Union Internationale des Avocats (UIA)**

**Considering** that health and physical and mental integrity and well-being are fundamental human rights,

**Affirming that** the source of these rights is the right to human dignity, and that their principal corollary is the right of every individual to live in a decent environment that ensures hygiene, food safety and cleanliness,

**Deeply concerned** by the disparities within and among States in the implementation of the right to health, and convinced that these disparities endure because of poorly-designed national health policies and insufficient international cooperation,

**Considering** that implementation of the right to health must permit the reduction of health inequality, and increased hope of survival and participation in the economic and social development of individuals and States for the most needy among us,

**Noting** that the management of health matters is principally the responsibility of States, which have a general obligation of safety, care and information,

**Drawing** attention to the extreme urgency of implementing all actions designed to reduce and eliminate the injustice that results from the inequality of health conditions and access to care on a worldwide scale, and particularly between the countries of the North and the South,

**Convinced** that the right to health is an important factor for sustainable development, and that it must be included in global policies for peace,

full employment, fair terms of international commerce, environmental protection, research and development, food supply, sustainable use of natural resources, social justice, respect for human rights, and fairness,

**Aware** that the right to health depends upon policies that inform the population of health risks in order to sensitize it to recognized or proven risk factors for which known and accessible means of prevention exist,

**Emphasizing** the need to increase international cooperation through further development of an efficient and coherent health policy at the worldwide level,

## **Proclaims the following Charter:**

### **Article 1**

The right to health is an inalienable and perpetual personal right. Any violation of this right is an attack upon human dignity.

No one may be deprived of this right for any reason.

### **Article 2**

Organ donations and other appropriations of elements of the human body can only be made without compensation and with the prior approval of the patient or the family of the deceased person, in accordance with the provisions of applicable law.

States are urged to adopt necessary measures to prevent, combat and punish illicit trafficking in organs.

### **Article 3**

It is the duty of States to institute health care services that are available, accessible and affordable for every individual,

and assist other States to do likewise, thereby demonstrating the solidarity without which the worldwide balance that is essential for peace and development for all cannot exist.

These services include access to hospitals and other health care institutions as well as access to such medical treatment, including medications, as is justified by the patient's physical or mental condition.

To this end, the Union Internationale des Avocats encourages the governments of developed countries to take all appropriate steps to assist developing countries to put this policy into effect, thereby demonstrating the solidarity without which the worldwide balance that is essential for peace and development for all cannot exist.

This international solidarity also includes the adoption and implementation, within international organisations and particularly the WHO and the WTO, of international agreements on patents to facilitate prompt and efficient access to medications for the most underserved persons, taking into consideration all appropriate contributions available to each market participant, including innovative or generic pharmaceutical companies, which must take care to diversify their research in order to benefit the greatest number of people.

### **Article 4**

Every individual may freely access health care institutions. These institutions are responsible for receiving patients, examination and diagnosis, patient care and medical treatment, taking into account all factors pertinent to each individual. They provide preventive, curative or palliative care to patients as required by their condition and ensure the continuity of this care.

#### Article 5

The consent of the patient must be required before any medical treatment, except in case of emergency only as strictly provided by law.

So that such consent is given in an informed manner, the patient must first have been clearly, honestly and appropriately informed of his or her condition as well as the risks related to the medical treatment in question.

#### Article 6

No one may be deprived of liberty on the ground of medical danger to oneself or others unless this danger is certified by competent and independent physicians and by a judicial ruling made in accordance with due process of law.

#### Article 7

States must promote and strengthen a policy of national and international scientific research cooperation in medical and health-related fields. This research policy must give priority to four general research themes: disease prevention research, vaccine research, therapeutic research and service delivery system research designed to make information, care and treatment available to all those in need.

To this end, the Union Internationale des Avocats calls upon all concerned governments to create National Ethics Commissions that are politically and economically independent, to ensure compliance with universally accepted norms for research protocols **for reciprocal benefit**, and to take a position on the priorities to be recognized in making choices on access to care and to health, and respect for human dignity.

#### Article 8

Physicians are bound by professional confidentiality to ensure due respect for patient privacy. This confidentiality, by virtue of the confidence it ensures between physician and patient, contributes to the effectiveness of medical care.

Exceptions to medical confidentiality, strictly limited by law, may serve only the goals of protection of health, safety or public hygiene.

Patients are not bound by medical confidentiality.

Physicians may be relieved of their obligation to maintain professional confidentiality if they become aware of attacks on the dignity of the human person or if they are accused of misconduct.

#### Article 9

Physicians and health care personnel must be permitted free and safe access to all areas, including in wartime, in order to care for any ill or wounded person without discrimination.

#### Article 10

Physicians and health care personnel, taking into consideration the patient's wishes, must attempt to relieve pain and provide moral support, while avoiding inappropriately heroic measures.

#### Article 11

States must ensure the training of physicians and health care personnel, who shall be responsible for their misconduct.

#### Article 12

States must include and enforce the prohibition of genital mutilation in their national law.

#### Article 13

The Union Internationale des Avocats calls upon lawyers, law societies and professional organisations to promote, defend and enforce the principles of this Charter.

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This Charter was approved by the UIA General Assembly at its meeting in Fez on August 31, 2005.