



Law, ethics and politics in 2020

*A summary report of sessions on Law, ethics and politics
at the 16th World Congress on Public Health 2020*

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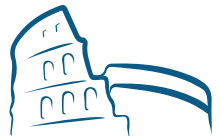
PUBLIC
HEALTH
AND LAW



ETHICS IN
PUBLIC HEALTH

at

2020
16TH WORLD CONGRESS
ON PUBLIC HEALTH



The 16th World Congress on Public Health conference was held virtually between 12-16 October. This report summarises the key messages from the sessions on Law, ethics and politics.

| Key Messages

1. In order to advance public health, we need to actively work towards breaking down silos and building interdisciplinary bridges between public health, law and ethics.
2. Ethics, human rights and law are essential components of public health practice and should be better integrated in the public health curriculum.
3. We should elevate the profile of law as a tool of public health promotion to effectively achieve common health goals. As an instrument of preparedness, disease prevention, architect of resilience, agent of equity, and mainstay of access, the law can be one of the most powerful tools public health professionals have in their toolbox, provided that it is used effectively.
4. Ethical analysis and reflection are core competencies to critically achieve the mission and moral mandate of public health.

| Introduction and background

The Law, Ethics and Politics sessions at the 16th World Congress on Public Health prominently featured the confluence of the cruxes of the conference theme: analysis, advocacy and action for public health. Law plays a crucial role in public health. It can provide incentives and deterrents through financial mechanisms, such as taxation. Law structures environments both directly, through built environment regulation, and indirectly, through information provision, education, and socioeconomic regulation. The law directly regulates human behaviour through mandates or prohibitions, while also providing redress for harm. Law also intersects with human rights and civil liberties in its protection and promotion of health. These sessions emphasise, analyse, and highlight each of these roles.

The second theme of these sessions was public health ethics. Public health practice is riddled with ethical dilemmas. These range from deliberations about the trade-off between individual freedom and government intervention, to ensuring that vulnerable populations are not left behind in our efforts to improve population health (Krebs, 2008). While ethics is strongly rooted in philosophical theory, the norms and values that we hold and apply have the power to bring about real change. Ethics is therefore core competencies for public health practice. These sessions explored the ways in which ethics can be leveraged to achieve the mission and moral mandate of public health to do good. This starts with taking public health ethics seriously.

The Law, Ethics and Politics sessions complement the [Ethics in public health](#) section led by Els Maeckelberghe (University Medical Center Groningen, Netherlands) and the newly formed [Law and public health](#) section led, since January 2021, by Amandine Garde (University of Liverpool, UK). Law and public health section initiators (including Dineke Zeegers Paget, EUPHA Executive Director; David Patterson, University of Groningen, Netherlands; Elena Petelos, University of Crete, Greece; and Farhang Tahzib, Faculty of Public Health, UK) undertook organisational and agenda setting tasks within the section meeting at the Congress.

The 16th World Congress on Public Health indicated that public health law and ethics face several challenges, which include: 1) encouraging interdisciplinary cooperation with legal professionals to accomplish public health goals, while discouraging siloed work; 2) drawing attention to the role law plays in social determinants of health and law as a legal determinant of

health; 3) designing legal interventions with human rights and social justice in mind; 4) developing competencies of public health ethics in the health workforce; and 5) increasing resources and support for institutions to include formal public health ethics and law training in the educational curriculum.

| Main messages

Law as a Tool of Public Health Promotion and Disease Prevention

The opening sessions on the Law, Ethics and Politics held on the first day of the 16th World Congress on Public Health featured law as a tool of both health promotion and inclusion. These sessions evidenced and established the potential of law as a tool of public health promotion across diverse disciplines and contemporary challenges to health. From the Coronavirus pandemic, to planetary health, to achieving Universal Health Coverage, law has an important role to play in health promotion.

The Law: Instrument of Preparedness, Architect of Resilience

It is evident that 2020 highlighted again the synergies between law and public health have been underutilised. During the *World Leadership Dialogue: Public health, law and the 2030 Agenda/The vital role of law in advancing public health*, an expert panel emphasised that gaps, oversights, and malfunction in global health preparedness leave the global community extremely vulnerable.

The success of public health initiatives, especially in the context of COVID-19, depends on the use of evidence-based measures implemented under the rule of law to protect human rights and ensure equity. Hence, Lawrence Gostin, Director of O'Neill Institute for National and Global Health Law at Georgetown University, also outlined the cardinal rules of public health law: 1) use good evidence; 2) act in line with the requirements of proportionality; 3) observe due process and the rule of law. Using these principles, and making them more familiar to public health actors, will help to maximise law's decisive role in health promotion and disease prevention.

"Good science, makes good ethics, makes good law." — Lawrence Gostin

Laws and policies that are evidence-based, proportionate, and in accord with the rule of law play pivotal roles in building the resilient public health ecosystems we hope to see in a post-COVID-19 world. As we weather contemporary crises battering health systems, we have belatedly realised the lack of investment in pandemic preparedness and prevention, as well as the social and economic fault lines in our societies.

The Law: Agent of Equity, Mainstay of Access

Law and public health have the same unifying values of human rights and justice for all (e.g. the right to the highest attainable standard of health). With sights set on system transformation post-pandemic, we cannot lose sight of equity. Lawrence Gostin, emphasised that *"The right to health belongs to all of us, equally and equitably, with justice and the rule of law."* Addressing health inequalities requires addressing the underlying structural determinants of health often unaddressed by politicians. We must also work to solidify equity's presence and prominence in national frameworks.

Jan Beagle, Director-General of the International Development Law Organization, argued all areas of health are in some way affected by the rule of law, as laws shape the conditions in which we live healthy and safe lives.

"Building interdisciplinary bridges between law and public health leadership is essential to achieving Universal Health Coverage." — Jan Beagle

While we learned that adopting evidence-based laws to address public health challenges is paramount, some questions remain about how to ensure support for legislation and policies that promote public health. One key answer to this question is **good public health leadership that acts as a champion for good laws.**

The Law: Fit for Purpose & Up for the Challenge

The Congress clearly evidences that law is a tool with which we can equip ourselves in order to address contemporary challenges to health promotion. Part of health promotion is also keeping disinformation at bay. The first plenary, *What happened to the Enlightenment?*, called attention to

rampant health misinformation and disinformation and highlighted how regulation, particularly of social media giants, can curb misinformation perpetuation, a significant modern challenge.

The second plenary, *The Earth: A Strategy for Survival*, emphasised that in order to achieve inclusive planetary health, resource consolidations and energy concentrations around radical redesigns and social justice are required. **Legislation at all levels of governance (local, national and supra-national) is essential to address our current climate crisis.** As Carolina Urrutia Vásquez, Secretaria Distrital de Ambiente en Alcaldía Mayor de Bogotá, remarked, "*we will need all our carrots and sticks for planetary health*" (Vásquez, 2020). Indeed, all legal and political levers and incentives must be utilised to achieve this communal goal, and other future health goals. In these legal and political manoeuvres, it is critical to realise that in order to implement adequate and equitable climate legislation, social justice, in all dimensions, must be at the forefront.

The Curriculum of Change Agents: Integrating Ethics, Law, and Politics

The public health community should also critically examine the role academic institutions play in heightening the profile of law and public health ethics in flexible, dynamic public health curricula, along with the political and commercial determinants of health. The importance of training young professionals to take interest in links between law and public health, and ethics and public health, balancing highly specialised knowledge with breaking down silos and learning from others' perspectives, is high. It is critical to demonstrate power of law, critical ethical reflection, and political levers to the next generation so that they keep them in mind as a primary tool to confront the next health crisis. To achieve this, we must increase support for the development of a legal curriculum in public health schools and the promotion of a human rights-based approach in public health teaching materials.

Ethics as a Core Competency in Public Health Education

While public health as a profession is highly driven by the desire to do good and improve people's lives, the workshop *Innovative methods in teaching Public health ethics: the need to adapt to the new times: from challenge to opportunity* emphasised that little attention is paid to ethical principles in public health education. Based on the results of a recent EUPHA and ASPHER

membership survey, **a minority of public health professionals has had formal training in ethics during their masters and PhD studies** (Butcher, Schröder-Bäck, & Tahzib, 2020). Only 39% of institutions taught one or more master’s degrees in public health without any ethics training. This indicates that ethics is often viewed as an afterthought in public health education, which may be unsurprising given that public health ethics is a poorly defined field that is often confused with medical ethics or general research ethics.

To ensure ethically reflective and sensitive public health practitioners, access to ethics education should be available to all public health professionals throughout their training and career. According to Farhang Tahzib, Chair of the Ethics Committee at the UK Faculty of Public Health, formalising ethics as a core competency in public health and medicine education increases professionals’ capacity to recognise ethical issues and can increase transparency in decision-making, thereby bolstering trust in public health measures. This is especially important given that political choices and moral dilemmas are inherent in public health practice.

A practical problem that arises is that there is a lack of resources and support to teach public health ethics at every institution. Online modules such as Massive Open Online Courses (MOOC) and the EUPHA network could offer a solution to leverage on highly competent public health ethics trainers. The same can be said about the relationship between law and public health.

Codes of Conduct for Public Health

The EUPHA-led round table on *Public Health Codes of Ethical Professional Conduct for Effective Practice* focused on the use of codes of conduct in public health. Codes of conduct are defined as a set of rules and values adopted by a profession to guide their conduct and define their profession. Codes of conduct for ethical public health practice are not as well defined as in medicine, yet they are an important tool to assist in decision-making



Figure 1. WHO-ASPHER Competency Framework for the Public Health Workforce in the European Region (WHO Regional Office for Europe, 2020).

and policy development. A WHO-ASPHER initiative to professionalise the public health workforce developed a framework of key competencies (Figure 1), which is useful for professional development and for the appraisal and recruitment of staff by organisations. However, we must remain critical of codes of conduct and competency frameworks and revise them as our norms and values shift over time. Critical reflection and knowing how to apply codes of conduct is therefore also a key public health competency.

The *Round table: Comparing And Designing The Politics And Policies For Better Economic And Social Welfare* also highlighted that comparative policy analysis methods are important to advance public health research into the structural determinants of health. Imparting these principles on the next generation of public health leaders and professionals through infusion in curriculum is key, so that we can continue to **break silos and build interdisciplinary bridges**.

Designing Engaging Responsible Research Conduct Courses

Responsibility for ethical scientific conduct is shared among a network of stakeholders in society, including researchers, universities, professional associations and research funders. It is therefore essential for public health professionals to take responsibility for how science is conducted, implemented and communicated to the public. Research ethics are therefore an essential component to the public health curriculum. In the skills building seminar *"There is never a dull moment in science": Designing engaging Responsible Conduct in Research courses*, Els Maeckelberghe, EUPHA Ethics in public health section president, gave insights into how these courses can be made more interactive and engaging. A key aspect is to empower students and young researchers to set their own priorities for learning, for example by creating posters and mind maps addressing key concepts in science. In this manner, senior and junior researchers can learn from each other.

Building Bridges Between Law, Ethics, Human Rights and Public Health

The Strengths that Emerge from Cooperation & Interdisciplinarity

The critical nature of multi-sectoral, multi-stakeholder work was evident throughout the conference, with deliberate collaboration particularly being encouraged between the public health

community and those active in the field of law, ethics, and human rights. The plenary session *Revolutionizing the Public Health Workforce as Agents of Change* emphasised the importance of transdisciplinarity. Interdisciplinary collaboration, both in methodology or subject matter expertise, will help us dynamically address the assault of simultaneous crises and "syndemics". Synergising skills toward a common goal of health promotion is the way forward. In achieving this, we should not forget the importance of fully engaging civil society in holding governments to account and supporting the advancement of the public health agenda.

Value Setting: Integrating Ethics And Human Rights in Public Health Practice

Ethics and human rights in public health are based on theory and abstract values. In order to have a real impact, we need to translate our values into actions, and make them useful for public health practice on the ground. In the *Round table: Human rights and the right to health – implications for day to day public health practice* we learned that there are several ways to do this. Through the use of codes of conduct, we can centre human rights in public health practice and ensure that past mistakes are not repeated. Key principles to include in ethical public health practice are: participation, accountability, non-discrimination and equality, empowerment and legality. Legal frameworks at international level (e.g. Universal Declaration of Human Rights) and national level (e.g. United Kingdom Equality Act) can be used to guide policy making and to empower citizens to engage in advocacy. This includes laws that are not explicitly health-related but have an indirect effect on population health. In Scotland, human rights are explicitly included in public policy through the Public Health Ethics Forum, which serves as a best practice example for other countries.

Rights-based approaches to the protection of vulnerable groups' health and rights were central to oral presentations in the category of *Ethical and Legal Issues in Health*. Brigit Toebes, Professor of Health Law in a Global Context at the University of Groningen, emphasised in her oral presentation that protecting human dignity is a core principle, from day one of drafting a policy. Respect for civil and political rights is fundamental to incorporate in public health measures, and any conditional limitation of these rights must be proportional and justified based on law.

| Conclusion

Law and ethics are ubiquitous. Themes of solidarity, cooperation, and inclusivity have been prevalent throughout the sessions. By taking a human rights-based approach to public health, we can leverage on legal tools as key interventions to ensure Universal Health Coverage and tackle health inequalities through the social determinants of health. During the 16th World Congress on Public Health it became abundantly clear that it is time to actively work towards breaking down silos between public health, law, ethics and politics to achieve the highest attainable standard of physical and mental health for everyone.

However, some key questions remain. How can we better make use of human rights values to legitimise public health policies and interventions; and how do we persuade decision-makers to base their policies on human rights values that are not legally codified? How can we redesign laws to promote public and planetary health? How do we convince professionals in public health, law and ethics to leave their “silos”? How do we ensure that today’s mistakes will enable us to better address tomorrow’s public health crises?

| Summary box

In light of contemporary health challenges, from pandemics to climate change, the value of law and ethics’ roles in public health promotion is more salient than ever. The sessions at the 16th World Congress on Public Health confirm that law is an invaluable tool of public health promotion. Law and public health ethics should be introduced in academic curricula and honed through practice. This should be rooted in inclusive codes of conduct, human rights and social justice values. The benefits that emerge from multi-sectoral cooperation interdisciplinary will help structure the resilient health systems of the future. Through discourse and scientific efforts, the EUPHA [Law and public health](#) and [Ethics in public health](#) sections will help address the challenges raised in this congress and future challenges.

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