

BOOK I

GENERAL ETHICS

CHAPTER 2

ON HUMAN RIGHTS

All nations are members of the World Health Organization and have formally accepted the Declaration of Principles included in its Constitution. The Universal Declaration of Human Rights has become a "common ideal for every people and nation".

The goal of the Universal Declaration of Human Rights is to provide the elements that allow unmasking any type of sly attempt by a human group to dominate another, a very typical human attitude deeply rooted in the Western mind in particular. The attitude must be anti-dogmatic for the dogmatic individual forgets, is unaware of and rejects diversity, and considers that there is "one" human essence which truth she or he alone owns, while the individual's and the peoples' identity is based on differences between one another.

In the humanistic field, generalization is synonymous with injustice because, unlike what happens with exact sciences, peculiarities and differences are the essence of the human being. We may accept that everyone has an intuitive idea of what human rights are in connection with one's daily experience, but not with a formal definition. Three distinctive notes determine history's modern view: history is "one", events move towards "progress", and the history of humanity is conceived as "emancipation".

Standardizing pseudo-universalism should be avoided while universalism based on differences should be built. Only fear can justify the violent exclusion of people on account of their differences. Getting rid of differences creates a wider space for man's creative and innovative liberty. This higher degree of reflection, which nowadays is morally imperative, is born from the self-consciousness of modern Enlightenment intellectual arrogance and of religious fundamentalisms that have characterized us. Recognizing the differences means accepting democratic pluralism.

In democratic states, where leaders are elected by citizens, the former are directly responsible for eradicating the inequalities that prevent the access to Health-related goods that must be included in Human Rights.

It is the national, provincial, municipal government's duty to look after citizens and avoid their being deprived of any element that the definition of Health considers part of the "complete psychophysical sociocultural well-being". The absence of any of them implies the rupture of harmony in the human being integrally considered from the anthropologic point of view. The Social Security is an obligatory public service that must be rendered

under the State's management, coordination and control, and must be governed by the principles of efficiency, universality and solidarity as established by law.

It is the government's duty not only to avoid the individual's exclusion from the Health Care System. The government is also directly responsible for every issue connected with Public Health: vaccination campaigns, infectious disease control, prevention of addictions, prevention of traffic accidents, implementation of measures for drinking water supply and sewage disposal by state-owned or private companies, refuse collection, plague control, prevention of malnutrition in children, provision of security, implementation of access to dignified housing to avoid overcrowding, provision of education and job opportunities.

It is the national, provincial or municipal government's obligation to avoid that access to adequate healing or rehabilitation treatments for everybody is refused.

Morality points to the need to give maximum protection to families, man-woman relationships, and parent-child relationships because the traditional roles have been deeply altered and new types of family bonds have been created (recombined families). This has brought about new and more complex personality forms in children.

This Code will list those conducts that the Health Team must consider in its everyday activity in connection with Human Rights.

Art.- 16 Human beings tend to live in society in order to be able to develop their maximum physical, intellectual and spiritual capacities; they are part of the universal historical culture. Selfishness implies an inclination to "manipulate" others having one's personal welfare as an objective, which creates conflicts within the community.

Art.- 17 Every citizen should understand that a Nation's productive development, peace and continuous prestige will be attained when citizens are convinced that every person's supreme value is psychophysical, sociocultural and spiritual well-being.

Art.- 18 Some Human Rights are: right to life, liberty and equality; legal personality; intimacy; free personality development; freedom of thought; freedom of worship; freedom of speech; honor; peace; right to petition; right to work; right of profession or craft; right to teach and learn; due process; habeas corpus; first appeal; right of asylum; freedom of association; right to unionize; citizen participation and so on.

Art.- 19 The defense of Human Rights is a priority for the Health Team member because of her or his condition as a human being and the very essence of the profession she or he has embraced.

Art.- 20 The Health Team members undertake to respect the rights and guarantees set forth in the Constitution and in the corresponding international agreements currently in force. This should not be understood as an exclusion of other rights and guarantees which, while inherent to the human nature, may not be expressly set forth therein.

Art.- 21 The respect for individual rights extends up to where individual actions start to damage common welfare, because this is the very end of social ethics concerned with the coexistence of human beings.

Art.- 22 It is highly unethical for the Health Team member to order a treatment without giving the corresponding information to and obtaining the previous consent from the patient or person in charge, unless under circumstances where the patient's life is at stake or the patient's right to free decision-making is restricted. It is also a severe lack of ethics to deceitfully promote the acceptance of proposals leading to benefit the physician in any manner whatsoever.

Art.- 23 The Health Team member shall not participate in degrading, inhuman or cruel procedures that may cause the death of a person, or engage in torture, either directly or as a witness, or use procedures that may alter the personality or conscience of individuals for the purpose of reducing their physical or mental resistance to reach objectives that are contrary to human dignity.

Art.- 24 The Health Team member shall not devise, instrument, cooperate with or provide information for the execution of death penalty. She or he will be especially careful not to engage in any activity in connection with the elimination of persons or groups for ethnic and/or religious reasons.

Art.- 25 The Health Team member shall not discriminate against human beings for their religious or ethnic origin, sexual behavior, political ideas, physical aspect, disability, educational and economical level, sexually transmitted disease or drug addiction, or for their condition as exiled or immigrant.

Art.- 26 The Health Team member shall respect the inalienable right of every human being to die with dignity, avoiding suffering and lengthening life unnecessarily, as therapeutic cruelty is one of medicine's vices nowadays.