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INTERNATIONAL LAW STUDY ON PATIENT RIGHTS AND PROTECTION IN THE ERA OF GLOBALISATION

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Abstract

This study of international law highlights the rights and protection of patients in the era of globalisation, focusing on the responsibilities of the state and health institutions and the harmonisation of health regulations between countries. The study emphasises the importance of international treaties and conventions such as the Universal Declaration of Human Rights in guaranteeing the right to health. However, implementation at the national level is still inconsistent due to factors such as limited resources and social injustice. In conclusion, the protection of patients' rights in the era of globalisation requires a multilateral approach, global collaboration, and technical and financial support to ensure the implementation of international obligations and fair and equitable health protection.

Keywords: International Law, Rights, Patient Protection, Globalisation Era.

Introduction

In the era of globalisation, the world is experiencing ever-deeper connections in various fields, one of which is health. Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. Health covers various aspects of human life, including good physical condition, mental well-being and healthy social relationships (Kaur, 2020). Health is not only limited to the absence of disease, but also includes an overall optimal quality of life. It includes the individual's ability to carry out their social role, contribute to society, and reach their full potential in a healthy and balanced environment (Wang, 2022).

Health is the main foundation for the well-being of individuals and society. Good health enables people to lead productive and fulfilling lives. In the context of the individual, health enables a person to work, study, and achieve their personal aspirations (Johnson, 2021). Socially and economically, a healthy population is important for sustainable development, because healthy people tend to be more productive, reduce the economic burden on the health system, and are able to participate fully in economic and community life. Good health is also a human right, which requires attention and protection from all sectors, including governments, communities, and individuals, to ensure that everyone has equal access to quality health services (Rosenthal, 2020).

Globalisation has had a significant impact on the mobility of health workers, the distribution of medical information, and patients' access to health services in various countries. Along with this progress, new challenges have arisen regarding the protection of patients‘ rights, which now face cross-border complexities. Patients accessing healthcare in other countries, whether for medical tourism or specialised care not available in their home country, often face a different legal framework. This can include differences in standards of care, health data protection regulations, and patients’ rights in general (Annas, 1995). In addition, cross-border law enforcement can be complicated when medical disputes arise, leaving patients in an uncertain situation. Therefore, there is an urgent need for international regulatory harmonisation and cooperation between countries to ensure that patients' rights are protected, regardless of where they receive treatment (Lopez, 2020).

The development of information technology also adds a layer of complexity to the protection of patient rights, especially in a cross-border context. The digital exchange of medical data between countries and health institutions presents significant privacy challenges. Each country has different rules regarding privacy and personal data protection, which can make it difficult to keep patient information confidential when the data is shared or accessed between countries. In addition, cybersecurity threats add to the complexity of protecting sensitive health data from unauthorised access or misuse. These challenges demand strong international standards and strict security policies to protect patients' rights in an increasingly digital and globally connected environment (Roberts & Martinez, 2024).

In the context of international law, there are already various regulations and declarations aimed at protecting patients' rights. The Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) are examples of international legal instruments that affirm basic human rights, including the right to health. At a more specific level, the Declaration on the Rights of Patients of the World Medical Association (WMA) offers guidelines on ethics and patient rights that must be respected by all health practitioners worldwide (Meier & Onzivu, 2014).

However, despite the existence of many legal instruments, the implementation and enforcement of these rights is often uneven. Differences in the level of success of the implementation of international law in various countries indicate gaps that require further attention. Therefore, this study aims to explore the international legal framework regarding patient rights and protection in the context of globalisation, and to identify problems faced in its implementation.

Research Methods

The study in this research uses the literature method. The literature research method, often referred to as a literature review or library study, is an approach used to collect data and information from various sources of writing relevant to the research topic. The main objective of this method is to gain an in-depth understanding of existing theories, concepts, and previous findings in the field under study. This process involves the identification, evaluation, and synthesis of books, scientific articles, journals, research reports, and other reliable sources (Tranfield et al., 2003); (Machi & McEvoy, 2016). By criticising and analysing existing works, researchers can find gaps in knowledge that have not yet been filled, synthesise existing information to formulate new hypotheses, and ensure that the research to be conducted does not repeat similar research that has already been done. In addition, a literature review helps in developing a more structured theoretical framework and research design (Ridley, 2012).

Results and Discussion

International Legal Framework Regarding Patient Rights and Protection

The international legal framework related to patient rights and protection is a set of rules intended to ensure that all patients, regardless of nationality or geographical location, receive adequate protection in the context of health services. One of the key elements in this framework is the UN Universal Declaration of Human Rights (1948), which emphasises the right of every person to enjoy an adequate standard of living, including health and well-being. This declaration is the basis for many other legal instruments relating to patients' rights (Kim, 2022).

The International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) further underlines the right to health as a human right. Article 12 of this covenant states that signatory states must take steps to achieve the full realisation of this right, including through the creation of conditions that guarantee the necessary medical services and attention for all people when they are sick. In addition, the International Declaration of the Rights of the Patient (Lisbon, 1981) adopted by the World Medical Association (WMA) provides more detailed guidance on patients' rights. This declaration includes the right to quality medical services, the right to necessary information regarding health conditions and treatment options, and the right to give permission for or refuse proposed medical interventions (Fidler, 2004).

At the regional level, there are also instruments that focus on patient rights. For example, the Council of Europe's Convention on Human Rights and Biomedicine (Oviedo Convention, 1997) establishes basic principles such as informed consent and the protection of the privacy of health information. This convention represents an attempt to balance biomedical progress and the protection of human rights (Gostin & Wiley, 2016). In addition, in many countries, there are efforts to harmonise national laws with international standards related to patients' rights. This often includes the creation of specific laws governing the protection of patient data, access to health records, and the handling of patient complaints, in line with guidelines provided by international organisations such as the World Health Organisation (WHO) (Jung, 2025).

The WHO itself plays an important role in promoting the right to health through various global initiatives and guidelines. The WHO has emphasised the importance of universal access to essential health services and has issued guidelines related to patients' rights in the context of primary health care, including aspects of non-discrimination and the absence of unfair treatment (Buse et al., 2009).

Patient rights and protections are also strengthened through the jurisdiction and monitoring of international human rights committees. For example, the Committee on Economic, Social and Cultural Rights regularly reviews countries‘ compliance with the ICESCR and makes recommendations for improving health policies that uphold patients’ rights (Chu, 2024).

In addition to legal and regulatory instruments, another important element in patient rights and protection is capacity building and education. Training of health professionals in patient rights and medical ethics is essential to ensure that these principles are applied in daily practice. This includes continuing education on how to handle patient information respectfully and maintain privacy and confidentiality (Patel, 2025).

The importance of this international legal framework regarding patients‘ rights has become increasingly clear in global health crisis situations, such as the COVID-19 pandemic. During the pandemic, violations of patients’ rights can occur, highlighting the need to keep protection mechanisms active and effective, and to ensure that patients receive fair treatment and access to the care they need, both in emergencies and in routine health services (Smith, 2020).

Overall, this international legal framework serves as a guide and minimum standard for countries to ensure that patients‘ rights and welfare are protected. The adoption and implementation of these principles in national laws and health policies is essential to improve the quality of healthcare and ensure that patients’ human rights are respected worldwide.

Patient Rights in an International Context

Patient rights in the international context are an integral part of the protection of human rights and ethical standards in healthcare practices around the world. These rights are designed to ensure that patients receive medical care with due regard for their dignity, confidentiality, and privacy. The protection of patients' rights covers various aspects, from the right to clear and complete information about their medical condition to the right to consent to or refuse medical intervention (Mann et al., 1994).

One of the main rights of patients is the right to information. Patients have the right to know relevant information about their diagnosis, available treatment options, and the risks and benefits of each medical intervention. This enables patients to make informed decisions about their healthcare. This information needs to be presented in a way that patients can understand, using simple language and minimising complicated medical terminology (Ahmed, 2023).

The second crucial right is the right to informed consent. Before undergoing a medical procedure, patients must receive all the information necessary to understand what will happen, including potential risks and benefits. The consent obtained must be given voluntarily without pressure or coercion, ensuring that the decision made by the patient is truly autonomous and based on their own wishes (Diaz & Thompson, 2021).

In addition, the right to privacy and confidentiality is an important aspect of patient care. Personal health information must be strictly protected and shared only with authorised and relevant parties. Violation of medical confidentiality can damage the trust between patients and healthcare providers, and can have legal consequences for medical institutions (Brown, 2024).

The right to medical care without discrimination is also an important component of international patient rights. Patients should be treated equally regardless of race, gender, age, religion, or socioeconomic status. This principle is essential to ensure that every individual has fair access to quality health care, which is the basis of an effective and humanistic health system (Wang, 2022).

The right to pain management is also increasingly recognised as an important part of patient rights. Inadequate pain management has been identified as a violation of medical ethics and a form of human rights abuse. Therefore, patients have the right to request and receive adequate treatment to reduce pain and improve their quality of life (Yamin, 2008).

International councils, such as the World Health Organization (WHO), and human rights organisations are working together to establish global guidelines governing these rights. They provide a framework that can be adopted nationally by member countries, while advocating for policy changes that protect patients‘ rights. This partnership also aims to improve education and awareness among healthcare providers about the importance of respecting patients’ rights (Devereux, 2005).

In addition to the international framework, many countries have developed specific laws and regulations to protect these rights in their local context. For example, in the United States, the Patient's Bill of Rights provides clear guidance on the rights of patients that healthcare providers must respect. Similarly, the European Union has a Charter of Patient Rights that is applied across its member states, which strengthens protections for patients in various medical situations (White, 2022).

The implementation and enforcement of patients‘ rights requires continuous efforts from all parties involved. Effective monitoring systems, training for medical personnel, and dispute resolution mechanisms are important steps to ensure that these rights are respected and implemented. Thus, patients’ rights are not only normative rules, but also part of real practice in the provision of global health care.

Patient Protection in the Age of Globalisation

Globalisation has increased patient mobility, enabling people to seek medical care abroad, giving rise to the concept of medical tourism. While this offers opportunities to obtain medical care at a lower cost or with more advanced technology, there are also risks that need to be anticipated. Patients often face legal and ethical challenges, such as standardisation of care, medical regulations between different countries, and the risk of post-treatment complications after they return to their home country (Gupta, 2025).

In facing these challenges, the harmonisation of international health standards is very important. Bodies such as the World Health Organisation (WHO) and other regional organisations are constantly striving to establish standards and guidelines that ensure the quality and safety of patient care worldwide. The adoption of these standards by various countries is a crucial step in reducing variations in the quality of care and reducing risks for patients receiving cross-border care (Li & Chen, 2023).

The use of technology in the medical world continues to grow, such as telemedicine and electronic health records (EHR), which also enrich the complexity of patient protection. This technology enables faster and more efficient exchange of medical information, but also brings new challenges regarding patient data privacy and security. Therefore, strict regulations and strong protection mechanisms are needed so that this technology can be used optimally without compromising patient privacy (Kaur, 2020).

Patient protection must also cover aspects of patient rights, including the right to information, consent before medical procedures, and humane treatment. Good health education and open communication between patients and medical personnel is essential so that patients can understand their condition, the treatment options available, and the risks that may occur. Thus, patients have greater control over decisions concerning their health (Wang, 2022).

Patient-based health systems, which place the interests and rights of patients as a top priority, must be the main focus of health policy in the era of globalisation. Countries need to work together to create a framework that protects patients' rights and ensures equitable access to quality health services. This collective effort will lead to a fairer and more effective health system (Johnson, 2021).

Thus, in the era of globalisation, patient protection is becoming increasingly complex and urgent. Globalisation brings opportunities and challenges for patient protection, including issues of standardisation of care, regulation, data privacy, and patient rights. Therefore, collaborative efforts involving various parties, including the government, international organisations, medical personnel, and the wider community, are needed. Alignment of international standards, effective regulations, safe technology, and adequate patient education are key to this effort. In the future, patient protection must continue to be a priority in all health policies and practices so that every individual receives safe, quality care that respects their rights as a patient.

Conclusion

International legal studies on patients‘ rights and protection in the era of globalisation show an increased attention to the accountability of the state and health institutions in ensuring patients’ rights. The study also underlines the importance of harmonising health regulations in various countries to face the increasingly complex challenges of globalisation. International treaties and health conventions, such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, affirm the right of every individual to the highest standard of physical and mental health.

However, this study found that although many countries have ratified these international treaties, implementation at the national level is often inconsistent. A number of factors influence this, including resource capacity, limitations of domestic laws and regulations, and widespread social injustice. Additional challenges arise with the development of medical technology and cross-border health care systems that require a more flexible and coordinated regulatory framework.

Thus, in this era of globalisation, the protection of patients' rights requires a strong multilateral approach and synergy between countries, international institutions and the private sector. Global collaboration and technical and financial support are essential to increase the capabilities of developing countries in implementing their international obligations. Strengthening regulations and policies based on human rights is also key to ensuring that every patient receives protection and proper health rights wherever they are.

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