

# AMNESTY INTERNATIONAL

## Public Statement

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## 7th Conference of European National Ministers of Health in Oslo, Norway

### Statement by Amnesty International

Amnesty International has written to the Council of Europe on the occasion of the 7th Conference of European Health Ministers which starts today (12 June 2003). While welcoming the interest of the Ministers in examining "Health, Dignity and Human Rights" at the beginning of the third millennium, Amnesty International submitted a number of concerns on points arising from the meeting agenda which it believes should be given serious attention.

Amnesty International expressed concern that ethnic minorities, those with disabilities, and those who are stigmatised -- such as prisoners -- are inherently likely to have diminished access to health care. Amnesty International believes it important that health ministries commit themselves to overcoming social exclusion and to promoting cultural diversity and equal opportunity both in staffing and in patient care. This should be restated as a fundamental principle to the provision of health care in Europe. Those marginalised and excluded in Europe such as ethnic minorities, people with mental illness or with physical or mental disabilities, and prisoners deserve full access to the highest standard of health care.

As medicine increasingly serves social and legal purposes in society, ethical and human rights problems are increasingly likely to arise. "Those who are compelled by law to submit to involuntary detention and treatment should have guaranteed access to legal review and legal protection", Amnesty International said. "Coercion in health care should be the subject of constant review and under the control of law. Those unable to consent to treatment should have an independent advocate to speak on their behalf on the basis of an expert assessment of their best interests."

Any measures taken to control diseases such as SARS, HIV/AIDS and tuberculosis, amongst others, should meet international best public health practice and be compatible with international human rights standards.

New technologies offer much to allow rapid investigation and care of diseases and disorders, particularly those arising from the new gene technologies. However they also have the potential to alter the doctor-patient relationship in a negative way, intrude into intimate areas of people's lives and expose patients to the unwanted scrutiny of non-clinical staff. Amnesty International said that message from the Health Ministers' conference that such changes would not to be allowed to happen would be welcome.

Amnesty International drew the attention of ministers to the existing standards controlling medical research on prisoners and people with mental illnesses, and cited the International Covenant on Civil and Political Rights, medical ethics standards and the Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care.

In addition, Amnesty International drew to the ministers' attention the persistent reports of illegal activities in the field of a trade in human organs and tissues. Such a trade breaches international transplantation regulations such as those of the World Health Organization, and doctors assisting in such procedures would also breach international medical ethics standards.

The allocation of resources to support the vulnerable is a major concern. Health ministers can play an important role in ensuring that ministry budgets are equitably distributed across different populations and that the most vulnerable are guaranteed adequate health care.

Amnesty International noted the absence of the question of violence and public health from the agenda and suggested that health ministers might wish to include consideration of the problem of violence as a public health issue

in their discussions.

With regard to prisoners, Amnesty International referred ministers to the reports of the Committee for the Prevention of Torture, established under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which include considerable detail of procedures and reforms relevant to prisoners' health and well-being. It also noted a recent report by the NGO, Physicians for Human Rights, which has reinforced and amplified these recommendations in a study of the ethical position of physicians in situations of obligations to patients and third parties such as governments (dual loyalties).

Beyond these specific areas, Amnesty International noted that the meeting "offers an opportunity for health ministers to re- -state the importance of respect for human rights in the implementation of a sound public health policy". It said that the health of those with mental illness, learning or physical disabilities, minorities, prisoners and other institutionalised persons will be improved "if basic human rights standards are adopted and put into practice". Health ministers could contribute to this by underlining the importance of the ratification of international human rights instruments, including the Revised European Social Charter, and the implementation of their provisions.

**For more information, please contact Jim Welsh, Medical Program Coordinator, on + 44 20 7413 5524.**

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566  
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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