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Human rights in health / why patient rights?

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Abstract

Patient rights aim to protect human rights while benefiting from health services. In the statements made about patient rights, attention is paid to the connections of these rights with human rights. Since it is a topic with such intensive relations with human rights, the discussion of whether human rights will be sufficient to protect the rights of individuals benefiting from health services without the "patient rights" subtitle comes to mind. If patient rights are "reflection and extension of human rights" in the field of health; Is it not possible to protect these rights directly only under human rights? Why is the patient rights title needed? What is the benefit in addressing these rights under a separate heading? Answering their questions will provide an important step in the answer to the question of why the topic of patient rights is included under the heading of human rights. In our article, attention has been drawn to the fundamentals and importance of the rights of individuals benefiting from healthcare services in the subtitles of human rights, based on different discussions, both in terms of human rights and freedoms and ethically. The approaches of countries in the world about patient rights could be explained in detail. There has been an important study expressing the basic philosophical state of patient rights.

Keywords: Health, human rights, patient rights

Introduction

The existence of separate documents and legal regulations regarding patient rights in healthcare provision is important in terms of not ignoring the rights of individuals. The regulation of patient rights with unique documents is the reason why people in need of health care benefit more in terms of fundamental rights and freedoms.

In the definitions about patient rights, attention is paid to the fact that these rights are the reflection of human rights in the field of health and the connections of these rights with human rights. It is argued that patient rights are intended to protect human rights in health and medical care systems [1]. In addition, it is claimed that patient rights are based on human dignity and equality rights formulated in the Universal Declaration of Human Rights [2]. It is also emphasized that patient rights are a return to the values inherent in basic human rights [3].

With our study, we aimed to emphasize the importance of patient rights regulations, which aim to ensure that individuals who need to benefit from healthcare services receive services in accordance with human rights.

Materials and Methods

In fact, most of the rights under the title of patient rights are protected by many legal regulations, especially international human rights documents and constitutions. For example, the individual's right to life, the right to life, such as access to and use of health services, benefiting from these services, not being discriminated against, not being subjected to medical intervention without consent, not being included in research, respecting their beliefs and private life, accessing records related to him and asking them to be changed. It is under the protection of fundamental rights such as. Why is the need for patient rights, which has a direct relationship with human rights, needed? Why is it important to advocate examining patient rights under a separate heading?

The different debates brought in terms of human rights and freedoms and ethics in terms of the rights of individuals benefiting from health services are the main reason why patient rights are among the sub-topics of human rights. In this context, "patient

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rights" is important for the provision and development of the rights of individuals benefiting from health services. We have included the titles about the importance of having the patient rights title as a subtitle of human rights separately. However, in order to be more explanatory, We first made explanations about the purpose of patient rights.

What is the purpose of patient rights?

Human rights documents are intended to balance the power of citizens in their relations with the government or legislators. Employee rights documents are important to ensure that employees are not abused by employers. Documentation on consumer rights aims to protect ordinary people against companies whose main purpose is to make profit [4]. So, who are the documents related to patient rights protecting patients against? Is it against physicians and health workers in general? Against hospitals and all other health institutions and organizations? Against the state? Against the pharmaceutical and medical products industry? In fact, patient rights should be considered to protect patients against all these individuals and institutions. However, to say that the patient's rights are aimed at protecting the patient against physicians, healthcare professionals, hospitals, healthcare institutions may perhaps bring some objections to mind. Thinking or suggesting that the person or institution that has the duty to ensure that the health person regained his health has a potential for violations of rights causes difficulties in determining the goals of patient rights. Also, considering that these institutions and their members have traditional professional principles, it seems objectionable to argue that patients are protected against these institutions and individuals. However, patient rights are aimed at making the patient active as a result of human rights in services and practices related to individual health and life, which these institutions and individuals tend to protect. With the rights of the patient, the patient goes beyond being an individual whose health system and professional group aims to benefit, and is able to demand the benefit to be provided. The patient has a say in the benefits of the health system or professional principles. In this context, accepting that the purpose of healthcare professionals or organizations is to restore the health of the individual, accepting that they will not violate rights constitutes an important obstacle to human rights in health. In theory, human rights violations are common in health systems, even though it is argued that people and institutions involved in health services put people at the center and are not likely to harm people. There are important international documents on the potential and existence of rights violations in this health. Patients are regarded as one of the vulnerable social groups because patients are at physical, mental and economic risk. It is emphasized that this situation leads human rights related groups and organizations to studies on patient rights [5].

The reason for the existence of rights is not only that people are at risk. In addition, the purpose of rights is to recognize, protect and even improve the value people bring because they are human. In addition, rights aim to provide a universal language that enables ethical discussions within moral differences. Rights support the development and promotion of a vision to be shared, the examination of people's problems and the search for solutions [4]. It is a necessity to have unique rights, documents and regulations regarding the right to health and patient rights.

In addition, it includes the daily moral and legal issues of patient

care, such as patient rights, privacy, and a broader range of ethical-legal issues in health care, such as informed consent and euthanasia. Therefore, patient rights are an easy-to-understand and useful tool to reveal the legal and ethical dimensions of patient care [6]. Moreover, patient rights are one of the deep-rooted legal and philosophical discussion arguments in the discussion of human rights in medical and scientific settings, such as bioethics, the right to health, and patient safety [7].

The importance of patient rights for patients in the context of developments in medicine and health services

Individuals who want to benefit from the right to health have to apply to the institution or people providing health services. The rapid change of modern medicine, its increasing complexity, advances in medical technology, and the relationship between healthcare providers and patients are damaged. It takes time to prepare or enter into force of legal regulations regarding the use and application of new technologies used depending on advances in medicine and technology. Large medical teams change the roles and obligations of the physicians and other health professionals involved in the treatment of patients [8]. Depending on the complexity of the health system, the high cost of healthcare, and the fact that the individual is in a weaker position against the person or institution that he / she applies to, it may be difficult for individuals to receive services in accordance with human rights. Patient rights play a key role in this complex structuring to provide services in line with human rights.

Due to the shift of the center of modern medicine from private physician offices to hospitals, patient rights have started to come to the agenda [9]. Depending on the urbanization, a significant part of the population reaches health services by using hospitals. For this reason, hospitals provide many health services, many health professionals, technology. This requires hospitals to provide services with a complex bureaucracy. Complex bureaucracy has led to more regulatory relationships between employees, institutions, and patients. It is pointed out that negativities such as employee alienation, indifference, rigidity, lack of coordination, inefficiency, behavior to go to work and resistance to change are also caused by bureaucracy. Physicians, nurses and other healthcare professionals tend to cluster in cities and mostly in hospitals for reasons such as higher status, better job opportunities and more choice of additional activities. This situation causes obstacles in terms of ensuring that health services are accessible to everyone [6]. The strengthening of individual and social rights and freedoms in the face of these developments enabled these rights to be brought to the agenda in the field of health. This has led to the need to determine the rights that patients have while receiving services from hospitals. Patients now want to be treated as a partner of healthcare providers. This affects the traditional relationship between healthcare providers and patients. Patients expect better information and quality service [8]. In this context, patient rights have been brought to the agenda in order to enable individuals to benefit from health services under conditions suitable for human rights. For this purpose, the concept of patient rights is discussed by evaluating human rights in terms of patients. Identifying patients' rights and limits will ensure that patients are protected from violations arising from both technology and service systems in medicine and healthcare.

Due to the developments in the field of health sciences and

medicine, the prevention of human rights violations has also been in the interest of patient rights. The Convention on the Protection of Human Rights and Human Dignity in Terms of the Implementation of Biology and Medicine, based on important international documents on human rights: The Convention on Human Rights and Biomedicine (Bioethics Convention) has been prepared against practices that may arise in the context of the development of biology and medicine and violate human rights. Although it regulates a wider area, the Convention is also seen as a patient rights document [10].

The importance of patient rights in terms of health

In addition to patient care and services, the right to health includes social and economic rights, including adequate housing, food and drinking water, and civil and political rights aimed at preventing harm to health, such as non-violence, torture and non-discrimination. Patient rights, on the other hand, focus on patients' rights in the services provided where healthcare providers such as hospitals, clinics, social facilities, detention places, and homes serve the benefit of the patient [7]. In addition, patient rights include the right of individuals to access quality health services, facilities, treatments, medicine. In this context, patient rights directly deal with important topics within the scope of the right to health. Therefore, patient rights will also provide contact on the basis of the right to health in many areas where the right to health does not touch. The right to health, covering many different areas, also includes individual rights related to health. Patient rights will also strengthen the area of individual health rights supported by the right to health.

The importance of patient rights in terms of life, body integrity rights in healthcare services

The right to physical integrity aims to protect the individual against threats and attacks directed towards body integrity. Here, attack and threat are often beyond the individual's will. The right to life, in its most general framework, aims to prevent attacks directed to the life of the individual, and there is usually the purpose of preventing an attack that comes against the individual's will. The situation is different in the process when the individual benefits from medical interventions in terms of both rights. Medical interventions are those that are demanded by the individual at their own will, although they involve dangers to the body's integrity or life. In medical interventions, the individual often demands or refuses an attempt to regain his health, prevent any health problems or undertake some choices regarding his life. In this context, in medical interventions; In the context of the "role of the will of the patient", "the aim of the intervention", "the limits of interventions", distinctive ethical and legal discussions about body integrity and the right to life are on the agenda. It is possible to embody these discussions with some questions. Is it possible to undergo medical interventions to protect the health and life of the individual without consent? If possible, what should be the limits of this? Should the individual's demands on medical interventions be limited? What should be the dimensions in these limitations? In addition, under what conditions should a medical intervention be made to the individual requesting medical intervention? What criteria should these conditions be created with? What should be the basic rules in this regard? What should be the limits and scope of individuals' inclusion in scientific research and education in the

processes they benefit from? Patients' rights will have an important role in seeking answers by keeping the patient at the center in the context of the right to health, the ethical principles regarding health professions, the purpose and framework of health services, regarding the right to immunity of the individual's integrity. In this context, subjects such as "enlightenment", "consent", "refusal of treatment", "dying with dignity", "access to treatment" and "rights in situations requiring forced medical interventions" are discussed. Searching for answers to such questions within the framework of the right to health under the main title of human rights and with a more specialized title will broaden the perspective of these rights.

The importance of patient rights in terms of respect for private life in health

The right to respect for private life is aimed at protecting the individual against the dangers and attacks on individuals' private lives. Within the scope of this right, there is generally the aim of preventing or stopping an danger or attack directed towards the private life of the individual. However, the right to respect for private life has different characteristics in terms of health services. While benefiting from the health services, the individual shares his personal information with the institutions and people he / she receives service upon his own request or as a part of the service. In addition, this information can often be used for the treatment and care of patients, and even for their treatment later in life. However, different practices and discussions have always been on the agenda regarding the storage and sharing of this information, especially in the context of the provision of healthcare. The topic of protection of private lives of people brings more intense discussions to the field of health due to topics such as public interest and the benefit of other individuals. For example, ethical and legal debates on the collection, processing, storage, and sharing of personal health data have already surpassed discussions about healthcare workers' obligations and are discussed within the limits of rights and freedoms in the individual-state relationship. Problems brought by regulations regarding the collection, processing, storage and sharing of personal health data in the context of professional ethics and personal freedoms are carried to both professional and scientific meetings and to the judiciary. Many public and private institutions, such as payment institutions, public institutions and organizations, the pharmaceutical and medical device industry, need more personal health data for planning and research. The efforts of these individuals and institutions to obtain the personal data they need, with legal regulations, make it difficult to store the personal health data of patients within the limits of respect for private life. In this context, approaches within the framework of patient rights play a key role in balancing the public interest and individual rights.

In addition to the classical main topics such as the confidentiality, inaccessibility of the information, the secret of healthcare professionals, the limits of the confidentiality of the patient's information, and the set of problems related to personal data are among the topics of private life in health. It is also possible to embody problems related to personal data with some questions. What should be the limits regarding the collection, processing, storage and sharing of personal data of patients? What rights should patients have / have on this personal data? How should the scope and limits of the patient's access to this personal data be determined? How should the patient be involved in decisions

regarding the sharing and distribution of personal data? Such questions also play an important role in patient rights discussions. As a reflection of human rights in the field of health, it is necessary to address these problems under the title of patient rights in order to ensure the rights of patients to protect their private lives.

The importance of patient rights in the relationship between the individual and the health worker

An important reason for patient rights to be handled as a separate heading of human rights is the individual-health worker relationship. This title, which can be handled within the scope of professional ethics, has an important place in patient rights. Protecting the rights of patients while benefiting from the service is the obligation of individuals and institutions providing these services. It is also pointed out in the definitions made about patient rights that patient rights are composed of both the civil rights of patients and the obligations of healthcare professionals [11]. It is also pointed out that patient rights have separate dimensions in the relationship between the patient-healthcare worker and the patients' health system [12].

Results

It is a fact that there are important ethical debates about the limits of some of the patient rights. Unless an ethical approach is shown in the titles such as deciding on behalf of the patient, forcing the patient to medical practices, sharing information about the patient, and informing the patient, it will be difficult to ensure the rights of the patients. In this context, it will not be sufficient to handle patient rights only within the scope of rights and to approach them without ethical evaluations in terms of ensuring patient rights. In documents containing professional principles related to health professions, it is possible to see the approaches that are the sources of patient rights. It is noted that the first written documents that protect the patient's rights are documents of Hippocrates origin. These documents required physicians to respect the dignity of their patients and gave physicians some obligations to their patients. It is not possible to say that these documents directly include patient rights. For example, in Hippocrates Andi, there are no direct patient rights. However, it can be said that today it is aimed to protect the values that patient rights aim to protect [13]. There are statements in this direction in the moment of Hippocrates, as well as in the Oath of the Indian Physician and in the moment of Imhotep. It is possible to make the same evaluations in terms of these vows [14]. Today, there are articles for the purpose of ensuring and protecting the rights of patients in both international and national professional ethics codes of professions such as nursing, medicine, pharmacy, dentistry. Moreover, the Lisbon Patient Rights Declaration, which has a significant impact on the internationalization and implementation of patient rights, has been published by the World Medical Association, a physician professional organization. In this Declaration, it was pointed out that physicians have important duties in protecting and ensuring patient rights [15]. In all the texts of this Declaration, developed since 1981, DTB emphasized that patient rights are an obligatory element of healthcare services, physicians should respect patients' rights and take the necessary steps to ensure these rights. The Lisbon Declaration indicated the importance of physicians' attitudes in terms of patient rights.

Although the documents on healthcare professional ethics contain

important articles and approaches in terms of patient rights, it is also a fact that there may be a conflict between professional principles and patient autonomy. For example, in cases where the patient's refusal to treat will cause permanent discomfort in death or in the patient's health, there may be a conflict between the results of the patient's exercise of this right and the professional principles of health professionals. Healthcare professionals learn that medical interventions benefit patients throughout their education, and believe that their realization is in the patient's best interest. Therefore, healthcare professionals may tend to show paternalistic approaches to the patient who refuses treatment [6]. It is pointed out that paternalistic approaches have come to the fore about the refusal of treatment, despite the fact that the laws have recognized the patient's right to refuse treatment and respect for the self-respect of the patient in terms of professional ethics [16]. Discussions about telling the truth to the patient can be an example to the same issue. In this context, patient rights approach will also contribute to the development of professional principles within the scope of patient autonomy.

Individual attitudes of healthcare professionals are also important for rights such as access to health services, information, respect for private life. For example, the right to hide and not share the patient's secret can sometimes be violated by the attitudes of the healthcare worker. The patient's right to access health services may be violated by the physician's individual attitude, as is the case when the physician refuses the patient without an ethically and legally acceptable justification. Sensitive approaches to patients' rights are also important in similar headings. Although the law imposes obligations on health workers such as the obligation to keep secrets and prioritize the health of the patient, it is important that employees fulfill these responsibilities with the sensitivity of professional principles.

Patient rights, patient health worker relations are very complex. In this context, the rights of the hospitals; It is pointed out that physicians, nurses and other healthcare professionals will not be simplified as a list of obligations to the patient. It also emphasizes that discussions about patient rights should be distinguished from the point of view of service to the patient in moral and ethical terms. The importance of patients' claiming their rights through the judiciary is also pointed out. In this context, it is pointed out that the perception of patient rights arising from performing high ethical or ethical duties should be avoided. This opinion, which defends that a right will not exist unless there is a legal obligation, points out that the patient cannot sue the hospital in case of damage caused by not receiving this care in cases where the patient is not obliged to provide nursing services to the patient. Likewise, he points out that the physician has the obligation not to make medical intervention without the patient's consent and states that the patient may sue the physician if the physician makes medical intervention without the patient's consent [17].

It is pointed out that the understanding of healthcare professionals' patient rights has an important role in overcoming the difficulties that patients face in the healthcare system. It is argued that the understanding and awareness of the rights of the healthcare professionals will help to re-understand the relationship between the patient and the healthcare worker and this relationship is at the core of the human health service [6]. In addition, while

emphasizing that patients' rights are necessary for patients to be able to receive quality healthcare services and to participate in this issue, it is pointed out that the lack of knowledge of health professionals about patient rights will make it difficult to defend patients' decision-making and autonomy [11].

The importance of patient rights in patient-health authority / healthcare organization relationship

However, it should not be inferred from all these statements that patient rights should only be associated with medical interventions. As mentioned before, patient rights are related to benefiting from health services. Medical practices are a dimension of health care. Providing health services to individuals and ensuring that they can benefit from these services when they need them are among the patient's rights.

Discussion

Race between expected services for the benefit of individuals who need to benefit from health services and other services that governments have to offer may pose a risk in terms of the right to access health services. For example, governments are responsible for services such as education, roads, security, as well as patients' needs, leaving these services and services needed by patients in race. All these competing benefits can lead to conflicts in the care that patients need [4]. In this contention, the fall of health care needs, inability to manifest themselves, may cause a violation of the individual's right to life and health. In the context of the right to health, the approaches brought by patient rights in terms of establishing patient-centered policies will bring significant gains in terms of ensuring patients' right to health. In this context, patients may also experience violations of the systems, programs and practices prescribed by the health system.

Virtually all rights defined under the patient rights heading may also be violated by systems, programs and practices. In this context, it is possible for patient rights to protect individuals from this perspective. In the violation of the patient's right, determining the responsible person and the source of the violation is a necessity in terms of ensuring patient rights. It is important to configure the programs and practices of the health system without ignoring patient rights. For example, it is an expected and desired service by the Ministry of Health to establish a program to "provide better service" to patients and to control social security expenditures. However, the fact that the personal data collection system created to ensure this does not filter the compliance of patient rights will cause serious rights violations. The patient rights understanding that protects patients' private lives will ensure that personal health data is collected, stored, processed and shared in accordance with human rights.

Conclusion

Rights such as the immunity of the life integrity of individuals, respect for private life, health, non-discrimination, expression of thought, respect for conscientious opinions, for the individual benefiting from health services; it contains different debates, both ethically and in terms of rights and freedoms. In addition, the patient - health worker relationship also requires the human rights of individuals benefiting from health services to be dealt with

separately. In this context, the existence of separate documents and legal regulations regarding patient rights is important in terms of not ignoring the rights of individuals who need to benefit from health care services. The regulation of patient rights with its own documents ensures that the benefits of individuals who need health care services become evident in the context of fundamental rights and freedoms.

Patients' rights, which aim to ensure that individuals in need of benefiting from health services receive services in accordance with human rights, should be handled under a separate heading without breaking their close ties with human rights due to the features we try to include above. The identification of patient rights to those who benefit from or need to benefit from health services will enable them to adapt to changes and developments.

Conflict of interests

The authors declare that they have no competing interests.

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Ethical approval

No ethical approval is needed for this research.

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