

Patient Rights



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Looking back to look ahead

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ABOUT THIS PRESENTATION:

Drittijiet tal-Pazjent

Objectives:

- to give a brief overview of "patient rights",
- to explain what patient rights are rather than what patient rights there are
- explore human rights in the context of patient rights,
- discuss the historical "concept" of these rights,
- to explore the current local scenario,

Accurately defining the meaning is a bit complex because both terms are complex in themselves

01
Rights

- Define the destination without charting the route,
- Commitment/contract,
- Fundamental or Conditional
- Framed as Positive or Negative

02
Patient

- What is meant by "patients?"
- Is the definition accurate?

HISTORICAL LEGACY OF PATIENT RIGHTS:

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Why, and who decided patients merited their own special consideration?

Why, when, and who, decided that patients merited their own special consideration?

Why?

- Because of the power dynamic between patient and society/service provider,
- Because of the recognition that patients are more vulnerable to abuse,

Who?

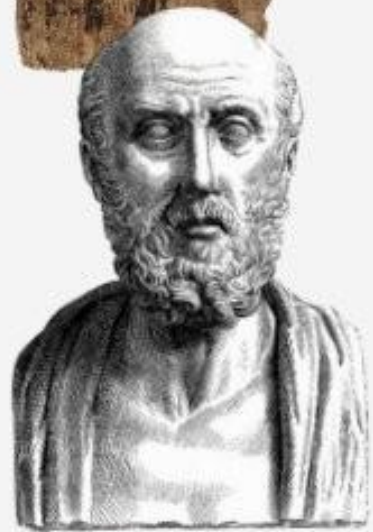
- Is it a modern concept?
 - No, in the past, this fact was recognised (not necessarily a charitable stance)

When?

- Always
- Need for a shift from an 'Honours' approach to a 'codified legal' approach happened during the 1970's after decades of abusing patients in the name of research : WW2, Tuskegee experiments etc...

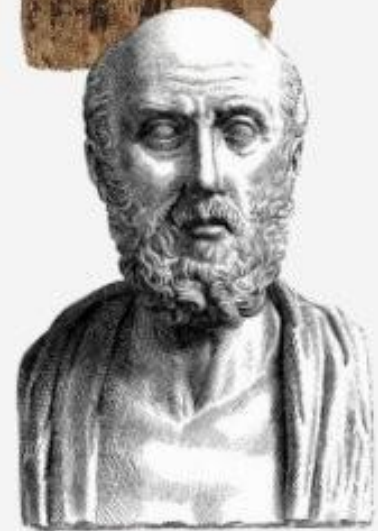
02

Hippocratic Oath



- Hippocrates (ca. 460-370 BC), a Greek physician.
- The Hippocratic oath, a historical 'oath' setting ethical standards expected by medical professionals towards their patients.

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01 Code of Hammurabi



- King Hammurabi (aka Amraphel in Genesis 14:1-2) 2885-2242BC.
- 9 out of 282 laws were specific to the medical profession. Although less known than the Hippocratic oath, it codified in Law the profession and even regulated compensation.

Maltese Patients' source of Protection:

Maltese Patients' source of Protection: Universal Declaration of Human Rights



THE UNIVERSAL DECLARATION OF Human Rights

Rights

Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

It is essential to promote the development of friendly relations between nations.

The peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.

Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.

A common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge.

PREAMBLE THE GENERAL ASSEMBLY

PROCLAIMS This Universal Declaration Of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1 All human beings are born free and equal in rights and dignity. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2 Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

No distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it is independent, a trust, a territory under administration, a non-self-governing area, or any other status of territory.

Article 3 Everyone has the right to life, liberty and security of person.

Article 4 No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6 Everyone has the right to recognition everywhere as a person before the law.

Article 7 All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination on the basis of race, colour, sex, language, religion, political or other status, national or social origin, property, birth or other status.

Article 8 Everyone has the right to an effective remedy by the competent national authorities for any violation of the fundamental rights guaranteed by this Declaration.

Article 9 No one shall be subjected to arbitrary arrest, detention or exile.

Article 10 Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against him.

Article 11 Everyone charged with a penal offence has the right to a fair and public hearing. The press and public opinion are entitled to full information about the proceedings in order to ensure a fair trial.

Everyone shall be fully apprised of his rights and of his charges against him and shall have adequate opportunity to defend himself against these charges.

Article 12 No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13 Everyone has the right to freedom of movement and residence within the borders of each state.

Article 14 Everyone has the right to seek and to enjoy in other countries asylum from persecution.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 15 Everyone has the right to a nationality.

No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16 Everyone has the right to marry and to found a family, which is the basis of the peace and tranquillity of the world.

Article 17 Everyone has the right to own property alone as well as in association with others.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, freedom to manifest his religion in worship, observance, practice and teaching, and freedom to educate his children in conformity with the convictions of his religion and belief.

Article 18 Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without restriction and to seek, receive and impart information and ideas through any media and regardless of frontiers.

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Article 20 Everyone has the right to freedom of peaceful assembly and association.

Article 21 Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Everyone has the right of equal access to public service in his country.

Article 22 Everyone is entitled to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care and necessary social services, and education, on the basis of justice.

Article 23 Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to equal opportunities and advancement.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

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Article 25 Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care and necessary social services, and education, on the basis of justice.

Article 26 Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and vocational education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Article 27 Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, freedom to manifest his religion in worship, observance, practice and teaching, and freedom to educate his children in conformity with the convictions of his religion and belief.

Article 28 Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29 Everyone has duties to the community in which alone the free and full development of his personality is possible.

Article 30 Nothing shall be interpreted as authorizing any state, group or individual to engage in any activity aimed at destroying any of the rights and freedoms set forth in this Declaration.

Article 31 No one shall be subjected to arbitrary arrest, detention or exile.

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- A Declaration by the UN, 75 years ago in 1948
- 30 articles declaring that humans had rights
- non-binding but an important start

Maltese Patients' source of Protection:

Universal Declaration of Human

Rights European Court of Human Rights



- UNDHR led to treaties, which now were protected, bound/imposed a duty on those that signed them

Maltese Patients' source of Protection:

Universal Declaration of Human

Maltese Legal System

Rights European Court of Human Rights



THE UNIVERSAL DECLARATION OF Human Rights

Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Developed and endorsed for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

It is essential to promote the development of friendly relations between nations.

The peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.

Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.

A common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge.

PREAMBLE

Whereas the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, bearing this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction;

ARTICLE 1 - All human beings are born free and equal in rights and dignity, as well as in reason and conscience and should behave towards one another in a spirit of brotherhood.

ARTICLE 2 - Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

ARTICLE 3 - Everyone has the right to life, liberty and security of person.

ARTICLE 4 - No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 5 - Everyone has the right to be free from slavery or servitude; slavery and the slave trade, including the trade in women, are prohibited in all their forms.

ARTICLE 6 - Everyone has the right to recognition as a person before the law.

ARTICLE 7 - All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection of the law against any discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

ARTICLE 8 - Everyone has the right to an effective remedy by the competent national authorities for the violations of his fundamental rights and freedoms recognized by the Constitution or by law.

ARTICLE 9 - Everyone has the right to freedom of movement and residence within the borders of each country.

ARTICLE 10 - Everyone has the right to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE 11 - 1. Everyone has the right to a fair trial. 2. No one shall be held guilty of any crime until he has been proved guilty according to the law. 3. In the determination of his rights and obligations and of any criminal charge against him, everyone shall be entitled to a fair and public hearing by an independent and impartial tribunal.

ARTICLE 12 - No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE 13 - Everyone has the right to freedom of movement and residence within the borders of each country. 2. Everyone has the right to leave any country, including his own, and to return to his country.

ARTICLE 14 - Everyone has the right to seek and to enjoy in other countries asylum from persecution.

ARTICLE 15 - 1. Everyone has the right to acquire and to change his nationality. 2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

ARTICLE 16 - 1. Everyone has the right to marry and to found a family, which is the basis of the society and is entitled to equal rights in all matters relating to marriage, divorce and child custody. 2. No restrictions shall be placed upon the right of marriage. Only the full consent of the intending spouses is required. 3. Marriage shall be entered into only with the free and full consent of the intending spouses.

ARTICLE 17 - 1. Everyone has the right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property.

ARTICLE 18 - Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief.

ARTICLE 19 - Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without restriction and to receive and impart information and ideas without restriction as to frontiers.

ARTICLE 20 - 1. Everyone has the right to freedom of peaceful assembly and association. 2. No one shall be compelled to belong to an association.

ARTICLE 21 - 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. 2. Everyone has the right of equal access to public service in his country. 3. The will of the people shall be the basis of the authority of government. 4. This right shall be exercised through periodic and genuine elections which shall be by secret ballot and shall assure the free expression of the will of the voters.

ARTICLE 22 - Everyone has the right to social security, which includes social insurance.

ARTICLE 23 - 1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection of employment. 2. Everyone, without any discrimination, has the right to equal pay for equal work. 3. Everyone who works has the right to just and favourable remuneration which shall include wages, bonus and benefits in kind. 4. Everyone has the right to an adequate standard of living, which includes food, clothing, housing, medical care and social services, and to the right to security of employment, to unemployment benefits and to old-age insurance and other social security. 5. Everyone has the right to participate in the cultural life of the community, to rest and leisure, to freedom of association and trade unions, to protection of their interests.

ARTICLE 24 - Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 25 - Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care and social services, and to the right to security in the event of unemployment, sickness, disability, widowhood, old age and other lack of sufficient means of subsistence.

ARTICLE 26 - 1. Everyone has the right to education. 2. Education shall be free, at least in the elementary and technical schools. 3. Technical and vocational education shall be made generally available and higher education shall be equally accessible to all on the basis of ability.

ARTICLE 27 - 1. Everyone has the right to the free enjoyment of his scientific, cultural and artistic achievements. 2. In the interests of society, such enjoyments shall be subject to special protection and encouragement.

ARTICLE 28 - Everyone has the right to a social order which will make possible the realization of the rights and freedoms set forth in this Declaration.

ARTICLE 29 - 1. Everyone has duties to the community in which alone the free and full development of his personality is possible. 2. The exercise of the rights and freedoms set forth in this Declaration entails such duties as are necessary for their enjoyment. 3. These rights and freedoms shall be exercised only within the limits determined by law. 4. Everyone has the duty to pay taxes.

ARTICLE 30 - Nothing in this Declaration may be interpreted as authorizing any State, group or individual to engage in any activity aimed at the destruction or denial of the rights and freedoms set forth herein, or to engage in any activity aimed at the incitement of such destruction or denial.



CHRISTOPHER VELLA - PATIENT EMPOWERMENT SESSION 3 2023

Maltese Legal System

Rights can be found indirectly mentioned, in at least 25 Acts of the Maltese Law

- Health Act.
- Mental Health Act.
- Health Care Professions Act.
- Public Health Act.
- Data Protection Act.
- Venereal Diseases (Treatment) Act.
- Embryo Protection Act.
- Equal Opportunities (Persons with Disability) Act.
- Gender Identity, Gender Expression and Sex Characteristics Act.
- Drug Dependence (Treatment not imprisonment) Act.
- Education Act.
- Code of Organization and Civil Procedure.
- Civil Code.
- Human Blood and Transplants Act.
- Human Organs, Tissues and Cell Donation Act.
- Cohabitation Act.
- Counselling Profession Act.
- Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act
- Medical and Kindred Professions Ordinance.
- Criminal Code.
- Medicines Act.
- Prisons Act.
- Professional Secrecy Act.
- Psychology Profession Act.
- Psychotherapy Profession Act.

Maltese Legal System

Chapter 528 Health Act²⁰¹³



Cap. 318.

Scope.

"patient" means a person who is receiving, or has received, medical attention, care, or treatment, whether in a healthcare setting or otherwise;

"relatives" means relatives as defined under article 30 of the [Social Security Act](#), but also every person who maintains a close personal relationship with the patient.

3. This Act intends to establish and ensure a health system based on the principles of equity, accessibility, quality and sustainability by regulating the entitlement to, and the quality of, healthcare services in Malta, consolidating and reforming the Government structures and entities responsible for health and by providing for the rights of patients.

Maltese Legal System

Chapter 528 Health Act



2

[CAP. 528.]

HEALTH

CHAPTER 528 HEALTH ACT

To regulate the entitlement to, and the quality of, healthcare services in Malta, to consolidate and reform the Government structures and entities responsible for Health and to provide for the rights of patients.

25th October, 2013*

ACT XI of 2013, as amended by Act VII of 2017, Legal Notice 102 of 2018 and LXIV of 2021.

PART I

General Provisions

Short title.

1. The short title of this Act is the Health Act.

Interpretation.

2. In this Act, unless the context otherwise requires -

"Advisory Committee" means the Advisory Committee on Healthcare Benefits established by article 22;

"Council" means the Council of Health established under article 16;

"insured person" means a person included in the list established by regulations made under this Act;

"medical records" means all the documents containing data, assessments and information of any kind on a patient's situation and clinical development throughout the care process;

Cap. 460

"Member State" means a State party to the Treaty as defined by the [European Union Act](#);

"Minister" means the Minister responsible for Health, and "Ministry" shall be construed accordingly;

"patient" means a person who is receiving, or has received, medical attention, care, or treatment, whether in a healthcare setting or otherwise;

Cap. 318.

"relatives" means relatives as defined under article 30 of the [Social Security Act](#), but also every person who maintains a close personal relationship with the patient.

Maltese Legal System

Chapter 528 Health Act



Codifies in law:

- the responsibility,
- mechanisms how the service is provided,
- Departments responsible

Establishes :

- Health Policy and Strategy Board
- Council of Health
- Advisory Committee on Healthcare Benefits and Entitlement
- A publicly accessible register to be kept by the permanent secretary (fees, cost, benefits, etc.)
- Charter of patient Rights

Maltese Legal System

Chapter 528 Health Act



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Charter of Patient Rights

1. Health Protection
2. Access
3. Information
4. Participation and Informed Consent
5. Privacy and Confidentiality
6. Dignity and Respect
7. Safe Healthcare
8. Comments and Complaints



.....But what about the patient involvement??

"If we are not at the table, then, we are on the menu"



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"If we are not at the table, then, we are on the menu"

Council of health: 

Only the Council of health mentions that out of 11 stakeholders 1 should be
"a person nominated by associations representing the patients".



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- Not a law,
- Does not involve patients in the complaint process
- only applicable to public healthcare services

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WHAT ABOUT RIGHT TO REPRESENTATION??

**Discussing patient rights is complex,
frustrating....why bother?**





Progressing through
reflective discussions,
open communication and
networking

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info@maltahealthnetwork.org

Thank You

