

Ethics, law and human rights: a South African perspective

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graduate medical training at the University of Natal in 1988. She spent 3 years as a registrar in internal medicine at R K Khan Hospital and King Edward VIII and then joined the Family Medicine Masters programme at Stellenbosch University. In 1996 she was awarded the MFamMed degree cum laude and subsequently worked in the department as a family physician. In 1996 she was also awarded the Claude Leon Harris medal for outstanding performance in the SA College

of Medicine exams. In 1999 she completed a Masters in Philosophy (Applied Ethics) cum laude, focusing on the ethics of HIV vaccine trials in South Africa. In 2004 she completed her doctoral thesis on the ethics of research on human subjects, examining the role of research ethics committees in SA. She has taught Family Medicine and Ethics for 8 years, works as a clinical investigator on vaccine and other clinical trials and currently heads the Bioethics Unit at Tygerberg.

This edition of *CME* underscores the pivotal role of medical ethics, law and human rights in South African health care practice. The burgeoning of units, divisions and departments of bioethics at most health science faculties in South Africa over the past 5 years affirms the unmet need for medical ethics teaching in undergraduate health science curricula. The Health Professions Council of South Africa (HPCSA) has validated this requirement by its current investigation into the teaching of ethics, law and human rights in both undergraduate and postgraduate health science curricula. This issue of the journal highlights some of the current deliberations in ethics, medical law and human rights in SA.

As a point of departure, an overview of medical ethics in clinical practice is presented to contextualise the dilemmas faced by health care professionals in the clinical setting. One of the central debates in medical ethics – the balance between acting in the best interests of the patient and respecting the patient's right to self-determination – is illustrated. The application of ethical theory to practice is crucial and is explored in this article.

Undoubtedly, the HIV/AIDS epidemic in SA has highlighted, more poignantly than any other disease in current times, the complexity of ethical issues that arise in the clinical context – confidentiality, informed decision-making, medical futility, rights to treatment access. Dr Theresa Roussouw highlights these issues from the perspective of a busy HIV clinic.

HIV/AIDS has also sensitised us to the human rights perspective of health care. Professors Leslie London and Laurel Baldwin-Ragaven take us on a journey from a historical perspective of human rights abuses to the current focus on health and patient rights. The obligations of health care professionals in protecting and upholding the rights of vulnerable patients is outlined.

The ethics literature abounds with a perspective based in Western philosophy that dates back 2500 years BC to the Greek philosophers – Socrates, Plato and Aristotle.

However, in traditional South African communities, ethical decision-making is based in African philosophy that emphasises collective and familial as opposed to individual autonomy. Professor Nhlanhla Mkhize describes the concept of *ubuntu* as an example of a communitarian ethical theory and discusses its impact on decision-making in health care.

On 2 May 2005, President Thabo Mbeki signed off 10 of the 12 chapters of the National Health Act 61 of 2003. The Act has been described as the most significant piece of legislation to impact on the health care profession in South Africa. Professors Mo Dada and David McQuoid-Mason interpret the Act and explain its relevance to health care practitioners.

In our current highly commercialised health care environment, the concept of medicine as a profession is often neglected. Professor Ames Dhai and Advocate Boyce Mkhize revisit the role of the HPCSA. The challenges being faced by this professional body are described as complaints against the profession escalate.

Medical ethics is both extensive and intensive, and a single edition of any journal cannot do justice to all the possible dilemmas one may face in clinical practice. For further perspective, two short articles provide insights into termination of pregnancy (Ms Chelsea Morroni, Professor Geoffrey Buga and Dr Landon Myer) and some of the ethical issues specific to research in private medical practice are discussed by Dr Lyn Horn.

A wide range of ethical dilemmas arise in clinical practice both in generalist medicine and across the various disciplines at secondary and tertiary levels of care. It is hoped that this issue of *CME* will sensitise health care professionals to the ethical and medico-legal dilemmas inherent in clinical practice and that it will assist in enhancing the care we provide to our patients as they navigate a very complex and sometimes hostile health care system.