Mobility of health professionals: Council of Europe approach

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Workshop on Health workforce
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PRINCIPLES OF THE COUNCIL OF EUROPE

- Protection of human rights
- Rule of law
- Working democracy
- Promoting social cohesion

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HUMAN RIGHTS PALACE

...but human rights are realised at homes and hospitals

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Human rights

Patients’ rights  Migrant Rights

Migrant patients’/professionals’ rights

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Secretariat of:

European Health Committee (CDSP)
European Migration Committee (CDMG)
Commissioner for Human Rights
Penology Committee (CPT)

Parliamentary Assembly

Committee on Migration, Refugees and Population

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All Different
All Equal

Managing the diversity
A camel to the water? Water to the camel?

Supply to demand: *professionals’ mobility*

Demand to supply: *patients’ migration*

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Council of Europe Legal Instruments
Conventions

• The Convention for the Protection of Human Rights and Fundamental Freedoms (1950)
  Art. 3

• The European Convention on Social and Medical Assistance (1953)
  Art. 1

• European Social Charter of 1961 (revised in 1996)
  Arts. 11 and 13

• Convention on Human Rights and Biomedicine (1997)
BIOETHICS CONVENTION

• Article 2 - Primacy of the human being
The interests and welfare of the human being shall prevail over the sole interest of society or science.

• Article 3 - Equitable access to health care
Parties, taking into account health needs and available resources, shall take appropriate measures with a view to providing, within their jurisdiction, equitable access to health care of appropriate quality.

• Article 4 - Professional standards
Any intervention in the health field, including research, must be carried out in accordance with relevant professional obligations and standards.

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Council of Europe Legal Instruments Recommendations

• Recommendation Rec(2001)12 of the Committee of Ministers to member states on the adaptation of health care services to the demand for health care and health care services of people in marginal situations

• Recommendation Rec(2006)18 of the Committee of Ministers to member states on health services in a multicultural society

- Recommendation Rec(2006)11 on trans-border mobility of health professionals and its implications for the functioning of health care systems,

• Recommendation Rec(2006)10 of the Committee of Ministers to member states on better access to health care for Roma and Travellers in Europe

• Recommendation 1503 (2001) of the Parliamentary Assembly on health conditions of migrants and refugees in Europe

• Recommendation 1626(2003) of the Parliamentary Assembly on the reform of health care systems in Europe: reconciling equity, quality and efficiency
Recommendation No R(93)3 on health manpower planning

• Taking into account the conclusions of the Consultation on Health Manpower held by representatives of the European Community health ministries in Paris in 1989, of the International Consultation on Training, Health Manpower Education and Policy, held by the World Health Organisation in Barcelona in 1990 and of the 4th Conference of European Health Ministers, held by the Council of Europe in Nicosia in October 1990;
Recommendation No R(93)3 on health manpower planning

• Recommends the governments of member states to:

• - undertake health manpower planning, adapted to their needs with a view to enabling each state to meet demand for health care services on its territory and to balance health care manpower supply and demand;
Human Resource Development

• Issues of human resource development need to be addressed from both countries of origin and European destination countries.
Recommendation Rec(2006)11 of the Committee of Ministers to member states on trans-border mobility of health professionals and its implications for the functioning of health care systems

- adopt policies, legislative and other measures necessary for a coherent and comprehensive policy framework that manages mobility of health professionals, in order to safeguard patients, quality of health care and the rights of qualified health professionals;
- consider entering into voluntary agreements, following a model framework for managing mobility,
- promote international networking between organisations, research institutions and other parties that are involved in the mobility of health professionals;
Recommendation Rec(2006)11 on trans-border mobility of health professionals and its implications for the functioning of health care systems

• signing memoranda of understanding or letters of intention between countries and other stakeholders on managed mobility (the organised exchange of health professionals) and/or the integration of health professionals in the framework of bilateral agreements in the field of employment;

• agreeing on a system of exchanging information on the good reputation of health professionals who intend to migrate;

• giving due consideration to the feasibility of creating a model European code of rules to be followed on international recruitment;

• establishing national information centres as part of an international network for the exchange of information on health professionals.
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Bratislava Declaration on health, human rights and migration
Health and Migration – a process

- Conference “Health and Migration in the EU”. 2 reports (vision) + proceedings + EU network.
- Exploratory opinion of the European Economic Social Committee
- EPSCO Council conclusions (Dec 2007)
- Side event at WHA (May 2007)
- Collaborations – European Forum of Medical Associations and WHO (April); Conference “People on the move” – Slovakia and Council of Europe (Nov)
Tri-partite chain of conferences:

1. Portuguese Presidency Conference, September 2007
2. CoE Conference, November 2007

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Symphonic orchestra or jazz combo?

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Bratislava Declaration on health, human rights and migration

• The growing mobility of health care workers including mobility within the forty seven Council of Europe member states favours some countries while at the same time may deprive other countries of highly trained and much needed professionals.

• Reinforce an ethical approach in coordinating concerted action between countries of origin and host countries to manage the emigration of health professionals from countries that invested in their training;
RECALL THAT:
the European Social Charter (revised) (ETS 163) provides, where applicable, for the protection of the health in the State parties (Article 11), the right to social and medical assistance (art.13) and affords protection for migrant workers (Article 19) and the elderly (Article 23);
- The European Convention on the Legal Status of Migrant Workers (ETS 093), Article 19, requires that “Each Contracting Party undertakes to grant within its territory, to migrant workers and members of their families who are lawfully present on its territory, social and medical assistance on the same basis as nationals”
Bratislava Declaration on health, human rights and migration

• invite the European Health Committee (CDSP) to take into account, in its future work, the ethical and human rights dimension of migration including an international code of ethics in health care for "people on the move";
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Strategies that have been used

- National code of practice
  - UK code of practice on international recruitment
- Multilateral code of practice
  - Commonwealth code of conduct
- Bilateral agreements
  - UK / South Africa
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Health for All
Human rights for All
Wealth for All

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The Tallinn Charter: Health Systems for Health and Wealth

- Investment in the health workforce is also critical, as it has implications not only for the investing country but for others due to the mobility of health professionals; the international recruitment of health workers should be guided by ethical considerations and cross-country solidarity, and ensured through a code of practice.
The Committee of Experts on mobility, migration and access to health care (SP-MIG) will be created for 2008-2009;

- to develop cooperation in the field of mobility of health professionals, reinforcing an ethical approach in coordinating concerted action between countries of origin and host countries to better manage the emigration of health professionals from countries that invested in their training (a contribution to the Global Code of Practice for Health Worker Migration).
Committee of Experts on mobility, migration and access to health care (SP-MIG)

• to address the issue of the entitlement to and promotion of equitable access to health care and the right to protection of health for migrants, including refugees and Internally Displaced Persons. To this end, a compendium of possible tools to protect people on the move between Council of Europe member states will be identified;

• to promote cooperation between member states for exchange of information of good practices, and for building common actions in the field of patient safety and access to health care for people on the move;

• to identify appropriate ways to address health needs of irregular migrants taking into account national policies and practices.
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Fortress Europe ?
Club Europe ?
Forum Europe ?
Agora Europe !
Forum is a meeting place of invited participants.

Agora is an open space for all.
ONE FOR ALL, ALL FOR ONE

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One Europe one voice on manpower mobility

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My latest granddaughter thanks for the attention.
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