

The Nurse's Role in Ethics and Human Rights: Protecting and Promoting Individual Worth, Dignity, and Human Rights in Practice Settings

Effective Date: 2016
Status: Revised Position Statement
Written by: ANA Center for Ethics and Human Rights
Adopted by: ANA Board of Directors

Purpose

Nurses must always stress human rights protection and uphold the values and ethics of the profession. The purpose of this position statement is to bring the topic of human rights to the forefront and provide nurses with specific actions to protect and promote human rights in every practice setting. It describes the relationship between nurses' ethical obligations, the concept of human rights, and professional nursing practice.

Statement of ANA Position

The American Nurses Association believes that respect for the inherent dignity, worth, unique attributes, and human rights of all individuals is a fundamental principle ("Code of Ethics for Nurses with Interpretative Statements" [American Nurses Association, 2015, p. 1]). Nurses establish relationships of trust and provide nursing services according to need, setting aside any bias or prejudice (ANA, 2015, p. 1). This statement on ethics and human rights provides the foundation and context for all other position statements related to the practice of nursing. The protection and promotion of human rights in health and health care are fundamental functions of the American Nurses Association.

Recommendations

ANA supports the following recommendations:

- All nurses advocate for human rights of patients, colleagues, and communities.

- Nurses advocate for the ethical and just practice of nursing by creating and sustaining environments that support accepted standards of professional practice, since the practice environment and rights of nurses influence the practice and moral context of nursing.
- Nurses strengthen practice environments by refusing to practice in ways that would create a negative impact on the quality of care.
- Through their professional organization, nurses must reaffirm and strengthen nursing values and ideals with a united voice that interprets and explains the place and role of nursing in society (ANA, 2015).
- Health care agencies pay close attention to potential for human rights violations as they relate to patients, nurses, health care workers, and others within their institutions.
- Health care agencies support policies and practices that actively maintain environments ensuring ethical nursing practice, upholding human rights and methods for reporting violations, and taking action to prevent recurrence.
- Nurses in every practice setting serve on ethics committees, work to promote the discussion of ethics and human rights among colleagues, and engage in political action to clarify and promote health policy that increases access to and equality of care.
- Nurses must examine the conflicts arising between their own personal and professional values and the values and interests of others who are also responsible for patient care and health care decisions, and they must address these conflicts in ways that ensure patient safety and promote the best interests of the patient (ANA, 2015).
- Nurses work collaboratively within the profession and with other health care professionals to create moral communities that promote, protect, and sustain ethical practice and the human rights of all patients and professional constituents (ANA, 2010).
- Nurse educators embrace the concepts of justice and caring as guiding principles in teaching students about ethics and human rights within the provision of health care everywhere — from local communities to the greater global community.
- Nurse educators must firmly anchor students in nursing professional responsibility to address unjust systems and structures, modeling the profession's commitment to social justice and health through content, clinical and field experiences, and critical thought (ANA, 2015).
- Nurse researchers ensure that human rights are fulfilled through the process of ongoing informed consent, continual assessment of risk versus benefit for research participants, and the prevention of harm.
- Nurse researchers conduct research that is relevant to communities of interest, are guided by participation of these communities in identifying research problems, and strive to benefit patients, society, and professional practice.
- Nurse administrators incorporate ethics and human rights principles into practice by monitoring the practice environment for actual or potential human rights violations of patients, nurses, and other workers in the health care environment.
- Nurse administrators assess policy and practice and identify risks for reduced quality of care that may occur as a result of unacknowledged violations of human rights.

- Nurse administrators actively promote a caring, just, inclusive, and collaborative environment in their organizations and beyond to their communities.

Background

The Universality of Human Rights

The current articulation and modern interpretation of human rights emerged from the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948. Article 25 has specific importance for those in health care. It states in part that every person has the right to a standard of living adequate for the health and well-being of his or her family, including food, clothing, housing, and medical care (UN, 1948). Ssenyonjo (2013) notes that “the UDHR has established itself as an instrument of significant moral and legal influence universally” (p. 13).

Human Rights and the Code of Ethics for Nurses

Benatar (2003) suggests that we must go “beyond the rhetoric of universal human rights to include attention to duties, social justice and interdependence” (p. 108). The code addresses attention to duty, social justice, and interdependence in Provision 4, “Nurses bear primary responsibility for the nursing care that their patients and clients receive and are accountable for their own practice ...” (ANA, 2015, p. 15), and Provision 8, “The nurse collaborates with other health professionals and the public to protect human rights, promote health diplomacy and reduce health disparities” (ANA, 2015, p. 31). Nurses advocate for equity and social justice in resource allocation, access to health care, and other social and economic services” (International Council of Nurses, 2012).

Human Rights and Health

The ICN also addresses the nurse’s four universal and fundamental responsibilities to promote health, to prevent illness, to restore health, and to alleviate suffering (ICN, 2012). “Inherent in nursing is a respect for human rights, cultural rights, the right to life and choice, and dignity, and to be treated with respect” (ICN, 2012). The ICN position statement on nurses and human rights is consistent with Article 25 of the UDHR when it states that the ICN “views health care as a right of all individuals ... including the right to choose or decline care, the right to accept or refuse treatment or nourishment ... and the right to die with dignity” (ICN, 2011, p. 1).

Ethical Obligation and the Just Provision of Care

Where there are rights, there are also obligations to fulfill claims to rights. For example, the right to fair and equal treatment in health care requires that nurses provide fair and equal treatment to all patients. Nurses are obligated by the code to provide fair and equal treatment that respects the “inherent dignity, worth and unique attributes of every person ... regardless of the factors contributing to the person’s health status” (ANA, 2015, p. 1). “The worth of a person is not affected by illness, ability, socioeconomic status, functional status or proximity to death” (ANA, 2015, p. 1). Further, the just provision of care requires that these factors be considered, as they influence the need for care and the allocation of health care resources. Claim rights, or rights that are due to the rightholder by another, are fulfilled when health care policies are developed that require individual and group differences to be considered in the delivery of care to fulfill patients’ health care needs (U.S. Department of Health & Human Services, 2010).

Health care that is congruent with the patient’s needs and with available resources can be said to be both just and caring. Such care is aimed at reducing the unfair burden of illness, suffering, and premature death of vulnerable populations resulting from social inequities and institutionalized patterns of social discrimination.

Advocacy in Health Care Settings

Ethics and human rights issues emerge in health care settings when individuals are unable to assert their rights. Individuals in critical care units or psychiatric settings, or individuals who are incarcerated, might have diminished capacity for decision-making and asserting their rights. This is also true of children or individuals who are not considered to be competent in the legal sense (Committee on Bioethics, 2006; Hendrick, 2010). It is in these circumstances that human rights are vulnerable to violation and that ethical issues will emerge. Refusal to provide reasonable and necessary care also violates a patient's human rights when he or she has a just claim to care. Examples of this would be ignoring the complaints of a patient based on a personal characteristic such as ethnicity or a situational one such as being incarcerated. Such examples not only violate ethical standards of nursing, but they also are not congruent with a relational model of human caring that provides the framework for nursing. Nurses must be fully aware of patients' rights for all settings, ages, and developmental abilities, and they must be willing to advocate for them and to collaborate with others in finding solutions to ethical issues.

History/Previous Position Statements

This statement updates and supersedes the ANA position statement "Ethics and Human Rights" of June 14, 2010, originated by the Center for Ethics and Human Rights and adopted by the ANA Board of Directors (ANA, 2010). The primary drivers for the original statement in 1991 were the nursing shortage, the increased focus on the need for informed consent for research participants, lack of access to health care, and media focus on whistleblowing. That original statement had proven valuable for nurses as they confronted unsafe staffing conditions and expanded roles in research. Ten years later, an updated version of the "Code of Ethics for Nurses" was published (ANA, 2001). It included multiple approaches to ethics that were relevant for nurses, broadening global health concerns, diverse practice settings, and increasingly complex roles. A revised position statement on the nurse's role in ethics and human rights (ANA, 2010) was created due to a greater awareness of the changes in health care and its emerging societal context. In 2015, the "Code of Ethics for Nurses with Interpretive Statements" was updated (ANA, 2015), providing a current statement of ethical values, obligations, duties, and professional ideals for the evolving nursing profession and societal context. Clearly articulated ethical positions, astute understanding of human rights, careful discernment of human rights violations, and bold acceptance of professional responsibility converged to provide a backdrop for all nursing practice.

Supportive Material

Ethics and human rights have previously been discussed in the "Code of Ethics for Nurses with Interpretive Statements" (ANA, 1985, 2001, 2015), the ANA "Ethics and Human Rights" position statement (1991, 2010), "Public Health Nursing: Scope and Standards of Practice" (ANA, 2007, 2013), "Nursing Administration: Scope and Standards of Practice" (ANA, 2015), and "Nursing's Social Policy Statement" (ANA, 2003, 2010). These documents delineate and uphold the role of the nurse in promoting and maintaining ethical practice through the preservation of human rights. Evident in these documents is the progression of how ethics and human rights are conceptualized as going beyond the individual patient's rights to the rights of the nurse, vulnerable populations, health care colleagues, and the global community.

Summary

This statement on ethics and human rights provides the foundation and context for all other position statements related to the practice of nursing. The protection and promotion of human rights related to health and health care are fundamental functions of ANA.

Ethics, human rights, and nursing interface within professional practice in the context of human relationships. In a caring context, nurses advocate for patients' rights, especially for those whose rights may be more easily violated or not fulfilled. The human rights of self, patients, colleagues, and both local and global communities are of concern to nurses. This requires action designed to ensure that they are protected and promoted. Without exception, all nursing practice in all settings is grounded in respect for the inherent dignity, worth, unique attributes, and human rights of all individuals (ANA, 2015).

One of the purposes of ANA is to recognize and work with other organizations that have similar missions and philosophies. This document also identifies various organizations, with their web addresses, that have as their purpose the protection of human rights. (See the appendix that follows the list of references.) These resources will be useful to nurses as advocates for human rights and ethical standards of nursing practice.

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Appendix: Related Human Rights Organizations

American Nurses Association Center for Ethics and Human Rights

American Nurses Association Center for Ethics and Human Rights is committed to addressing the complex ethical and human rights issues confronting nurses and to designing activities and programs to increase the ethical competence and human rights sensitivity of nurses. <http://nursingworld.org/ethics>

Amnesty International

Amnesty International undertakes action and research focused on preventing grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination within the context of its work to promote all human rights. <http://www.amnestyusa.org>

The Carter Center

The Carter Center has adopted a broad conceptual perspective on human rights. The Carter Center has an abundance of health-related programs throughout the world. <http://www.cartercenter.org>

The Center for Human Rights and Humanitarian Law

The Center for Human Rights and Humanitarian Law works with students, faculty, and the international legal community to provide scholarship and support for human rights initiatives around the world. <https://www.wcl.american.edu/humright/center/>

Human Rights Watch

Human Rights Watch is dedicated to protecting the human rights of people around the world. <http://www.hrw.org>

Physicians for Human Rights

Physicians for Human Rights promotes health by protecting human rights. <http://physiciansforhumanrights.org/>

The United Nations

The United Nations is an international organization that describes itself as a global association of governments facilitating cooperation in international law, international security, economic development, and social equity. <http://www.un.org/en>