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12 October 2011

Protecting patients' rights: preventing unnecessary medical treatment

Motion for a resolution

several Assembly members

This motion has not been discussed in the Assembly and commits only those who have signed it

The European Court of Human Rights has ruled that Article 8 of the European Convention on Human Rights on the right to privacy enshrines the principle of personal autonomy: there can be no medical intervention affecting a person without his or her consent. The Council of Europe Convention on Human Rights and Biomedicine specifically enshrines this principle of consent.

A patient thus must, in principle, always give his/her consent before any medical treatment is undertaken. Since the right to withdraw consent is the corollary to the principle of giving consent, a patient also has the right to request the medical treatment's limitation or even cessation.

Unfortunately, this right is not always respected in all Council of Europe member states: many cases have recently come to light in which patients have found themselves bullied by their doctors into unnecessary medical treatment and/or medical treatment of doubtful value. In some extreme cases, doctors do not even ask patients' consent, but rather wait until the patient is unconscious on the operating table and thus can no longer express his/her refusal of consent. There is evidence to suggest that some doctors may be motivated by profit or reputation in these cases.

This is not only a violation of the principle of informed consent ; it also causes huge amounts of unnecessary pain and suffering to the victims of these unethical practices. Needless to say, these practices are also very costly – not only for the victims, but also for the taxpayer.

The Parliamentary Assembly thus calls on Council of Europe member states to take the necessary action to protect patients' rights in this field.

Signed (see overleaf)



Signed¹:

RUPPRECHT Marlene, Germany, SOC
ANDERSEN Karin, Norway, UEL
BAGHDASARYAN Gagik, Armenia, ALDE
BLUM Roland, France, EPP/CD
BONET PEROT Sílvia Eloïsa, Andorra, SOC
BOSWELL Tim, United Kingdom, EDG
CONNARTY Michael, United Kingdom, SOC
DÍAZ DELGADO Blanca Judith, Mexico
DONALDSON Jeffrey, United Kingdom, EDG
ERR Lydie, Luxembourg, SOC
FALZON Joseph, Malta, EPP/CD
GROSS Andreas, Switzerland, SOC
MANZONE-SAQUET Nicole, Monaco, EPP/CD
MARQUET Bernard, Monaco, ALDE
MATTILA Pirkko, Finland, NR
MAURY PASQUIER Liliane, Switzerland, SOC
MAYER Edgar, Austria, EPP/CD
OHLSSON Carina, Sweden, SOC
STRIK Tineke, Netherlands, SOC
STUCCHI Giacomo, Italy, EDG
STUMP Doris, Switzerland, SOC
ZHIDKIKH Vladimir, Russian Federation, EDG

1. ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democrat Group
EPP/CD: Group of the European People's Party
SOC: Socialist Group
UEL: Group of the Unified European Left
NR: Representatives not belonging to a Political Group