

Bioethics and public health policies in Mexico

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Abstract

Introduction: Bioethics, as a reference framework for collective decision-making in plural societies, represents a valuable tool for the development, implementation and evaluation of public policies in order to address structural deficiencies and contexts of vulnerability that disproportionately affect certain sectors of the population. **Objective:** To provide guidelines for the strengthening of actions, programs and public policies aimed at addressing the ethical dilemmas and challenges faced by health personnel. **Methods:** A documentary research process was carried out on the moral context faced by health personnel at the federal level. **Results:** Health budget programs show important gaps in their design, implementation or evaluation, which give rise to various ethical and human rights problems. **Conclusions:** Given the difficulty for reaching agreements or generating common understanding with regard to public health problems, bioethics contributes to a systematic approach to the challenges of the National Health System, for the safeguarding of the human rights of users, as well as of the integrity of its institutions.

KEYWORDS: Bioethics. Health policy. Human rights. Cultural diversity.

Bioética y políticas públicas en salud en México

Resumen

Introducción: La bioética como marco referencial para la toma de decisiones colectivas en sociedades plurales representa una valiosa herramienta para el desarrollo, implementación y evaluación de las políticas públicas a fin de abordar deficiencias estructurales y contextos de vulnerabilidad que afectan desproporcionalmente a ciertos sectores de la población. **Objetivo:** Brindar pautas para el fortalecimiento de las acciones, programas y políticas públicas orientadas al abordaje de los dilemas y desafíos éticos que enfrenta el personal de salud. **Métodos:** Se llevó a cabo un proceso de investigación documental sobre el contexto moral que enfrenta el personal de salud a nivel federal. **Resultados:** Los programas presupuestarios en salud presentan lagunas importantes en su diseño, implementación o evaluación, que dan lugar a diversos problemas éticos y de derechos humanos. **Conclusiones:** Ante la dificultad de alcanzar acuerdos o generar entendimiento común en relación con problemas públicos en salud, la bioética contribuye al abordamiento sistemático de los desafíos del Sistema Nacional de Salud, para la salvaguarda de los derechos humanos de los usuarios, como también de la integridad de sus instituciones.

PALABRAS CLAVE: Bioética. Política sanitaria. Derechos humanos. Diversidad cultural.

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Date of reception: 05-01-2022

Date of acceptance: 03-02-2022

DOI: 10.24875/GMM.M22000656

Gac Med Mex. 2022;158:136-140

Contents available at PubMed

www.gacetamedicademexico.com

Around the concept of bioethics

In the field of health services provision, scientific research and technological development, bioethics has been characterized for supporting the protection of groups in vulnerability conditions, in addition to promoting an equitable distribution of public health policies burdens and benefits. Various definitions have been proposed in its recent history; in this regard, the notion proposed by the Consultative Council of the National Bioethics Commission of Mexico is clarifying:

Branch of applied ethics that reflects, deliberates and makes regulatory and public policy suggestions in order to regulate and solve conflicts in social life, especially in life sciences, as well as in medical practice and research, which affect life on the planet, both currently and in future generations.¹

The practice of medicine does not merely comprise an administration of technical knowledge on a physical object (i.e., the patient body), but an articulation of the scientific, social and humanistic approach with the experience of the health professional in order to provide a level of care that is respectful of human rights and in accordance with patient needs, in which both the health professional and the user are co-responsible for defining the purpose and the means for its attainment: disease prevention, health restoration or relief of suffering.² Thus, a balance between patient needs and concerns and the expected benefits of a treatment or health intervention should be considered, since the impact it will have on patient life cannot be known a priori, especially when it involves a moderate or higher level of risk.³

Bioethics is not restricted to clinical practice, but incorporates an analysis of the economic determinants that affect people's well-being in order to ensure for the practice of medicine to be a socially responsible activity. It also provides a framework for addressing the structural conditions that generate disparity in power relations between population groups.⁴ As a philosophical current, it promotes a vision of morality that considers *vulnerability* as the fundamental criterion for guiding our interaction and association as rational and social animals,⁵ reconciling the naturalistic approach that dominates in biological sciences with the development of standards or guidelines for health protection. For this, it resorts to an interdisciplinary approach in order for the different arguments to be appraised and for the criteria that should prevail in public policies to be identified. Far from inheriting the

epistemic limits inherent to the practice of science, it is nourished by the contribution of the various fields of knowledge, blurring the theoretical boundaries between them.⁶

Methods

A documentary research process was carried out on the context of the moral challenges and dilemmas faced by health personnel at the federal level, which comprised an analysis of the context, structure and organization of information related to the functioning of health services, in which involved institutions, the regulatory framework and general characteristics of budgetary programs and related public policies, as well as their results, were considered. In addition, the conditions that hinder access to health protection for the population in conditions of vulnerability, such as stigmatization, marginalization or poverty, were addressed. The sources of these analyses consisted of censuses, surveys, accounts and reports by national and international official bodies, as well as civil society organizations.

Bioethics as a framework for the formulation, implementation and evaluation of public health policies

The approach adopted by the Federal Public Administration considers the role of the State as guarantor of economic and social development, in conditions of equity and non-discrimination; this implies, among other aspects, correcting the so-called "market failures", i.e., the factors that generate tension or inequity between social groups caused by the markets' operation.⁷ To that end, at the federal level, standards have been established for public policies' formulation, implementation and evaluation: the logical framework methodology and the procedures for results.⁸ However, to make the most of these tools highest potential, it is essential for adherence to ethical principles, such as transparency and accountability, to be ensured in order to efficiently conduct the deliberative process government institutions have been created for.

It is important to consider that every political system comprises a structural framework where several stakeholders with dissimilar interests, even opposed in some cases, come into relationship; it is not unconnected to paradox or dilemmatic situations, but we often find cases in which two or more opposing regulations can be applied⁹. In this sphere, reconciliation

between divergent points of view is extremely complex, especially in regards to the hegemonic power of certain religious groups, which is why sufficient conditions must be ensured for a horizontal and representative dialogue, with an approach based on human rights, which requires inter-sectoral action.¹⁰

In this regard, bioethics comprises a comprehensive framework for a systematic approach to public problems, while offering a space for the scrutiny of the tensions generated by the government in its role as public interest advocate, balancing different individual interests. Based on the recognition of the diversity of positions and the value of each one for contributing to the development of society, it promotes a deliberative exercise in which all involved parties have a voice, aiming to reach a common understanding and identify minimal ethical aspects in order to reduce social, economic and political gaps, in harmony with the principles of good governance, tolerance and non-discrimination. Thus, bioethics currently constitutes an invaluable tool for public policy.

Tolerance and human rights

Given the reluctance to meet between dissimilar points of view and listening to the other, or the misunderstanding of tolerance (as an obligation to remain silent or keep distant from the other), bioethics promotes tolerance not as a principle that merely requires following the social norms around *other peoples' rights* and non-discrimination, but as an exercise of empathy and encounter with the other, as well as to put the criteria that make up the personal vision of morality to the test.¹¹ From the comfort of usualness, it is difficult for the point of view of others to be appreciated, which is why we must put our own notions and beliefs into question in order to fairly value the contribution of each position, tackling the different forms of world conception and acknowledging our common vulnerability.¹²

In order to generate conditions for a fruitful dialogue between various social stakeholders, the following minimal criteria should be considered: appropriate understanding of the problem and its impact on the population, adoption of a broad and flexible frame of reference, as well as management of uncertainty.¹³ The challenge is not unimportant, since when adopting a regulation and imposing its observance, the federal executive and legislative power representative institutions must refrain from transforming their own

conception of morality into regulations, taking into account the needs of those directly affected by government interventions. In this sense, bioethical analysis offers a promising route to prospectively assess the potential of a policy for meeting the needs of society.

Bioethics promotes the development of public policies based on respect and the vision of otherness, as bearer of values that complement each other within a framework of ethical pluralism, recognizing the contributions in economic, social and cultural matters generated by the encounter between cultures.¹⁴ Far from promoting a sort of moral relativism, bioethics adopts the secular approach as a backbone principle to guide State intervention.

Bioethics as a principle of health governance

Bioethics has found a fertile ground in our country given that, since its origins, its medical tradition has advocated for a vision of health as an engine of social development and productive force.¹⁵ The development of this multidiscipline in Mexico has been oriented towards the prevention and resolution of ethical challenges and moral dilemmas in health and research with human subjects, based on the criteria established in national and international legislation, within the framework of the system of non-jurisdictional human rights protection—as a mechanism for accompanying those who are affected by the moral challenges and ethical dilemmas inherent to professional healthcare practice, as well as to guide authorities and institutions of the sector—.¹⁶

The model of bioethics institutional infrastructure in our country, although unique in its class at a global level, represents only a reflection of the characteristic institutional model of our country: *federalism*. Thus, the National Bioethics Commission, as a governing body, has been an advocate for health regulatory framework strengthening, especially with regard to some of the most controversial aspects of medical practice, such as assisted reproduction,¹⁷ research with groups in conditions of vulnerability,¹⁸ dignified death¹⁹ or marijuana regulation,²⁰ among others. To comply with its governing function, it has sought to build inter-sectoral and interinstitutional bridges by generating common understanding and encouraging exchange of experiences, analysis and information on topics related to bioethical activities in order to contribute to Mexico's social and sustainable development.

In the states, this task falls on state bioethics commissions,²¹ whose purpose is to contribute to the development of ethical regulations and offer advice for the development of public policies with a bioethical emphasis.²² At the local level, hospital bioethics committees²³ and research ethics committees²⁴ represent an essential support for addressing ethical dilemmas or conflicts in the provision of health services and research with human subjects, respectively. Thus, the development of bioethics in our country has focused on the promotion of guidelines for health care, research, legislation and teaching, as well as for a culture of bioethics to become established.

In the light of this scenario, it is possible for the complementarity bioethics in particular has with the principles that govern the public function in our country to be identified, since not only does it address market failures, but also the historical lag of systematically oppressed groups, as well as legislative gaps around health technological development.

The meaning of bioethics today

Those responsible for public policies in all different institutions of the federal executive power must consider measures to ensure their compliance, as well as cooperation of the stakeholders involved.²⁵ Nevertheless, the situation is complex —especially in light of the crisis unleashed by the pandemic caused by SARS-CoV-2—, since scientific and government institutions currently face a context of social mistrust —a cause for great concern since it can generate distrust, suspicion or even animosity towards government policies—. ²⁶

In this regard, the adoption of a common moral framework for action comprises a binding criterion, even previous to the legal framework, even if it was not jurisdictional. It has been argued about the need to avoid moral positions in public policy processes in pursuit of impartiality; however, this vision ignores that public policies are not developed in a moral vacuum, but rather constitute the reification of the spirit of a population and the values of its culture. In this sense, the commitment to human well-being in general, participatory democracy, social equity, health protection as a universal right and respect for cultural diversity, among others, are principles established in the Mexican United States Political Constitution that cannot merely depend on jurisdictional processes and mechanisms for their observance in Federal Public Administration.

The very definition of health and disease has an inherent moral burden, since the classification of a condition as a disease in order for resources to be spent for addressing it, ensuring equity of access conditions, adoption of quality and safety standards, as well as social burden measurement among others, has implications. Therefore, far from ignoring this aspect, it should constitute the starting point for deliberation, which would help to make sure for the process of formulation, implementation and evaluation of policies to be carried out within a framework of moral scrutiny. By explicitly establishing a public policy based on an ethical framework, those who participate in this process are being induced to think in these terms, which favors for an honest performance to be maintained.

Since Western civilization ancient times, a close relationship between ethics and politics has been glimpsed; however, some authors have upheld that public policies should be “above” or “independent” of politics and ethics, arguing that the dominant criteria should be scientism and positivism.²⁷ However, public health policies formulation is inseparable from these considerations, since they refer to fundamental aspects of social life, such as body identity, family constitution or distribution of scarce resources, which are issues about which highly varying conceptions can be observed in our society.²⁸

In the field of public policy itself, the discussion had been focused on the delimitation between a proper level of State intervention and the limits of free market economy; in addition, the shortfalls of a model based on a particular notion of property and on the division between the sphere of public and private matters were replicated. Furthermore, market logic had been taken as a standard model of social behavior; however, under this concept, the gamut and diversity of possible interactions between people are reduced to individual interest, a superfluous and imprecise characterization of this potential.²⁹ In the same vein, it is essential to carefully consider the various realities of our country and the interests of the population in order to develop timely interventions focused on structural causes and social determinants of public problems, especially in health matters.

Bioethics comprises a meeting point: not so much a bridge to the future, but rather to otherness, in a world where all contradictory tendencies of human nature converge. It has its origins in ethics and philosophy, but its dissemination and rapid growth throughout the world is due to the recognition of its value as an interdisciplinary framework for addressing

complex moral phenomena —especially those related to technological development—, with all interested parties involvement.

This discipline not only allows us to learn from mistakes of the past and avoid being induced to a hasty judgment by timely identifying possible risks, but also to build bridges between the scientific community, decision-makers and the population in general. Bioethics has positioned philosophical reflection at the center of public dialogue: not an idle undertaking alien to daily life, but an engine for social transformation and a generator of well-being.

Acknowledgements

The authors extend their sincere appreciation to Dr. Jorge Alcocer Varela, Ministry of Health, and to Dr. Marcos Cantero Cortés, Head of the Economic Analysis Unit, for their support and unwavering commitment to improve health care services in Mexico.

Funding

The authors state that this study did not receive any funding.

Conflict of interests

The authors of this study declare that they have no conflicts of interest.

Ethical disclosures

Protection of human and animal subjects. The authors declare that no experiments were performed on humans or animals for this research.

Confidentiality of data. The authors declare that no patient data appear in this article.

Right to privacy and informed consent. The authors declare that no patient data appear in this article.

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