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IFMSA Policy Document Human Rights, Democracy & the Rule of Law

Proposed by the Team of Officials

Adopted at the IFMSA General Assembly August Meeting 2019, in Taipei, Taiwan.

Policy Statement

Introduction:

Humans, regardless of ethnicity, sex & gender, nationality, religion, occupation and a myriad of identifying characteristics, are entitled to be equal in their rights, freedom and dignity. This is both pivotal and universal to all human beings.

Human Rights, Democracy and the Rule of Law are essential and indivisible concepts that are the vital components that have been devised thus far with an aim of achieving an order of equality and accountability. It takes an immense understanding of both the positive impacts and the shortcomings of democracy in addition to the relationship between all three components (HR, D & the RoL) in addition to a comprehension of the relationship between various political governance mechanisms and healthcare system design to be able to build the future generation of medical diplomats who are strong advocates of equitable and accessible healthcare.

IFMSA position:

Realizing the interdependency between Human Rights, Democracy, and the Rule of Law, the International Federation of Medical Students' Associations (IFMSA) takes a strong stance on protecting the delivery of human rights for all and the need for them to be respected to the highest degree, most notably by holding true to the rule of law, not rule by law.

The Federation believes that strengthened political systems which aim to achieve equitable and accessible health care are needed and require the involvement of the youth medical community.

The Federation supports governance which allows citizens to be transparently involved in decision-making processes and knowledge about their own rights and obligations.

Call to Action:

IFMSA calls on **Governments** to:

- Ensure that all laws and government activities are consistent with the United Nations' Universal Declaration of Human Rights;
- Ensure that human rights principles are rooted into legislative proceedings and that laws are established realistically and executed concretely within the governed region; furthermore, creation and enforcement of strengthened accountability mechanisms are pivotal;
- Ensure that all people are treated equally before the law *and are under the rule of law not rule by law*, regardless of their race, religion, sex, age, sexual orientation, political stance and power, socio-economic status or mental and physical sickness;
- Establish and secure transparent governance that aims to involve its citizens in informed decision making;
- Participate transparently in the Universal Periodic Review of the Human Rights Council;
- Engage youth and women in the parliamentary promotion of human rights;
- Vigorously review their political governance system and its relationship with healthcare system delivery;



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- Ensure the separation of the judiciary, executive & legislative bodies in cases of democratic rule.

IFMSA calls on **Intergovernmental Organizations** to:

- Engage governments in the Universal Periodic Review with respective follow up and ensure accountability mechanisms for violating member states;
- Promote awareness about human rights and legal duties in collaboration with non-governmental organizations;
- Utilize HR, D & the RoL as guiding principles to scrutinize healthcare system delivery and engage in consultations with youth NGOs to achieve equitable and accessible health care;
- Advocate for a Human Rights Based Approach to Data.

IFMSA calls on **Non-Governmental Organizations (NGOs)** to:

- Raise awareness about the human rights and legal obligations of the communities they serve;
- Advocate for youth and women quotas in parliaments and municipalities;
- Advocate for and collaborate with governments to achieve effective human rights legislative mechanisms;
- Act as a communicative bridge between governmental law enforcers, legislators and the public in decision making.

IFMSA calls on **Medical Schools** to:

- Engage in consultations with medical students that aim for medical curricula reformations which incorporate courses tackling health care system design and its relation to policy and political structure;
- Advocate for the inclusion of basic human rights knowledge in medical curricula;
- Participate in research about the social determinants of health and the relationship between democracy & the rule of law and their influence on social conditions and health;
- Commit to educating their students on the importance of providing non-discriminatory healthcare to all people, fulfilling article 25 of the UDHR and the hippocratic oath.
- Establish a system of communication and collaboration with the relevant syndicates and ministries to offer students and health care professionals opportunities to actively engage in decision-making pertaining to health systems design and reformation.

IFMSA calls on **NMOs & Medical Students** to:

- Encourage members to participate in capacity building opportunities that encompass the relationship between human rights, democracy and the rule of law;
- Engage in debates about ideal political systems and the relationship with healthcare system design and delivery;
- Vigorously review the design of healthcare systems in their own country's political environment and advocate for reformation to achieve SDG 3, the right to health;
- Organize or participate in campaigns that advocate for, and raise awareness on how political processes vastly impact human rights.
- Establish non-partisan collaboration with local and regional governing bodies, NGOs, and the civil society on the importance of public involvement in governance and accountability procedures in addition to legislative proceedings which have an impact on human rights;



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Position Paper

Background Information

As enshrined in the Universal Declaration of Human Rights, there are inexpugnable elements of the human condition that humanity has collectively agreed to protect and maintain [1]. *Human rights* serve as the underpinning for a just, peaceful and thriving world, where all peoples, irrespective of race, religion or disposition, are free to experience life—in all its meanings—to the fullest extent possible within the politico-cultural and socioeconomic milieu in which they exist [2].

An integral aspect of human rights is the *freedom to vote* for political parties of their discretion, and be informed by accurate and transparent information. By a collective will, citizens have control of their own governance, echoing back to the fundamentality of human rights [3]. Lastly, it is imperative that all people of a particular society—including all arms of government—to be held equally accountable in their power and action before the *law*, thereby preventing tyranny, corruption, and disruption of peace [4]. By their inherent synergism, human rights, democracy, and the rule of law constitute the social fabric devised thus far of the constantly renegotiated equilibrium on which the existence of civilization depends on [3].

While the implementation of democracy and the rule of law may be subject to contextual interpretations by different societies, its normative framework and the absolution of human rights standards have been well-established and accepted by the international community [4]. The pressing agenda now, is to reinforce its implementation on the national & international levels, ensuring everyone has the same and basic human rights [4]. As future healthcare professionals, it is a responsibility—and indeed a moral imperative—to advocate for the protection and maintenance of not only health, but all human rights, and the rule of law, since they are all interlinked within [5].

Discussion

The Three Elements: HR, D & the RoL

Human rights, democracy and the rule of law are three concepts that are strongly interrelated and interdependent, and they contribute to good governance in a mutually reinforcing way, thoeretically. The relationships between these elements need to be discussed in order to highlight the effect that deficiencies in one of the elements can erode in the others.

Introducing Democracy

Democracy is derived from the Greek word *dēmokratiā* that consists of two sections: *dēmos*, which means people and *kratos* which means rule; thereby giving the literal meaning of “rule by the people” [28]. It is a form of governance constituted by three bodies of power —the legislative, the executive and the judiciary, which together make decisions and process conflicts under the characteristics of legal equality, political freedom and the rule of law. However, democracy in theory has differed than what has been seen in application, thus there are a myriad of discussions debating whether it is indeed the best political system.

The Legislative

The legislative branch of government is responsible for enacting the laws of the state and formulating policy, while overseeing the operations of the executive branch. Financially, they appropriate the money necessary to operate the government [31]. It is essentially the ‘people’ electing their representatives.

The Executive

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The executive branch is responsible for administering the laws enacted and implementing public policies funded by the legislative branch. [32]

The Judiciary

When disputes occur between the legislative branch and the executive branch, the judicial branch administers justice by interpreting the constitution and laws and applying their interpretations to controversies brought before it. [32]

A democracy fails when power is no longer shared by the three arms, rather consolidated.

Introducing the Rule of Law:

The rule of law is a legal maxim that suggests the predominance of the law of the land over all people including the law makers; in other words, the law should apply equally to all people including law makers and stakeholders (such as judges or parliamentarians) who are allowed to exercise fairly within their powers and not exceed their limits [26]. The Rule of Law lays out a strong emphasis on the protection of fundamental human rights [27].

The Rule of Law & Human Rights

The concept of “rule of law” is very old. However, in the past, human rights activists and movements did not adequately address the modern concept of “the rule of law” and its relationship with human rights. The Universal Declaration of Human Rights only mentioned the rule of law in a very short statement declaring that “human rights should be protected by the rule of law” [6]. Nowadays, the rule of law is being widely discussed by general assemblies and regional work platforms, and it has become a requirement to members of the European Union. In 2002, the late United Nations (UN) Commissioner Sergio Vieira de Mello agreed that the rule of law should be the foundation of his office during his tenure [6]. The reason for this change was that human rights movements were greatly overlooked during political discussions. The movements’ attempts to reach fruition were overshadowed by individual interests. As such, many liberal commitments in favour of the movement became false promises.

The rule of law is greatly accepted by people from different ideological backgrounds, thereby forming a base that everyone shares. Removing barriers for the human rights’ movement will facilitate better protection and political stability[6]. However, it is crucial to differentiate between “rule of law” and “rule by law”, where the law is often an instrument of the government and law makers and fails to be above all [7]. Implementation of human rights requires a just governance, and without the rule of law, the components of modern society and social institutions cannot fulfill their duties and commitment toward the achievement of human rights, justice and peace [4]. The principle of the rule of law is basically the mechanism of human rights implementation and power usage under legislation. If this principle is lost, then there will be inadequate execution of law or inadequate protection of human rights. [8]

Democracy & Human Rights

Democracy is a form of governance in which the greatest power is held by the people and it is exercised either directly by them or by their elected representatives who were chosen upon a transparent electoral system, ensuring the demonstration of the equality of rights and privileges [29].

Democracy and its manifestations are derived mainly from the right to vote. Everyone in the community has the right to contribute to decision-making, while making sure that every individual is respected and contributes to the prosperity of the society [9]. In order to ensure an environment where human rights are respected, we often rely on democracy. Sociologists argue that it is impossible to foster a healthy environment for human rights in the absence of democracy; however, the implementation of democracy doesn’t necessarily guarantee good protection and realization of human rights [10]. The relationship between these two elements can be described as complementary and reinforcing, as democracy calls for people to participate in decision-making and human rights



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elaborates that the people's political participation should be organized in a way to ensure all individuals' voices are respected [11]. Both democracy and human rights share principles of peaceful conflict resolution, liberalism, and collective decision-making. The degree of overlap between the two concepts will yield different types of democracy systems: procedural, liberal and social democracy [12].

The Rule of Law & Democracy

The rule of law states that everyone is under the specification of law including the government and policy makers. This specifies that the power of governance is given by the people and encourages transparency in all aspects, standing against dictatorship and autocracy where the government can rule without being punished by the law [13]. The two terms "democracy" and "the rule of law", although being closely related, are two different entities, and the presence of one doesn't necessarily guarantee the presence of the other. A system can implement the rule of law and not necessarily be a democracy; at the same time, a system may be democratized but under political powers that are not managed under the auspices of the rule of law [14].

The declaration adopted after the UN General Assembly on 24 September, 2012, stated that in order for the government to respond to the needs of its people, it needs to develop a democratic system with institutions and processes that ensure the protection of the rights of its people, maintain equality and facilitate accountability. The declaration reassured that in order to reach the above mentioned goal, the rule of law should apply to the entire community, including the government and the law makers themselves; it also iterated that this implementation is fundamental for the correct implementation of democracy [7].

As discussed, the three pillars of democracy are the executive, legislative and judiciary bodies, working in an independent state, and when power is distributed equally among them, the ability for a democratic government to realize the rule of law is foreseeable. All the elements of the triad are connected, leading human rights violations to be managed under the protection of law [11].

The Role of the Human Rights Council

The Human Rights Council is an inter-governmental body within the United Nations system which serves as a forum for dialogue focusing on situations of human rights violations and results in recommendations on such violations.

The peer process innovated by the Human Rights Council, the Universal Periodic Review (UPR), allows UN member states and NGOs come together to assess and improve human rights situations around the globe. Through the observations of UPR, the Human Rights Council has urged the government to take action to put an end to all violations of International Humanitarian Law and focused attention on the importance of respecting all fundamental freedoms by ensuring them in the law, while also offering technical support to concerned governments in collaboration with other UN subsidiary bodies [33, 34].

Human Rights, Democracy & the Rule of Law and the Relationship with Healthcare Systems Political Influence on Health Care

The role of the government in influencing population health is not limited within the health sector but also by various sectors outside health systems. The complex relationships between health and its determinants has been heatedly discussed, especially those in the socio-economic realm. The implementation of democracy, for example, might be relevant to health. Alleviation of social disparities and income inequalities results from greater political voice and participation. Moreover, due to the fact that a lot of healthcare agencies are dependent upon the government for funding, financial and economical environments that possess more freedom may lead to a broader coverage of national health insurance. By contrast, the absence of representative democracy provides few incentives for political elites to compete for power and responsibility, resulting in less political responsiveness from the public and fewer incentives to spread benefits universally or to minority groups. Authoritarian regimes suppress political competition and tend to have an interest in preventing country



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development, since improved health, education, and economic security drive citizens to advocate for greater, wider and deeper participation [37].

While different political systems exert a great effect on the health care implementation [15], the evolution of three approaches have emerged from different countries across the globe:

1. “The *conservative* approach: which focuses on the principle of “equality in front of law”, whereby the role of the government is only restricted to the implementation of the law and has no role in planning or affecting the health-systems.
2. The *liberal* approach: which differs from the conservative one by relying on the “equality of chances” principle, which states that the health-care systems can’t be left in the hands of the system itself and the government’s role is only confined to improving the systems. Practically, this includes national healthcare systems and insurance agencies.
3. The *radical* approach: which is based on the “equality of results”, giving the government the maximum potential to interfere with healthcare systems by centralized planning, instead of only making small interventions” [16].

According to WHO, for all aspects of health, there are binding rules that govern the rights and responsibilities of governments, health workers, companies, civil society and a country’s population. Together these rules make up the legal framework, or legal architecture for health[38]. Therefore, in order to reform healthcare systems aiming for universal health coverage, the rule of law— including legislation and execution, should always be the highest guiding principle.

Shortcomings of Democracy

Ideally, democracy should be able to consolidate freedom and equality; however, the freedom given by democracy should not be vested to safeguard from self-misbehavior [35]. Although democracy maximizes freedom by embracing basic political rights and liberties, the essential principles that it follows may also lead to conflicts. One fundamental criticism often leveled against democracy is that in practice it can lead to unjust outcomes, especially when a majority deprives a minority of its substantive rights or interests. Benefits of a specialized society may be compromised in the name of democracy, where the majority of public opinion being manipulated or distorted, further causing the tyranny of the majority [36]. Other demerits of democracy such as political instability, inefficiency of the system, and public’s susceptibility to propaganda all demonstrate the fact that there is no absolute flawless form of government because the key is how the system is executed. Democratic regimes may be far from perfect, they are nevertheless the best available form of collective decision making.

Significance in the Sustainable Development Goals

In relation to the United Nations’ 2030 Agenda, Human Rights, Democracy and the rule of law serve as fundamental undercurrents for its realisation. The Sustainable Development Goals are founded on the basis of international human rights law, promising to “leave no one behind” [30]. Each of the 17 goals and its targets can be linked to a specific human right, as per the Universal Declaration of Human Rights:

1. No Poverty – right to an adequate standard of living;
2. Zero Hunger – right to adequate food;
3. Good Health and Wellbeing – right to health;
4. Quality Education – right to education;
5. Gender Equality – elimination of all forms of discrimination against women;
6. Clean Water and Sanitation – right to safe drinking water;
7. Affordable and Clean Energy – right to an adequate standard of living;



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8. Decent Work and Economic Growth – right to work and to just and favourable conditions of work;
9. Industry, Innovation and Infrastructure – right to enjoy the benefits of scientific progress and its application;
10. Reduced inequalities – right to equality and non-discrimination;
11. Sustainable Cities and Communities – right to adequate housing;
12. Responsible Consumption and Production – right of all peoples to freely dispose of their natural resources;
13. Climate Action – right to health;
14. Life Below Water – right to health;
15. Life on Land – right to health;
16. Peace, Justice and Strong Institutions – right to life, liberty and security of the person; and
17. Partnerships for The Goals – right of all peoples to development and international cooperation. [18]

Further, in order to “leave no one behind”, the voices of every individual must be considered, acknowledged, and included in relevant political decision-making processes. Democratic principles are therefore of vital importance if the progression and development of humanity is to be universal, inclusive, transformative and comprehensive [19]. Finally, Sustainable Development Goal 16 not only relies on the rule of law, but includes “access to justice”, highlighting that not only are all peoples held accountable before the law, but the most vulnerable in society should be empowered in accessing justice and exercising their rights [20].

Youth Promotion and Participation in Human Rights, Democracy and the Rule of Law: Youth as Future Diplomats

The participation of youth in the development and promotion of human rights, democracy and the rule of law is absolutely essential if human rights for all people are to be achieved. Firstly, youth make up a significant proportion of the world’s population with 42 percent of the latter is under the age of 25 [21]. If human rights are universal then this significant demographic must have a seat at the table and be involved in policy discussions. Secondly, today’s youth are arguably those with the most at stake with regards to the actions of policy makers. Youth will directly live through the consequences of climate change, poverty, and human rights violations, and should therefore be involved in decision-making [22]. Finally, young people provide a fresh perspective on these global challenges and the long-term successes of these goals ultimately rests on the participation and presence of youth leadership.

Thus, youth can seek to promote this policy on three fundamental levels:

On the international level, young people should be empowered to engage with the global bodies which lead discussions on human rights. UN Youth Forums, the creation of a Global Youth Charter and the appointment of a Special Rapporteur on the Human Rights of Youth provides young people with the opportunity to participate in these discussions and to also see the mechanism by which global policy and international efforts are coordinated [23]. This education and participation of youth in these global mechanisms is paramount for the long-term success of human rights.

Youth can also promote human rights, democracy and the rule of law through addressing specific human rights challenges within their own UN member state. The challenges of achieving universal human rights is nuanced and each member state has its own individual strengths and shortcomings which needs to be addressed [24]. Youth can therefore advocate on these issues to local



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governments, councils and NGO groups. At the national level, young people are empowered to prioritize context-specific issues such as indigenous rights, refugee health and famine [24].

At an individual level, young people can promote human rights through inspiring those around them to be involved in this conversation. This may manifest itself in the promotion of young voter turnout for national/state elections, through online promotion of youth awareness around these issues and through grassroots activism (such as 'black lives matter' and 'youth climate change' protests) [25].

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