PUBLIC HEALTH LAW (PHS 402)

DR. VERONICA C. GABRIEL
NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE
NNAMDI AZIKIWE EXPRESSWAY
JABI, ABUJA

MODULE SEVEN

TREND AND LEGAL AUTHORITY APPRAISAL OF PUBLIC HEALTH LAWS IN 21ST CENTUARY

LEARNING OBJECTIVES

At the end of studying this unit the learner should be able to:

1. Describe The Trend of Law and Public Health Issues
2. Discuss the Legal Authority Appraisal of Public Health Law
3. Distinguish Between Old and New Public Health Law

Trends of Law and Public Health Issues

Public health law is at the intersection of other disciplines or fields including forensic medicine, health law, health care law, environmental law, and bioethics. While public health law conceptually related to the arenas of law and medicine, it is a distinctive discipline which is subjected to empirical, theoretical and practical distinction from other disciplines at the nexus of the health and law.

Legal Authority Appraise of Acts of Public Health

Most legal authorities are in the process of appraising their main acts of public health. The documentation of some fundamentals or values, supported by examples of good practice, would seem useful to aid reliability in approach concerning the various jurisdictions. The governments in Nigeria like other countries today have passed a law in response to specific disease threats such as yellow fever, trypanosomiasis, sexually transmitted infection and HIV/AIDS, road traffic accident, etc

Distinction Between Old and New Public Health Laws

Definitely, old laws are not automatically laws that are bad. A well-written Act may remain useful, efficacious and constitutional for many decades. Old laws are, however, often outdated in ways that directly reduce their efficacy and conformity to modern legal standards. Old laws may not reflect current medical treatments of choice or contemporary scientific understanding of a disease or constitutional limits on the government's authority to limit individual freedoms. The law may also fail to allow public health agencies, the choice to administrative regulation for enactments. Some old public health laws lag behind advances in discrimination law, constitutional law, confidentiality in health information and requirements

- The governments in Nigeria like other countries today have passed a law in response to specific disease threats such as yellow fever, trypanosomiasis, sexually transmitted infection and HIV/AIDS, road traffic accident.
- Some old laws may fail to allow public health agencies, the choice to administrative regulation for enactments. One major advantage of reform to public health law would be to offer better clearness on legal powers and responsibilities

MODULE EIGHT

THE FRAMEWORK AND RATIONALE FOR PUBLIC HEALTH LAW

Learning Objectives

- At the end of studying this unit the learner should be able to:
- 1. Describe The The Framework of Public Health Law and Ottawa Declaration
- 2. Describe The Framework of Public Health Law and Tallinn Charter Decalration on Health Systems
- 3. Enumerate the Rationale for the Establishment of Public Health Law

The Framework of Public Health Law and Ottawa Declaration on Health Promotion

Public health law provides an opportunity for development of a framework of the philosophy of public health. The Charter for health promotion was agreed upon in Ottawa November 1986 at the First International Conference on Health Promotion. It highlights the essential for administrations to build —healthy public policy‖ and to —accept their tasks for health‖ through a varied range of policies and initiatives, including the construction

The Framework of Public Health Law and Tallinn Charter Decalration on Health Systems FF

- International Conference on health systems for health and wealth by WHO tagged —Tallinn Charter‖ which confirmed and articulated the following principles:
- Promote shared values of equity, participation, and solidarity through resource allocation, health policies for the needs of the vulnerable groups and the poor;
- Investment in health systems spread across other sectors that affect health;
- Make health systems more responsive to people's needs, expectations and preferences while recognizing their rights and responsibilities about their health;
- Engage stakeholders development and

Rationale for the Establishment of Public Health Law

Appropriate legislation is fundamental to improving public health. At the national level countries continuously need to review and update health legislature for:

1. protection and promotion of populations health;
2. sustain their health policies and programmes;
3. prevent ill-health resulting from unsafe products and unsafe living conditions;
4. fight new and re-emerging communicable diseases;
5. support the development of health systems; and
6. combat continuing poverty, inequities in health and discrimination.

Contd.

At the international level:

1. contemporary global health challenges reveal our inter-dependence, and demand collective consensus and collective action;

2. national and international health laws are mutually supportive, and are vital to protecting and promoting health; and

3. the importance of health legislation reflected in many national constitutions and the WHO Constitution

THANK YOU