

# Charter of the Hospital patient

(Luxembourg, 9 May 1979)

adopted by the Hospital Committee of the European Economic Community during its Plenary Session held in Luxembourg set from the sixth to the ninth of May 1979, on the report submitted by the Sub-Committee on Hospital Management.

---

## Preamble

1. In the conviction that the hospital patient has fundamental rights in relation to the service provided in a hospital and that these rights are closely connected with a humane service, the Hospital Committee of the E.E.C. decided, during its 18th General Assembly in Copenhagen, May 1977, to study these rights. This study has resulted in a charter of the Hospital patient, which was adopted during the 20th General Assembly in Luxembourg, May 1979. In formulating its views the Committee has taken into account the following articles:

- Art. 25 of the Universal Declaration of Human Rights (1948);
- Art. 11 and 13 of the European Social Charter (1961);
- Art. 12.1 of the International UNO-Convention on Economic, Social and Cultural Rights (1966);
- Resolution 23.41 of the World Health Organization (1970).

2. The Charter is specifically for the hospital patient. It is not meant to ignore other patients in the health care system, but the Hospital Committee of the E.E.C. wishes to stay within its role, by formulating patient rights in the hospital situation. The Committee hopes that this Charter of the Hospital Patient will contribute to the evolution of a Charter of patient Rights in a wider setting.

3. The hospital is, in the understanding of the Committee, not an absolute solution for all health problems. The Committee holds the view that everyone has a basic right of access to an organized and structures health care system, in which the hospital, along with other services, fulfils its own role.

4. The Charter of the Hospital Patient is a statement of each person's individual basic rights, within the hospital setting. It acknowledges for instance the right of self-determination, the right to information, the right to respect for his privacy, the right to religious and philosophical freedom.

5. A statement of the rights of the hospital patient however, is in itself not sufficient. In each hospital, the conditions should be created in order to respect these rights, and further, to make the patient aware that he has claim to these rights. The need to create these conditions should be reflected in the manner in which the hospital is organized, in the planning of its physical resources and the attitudes of its staff.

6. It must be pointed out that the rights set out in the Charter are accompanied by obligations on the part of the hospital patient. These obligations include reasonable behaviour at all times, respect and consideration by him for the rights of his fellow-patients, and co-operation with the hospital staff and management.

7. Subject to the legislation enacted in each country, the Charter is applicable to all hospital patients. There are some categories of patients (e.g. psychiatric patients) who require additional safeguarding of

their rights. Nevertheless the Charter is intended to be an overall statement of the basic rights of all hospital patients.

## **The Rights of the Hospital Patient**

1. The patient has the right of access to hospital services appropriate to the nature of his illness or condition.
2. The hospital patient has the right to considerate care with respect for his human dignity. This care includes not only medical, nursing and allied services, but also appropriate counseling, accommodation, administrative and technical assistance.
3. The hospital patient has the right to consent to, or refuse the application to him of any diagnostic or treatment procedure. In the case of a patient who is fully or partially incapable (as defined by law or in reality) of exercising this right, it shall be exercised, to the extent that the patient cannot do so himself, on his behalf by his representative or a person defined by law.
4. The hospital patient has the right to information relevant to his situation. The best interests of the patient should be paramount in the imparting of information. Subject to this, the information given must allow the patient the fullest insight into all aspects of his situation, medical and otherwise and, on an informed basis, enable him to make his own decisions or to participate in decisions which have implications for his well-being.
5. The hospital patient or his representative (as referred to in § 3) has the right to be fully informed in advance concerning the risks involved in the application to him of any unestablished diagnostic or treatment procedure. The explicit consent to the carrying out of such procedure, must be obtained and can be withdrawn at any stage. With regard to the patient's participation in clinical research or teaching, the patient must be made to feel completely free to accept or decline, to participate or to withdraw at any stage.
6. The hospital patient has, within the physical limitations or the environment in which he is accommodated, the right to the protection of his privacy. The confidentiality of information and records of a personal, particularly medical, nature, must be ensured.
7. The hospital patient has the right to respect for and recognition of his religious and philosophical beliefs.
8. The hospital patient has the right to complain, to have his complaint investigated and to be informed of the outcome.

Luxembourg, May 9th, 1979.