

## Why access to morphine is a human right



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It's easy to think of human rights as in some way innate, as something we and our ancestors have all simply been born with. But they do not exist in a purely objective sense, independently of human institutions. Originally introduced with the narrower purpose of ensuring freedom from slavery and persecution, human rights can be seen as a formal notion intended to help guarantee that all human beings can have their basic needs met and live meaningful lives. The UN Universal Declaration of Human Rights (UDHR) was a noble attempt in the middle of the 20<sup>th</sup> century to codify these needs and obligations, and to secure the commitment of the international community to respecting them.<sup>1</sup>

The UDHR is not a perfect document. Aside from its cultural biases, it has one fundamental shortcoming. While the most pressing human need is not to suffer, and especially not to be in agony, the UDHR makes no explicit mention of a human right to be free of preventable suffering, referring rather to the vaguer, more classical concept of human "dignity". Nonetheless, freedom from suffering and from physical pain in particular are implied in the right to health, well-being and medical care, and also in the right to freedom from torture or cruel, inhuman or degrading treatment or punishment.

The UDHR has since become a key foundational reference in the drafting of international and national legislation, and UN institutions, documents and treaties have embedded human rights into international law, with mechanisms in place to ensure states' accountability. Although the UDHR itself has not been modified since its initial creation, there has been a progressive expansion in the scope and detail of what are generally recognised as human rights, with their associated binding obligations upon states.<sup>2</sup>

One of these human rights is access to essential medicines, including for the treatment of pain. Two UN Special Rapporteurs – on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and on torture and other cruel, inhuman or degrading treatment or punishment – have explicitly stated that ensuring access to pain medication is a key element of the

respective human rights to health and freedom from torture.<sup>3</sup> The UN Committee on Economic, Social and Cultural Rights has similarly stated that access to essential medicines, which include morphine and other opioid analgesics,<sup>4</sup> is an element of the right to the highest attainable standard of physical and mental health.

That millions of sick people throughout low- and middle-income countries suffer horrendous pain because they cannot access the morphine they need is a tragedy – the result of unwarranted fears and a failure of governments to care for those most in need. This affliction of untreated pain has astonishingly spread to the US as well, as chronic pain patients are now being deprived of opioid pain medication as the result of government guidelines and legislation.

These situations are in complete contradiction with any compassionate ethical framework. When governments are not sufficiently guided by ethical thinking to ensure that people in severe pain have access to the medication they need, the fact that this failure is now acknowledged to be a human rights violation provides an additional legal and persuasive tool to urge governments to take concrete action. A resolution passed on 23 March 2018 during the 37<sup>th</sup> session of the Human Rights Council noted “with concern that, although human rights are an indispensable part of the international legal framework for the design and implementation of drug policies, the availability of internationally controlled narcotic drugs and psychotropic substances for medical and scientific purposes, including for the relief of pain and suffering, remains low to non-existent in many countries of the world...”<sup>5</sup>

Some day in the future, national and international legislation will explicitly codify as the most fundamental principle the right of all sentient beings not to suffer, and effective mechanisms will be in place to guarantee this right. In the meantime, we must continue to advocate strongly, ratchet up progress and use all means at our disposal to make this vision a reality.<sup>6</sup>

<sup>1</sup> <http://www.un.org/en/universal-declaration-human-rights/index.html>

<sup>2</sup> <http://www.ohchr.org/Documents/Publications/FAQen.pdf>

<sup>3</sup> <http://www.preventsuffering.org/wp-content/uploads/2018/03/Guide-to-morphine-access.pdf>

<sup>4</sup> <http://apps.who.int/medicinedocs/documents/s21454en/s21454en.pdf>

<sup>5</sup> [https://documents-dds-](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/083/15/PDF/G1808315.pdf?OpenElement)

<ny.un.org/doc/UNDOC/GEN/G18/083/15/PDF/G1808315.pdf?OpenElement>

<sup>6</sup> <https://www.youtube.com/watch?v=ReA4nbYlv60>