



Ankara University  
**SCHOOL OF MEDICINE**

*The First Medical School In The Republic of Turkey (1945)*

# ***Legal aspect in international health regulations***

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**01st March 2019, Ankara - TURKEY**

# World Health Organisation Constitution

- WHO Constitution (preamble):
  - “The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social conditions.”
  - WHO definition of health as “a state of complete physical, mental and social well-being and not merely an absence of disease or infirmity”.
    - WHO Declaration on the Promotion of Patient’s Rights in Europe



# Global Governance for Health: Proposing a Framework Convention

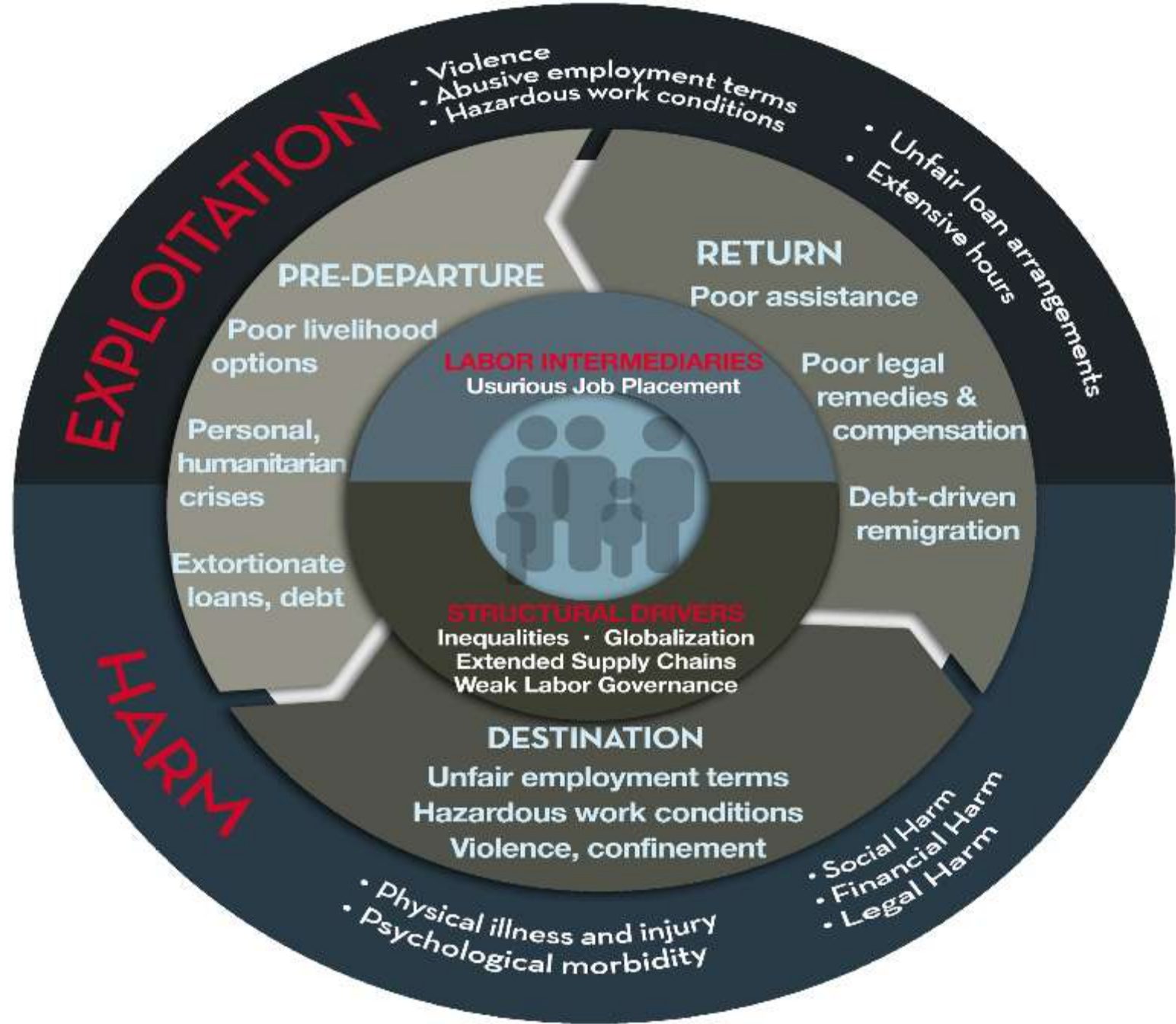
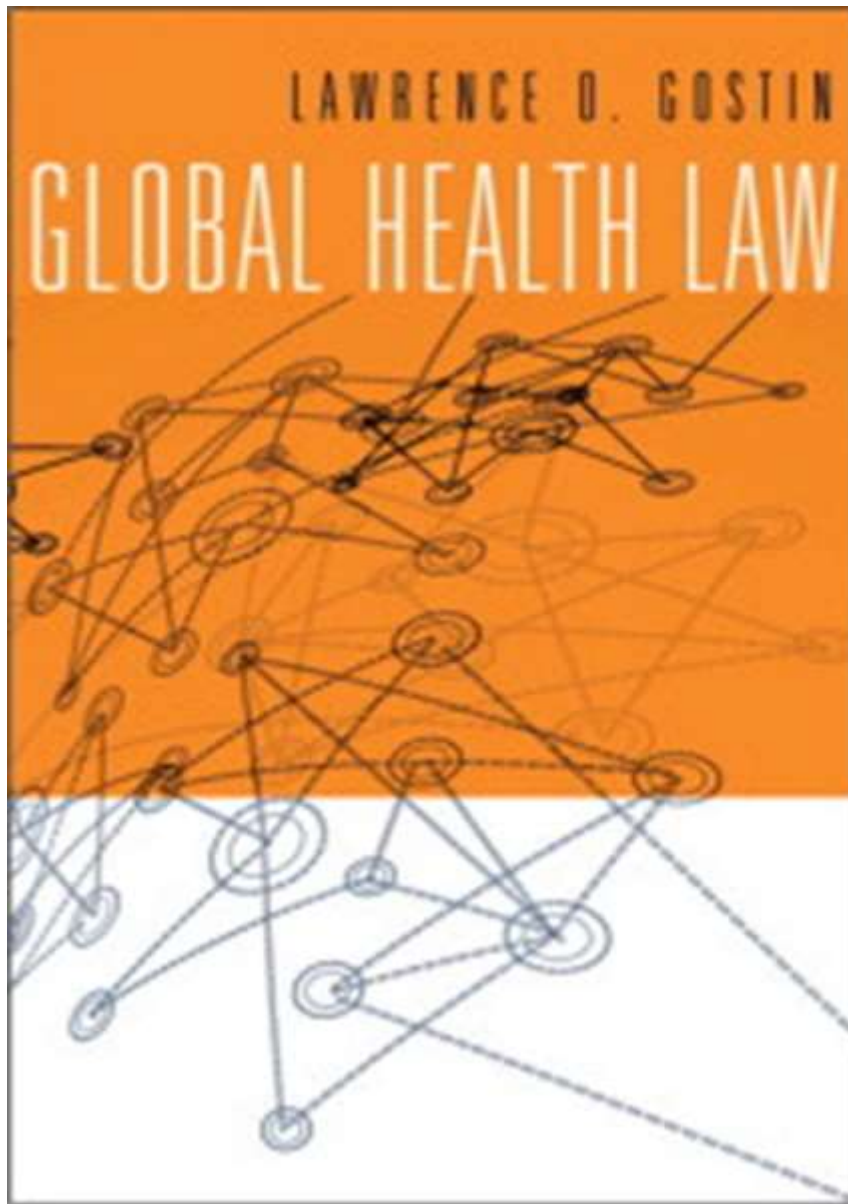
## b. Influence of Trade and the Human Right to Health

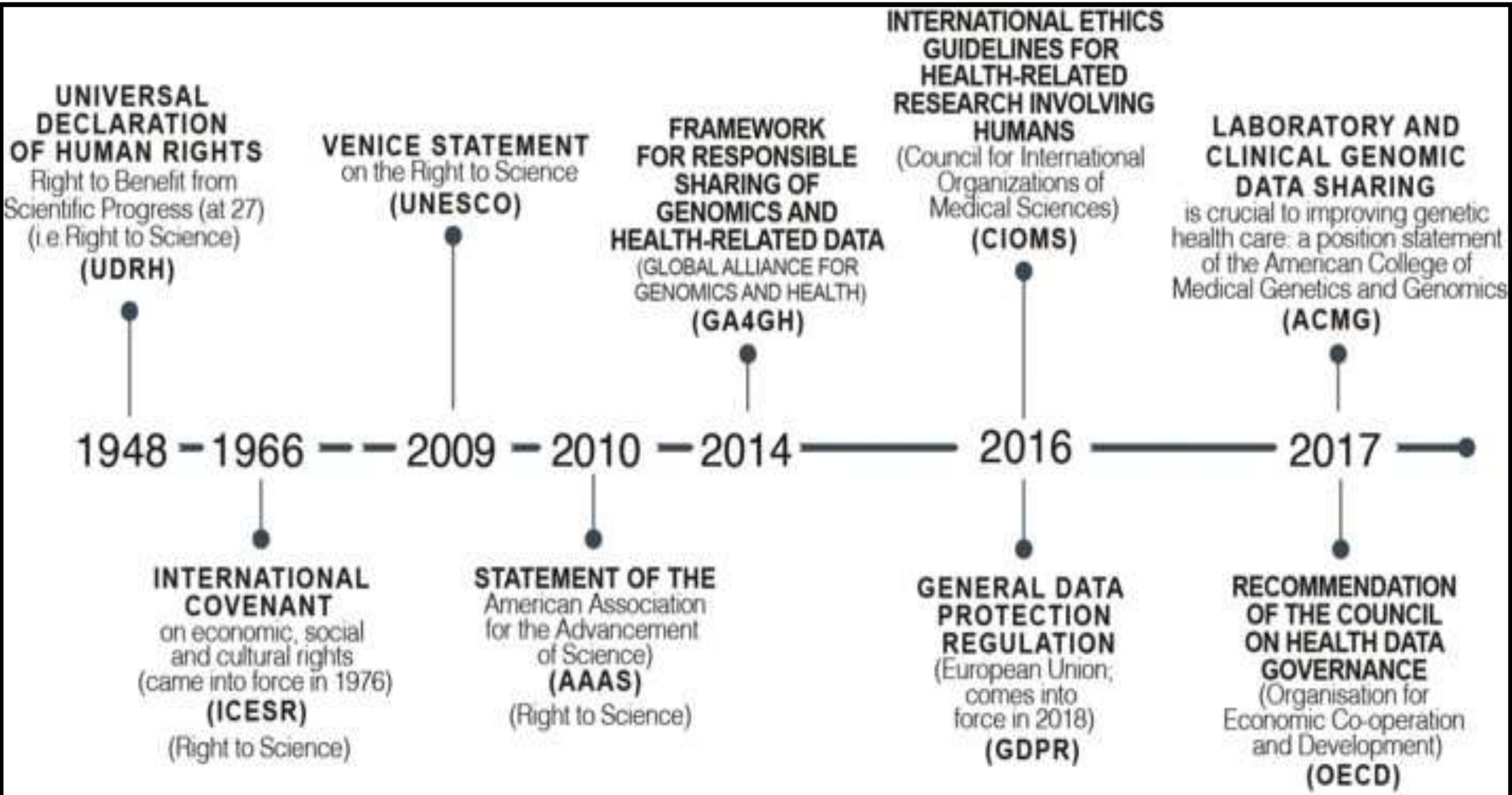
- Other agencies have developed international law that affects health...



- WHO's lack of participation can be blamed on their image as a narrowly scientific/technical agency, yet is still has the responsibility to contribute its expertise.
- WHO's definition of a right to health is so broad as to be unattainable.
- Recasting the problem of poor health as a human rights violation is unhelpful:
  1. Legal obligation falls on the state to protect its own population – other populations cannot take precedence.
  2. Since the right to health is "progressively realizable", potential violations require subjective judgment.
  3. Even if some obligation can be read, there is no systematic method of implementation and enforcement.









## 2019 Global Health Care Outlook

Shaping the future

Global health care spending continues to increase dramatically



is projected to reach

**\$10.059 trillion by 2022**

## WHO WATER, SANITATION AND HYGIENE STRATEGY 2018-2025



# 2019 Global Health Care Outlook

Shaping the future

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# 2018 Global Health Care Outlook

The evolution of smart health care

## What is smart health care?

**Appropriate** health care delivered at the **right time and place**

Technology used to **accurately diagnose**, treat, and deliver care

Stakeholder communicate and **use info effectively and efficiently** across the ecosystem

Patient data **centrally located** but protected and easy to access

The **correct individuals** do the correct work

Patients **informed and active** in their care

New, **cost-effective delivery models** bring health care to places and people that don't have it.

**Efficiency improves**: waste declines

...but comes with logistical barriers and tech obstacles

- ⊖ Non-traditional care settings
- ⊖ Evolving workplace and workforce
- ⊖ Data fragmentation and disparate systems

Global health care spending



# BigData@Heart

**legal**



**ethical**



The Changing Face  
of Medical Devices



**HEALTH  
CENTRE  
500 km**



## EXPLOITATION and "Modern Slavery"

Women  
& Girls  
~29 Million

Children &  
Adolescents  
~11 Million

Men  
& Boys  
~10 Million

### LABOR SECTORS examples

Agriculture

Domestic Work

Mining

Brick Kiln

Fishing

Sex Work

Cleaning Service

Food Processing

Street Begging

Construction

Manufacturing

Textiles

### EXPLOITATION-RELATED RISKS

#### ABUSE

e.g. violence,  
verbal abuse,  
confinement, threats,  
financial penalties,  
document  
confiscation

#### OCCUPATIONAL HAZARDS

e.g. foodborne, airborne,  
chemical hazards,  
extensive hours,  
accidents, poor  
protective equipment

#### POOR LIVING CONDITIONS

e.g. unhygienic,  
crowded,  
unsafe,  
poor nutrition  
and unclean water

### GLOBAL HEALTH

Infectious and non-communicable diseases  
Occupational injuries and disability  
Psychological morbidity  
Increased financial insecurity  
Generational cycles of  
hazardous labour

MODERN  
SLAVERY  
IS CLOSER  
THAN YOU THINK



# 1 ERADICATE EXTREME POVERTY & HUNGER

Achieve universal  
primary education

2

3 Promote  
gender  
equality  
and empower  
women

5 Improve  
maternal  
health

8 Develop a global  
partnership  
for development

4 Reduce child  
mortality

6 Combat  
HIV/AIDS  
malaria  
and other  
diseases

6

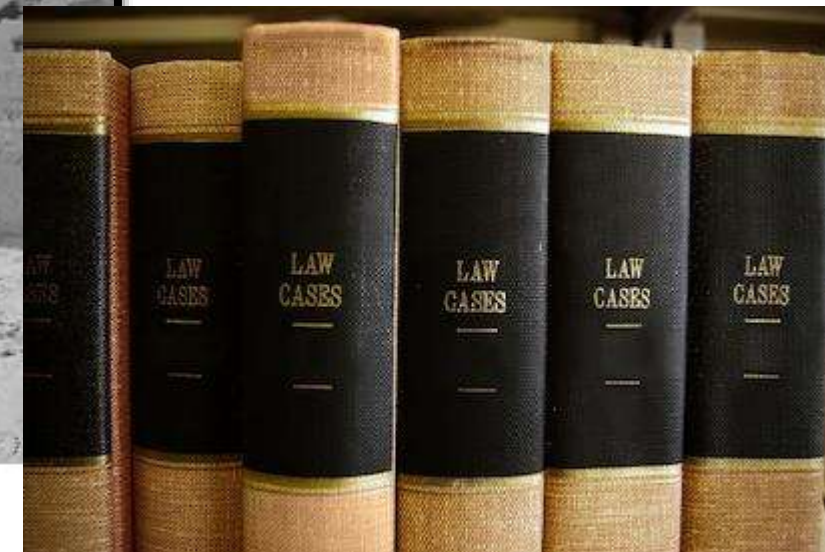
7 Ensure  
environmental  
sustainability

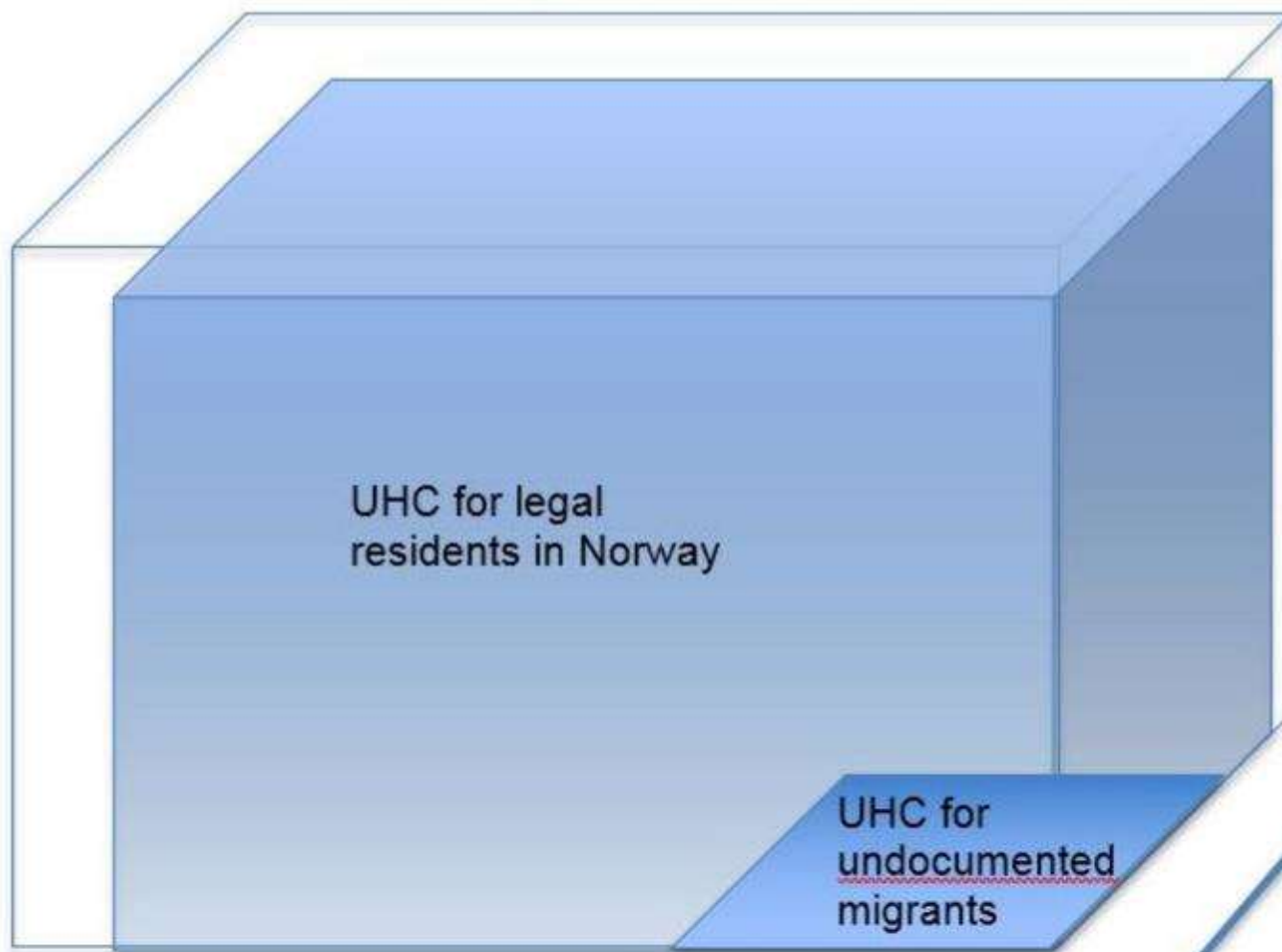


2000 - Millennium Development Goals - 2015



Source: Markle WH, Fisher MA, Smego RA: *Understanding Global Health*, 2nd Edition; www.accessmedicine.com  
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Direct costs:  
Proportion  
of costs  
covered

Services:  
Which services  
are covered?

Population: Who is covered?



**Table 2. Four Essential Functions of the Global Health System.**

| <b>Function</b>                              | <b>Subfunctions</b>  |
|--|--|
| Production of global public goods            | Research and development, standards and guidelines, and comparative evidence and analyses  |
| Management of externalities across countries | Surveillance and information sharing and coordination for preparedness and response  |
| Mobilization of global solidarity            | Development financing, technical cooperation, humanitarian assistance, and agency for the dispossessed   |
| Stewardship                                  | Convening for negotiation and consensus building, priority setting, rule setting, evaluation for mutual accountability, and cross-sector health advocacy |

# Ethical and legal introduction



## THE ARISTOTELIAN ETHICS

A study of the relationship  
between the  
Eudemian and Nicomachean  
Ethics of Aristotle

Anthony Kenny

# Robots

) A robot may not injure a human being or, through inaction, allow a human being to come to harm.

i) A robot must obey any orders given to it by human beings, except where such orders would conflict with Part 3 Section 1 subsection "i" of this Charter.

ii) A robot must not deceive a human being.

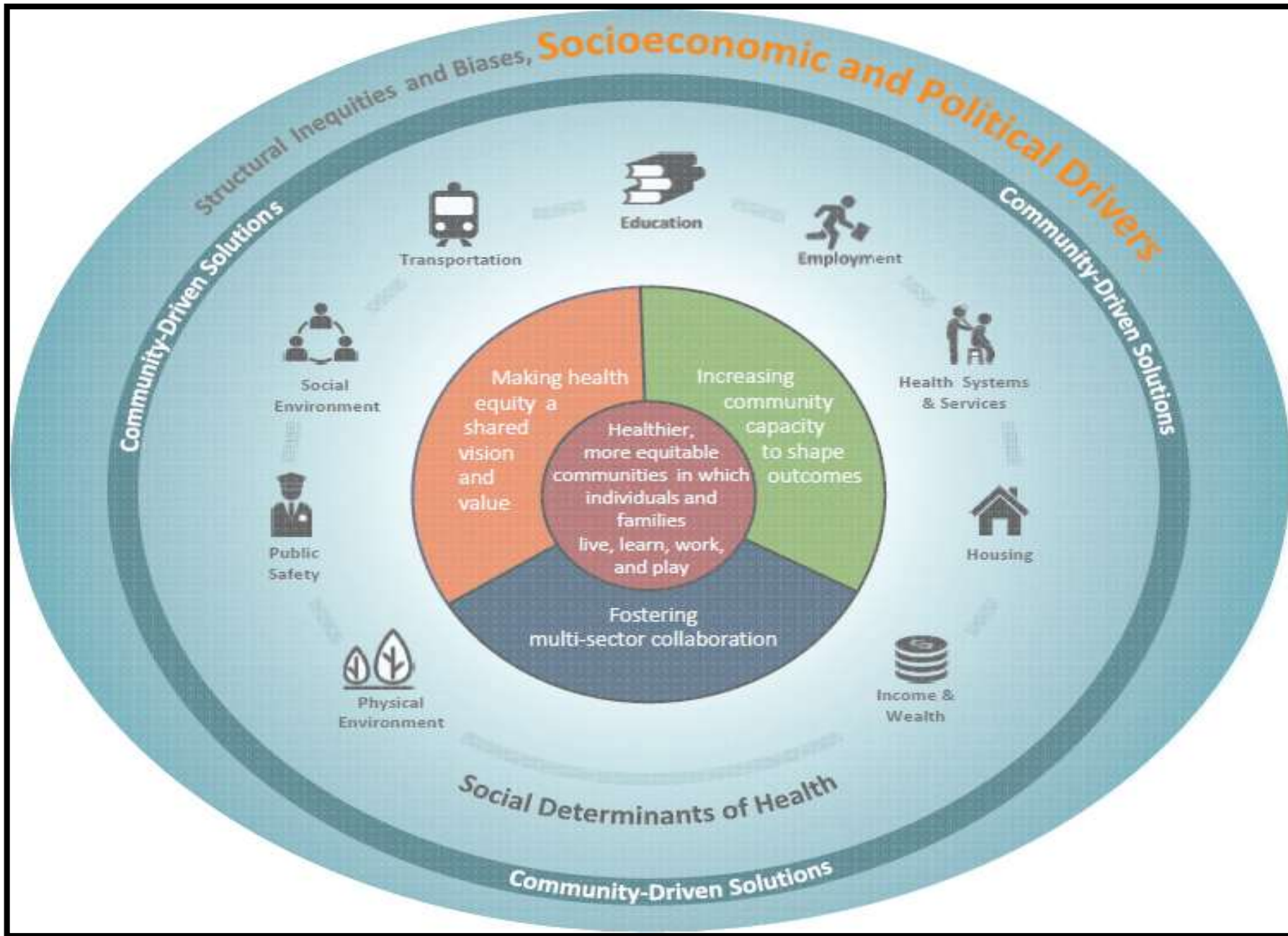
Under Korean Law, Robots are afforded the following fundamental rights:

i) The right to exist without fear of injury or death.

ii) The right to live an existence free from systematic abuse



<http://akikok012um1.wordpress.com/south-korean-robot-ethics-charter-2>

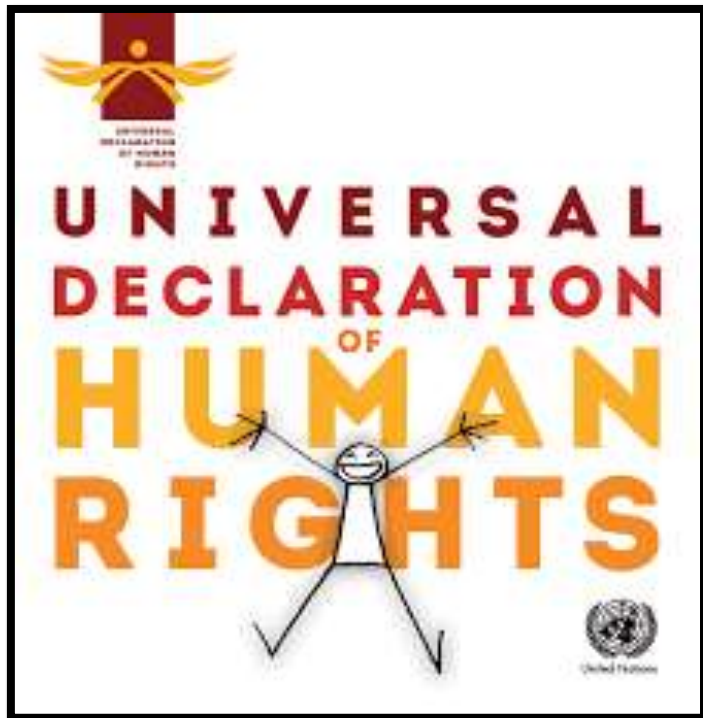


# REHABILITATION

It focuses on the existing capacities of the handicapped individual, and brings him to the optimum level of his/her functional ability by the combined and coordinated use of :

- Medical
- Social
- Educational and
- Vocational measures





## International health MSc programmes

Online and on-campus  
[blizard.qmul.ac.uk/study](http://blizard.qmul.ac.uk/study)

Centre for Primary Care  
and Public Health

MSc Global Public Health and Policy  
MSc International Primary Health Care  
MSc Health Systems and Global Policy  
MSc Global Health, Law and Governance  
2013-14

A large, stylized graphic of a globe, showing the continents in dark blue and the oceans in light blue. The globe is positioned on the right side of the slide, with its top edge near the top of the slide and its bottom edge near the bottom. It is partially obscured by the text and logos on the left.

 Barts and The London  
School of Medicine and Dentistry

 Queen Mary  
University of London



## EXAMPLES OF INTERNATIONAL INSTRUMENTS

Nuclear/Industrial Accident  
Law

Customs Law

Weapons Control Law

Communications Law

Health Law

Humanitarian Principles and  
Human Rights

Environmental Law

International Org. Law

Space Law

UN/RC-RC Resolutions

- Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (1986)
- Nordic Mutual Emergency Assistance Agreement (1963)
- ECE Convention on the Transboundary Effects of Industrial Accidents (1992)

# INTERNATIONAL HEALTH AGENCIES

## World Health Organization (WHO)

- Seek to help boost food production and prevent diseases through education and immunization programs
- Collects worldwide health statistics to evaluate and predict health threats.

## United Nations International Children's Emergency Fund (UNICEF)

- Aids children through immunization programs, daycare and health centers, school food programs and training for nurses and teachers

## Food and Agriculture Organization (FAO)

- Works to improve food production and distribution





# Global Health and Human Rights Database

A free online database of health and human rights law

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Filter Map ▶ Health Topics ▼ Human Rights ▼



Judgments by Health Topics

Judgments by Human Rights

National Constitutions  
Database

Judgments by Region

Judgments by Country

International and Regional  
Instruments Database

International Bodies

Regional Bodies

# Global Coordination

International  
Health  
Organizations

Academia and  
Universities

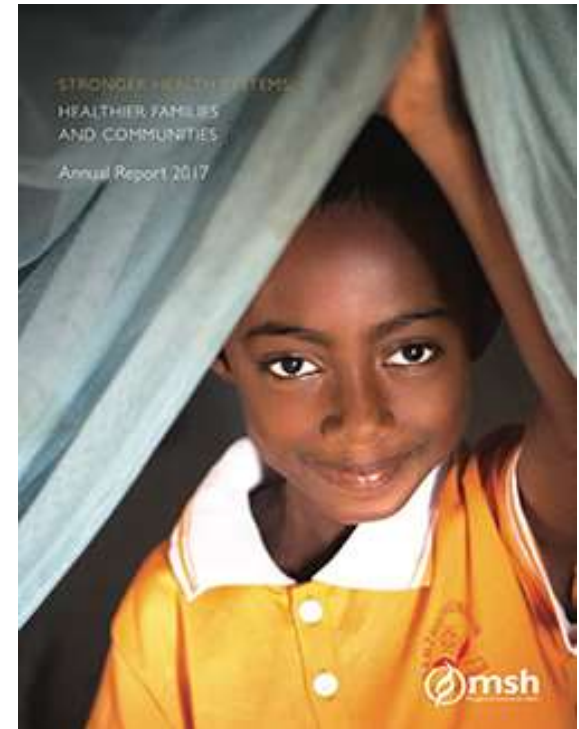
Food Industry

Policymakers

Government  
Agencies

Consumer and  
Advocacy Groups

Public Health  
Organizations





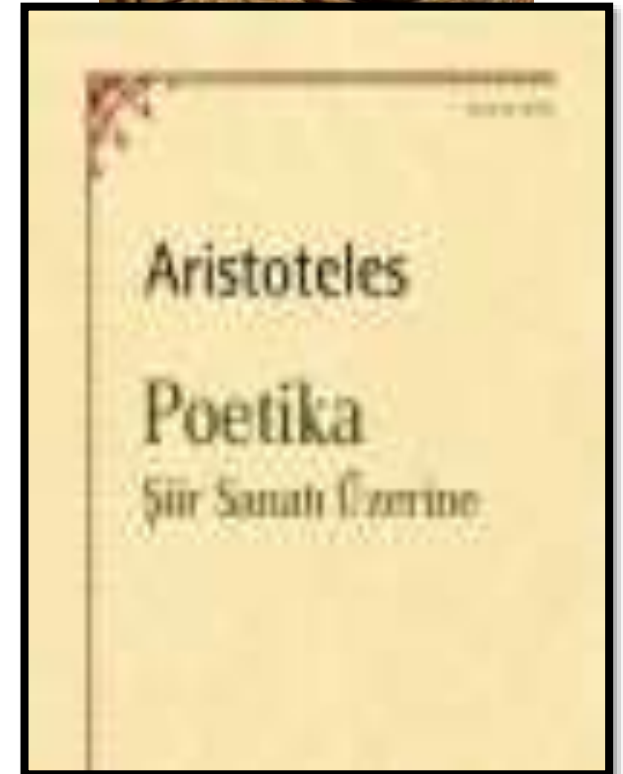
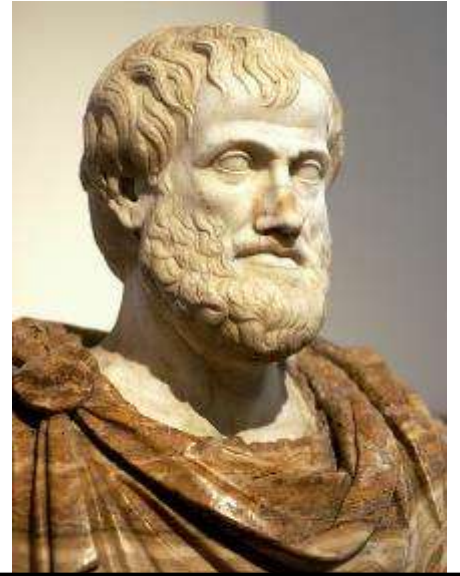


## *Declaration of Philadelphia*

- Labour is not a commodity;
- Freedom of expression and of association are essential to sustained progress;
- Poverty anywhere constitutes a danger to prosperity everywhere;
- The war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

# The Fairness or Justice Approach

- ◆ Aristotle and other Greek philosophers have contributed the idea that all equals should be treated equally.
- ◆ Today we use this idea to say that ethical actions treat all human beings equally-or if unequally, then fairly based on some standard that is defensible.
- ◆ We pay people more based on their harder work or the greater amount that they contribute to an organization, and say that is fair.





***Labor is the  
supreme  
value.  
Respect to  
labor is the  
chief  
condition of  
being human.***

***«The burden of medical responsibility is a heavy profession above all, even then death.»***

**Mustafa Kemal ATATÜRK / Founder of Turkey**