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Course Health: Law I

Course Code: LPB 513

**Topic: International Sources of Health Law**

1. The Nuremberg Code

2. Universal Declaration of Human Rights

3. Declaration of Geneva

4. Declaration of Helsinki 2000

5. Declaration of Lisbon

6. Declaration of Oslo

7. Declaration of Tokyo

8. Declaration of Venice

9. Declaration of Hawaii

10. African Charter on Human and People's rights

11. The Convention on the Rights of the Child

**1. The Nuremberg Code**

The Code was formulated in August, 1947, in Nuremberg, Germany, by judges sitting in judgment of 23 physicians and scientists accused of murder and torture in the conduct of medical experiments in concentration camps (the Doctors’ Trial’).

The purpose of the Nuremberg Code is to safeguard the life and welfare of subjects. The judges articulated ten principles centred on the research subject.

The experiment should be on results of animal experimentation, unnecessary physical and mental suffering must be avoided; degree of risk balanced with the importance of the experiment; should be conducted by qualified scientists; etc

2. **The Declaration of Helsinki**

Also deals with biomedical research in human subjects. Among its many principles is the stipulation that medical progress is based on research that must rest in part on experimentation involving human subjects. The interests of the subject must always prevail over the interests of science and society.

3.**Universal Declaration of Human Rights**

Article 25 Of the Universal Declaration of Human Rights states that;

"Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care, necessary social services….“

Article 18- Everyone has the right to freedom of thought, conscience and religion

4. **The Declaration of Geneva**

The Declaration of Geneva is an updated version of the Hippocratic Oath. It requires the doctor to consecrate his life to the service of humanity; to make the health of his patient his first consideration; to respect his patient's secrets(even after the patient's death); to maintain utmost respect for human life from its beginning and not to use his medical knowledge contrary to the laws of humanity.

5. **The Declaration of Lisbon (1981)**

It concerns the rights of the patient. These are declared to include the rights to choose his or her physician freely; to accept or refuse treatment after receiving adequate information; to have his or her confidences respected and to receive or decline spiritual and moral comfort including the help of a minister of an appropriate religion. Etc….

6. **The Declaration of Oslo (1970, revised 1983)**

This declaration deals with abortion. It requires doctors both to maintain the utmost respect for human life from its beginning and to accept that attitudes towards the life of the unborn child are diverse and "a matter of individual conviction and conscience which must be respected."

Where the law allows therapeutic abortion to be performed, the procedure should be performed by a physician competent to do so in premises approved by the appropriate authority.

7.**The Declaration of Tokyo (1975, revised 1983)**

The Declaration of Tokyo is a set of international guidelines for physicians concerning torture and other cruel, inhuman or degrading treatment or punishment in relation to punishment or detention.

It was adopted in October 1975 during the 29th general assembly of the World Medical Association. It declares torture to be contrary to the laws of humanity and to the higher purpose of the physician, which is to alleviate the distress of his or her fellow human being.

It forbids doctors to condone, or participate in the practice of torture or other forms of inhuman or degrading procedures.

While physicians have an obligation to diagnose and treat victims of torture, they are ethically prohibited from conducting any evaluation or providing information or treatment that may facilitate the future conduct of torture.

Such actions constitute physical participation in torture and ultimately destroys patients’ trusts in the medical profession.

8. **The Declaration of Venice (1983)**

The 27 October 1983 session of the World Medical Association in Venice approved a declaration on the physician’s obligations to the terminally ill. The Declaration of Venice reiterates the duty of the doctor to heal and, when possible, relieve suffering.

It sanctions the withholding of treatment in terminal illness with the consent of the patient or, if the patient is unable to express his will, that of the patient's immediate family. The doctor must refrain from employing any extraordinary means which would prove of no benefit for the patient.

9. **The Declaration of Hawaii (1977, revised 1983)**

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Also, according to Article 16, every person shall have the right to enjoy the best attainable state of physical, and mental health.

Article 16(2)- States parties shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

11. T**he Convention on the Rights of the Child**

The Convention on the Rights of the Child (CRC) is a comprehensive treaty that makes provision for almost every aspect of a child’s life.

It was adopted by the United Nation General Assembly ; on November 20, 1989, and entered into force on September 2, 1990.

The Convention appeared at a time when it was apparent that vast numbers of children around the world were been denied their rights.

This need was met by the inclusion of Article 6, which states that every child has the inherent right to life.

Article 24 provides that states parties recognize the "right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health" and "to ensure that no child is deprived of his or her right of access to such health care services."

•Article 24 stipulates that states parties shall take appropriate measures:

1. to diminish child mortality;
2. to ensure medical assistance and health care;
3. to combat disease and malnutrition;
4. to ensure appropriate pre and post-natal health care for mothers;
5. to ensure universal access to knowledge concerning child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and prevention of accidents;
6. to develop preventive health care, guidance for parents and family planning education and services
7. to take measures to abolish traditional practices prejudicial to the health of children