EQUASS European Conference

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Dirk Jarré on

"Rights and Ethics:

A Key Aspect in Providing Social Services"

Rights and ethics in social services

The menu:
On human and fundamental rights in Europe
On quality of personal social services
On human relations
On ethics and ethical principles
On specific charters and codes
Further reflections

Rights and ethics in social services

The Charter of Fundamental Rights of the European Union

Dignity

Freedom

Equality

Solidarity

Civil rights

Juridical rights

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"Dignity"

Art. 1 *"Human dignity is inviolable. It must be respected and protected."*

Art. 2 *"Everyone has the right to live."*

Art. 3 *"Everyone has the right to respect of his or her physical and mental integrity."*

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"Freedoms"

Art. 6 *"Everyone has the right to liberty and security of the person."*

Art. 7 *"Everyone has the right to respect for his or her private and family life, home and communication."*

Art. 8 *"Everyone has the right to the protection of personal data concerning him or her."*

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"Equality"

Art. 20 *"Everyone is equal before the law."*

Art. 25 *"The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life."*

Art. 26 *"The Union recognises and respects the rights of persons with disabilities to benefit from measures to ensure their independence, social and occupational integration and participation in the life of the community."*

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"Solidarity"

Art. 35 *"Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be insured in the definition and implementation of all Union policies and activities."*

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The Social Protection Committee on social services:

➢ are person-oriented services,

➢ respond to vital human needs,

➢ serve users in vulnerable positions,

➢ put personnel and users into an asymmetric relationship,

➢ are a key instrument for safeguard of fundamental rights and human dignity,

➢ should be provided independently of wealth and income,

➢ must be comprehensive and personalized and

➢ have to take into account the diversity of the users.

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EQUASS Excellence on the principle "Ethics":

The principle of 'ethics' should be evidenced in (the organisation's) approach, deployment and results by the following criteria (abbreviated):

- ➢ dignity of the person served, no undue risks, promotion of social justice;

- ➢ prevention of physical, mental and financial abuse;

- ➢ safe working environment for physical security of persons served, their families, and caretakers;

- ➢ definition, implementation and evaluation of a set of principles, values, procedures in service delivery, like aspects of confidentiality, accuracy, privacy and integrity.

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On human relations:

Humans are not only social beings but they are mainly defined through their relationship with other members in the community they live in.

They perceive and exercise their rights and obligations through their relationships with others in terms of communication and interaction.

This can lead to tensions and even to conflicts when the "natural" inclination to pursue one's own interests hurts the interests of the other or even of the whole community.

In order to exist in a viable manner in society and to keep tensions low a "morality of restraint of egoism" is required.

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The functions of ethics

➢ not to provide easy solutions or conclusions when we are confronted with the need to take decisions on what to do and how to do it

➢ rather guide us to consider and evaluate "what is at stake" and "who is concerned"

➢ make us understand what our personal responsibilities and duties may be

➢ lead us into a decision making process in which we have to determine which action is right or wrong in general

➢ also what is good or bad for ourselves, for "the other" and for the community we live in.

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Seven basic principles of ethics

- The principle of respect for persons
- The principle of non-maleficence
- The principle of beneficence
- The principle of veracity
- The principle of fidelity
- The principle of justice
- The personal virtues set.

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The Charter of Rights for People with Dementia and Their Carers

contains 7 important elements:

- *Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons.*

- *Non-discrimination.*

- *Full and effective participation and inclusion in society.*

- *Respect for the difference and acceptance of persons with disabilities as part of human diversity and humanity.*

- *Equality of opportunity.*

- *Accessibility.*

- *Equality between men and women.*

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The European Charter of Rights and Responsibilities of Older Persons in Need of Long-term Care and Assistance

- *Right to dignity, physical and mental well-being, freedom and security.*
- *Right to self-determination.*
- *Right to privacy.*
- *Right to high quality and tailored care.*
- *Right to personalised information, advice and informed consent.*
- *Right to continued communication, participation in society and cultural activity.*
- *Right to freedom of expression and freedom of thought/conscience: Beliefs, culture and religion.*
- *Right to palliative care and support, and respect and dignity in dying and in death.*
- *Right to redress.*
- *The person's responsibilities (rights and needs of others, respect for carers, plan for your future, inform authorities about neglect and abuse)."*

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The Code of Ethics of the International Council of Nurses

states in its preamble:

- "Nurses have four fundamental responsibilities: to promote health, to prevent illness, to restore health and to alleviate suffering. The need for nursing is universal.

- Inherent in nursing is respect for human rights, the right to life and choice, to dignity and to be treated with respect. Nursing care is respectful of and unrestricted by considerations of age, colour, creed, culture, disability or illness, gender, sexual orientation, nationality, politics, race or social status.

- Nurses render health services to the individual, the family and the community and co-ordinate their services with those of related groups."

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Examples of problems in care institutions and services involving ethical aspects

- How to go about with "difficult patients"?
- How to communicate with their family members?
- How to best care for mentally disturbed patients?
- How to best care for patients in extended coma?
- How to deal with sexual needs and behaviour of patients?
- How to handle situations of aggression and of violence?
- How to reconcile varying or conflicting cultural patterns?
- How to mediate between care ethics and medical ethics?

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Clarifying issues when dealing with ethical questions:

- What is really the problem / the issue which requires a decision?
- Who is concerned by the problem and who has to take a decision?
- What is really at stake – and how serious is the issue?
- What is the goal of the decision?
- How can the decision be justified? And are there alternatives?
- How is the decision to be implemented and by whom?
- About the outcome/the results: Are they ethically justified? Are they accepted by all stakeholders? Is additional action needed?
- Can the decision and its implementation be applied in other (similar) cases and, thus, serve in a normative manner?

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The Greek philosopher Aristotle (384-322 BC) reflected for a long time on the nature of justice:

Asked by his disciples to define justice he said that he didn't know – but that, on the contrary, he could tell them what "injustice" was.

He did so in a sort of double-sentence and said approximately *"Injustice occurs when equals are treated unequally – but it is equally unjust when unequals are treated equally!"*

This statement ranges among the most important guidelines and justifications of social policy and social services. It should be on the desk of every politician and every person working in the area of social affairs.

The SIforAGE Project
"Social Innovation on Active and Healthy Ageing" with 138 recommendations

The SIforAGE "White Paper" can be downloaded in English, French, German, Italian, Lithuanian, Latvian, Polish, Portuguese and Spanish

http://www.siforage.eu/publications.php

The White Paper of the SIforAGE Project

Kaip sukurti visoms amžiaus grupėms palankią visuomenę

Baltoji knyga su rekomendacijomis politikos sprendimus priimantiems asmenims

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