



# Ethics & Human Rights 25 years after Democracy: Challenges for Health Professionals

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## Overview

- Trace origins of human rights from antiquity
- Relevance for health professionals
- Tensions between human rights and ethics. Can we mediate the dilemma?
- Make case for us to keep abreast of the clamour for democracy and its corollary – human rights – especially when social insecurity and economic uncertainty have become a constant reminder of tenuous nature of existence
- Attempt to locate health professions within vital human rights landscape, trusting this would rescue us from traditional limited academic confinement, opening us to the wider critical policy and public audience

*Views are mine*



# HUMANRIGHTS.COM

**Human:** A member of the Homo sapiens species; a man, woman or child; a person.

**Rights:** Things to which you are entitled or allowed; freedoms that are guaranteed.

**Human Rights:** The rights you have simply because you are human.

Human rights are based on the principle of respect for the individual. Their fundamental assumption is that each person is a moral and rational being who deserves to be treated with dignity. They are called human rights because they are universal. Whereas nations or specialized groups enjoy specific rights that apply only to them, human rights are the rights to which everyone is entitled - no matter who they are or where they live - simply because they are alive.

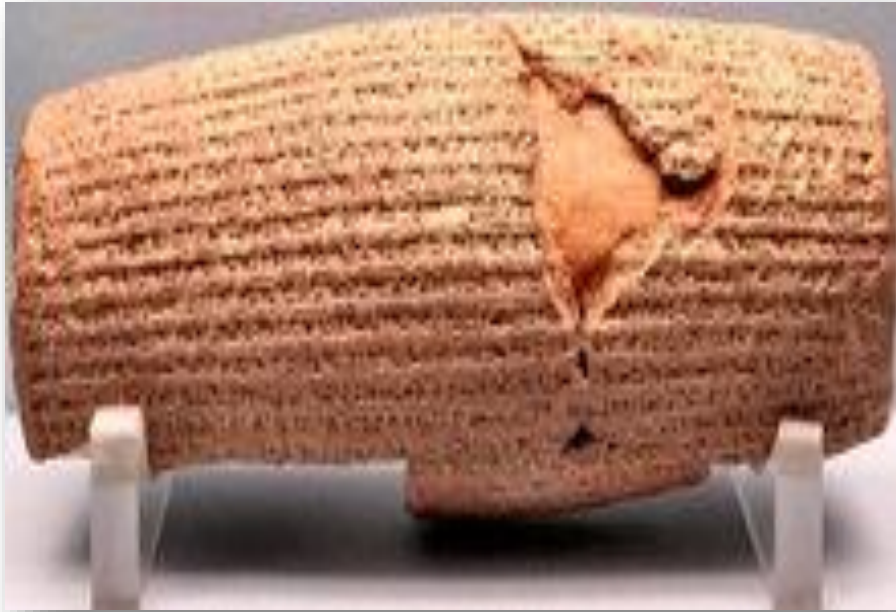


# Do unto others as you would have them do unto you

- Babylonian Code of Hammurabi 17<sup>th</sup> BCE
- Vedas 16<sup>th</sup> BCE
- Torah/Bible 14<sup>th</sup> BCE
- Hippocrates 5<sup>th</sup> BCE *to do good & not to do harm*
- Analects of Confucius 2<sup>nd</sup> BCE
- Inca & Aztec codes of conduct & justice 3<sup>rd</sup> CE
- Qur'an 6<sup>th</sup> CE
- Iroquois Constitution 12<sup>th</sup> CE
- All societies, in oral or written tradition, have had systems of propriety and justice as well as ways of tending to the health and welfare of their members



# Freeing slaves of Babylon



Cyrus Cylinder 539 B.C

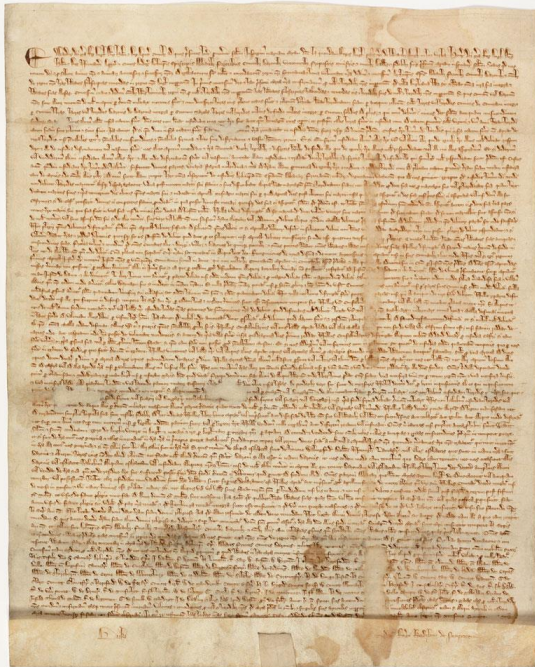


Cyrus the Great





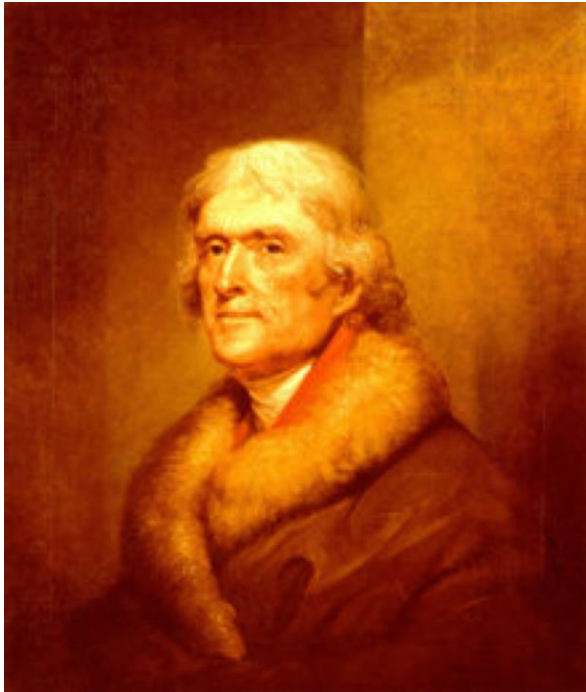
# England



## Petition of Right 1628



# U.S.A



## Declaration of Independence 1776



## Bill of Rights 1791



# Europe



Déclaration des droits de l'homme et du citoyen de 1789



1<sup>st</sup> Geneva Convention 1864





# World War II



United Nations 1945



Universal  
Declaration of  
Human Rights 1948



## Preamble...

Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people ... All human beings are born free and equal in dignity and rights.



# Universal Declaration of Human Rights

- All human beings are born free & equal in dignity & rights. They are endowed with reason & conscience & should act towards one another in a spirit of brotherhood.
- Everyone is entitled to all the rights & freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...
- Everyone has the right to life, liberty & security of person.
- No one shall be held in slavery or servitude; slavery & the slave trade shall be prohibited in all their forms.



# International Science Council

The free and responsible practice of science is fundamental to scientific advancement and human and environmental well-being. Such practice, in all its aspects, requires freedom of movement, association, expression and communication for scientists, as well as equitable access to data, information, and other resources for research. It requires responsibility at all levels to carry out and communicate scientific work with integrity, respect, fairness, trustworthiness, and transparency, recognising its benefits and possible harms.



# Universality of Science

In advocating the free and responsible practice of science, the Council promotes equitable opportunities for access to science and its benefits, and opposes discrimination based on such factors as ethnic origin, religion, citizenship, language, political or other opinion, sex, gender identity, sexual orientation, disability, or age.





# The right to health

- 1<sup>st</sup> emerged as a social right WHO Constitution 1946, then in the Universal Declaration of Human Rights 1948
- Health is a fundamental human right, indispensable for the exercise of many other rights in particular the right to development, and necessary for living a life in dignity.
- UN Human Rights Council adopted a resolution 26/06/2017 on right to health iro UN 2030 SDGs, including a call for medicines and vaccines access for all
- The right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the implementation of the 2030 Agenda for Sustainable Development: 1/3 world pop no access to meds



# Increasing Professionalisation Less Compassion

1949 Post Boulder: Scientist-Practitioner model, Evidence-based interventions

Use scientific findings to make informed healthcare decisions for clients/patients

Diffident about our identity, shy away from pressing societal concerns confronting society, studiously avoiding engagement with real issues facing real people, tend instead to study the effects of such occurrences almost *post facto*, unable to assert intellectual moral authority, reducing impact

No aspect of life as we know it can escape behavioural science's ubiquitous influence; psychological insights pervade almost every facet of human endeavour and activity

Must keep pace with global desire to effectively engage in human rights discourse, lest we reduce the efficacy of health professional insights and relevance



## TRC 20 years later

TRC Report presented to Mandela 29 Oct 2018:

“apartheid could only have happened if large numbers of enfranchised, relatively privileged South Africans either condoned or simply allowed it to continue”

“depends on our ability to examine with honesty and with humility the role we have played in the past and, more importantly, what role we can – as individuals and as institutions – play in the future”

Department of Health, SAMDC and MASA “responsibility for the inadequacies of the system in which these doctors operated”

“numerous indications that health professionals were involved in committing human rights abuses and used their medical knowledge directly or indirectly to harm others”

“Doctors and mental health professionals were alleged to have advised torturers on how to identify potential victims, break down their resistance and exploit their vulnerabilities in order to achieve the goals of the state”



## TRC 20 years later

“Health professionals have an ethical obligation to place the well-being of their patients at the forefront of their professional commitments.”

Most doctors are expected to take the Hippocratic Oath or its modern equivalent, the Declaration of Geneva, “some medical schools require their students to take other oaths or develop their own ... no uniformity in the codes of conduct or ethical pledges taken by health professionals”

“Responsibility for upholding these principles is left, by default, to professional organisations and statutory regulatory bodies ... problematic if these institutions are themselves under the influence of the state or if they have colluded with or been complicit in violating human rights”



## TRC 20 years later

“Issues of ethics and human rights are not usually included in the teaching curriculum of psychology masters’ degree students. Similarly, there are no uniform guidelines for the teaching of ethics in South African health science faculties”

“Ethics taught on an *ad hoc* basis” often not examined “no uniformity in way which health professionals were made aware of, or given guidance on, incorporating issues of medical ethics and human rights into daily practice”

“The value of oaths and professional declarations in ensuring a human rights consciousness in clinical practice”

“If oaths and declarations are merely repeated and signed at the end of a period of training or study, they are unlikely to have any meaningful impact on the life and practice of health professionals. Ethics and human rights need to be incorporated holistically into the overall curriculum to ensure that these principles govern the activities of health professionals”

Primary/Dual obligations, State/Institution





## Frances Aimes

*“I think submission to authority and absolving oneself from blame by saying that one has to obey orders are widespread... I think all medical students should be taught about the research on submissiveness being a key etiological factor in the perpetuation of atrocities. They should be fully familiar with Milgrim’s work and reflect on Hannah Arendt’s concept of the ‘banality of evil’.”*

“None of the health science faculties made the teaching of ethics and human rights a priority ... failed to integrate ethics and human rights into the curricula in a way that could have helped students understand their importance and practical applicability. In addition, students were not encouraged to question the *status quo* or to protest at the differences in the provision of health care by race.”



# Tensions: Human rights and ethics

- The Tuskegee Syphilis Study 1932-1972
- Nuremberg Code for Research on Human Subject 1947: “voluntary consent of the human subject is absolutely essential”, Helsinki Declaration 1964
- Stanley Milgram "electric shock" 1961-2 many will do things they consider morally wrong on orders of an authority. Obedience to Authority 1974
- Hoffman Report APA Ethical Lapse 2015
- From Biko to Esidimeni



## Back to the Future?

Condoning or abetting acts of blatant abuse are not justifiable, especially for our professions broadly regarded as having healing and caring amongst their widely acknowledged aims. Complicity in or silence during human rights abuses can only but undermine our credibility as health professionals and as fellow human beings.

Life Esidimeni >144 mental health patients died, 1418 tortured  
Qedani Mahlangu “acted with impunity thinking that she will get away with murder because the [mental health care] users and their families were vulnerable and poorly resourced” Moseneke



# Subject, Patient, Client

- Popular notion of health professional: caring/healing
- Medicine has been proactive, but psychology, for instance, erred on the side of caution, avoiding human rights issues - underserved, vulnerable
- Many of us have perhaps taken human rights for granted, thus becoming inured to oppression, exclusion, inequity
- Freedom of science, repression
- Shaw to be indifferent ... the essence of inhumanity
- Like most disciplines, we tend to be influenced by the context in which the individual scientist and practitioner operate



# Norwegian Health Network for Development

## **Human rights and democracy**

No public disease leads to more violation of human rights in the world than mental illnesses. In many countries, suicide is forbidden and leads to imprisonment if it fails. In several countries legislation protects the population against the mentally ill rather than protects the mentally ill. In many countries, the mentally ill are deprived of political rights. The mentally ill find themselves chased into the woods, hidden at home in disgrace, tied to trees and beaten senseless to purge them of demons. They are put in jail, chained in psychiatric asylums and subjected to sexual abuse. Consequently, access to competent mental health care is also a question of human rights and democracy.





# Norwegian Health Network for Development

## **Transversal indicators**

- 1 Poverty
- 2 Famine
- 3 Health
- 4 Education
- 5 Equality
- 6 Sustainable economic growth and responsible employment
- 7 Infrastructure
- 8 Inequality
- 9 Cities and settlements
- 10 Peace and inclusion



# What we confront

- Fast-changing geopolitical context and meta challenges we confront, last 70 years
- Conflict and Crisis, Globalization and Security, Human Rights Abuse/Violations
- Resurgence of racism, negative ethnicity, bigotry, chauvinism, xenophobia, demonizing the **Other**, reification
- Inordinate levels of youth disaffection, unemployment, violence and war
- Colossal failure of leadership, corruption, governance failure
- 'Things fall apart; the centre cannot hold;  
Mere anarchy is loosed upon the world' Yeats



## Value-Free

- Our science and professional applications not value free, reflect dominant class/race concerns
- Like most other disciplines, helping professions tend to be influenced by the context in which the individual scientist and practitioner operate
- Training under yoke of 'epistemic racism' (Ramon Grosfoguel) eulogising Eurocentric training, lip service to lived realities, curricula dominated by privileged minority concerns
- Emancipate/decolonise helping professions from their subaltern status (Ranajith Guha/Gayatri Spivak), enabling relevance/appropriateness



## IUPsyS Position

- **Bandura, 1970** Psychologists working for S American military governments were aiding and abetting mental breakdown of dissenters to force confessions were particularly disturbing
- **1976 Paris Assembly** "particularly concerned with any acts by which individuals in a systematic and deliberate way infringe upon the inviolable rights of human beings, regardless of race, religion, or ideology, these rights being guaranteed by the Charter of the United Nations; and which is concerned with strict observance of professional standards of ethics in the practice of psychology"



# IUPsyS 1974-2016

- "It proclaims that no psychologist, in the exercise of his or her professional functions, should accept instructions or motivations that are inspired by considerations that are foreign to the profession;
- It protests solemnly against any use of scientific data or of professional methods of psychology that impair the above-mentioned rights;
- It formally condemns any collaboration by psychologists - whether actively or passively, directly or indirectly - with the above-mentioned abuses, and it urges its members to oppose any abuses of this sort;
- It requests each member-society to make certain that it has enacted a code of ethics and to take those actions required by its code against any member guilty of such abuses against human rights"



# UN High Commissioner for Human Rights

- **Respect for the human rights of the people under your care**
- Placing the human being at the centre of any treatment plan, the UNHCHR correctly avers that “Human rights norms are founded on the principle that everyone is worthy of dignity and respect.” The Universal Declaration of Human Rights “reaffirms the rights to life, liberty and security of the person”, proscribing “torture and cruel, inhuman or degrading treatment or punishment”, and calls on “every individual and every organ of society, keeping this Declaration constantly in mind, [to] strive by teaching and education to promote respect for these rights and freedoms”. The UNHCHR urges psychologists “to breathe fresh life into this exhortation and transform it from perceived platitude to call to action by ensuring the scrupulous application of these principles in all settings where your expertise is solicited.” (IUPsyS, 2016)



# UN High Commissioner for Human Rights

- **Respect for professional ethics**

“There is much common ground between professional ethics and human rights but, as we know, the two are not synonymous. Respect for professional ethical standards, and the enforcement of sanctions to address breaches, is an important pillar of the protection of persons” under our care.

Appealed “for a more deliberate bringing together of human rights and ethical standards, with human rights serving as the ultimate measure of the appropriate treatment of persons interacting with mental health service providers, including psychologists.” (2016)

- **International Council for Science** “The potential for the misuse of science is broader and arguably greater and more dangerous than at any time in the past. International terrorism, and associated political and military conflicts, have brought with them prejudicial behaviour and new constraints on scientific activity” (2004)





# Humanity Must Be Defended

- How we treat the worst amongst us, underpins our own claim to being human
- Can we rise above the marks of our origins and specific objective conditions, to engage meaningfully in realities beyond our usual experiential base?
- Contribute meaningfully in the quest for a relevant medicine/psychology that is truly universal
- Must restore belief in our science, claim role as experts on the human condition, without fear, favour or prejudice
- The future will belong to those who have done most for suffering humanity  
Louis Pasteur 1982
- A mark of any discipline's relevance is its ability to describe its purview in terms of social relevance. If people don't have a need for psychology, psychology will die

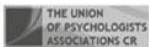


PSYCHOLOGY IN THE 21ST CENTURY:  
OPEN **MINDS, SOCIETIES & WORLD**

The 32<sup>nd</sup> International Congress of Psychology  
PRAGUE 2020 / Czech Republic

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19<sup>th</sup> - 24<sup>th</sup> July, 2020



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