

**Public Health Legislation Consultation**  
**Comments from the Bishops' Conference of Scotland**

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The Bishops' Conference of Scotland is pleased to have the opportunity to comment on the consultation on Public Health Legislation and hopes that the short comments below are of some benefit to the consultation process on this important matter.

Safeguarding health commits the health care worker particularly in the area of prevention.

Prevention is better than cure, both because it spares the person the discomfort and suffering from the illness, and because it spares society the costs, and not only economic costs, of treatment<sup>1</sup>.

There is therefore strong justification in taking public health initiatives aimed at preventing the incidence or spread of health risks. At times this will require limiting the freedom of individuals or seeking the compliance of individuals to participate in programmes aimed at protecting the common good.

In the area of medical treatment prevention may consist in administering particular medicines, vaccination, screening tests to ascertain predispositions, in prescribing behaviour and habits to prevent the occurrence, the spread and the worsening of the illness, essentially belongs to health care workers. This might be for all the members of a society, for groups of people or for individuals.

Medical prevention can also be used in the wider sense of the term, where initiatives are aimed at prevention in cases of so-called social illnesses, such as drug-dependency, alcoholism, tobacco addiction, AIDS; of the problems of social sectors of individuals such as adolescents, the handicapped, the aged; of risks to health tied up with the conditions and ways of living nowadays, such as in food, the environment, the work-place, sports, urban traffic, the use of transportation means, of machines and domestic electrical appliances.

In these cases preventive intervention is the primary and most effective remedy, if not, indeed, the only possible one. But it needs a concerted effort from all sectors of a society. Prevention in this case is more than a medical-health action. It involves a sensitizing of the culture, through a recovery of forgotten values and education in them, to a more sober and integral concept of life, information about risky habits, the formation of a political consensus for supporting laws.

The effective and efficacious possibility of prevention is linked not only, nor primarily, to the techniques adopted, but to the reasons behind it and to their being made concrete and made known in that culture.

Inevitably there can be a tension between the need to protect public health and the need to respect the conscience and freedom of the individual. It is necessary that public authorities keep careful watch so that restrictions placed on freedom or any onus placed on personal activity will never become harmful to personal dignity of the individual. A vision of the individual as a person, that is, an active and responsible subject of his own growth process, must be kept in mind<sup>2</sup>. Each person has the right to freely direct his own life within a framework of law ordered to the common good. Any activity by public authority which seeks to interfere with these freedoms needs to be proportionate to the danger faced and should be

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<sup>1</sup> c.f. Charter for Health Workers – The Pontifical Council for Pastoral Assistance to Health Care Workers, 1995

<sup>2</sup> c.f. Compendium of the Social Doctrine of the Church, 133

commensurate with the necessity of maintaining the common good without losing sight of the fact that society is ordered to the good of the individual.

Particular issues that must be borne in mind include the need for the informed consent of an individual before administering treatment as well as the right to privacy.

No one can be obliged, to have recourse to a type of treatment which, although already in use, is still not without dangers or is too onerous.