HUMANITARIAN APPROACH IN UNIVERSAL HEALTH

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ABSTRACT

When we say 'Being Human', do we really follow the feel of the line or is it just that we pretend to be humans even after belonging to the species of Humans. The scope and nature of ethics change with the times and so does its practice in society. Ethics in field of health is also of ample importance. Many issues like deciding on end- of –life care, whether to provide funds for treatment of diseases or for the promotion of health care, the difference between the health status of different populations, As our country is one of the initial member of the United Nations, it has always stood with the concept of human rights and universal health and has ratified various international conventions promising to secure health care right of individuals in society. Indian Constitution does not expressly recognize the fundamental right to health. However, Article 21 of the Constitution of India guarantees right to life & personal liberty. The human right to health care means that hospitals, clinics, medicines, and doctors' services must be accessible, available, acceptable, and of good quality for everyone, on an equitable basis, where and when needed. Some important aspects like Universal Access, Availability, Acceptability and Dignity, Quality, Non-Discrimination, Transparency, Participation, Universality, Equity, Transparency, Participation and Accountability should be given ample importance. The research paper is an attempt to look into the matter and seek present problems and suggest some feasible solutions.

KEYWORDS : Health , Ethics, Human Rights, Dilemmas, Universality

ETHICS

To start with the very basic or simple definition of ethics is that these are moral principles applied in personal and social life. Human civilization is no more nomadic or barbarous. We have evolved as a civilized race an d follow certain norms in personal and social life which are positive in nature and do not harm others but actually are sympathetic and empathetic in nature. These norms are 'ethics'. These are basically for 'the good of all'. It is the behavior of one human towards another. Ethics covers the following dimensions:

- how we can lead a good life
- how to perform our responsibilities and rights
- to demarcate between right and wrong
- how to take moral decisions - what is good and bad.

"Most moral issues get us pretty worked up - think of abortion and euthanasia for starters. Because these are such emotional issues we often let our hearts do the arguing while our brains just go with the flow."(Retrieved from http://www.bbc.co.uk/ethics/introduction/intro1.html) Now as we are familiar with the term 'ethics' now let's discuss what 'health' is.

HEALTH

Health is when an individual is in the state of well being on all fronts i.e., physically, mentally and socially. Of course we can say that there is no ailment attached with the individual of any manner. Health on public platform becomes more important. Public health, both physical and mental plays an important role in development of a society and thus a country."Most governments recognize the importance of public health programs in reducing the incidence of disease, disability, and the effects of aging and other physical and mental health conditions, although public health generally receives significantly less government funding compared with medicine."(World Health Organization. "Public health principles and neurological disorders. In: Neurological Disorders: Public Health Challenges. Geneva; 2006 – http://www.who.int/mental_health/neurology/neurodiso/en/index.html)

The contribution in public health is done by both government and non- governmental bodies. As a supranational body, World Health Organization under UNO plays a vital role in all countries in the field of public health. Still there are some issues in health sector which are not being dealt fully on humanitarian basis and this is the stage when the concept of 'health ethics' enters.

HEALTH ETHICS

When health is combined with the ethical norms it is known as 'health ethics'. It is a zoner which deals with ethical issues in the field of health, medicine, health care, science,

health institutions and health infrastructure. It is a study or field of relationship between the health professionals and those whom they serve. It is a critical analysis of all the determinants of health sector on the standards of ethics. Issues like decisions to be taken at the end of life care, on allocation of funds for the treatment, equitable access to health services, ensuring ethical norms and code of conduct in research and technology. Coming to universal health, it is which is applicable to all on equitable basis. The humanitarian approach towards health issues are really very important when we talk about epidemics and such diseases which are fatal and are generally life threatening.

With the advancement in technology and medicine, there is an increased need for taking care of ethical norms in the field. The following of ethical norms is related with human rights of the treatment seeker. The medical fraternity has to take care as well as the families of the patient that human rights and ethical treatment go hand in hand. The individuals who go through the treatment has to be vigilant and conscious of his/ her human rights. "Alicia Ely Yamin's book Power, Suffering, and the Struggle for Dignity is necessary reading for advocates,practitioners, and students from any discipline interested in understanding the intersection between human rights and health." (Yamin,2016)

The research paper is an attempt to discuss the relation and situation of health ethics with human rights on universal platform as well as in Indian context. While discussing health or medical ethics it is important to look that how health system frameworks, policies and laws are in rhythm with human rights and not only region specific but are universal in nature. The way the societal frameworks influence the working of medical ethics become a cause for inequalities and injustices is also a reason for taking care of humanitarian approach in medicine. Some important aspects like Universal Access, Availability, Acceptability and Dignity, Quality, Non-Discrimination, Transparency, Participation, Universality, Equity, Transparency, Participation and Accountability should be given ample importance. These aspects play an important role in the ethical field of health. These ensure proper deliverance of ethical health services to the people. But the level of these varies from country to country. When there is negligence in ethical standards and deliverance it hampers the human rights of the concerned people. Some moral aspirations are as follows:-

- Producing benefits in health policy as a utilitarian commitment to maximizing aggregate health benefits
- Preventing harms, often health harms
- Distributing health benefits fairly
- Procedural justice, participation, and transparency
- Respecting individual liberty of action
- Respecting universal human rights
- Respecting privacy

- Protecting non-dominant subgroups from marginalization and stigmatization
- Building and maintaining trust

HISTORICAL EVOLUTION-

Tracing the history of ethics or health ethics is practically very difficult. History of ethics is as old as human became civilized and started living a proper settled life. Any deed which brings happiness to people and do not harm or hurt any other person is called an ethical deed. In the field of health and medicine, first of all the field in itself is considered as a noble service. This is the field where a doctor gives another life to his/her patient. Doctor is given place just after God.

Be it Western world or Eastern traditional countries, doctors take the Hippocratic oath of providing best of their services in ethical manner to their patients. The first code of medical ethics, Formula Comitis Archiatrorum, was published in the 5th century. The next important landmark is in the medieval period when Ishaq ibn Ali al-Ruhawi, an Islamic scholar wrote on the conducts of physicians. In the 18th and 19th century came the work of Thomas Percival who wrote on modern code of medical ethics. In 1847, American Medical association adopted the first code of ethics.

Not only west, but Ancient Indian doctors like Shrushut, Charak, etc., and other thinkers advocated the ethical norms in the medical field. In regard to Ethics in practiceby newly graduated or appointed doctors, Indian doctors like Shrushut and Charak says that, "Having finished his studies… he should go about… with undeluded mind and with his eyes looking straight before him. He must be genial and take the initiative in a conversation. He must never resort to the patient's house uninvited. 'Having entered.. . he should not turn his gaze to anything but the patient…He should not broadcast the secrets or the shortcomings of the patient's household. 'He should not withhold from the patient the untoward prognostic signs that he may have perceived. He should continually offer consolation to the patient. He should not administer the medicine in the wrong order nor should he delegate the responsibility to another… He must be versed in the knowledge of characteristics of constitution, drugs, disease and age… He should be given to speech that is bold, unambiguous, prompt, vivid, charming, gentle, persuasive, comprehensive, non-contradictory and righteous… If he is attacked in debate by another physician he must be able to take his stand against him. The opponent should be persuaded by gentle words (http://ijme.in/articles/medical-ethics-as-prescribed-by-caraka-susruta-and-other-   ancient-indian-physicians/?galley=html)

It was not a need for ancient times but is more needed in today's materialistic world when we see every day the degradation of moral and ethical values in society. Even the

noble field of medicine is also not aloof from the corrupt practices and other evils. It is not so that in modern world we do not have any ethical codes, till date many follow the ethical codes and many help in achieving them like the Non-Governmental Organizations and supranational bodies like UNO-WHO.

INTER-RELATIONSHIP BETWEEN HEALTH ETHICS AND HUMAN RIGHTS

The relation between health ethics and human rights is very old. And they cannot be separated as without ethics there is no meaning of human rights and vice versa. Human Right to health means that every human should have the universal right to access to highest attainable standard of physical and mental health. These basic rights include sterilized and disposable medical equipment's, clean hygienic environment, healthy working conditions and healthy food. It can be said in holistic manner that all types of medical health facilities should be provided to the needed ones on humanitarian grounds. The design of a health care system must be guided by the following key human rights standards:

Universal Access Health care must be universal, guaranteed for all on equal basis. It must be affordable and physically accessible. **Visibility** Health care infrastructure like hospitals, community health facilities, trained health care professionals, drugs, equipment, and services must be available to people in all areas and societies without any discrimination. **Standard** All health care must be medically appropriate and of good quality, guided by quality standards and control mechanisms, and provided in a timely, safe, and patient-centered manner. **Equity** Health care must be provided without discrimination on equal basis based on health status, race, ethnicity, age, gender, disability, linguistic origin, religion, nationality, economic or social status. **Acceptability and Dignity** Human dignity should always be respected and providers must give culturally appropriate care, be responsive to needs based on gender, age, culture, language, and different ways of life and abilities.**Transparent** Health information must be reachable for everyone, ensuring people to protect their health and claim quality health services. **Vigilance by people** Individuals and communities must be able to take an active role in decisions regarding their health which include the whole of medical infrastructure. **Accountability** The health care system must be accountable to the people it serves.

DILEMMAS IN ACTUAL IMPLEMENTATION OF HEALTH HUMAN RIGHTS

Whatever the research paper explains above is more or less on paper and still a lot has to be done in the field of real implementation of health ethics with humanitarian approach.

There are many such dilemmas which are present in the field. Following points can be discussed in the matter:-

The concerned groups or the marginalized groups many times do not get the benefits of health facilities and infrastructure as there are large scale corruption and nepotism. The medical field is considered as a noble service but then also we find corruption all around. There are found discrepancies in allocation of medical and health resources. Sometimes the sections which the resources the most are in real the most neglected and forgotten ones. These sections are themselves also much ignorant and backward and are not aware of the facilities and services they can get for themselves. The major reasons for this are illiteracy, poverty, non access to technology and information sources. The health sector also portrays a very inhumane practice of stealing organs during surgeries or operations. The patients, who get them admitted for some other ailment, discover late or even sometimes do not come to know that some fraud has been made with their body. The doctors and other staff violate the ethical norms and betray the trust they have been endowed with.

In the similar manner, the illegal practice of knowing the gender of the fetus before birth through ultrasound is still in prevalence. This malpractice has paved the way for more killings of the female fetus. This has affected the male female gender ratio in a drastic manner. The tradition of male dominant society in India is the main cause where generally every family wants a so called 'heir'. The trade and commerce of fake medicines has emerged as a flourishing industry which has played with lives of many people. Though such medicines are banned but then also many anti- social elements just think of their monetary profits. These medicines harm a lot to the life of needed people but above all harm the trust.

Many private medical colleges give admissions to non deserving students on donations and also give fake degrees to the people who buy them. There is unethical business in prevalence which eventually plays with the life of innocent people. A topic which is somewhat different from the above discussed is of 'euthanasia'. It is posing a great challenge to medical/ health ethics. It is physician assisted suicide There have been many attempts to legalize this, especially in the western world but only few have succeeded. John Keown in his book, Euthanasia, Ethics and Public Policy says, "Whether the law should permit voluntary euthanasia or physician assisted suicide is one of the most vital questions facing modern societies."(Keown,2002) When it comes to government, it becomes a dilemma for the government to decide whether to allocate financial resources in eradicating prevailing diseases or to spend the amount on the prevention of the diseases.

HEALTH ETHICS AS AN IMPORTANT ASPECT FOR WHO

One of the major functions of WHO is to provide for ethical and evidence based policy options. WHO is an important organ of United Nations and therefore has to abide by the principles of Human Rights. It is the role of WHO to promote universal health and health ethics as well. With this objective, WHO works on building ethical capacity with the member states. The publication of the WHO guidance document follows with implementation of activities and providing workshops and trainings. For example, "With regard to preparedness and response to pandemic influenza, the Unit developed advice for planners on how to confront ethical issues of isolation and quarantine, and fair access to services during pandemics."(Retrieved from http://www.who.int/entity/csr/resources/publications/WHO_CDS_EPR_GIP_2007_2c. pdf, accessed 3 March 2015) "It also collaborated with WHO's Stop TB Programme in developing guidance on ethical issues related to tuberculosis care and control."

INDIAN MANDATE FOR HEALTH ETHICS

Indian government has provided for many health facilities in health sector but still many gaps remain vacant to be filled. The GDP contribution in health sector remains very poor. Many ethical issues surround the healthn sector in India which should be addressed with humanitarian and ethical approach. One such issue is of pricing of drugs (brands vs generic). Many pharmaceutical companies are in grip of this issue. Some other issues are like advertising of drugs in a false manner and availability of banned drugs in the markets. This is a clear violation of people's trust and health. These harm the health of people in a severe manner. Many health institutions in India do not provide for proper and standard health care for patients which falls under their fundamental right to life (Article 21). Not only the institutions, but the physicians also have become businessmen who think more for their profit and not about the health of patient. For example, it is quite common in India that physicians prescribe medicines which are branded and not the generic ones, they even prescribe the medicines which are available at a particular pharmacy and not at all places. This is done for the sake of huge commissions. Even the doctors many times prescribe unnecessary medicines which are not actually needed. In India out of the private expenses, around 80 % of the part goes in health care which is very high. These practices are totally against the health ethics norm.

CONSTITUTIONAL PROVISIONS IN INDIA

As a fundamental right, the Indian Constitution provides for Article 21, Right To Life which guarantees people of India that in no circumstances without proper legal procedure life of a person cannot be taken. Article 14-16 guarantees equality which means that all citizens of India are liable to all medical facilities on equal basis and access to all medical institutions on equity. Article 24 prohibits the exploitation of children by appointing them in hazardous factories and occupations. Therefore, no child is supposed to be working under 14 years of age in such circumstances which are dangerous for his life and health. Article 42 provides for maternal relief and just and humane conditions for work. The employer has to ascertain that the conditions in the working place are following health standards. Article 47 says that state shall record the raise of the nutrition level and standard of living and provide for improvement and make it as a primary duty. These are some of the main provisions for maintain health standards in India. The theoretical framework is present but the actual implementation has to be taken care for.

CONCLUSION

From the above discussion it is quite clear that there are no shortages of provisions and laws on health ethics but the real need lies in their implementation. The medical fraternity has to ensure that the people who contribute their life savings in the treatment should be given proper care and facilities. The government should not only make and introduce schemes for the people but should ensure that the targeted people receive the facilities on equitable basis. The losing ethical values should be once again brought into the society and the noble profession like medicine should work for the welfare of people and not for just profit making. The doctors should revise the oath they all had taken at graduating and relive the purpose of their lives. The guiding principles of health ethics should be followed universally and equally.

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