

<p>W1 - Gostin (2014) 'Global Health Justice' <u>Legal Considerations and Health</u></p>	<p>In 2010, 780m people lacked access to clean water & 2.5 billion were without proper sanitation facilities while approx. 870m faced chronic hunger</p> <p>Deteriorating infrastructure and worsening environmental conditions have compounded these threats to health in impoverished areas of the world</p> <p>Millennium Development Goals (MDGs) focus on maternal and infant mortality, HIV/AIDS & malaria. These are major health threats that continue to threaten the world's population</p> <p>UN has adopted the MDGs to lift disadvantage people out of poverty and disease in order to close the unacceptable large global health gap</p> <p>The Global Fund to Fight AIDS, TB & Malaria has emerged as a major international financier, pooling billions for health programs in more than 150 developing countries</p> <p>International health assistance has increased from <\$6bn in 1990s to \$10.5bn in 2001 and 26.9bn in 2010</p> <p>By transforming global health law and global governance for health we could dramatically improve health for all and reduce deep health inequalities. This requires remediating the unfair & detrimental health influences of international regimes & developing stable, responsive, democratic political institutions that are focused on good governance & capable of implementing an all-of-government approach to health.</p> <p>The legal duty falls primarily on the state not the international community to provide health services to its own people even if the country has few resources and limited capacity – limitation in the framework for national & global responsibilities for health</p> <p>The key determinants of global health equity are critically important for the future of the world's health</p>
<p>W1 - Rock & Degeling (2015) 'Public Health Ethics' <u>Legal Considerations and Health</u></p>	<p>Within public health, the Ottawa Charter for Health Promotion provides guidance for realising the World Health Organization's (1948) comprehensive definition of health as "a complete state of physical, mental, and social well-being." Insofar as the Ottawa Charter for Health Promotion identifies "a stable ecosystem" and "sustainable resources" as among the "fundamental conditions and resources for health," the Ottawa Charter also implies that people can and should exert mastery over places along with non-human animals (WHO, 1986).</p> <p>Prainsack and Buyx, 2012, p. 346) stipulate that solidarity may be practised in situations of mutual benefit for the recipients and providers of assistance. They distinguish 3 "levels" of solidarity, representing a spectrum of institutionalisation.</p> <ol style="list-style-type: none"> 1. Solidarity comprises festations of the willingness to carry costs to assist others with whom a person recognises sameness or similarity in at least one relevant respect 2. Solidarity is embodied and enacted rather than merely felt 3. Legal and contractual arrangements are highly institutionalised enactments of carrying costs to assist others one recognises sameness with <p>Applying the principles of humanist and more-than human solidarity is compatible with casuistry, that is, "the analysis of moral issues, using procedures of reasoning based on paradigms and analogies, leading to the formulation of expert opinions about the existence and stringency of particular moral obligations, framed in terms of rules or maxims that are general but not universal or invariable"</p>
<p>W2 – Van de Borne (2007) 'Some Ethical Concerns' <u>Vulnerable Peoples</u></p>	<p>To halt the HIV/AIDS epidemic in Malawi, donors supported the government in promoting safer sex among women who solicit sex with men in and around bars.</p> <p>The AIDS epidemic in Malawi is among of the most severe in sub-Saharan Africa, with a national HIV prevalence of about 14 percent (averaging 23 percent in urban and 12 percent in rural areas) (UNAIDS/UNICEF/WHO 2004)</p>

<p>W2 – Van de Borne (2007) ‘Some Ethical Concerns’ <u>Vulnerable Peoples</u></p>	<p>Unprotected sex with ‘bar girls’ as a common source of HIV transmission. Abstinence and faithfulness to one partner as preventative measures against HIV infection and transmission are not real options for these women because they rely on bartering sex for survival. In support of the National AIDS Control Programme (NACP), the European Commission (EC) AIDS Project, therefore, trained selected bar girls as peer educators, to teach correct and consistent condom use as well as how to negotiate use.</p> <p>Since the Nuremberg trials of 1945–46, a number of national and international associations and assemblies have developed and modified ethical standards, codes, guidelines, and national legislation to regulate research. These include the Declaration of Helsinki, the Belmont Report, the Islamic Code, the Council for International Organization of Medical Sciences (CIOMS) Guidelines, the Nuffield Council on Bioethics and professional codes such as those of the American Anthropological Association and the Society for Applied Anthropology (SfAA)</p> <p>The severity of the HIV/AIDS epidemic in Malawi & the dire need for realistic and effective HIV transmission-prevention policy and program development led to the employment of straightforward research methods, using simulation, disguise, and active and effective deception. The reasons for doing so were specific to the sensitivity of the topic and the context and were designed to protect respondents from this harm & to respect them. (The mystery-client method-)</p> <p>For example, In Malawian society, women are not permitted to be sexually active outside of marriage. Moreover, girls and women may not openly acknowledge that they barter sex. Those who do are stigmatised.</p> <p>The CIOMS guidelines emphasize that researchers should not jeopardize the psychological well-being of an individual who participates in their research or put the individual at risk of social ostracism or repercussions from their family or community.</p> <p>All bar girls and freelancers know about HIV/AIDS, the common modes of transmission, its signs & symptoms, and the importance of condom use in preventing HIV transmission and pregnancy. Yet the epidemic does not deter them from their business because, as they point out, “each business has its own risks.”</p> <p>Condom negotiation is neither universal nor consistent. Some women are strong negotiators for condom use. Others bargain for condom use but are easily convinced to accept “plain sex.”</p>
<p>W2 – Australian Human Rights Commission (2019) ‘VP & Populations’ <u>Vulnerable Peoples</u></p>	<p>Definition of Research - ‘Human research is research that is conducted with or about people, or their data or tissue’</p> <p>A number of Australian government departments have established their own Human Research Ethics Committees (HRECs) to provide guidance on the ethical dimensions of their research activities.</p> <p>The commission has conducted a number of major national inquiries in relation to the experience of vulnerable people & populations. (E.g. Indigenous Deaths in Custody 1996, Stolen Children Inquiry 1997 & National Inquiry into Children in Immigration Detention (2004/2014))</p> <p>The purpose of detention monitoring is to ensure that Australia’s immigration detention system complies without obligations under international human rights law</p> <p>People who are seeking asylum may be at significant risk of harm in their countries of origin or have family members overseas who could be at risk of harm, if information about their situation is revealed.</p> <p>To address these risks, the Commission seeks to ensure confidentiality of interviews by:</p> <ul style="list-style-type: none"> • Interviewing people privately & never in the presence of staff, • interviewing a sufficient sample of the detention population to ensure that information cannot be traced to particular individuals • De-identifying interview data prior to analysis and reporting information anonymously