

Human Rights and Oral Health Care: A Report of the 7th International Dental Ethics and Law Congress

From May 24–26, 2007, the Congress of the International Dental Ethics and Law Society (IDEALS) took place at the University of Toronto’s St. Michael’s College in Toronto, Ontario. IDEALS was established to foster a multidisciplinary international dialogue on the values guiding the practice of oral health care. It involves dentistry and allied oral health sciences, ethics and law, and related disciplines such as philosophy, the humanities and social sciences.

This congress was only the second to take place outside of Europe and the very first Canadian gathering. Although attendance numbers were modest, attendees represented 15 different countries from 4 continents (Australia, Belgium, Brazil, Canada, Croatia, France, India, Italy, Japan, Netherlands, Norway, Peru, Sweden, the United Kingdom and the United States).

The Toronto congress was also the site of another IDEALS first — the adoption of a new international declaration. The World Medical Association (WMA) has issued several international declarations on the involve-

ment of physicians in torture, most notably the WMA’s *Declaration of Tokyo*. In 2004, Dr. Richard Speers, president of IDEALS, called on the international dental community to follow the WMA’s lead and develop a declaration on the involvement of dental professionals in hostile interrogation and torture. The FDI World Dental Federation (FDI) agreed to consider this issue and a steering committee of IDEALS members drafted a declaration to present to FDI. The IDEALS membership adopted the final draft declaration in Toronto, and FDI subsequently passed *Guidelines for Dentists against Torture* during the FDI Annual World Dental Congress in Dubai in October 2007.¹

The theme of the Toronto congress was “Human Rights and Oral Health Care.” Key-note presentations by internationally renowned speakers, panels, roundtable discussions and breakout sessions fostered a rich exchange of knowledge on topics relating to human rights and dental research; the role of dentists in human rights, law enforcement and warfare; safeguarding human rights in oral health;



The University of Toronto’s historic and picturesque St. Michael’s College campus hosted the very first IDEALS gathering to take place in Canada.



Panel discussion on “Safeguarding Human Rights in Oral Health.” From left: Dr. Michèle Aerden (France), Mr. Irwin Fefergrad (Canada) and Dr. Abbyann Lynch (Canada).

the right to oral health care; and old and new challenges to human rights in oral health care. This report provides a synopsis of selected proceedings and highlights the need for organized efforts to address issues related to human rights, dentistry, oral health disparities and the promotion of equitable access to care within the context of professional duties that guide the practice of dentistry.

Human Rights and Dental Research

Dr. Richard Ellen of the University of Toronto’s faculty of dentistry gave the opening keynote presentation, titled “Human Rights and Ethical Considerations for Dental Research.” He discussed issues related to the conduct of ethical research, ranging from the protection of research subjects and their dignity, to investigators’ integrity, to guiding principles for international research. Dr. Ellen emphasized the importance of constructive relationships with research ethics boards.

Dr. Charles Weijer of the University of Western Ontario presented “Human Rights, Vulnerable Patient Populations, and Biomedical Research.” Using vaccine trials for the rotavirus as an example, Dr. Weijer focused on the vulnerability of subjects in developing countries and the quandary of acceptable risks for those populations.

Dr. Jos Welie of Creighton University in Omaha, Nebraska, closed the keynote session with the presentation, “Further Ethical Reflections on Oral Health Research.” He examined the role of codes of ethics and international declarations in

protecting research subjects, such as UNESCO’s recently adopted *Universal Declaration on Bioethics and Human Rights*.² Dr. Welie reminded attendees of 3 ethical challenges facing dental researchers, particularly those engaged in clinical research: seeking data instead of healing, the uncertainty of data procured, and most importantly, the vulnerability and dependency of their subjects.

Human Rights, Law Enforcement and Warfare: The Role of Dentists

Dental historian Dr. Xavier Riaud of the University of Nantes, France, opened the second day of the congress with his presentation, “The Medical Code of Ethics Under a Totalitarian Regime: The German Dentists During the Third Reich.” He described how dentistry was organized before and during World War II, particularly during the Third Reich. Dr. Riaud discussed the many ways in which some dentists were involved in war crimes, such as university lectures on racial health, assessments of patients with cleft lip and palate to justify sterilization, and the extraction of dental gold from deceased persons and living patients whose conditions could not be treated. Dr. Riaud also acknowledged that many dentists refused to acquiesce to Nazi policy in spite of severe retribution.

Dr. Emilio Nuzzolese, an auxiliary armed forces and forensic odontologist from Bari, Italy, followed with his presentation on the ethical situations health professionals may face during periods of war. These 2 presentations were followed by a further discussion on the role of dentists in law enforcement and warfare.

Safeguarding Human Rights in Oral Health

The challenge of safeguarding fundamental human rights, many of which are not protected by enforceable laws or backed by police power, is significant and complex. The maxim “prevention is better than the cure” applies here. Prevention is primarily achieved by training oral health care providers to become informed and ethically motivated practitioners. Changes are also required in the ethical governance of dental research, as dishonesty and the submission of fraudulent research can deceive even the most experienced scientific reviewers.

This topic was addressed in a plenary roundtable discussion with Dr. Abbyann Lynch, director of the private consulting group Ethics in Health Care Associates, from Toronto, Ontario, Mr. Irwin Fefergrad, registrar for the Royal College of Dental

Surgeons of Ontario and Dr. Michèle Aerden, then president of FDI.

This session focused on the roles of preventive strategies, regulatory agencies and international associations to safeguard human rights. Examining the effectiveness of dental ethics education, Dr. Lynch reviewed the differences between university-based continuing education courses on dental ethics provided in undergraduate or graduate dental programs and remedial dental ethics courses imposed on dentists and dental students. Using the Royal College of Dental Surgeons of Ontario as his example, Mr. Fefergrad covered ethical issues health regulators may face, in particular, pandemic preparedness and licensing for internationally trained dentists. At an international level, Dr. Aerden talked about the role of FDI in maintaining the link between oral health and human rights, and the duties of dental professionals to society.

The Right to Oral Health Care

The issue of access to basic oral health care is the most urgent human rights issue that faces oral health professionals today in both developed and developing countries. Yet oral health remains noticeably absent from the global agenda on human rights and health care. Recent initiatives have attempted to spark a universal commitment to oral health as a basic human right and the development of appropriate oral health policies at national levels. In 2003, the 5th International Dental Ethics and Law Congress was devoted to the topic of “Rights, Access and Justice in Oral Health Care.” In 2004, FDI and the World Health Organization organized the Nairobi Conference on Oral Health that resulted in the *Nairobi Declaration on Oral Health in*

Africa,³ followed by the *Phuket Declaration on Oral Health in HIV/AIDS*.⁴

However, as Dr. Frank Catalanotto of the University of Florida in Gainesville, Florida, addressed on the final day of the congress in his keynote presentation, “Is Access to Oral Health Care a Right?”, there continues to be considerable debate as to whether or not access to oral health should be considered a right. He suggested that the dental profession has an obligation to provide some level of dental care for underserved populations and argued that dental professionals and the public must ensure there is a fair distribution of health services and that barriers to access are removed. Dr. Suzette Porter from the University of Queensland, Australia, and Valerie Smith from Winnipeg, Manitoba, provided follow-up commentary on Dr. Catalanotto’s presentation.

Old and New Challenges to Human Rights in Oral Health Care

The field of dentistry and oral health care in general has made dramatic progress in recent decades, embracing new technologies, expanding therapeutic options and employing new practice management strategies. For all the benefits these new advances have yielded, they have also engendered new ethical challenges and even potential infringements of fundamental human rights. For example, with delivery systems becoming increasingly more complicated, the likelihood of practitioner error also increases. Breakout sessions during this final part of the congress were devoted to rights in the clinical and professional contexts, such as the rights of patients harmed by error and the need for disclosure, apology and reparation.



Dr. Richard Ellen (Canada) gives the opening keynote plenary address on “Human Rights and Ethical Considerations for Dental Research.”



From left: Discussion between speakers Dr. Emilio Nuzzolese (Italy) and Dr. Frank Catalanotto (USA).

Most urgent, however, are the human rights challenges raised by new information management systems. Professor Elaine Gibson from Dalhousie University addressed this issue in her closing presentation, “Information Management in an Electronic Age,” focusing on the ethical and legal issues related to confidentiality of information in electronic health records. She argued that electronic health records could improve a practice, but also threaten patient confidentiality, a situation that must be acknowledged if the population is to trust these systems. Dr. Richard Speers’ commentary on Dr. Gibson’s presentation underscored the potential threat of electronic health records to patient confidentiality. He warned that the Canadian electronic health record is being developed with patient privacy and rights to control information as secondary to disclosure and use without consent or knowledge. Federal and provincial privacy bills have effectively removed patient control of secondary use as described by the Supreme Court of Canada.⁵

Conclusion

The Toronto IDEALS congress followed on the footsteps of other meetings devoted to the ethical and legal aspects of dentistry and oral health care. In 2003, the Association of Canadian Faculties of Dentistry devoted its biannual conference to the topic of ethics and professionalism in dental education. As a precursor to the 2007 IDEALS congress, the American Dental Ethics and Law Society organized an intensive workshop on “Effective Teaching in Dental Ethics.” We invite provincial dental associations, dental and hygiene schools, the

royal colleges and other organizations in Canadian oral health care to follow suit and make sure that these important discussions on the ethical and legal parameters of dental care continue. ♦

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Acknowledgments: The Toronto congress was made possible thanks to the generous support of sponsors and the tireless efforts of many individuals and organizations, including Dr. Christopher McCulloch, the Dentistry Canada Fund, SciCan, Straumann Canada, Health Canada, Dentsply International, the American Society for Dental Ethics, the American College of Dentists and the University of Toronto’s Murray Hunt Lecture. The congress was organized in cooperation with the Canadian Dental Association, which provided valuable in-kind support.

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