• How can I trust a doctor who is the employee of the prison director?

• What about the prison doctor’s confidentiality?

• What about the prison doctor’s professional qualification and professional independence?

• How can I use the doctor to make my prison life easier?
• How to manage confidentiality, privacy and patient’s consent in the totalitarian prison environment and how to obtain trust by the prisoners?

• How to balance professional relationships with prisoners and custodial staff?

• How to deal with pressures and expectations by prisoners and the prison administration?

• How to keep professional independence while being employed by the prison administration?

• How to provide optimal medical care in the low-resource setting of the prison?
• Are medical confidentiality, patient’s consent and the doctor’s professional independence compatible with safety and security in prison?

• Why shouldn’t the doctor support security in prison by performing intimate body searches, drug testing and certify inmates fit for punishment?

• Why shouldn’t the prison doctor also take over the role of a public health officer?

• How to warrant expensive medical care costs within paltry prison budgets?
1. Prison physicians must stick to solid medical ethics

2. These ethics must be made known to and accepted by the whole prison community
Ethics, a normative science, is the study and philosophy of human conduct with emphasis on the determination of right and wrong.
Fragment of the Hippokratic Oath on Papyrus from the Third Century B.C.
CODE OF
MEDICAL ETHICS
OF THE
American Medical Association.

ORIGINALLY ADOPTED AT THE ADJOURNED
MEETING OF THE NATIONAL MEDICAL
CONVENTION IN PHILADELPHIA,
MAY, 1847.

CHICAGO:
American Medical Association Press.
1847.
Declaration of Geneva 1948
(Last revision 2006)

International Code of Medical Ethics 1949
(Last revision 1983)
Conflicting demands in prison

Confidentiality, privacy, consent
Equivalence of medical care
Free access to medical care
Professional independence
Disease prevention
Prison health is public health

Security and safety first
Lack of resources and overcrowding
Employment by prison admin.
Pathogenicity of the prison
Lack of public support
www.ohchr.org/english/law/treatmentprisoners.htm

Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians for the Protection of Detained Persons and Prisoners Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1982
www.cirp.org/library/ethics/UN-medical-ethics

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987
www.hrweb.org/legal/cat.html

Body of Principles for the Protection of Persons Under Any Form of Detention or Imprisonment, 1989
www2.ohcr.org/english/law/bodyprinciples.htm

www.ohchr.org/english/law/res45_113.htm

Istanbul Protocol, 2004
Declaration of Tokyo. Guidelines for Physicians Concerning Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment. Tokyo 1975, revised Divonne-les-Bains 2005. 
www.wma.net/en/30publications/10policies/c18

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Declaration Concerning Support for Medical Doctors Refusing to Participate in, or to Condone, the Use of Torture or Other Forms of Cruel, Inhuman or Degrading treatment, Hamburg 1997. www.wma.net/en/30publications/10policies/c19

www.wma.net/en/30publications/10policies/p28

Resolution on the Responsibility of Physicians in the Denunciation of Acts of Torture or Cruel or Inhuman or Degrading Treatment of Which They Are Aware. Helsinki 2003. 
www.wma.net/en/30publications/10policies/t1
www.uncjin.org/Laws/prisrul.htm

Convention of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 1987
www.cpt.coe.int/en/docsref.htm

Prison and Criminological Aspects of the Control of Transmissible Diseases including AIDS and Related Health Problems in Prison. Recommendation R (93) 6


Prison Overcrowding and Prison Population Inflation. Recommendation R (99) 22


https://wcd.coe.int/ViewDoc.jsp?id=955747
<table>
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<th>Other international documents</th>
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<td><strong>Oath of Athens 1977</strong></td>
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1. The primary task of the prison doctor and the other health care workers is the health and well-being of the inmates.

2. The 7 essential principles for the practice of prison health care, as set out by the CPT:
   • Free access to a doctor for every prisoner
   • Equivalence of care
   • Patient consent and confidentiality
   • Preventive health care
   • Humanitarian assistance
   • Professional independence
   • Professional competence
The essence of medical ethics in prison

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Principle 3
It is a contravention of medical ethics for health personnel, particularly physicians, to be involved in any professional relationship with prisoners or detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health.

UN Resolution 37/194, 1982
Principles of Medical Ethics relevant to the role of health personnel in the protection of prisoners
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Compliance with these rules results in ethical medical conduct:

- Promotes the confidence of the inmates to the medical care in prison
- Leaves no doubt as to the doctor’s medical professionalism and ethics
- Prevents misunderstandings
- Provides guidance in situations of conflicts
- Supports quality assurance of the medical work
- Protects against legal appeals
- Gives international support.
• Determine whether the issue at hand is an ethical one.
• Consult authoritative resources such as medical association codes of ethics and policies to see how to deal with such issues.
• Consider alternative solutions in light of the principles and values they uphold and their likely consequences.
• Discuss your proposed solutions with those whom it will affect.
• Make your decision and act on it, with sensitivity to others affected.
• Evaluate your decision and be prepared to act differently in future.
Doctors working in prison: Human rights and ethical dilemmas

WMA/NMA/ICRC: Web-based course

https://nettkurs.legeforeningen.no/category.php?id=6
Course Certificate

Postgraduate and Continuing Medical Association

Jörg Pont

Doctors working in prison: Human rights and ethical dilemmas

The course presents relevant international statements regulating medical treatment of prisoners in order to raise doctors' awareness on their role in various areas of conflicting interests between the prisoner (patient) and the prison administration.

The course is accredited by the Norwegian Medical Association with 12 hours in postgraduate and continuing training for all specialties.

[Signature]

Course coordinator
The Norwegian Medical Association