



REVIEW ARTICLE

## Blood transfusion in Jehovah's witnesses, a dilemma in medicine?



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**Abstract** The provision of health services should be carried attached to the scientific and ethical principles of medicine. The negative to accept blood transfusion by Jehovah's Witnesses, when indicated, determines a conflict and a challenge for physicians. We discuss concepts related to this complex situation, including: Freedom of religion and belief, patients' rights, regulatory framework that applies to providers of health services and medical rights. Which should be taken into account in these situations to make an informed decision from the legal and ethical point of view.

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### PALABRAS CLAVE

Testigos de Jehová;  
trasfusión sanguínea

### Trasfusión sanguínea en testigos de jehová, ¿un dilema en la medicina?

**Resumen** La prestación de servicios de salud debe realizarse apegado a los principios científicos y éticos de la medicina. La negativa de aceptar trasfusión sanguínea por Testigos de Jehová, cuando está indicada, condiciona un conflicto y un reto para los médicos. Se presentan y analizan conceptos relacionados a esta compleja situación, que incluyen: La libertad de religión y creencias, derechos de los pacientes, marco normativo que aplica a los prestadores de servicios

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de salud y derechos de los médicos. Los que se deben tomar en cuenta en estas situaciones para tomar una decisión bien fundamentada, desde el punto de vista legal y ético.

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## Introduction

The provision of health services must attend to the scientific and ethical principles of medicine, in an opportune and efficient way; respecting the will of the patient, which implies demanding for its informed authorization to perform the diagnosis procedures, therapeutic and of rehabilitation that are required. While it is undisputable, that the autonomy of the patient must be respected in order to take his own decisions, there are situations in the practice of medicine in which the will of the patient prevents the use of the adequate treatment to provide the medical attention required. An example that medics face, in their daily praxis, is the negative of Jehovah's Witnesses patients to accept sanguine transfusions despite it being required for their treatment. This situation places the medic in a disjunctive to respect the autonomy of the patient or to fulfill its obligation of veiling for the health of his patients. Taking into account that the World Health Organization established the concept of health as: the complete state of physical, mental and social well-being, and not only the absence of affections or illness<sup>1</sup>. In the present article concepts related to this complex situation will be revised, which include: freedom of religion and of beliefs, rights of the patients, regulatory frameworks that apply to providers of health services and medic rights. In order to present the aspects that must be taken into account in these situations and to make a well grounded decision, from the legal and ethical point of view.

## Freedom or religion and beliefs

The Political Constitution of the Mexican United States in its 130 Article, subsection C, establishes: Mexicans can exercise the ministry of any cult. For that, Mexicans as well as foreigners will have to satisfy the requisites that the law designates<sup>2</sup>. The Law of Religious Associations and Public Cult, establishes in its 2nd Article- the Mexican State guarantees in favour of the individual, the next rights and liberties in religious matter: Subsection a) To have or to adopt religious belief which best considers and to practice, in individual or collective form, the cult acts or rites of his preference. Subsection c) Not to be object of discrimination, coercion or hostility for cause of his religious beliefs, and neither be obligated to declare in respect to them<sup>3</sup>.

In the international context it is guaranteed through the Universal Declaration of Human Rights, Article 18- Every person has the right of freedom of thought, conscience and religion; this right includes the liberty to change religion or belief, as well as the freedom to manifest its religion or belief, individually or collectively, whether in public or in

private, by teaching, practice, cult and observance. Article 19- Every individual has right of freedom of opinion and expression; this right includes not to be bothered because of his opinions, to investigate and receive information and opinions, and to spread them without limitations of frontiers, by any means of expression<sup>4</sup>. In the Regulation of the Law of Religious and Public Cult Associations, it is established in its 37 Article- The intervention of competent authorities in the case of religious intolerant behaviors, without prejudice to what other applicable jurisdictions dispose, it will base itself in the principles of no discrimination and equality before de law, and the right of every individual to exert the liberty of beliefs and cult, without restrictions than the foreseen in the dispositions of the matter<sup>5</sup>. It is clearly stated in Mexico the liberty to manifest and change religion or belief, as well as the prohibition of religious intolerant behaviours. However, it is not clearly stated in any of these legal jurisdictions what happens in situations related to the provision of health services. Hence, it is essential to revise other legal mandates to be able to relate adequately what has been written previously in relation to medical attention.

## Patients' rights

The Letter of Patients General Rights, published in December 2001, contains people prerogatives when, in their character as patients, they receive medical attention. For its elaboration the National Commission of Medical Arbitration, the Undersecretary of Innovation and Quality, the National Commission of Bioethics, the Inter-institutional Commission of Infirmary and the General Direction of Legal Issues of the Health Secretary took part. It includes the following statements: The National Commission of Human Rights, National Federation of the Mexican Institute of Social Security, The General Medical Branch of the Institute of Security and Social Services for State Workers to receive adequate medical attention by qualified personal, in accordance to the necessities of their health state and the circumstances in which attention is provided; to receive respectful and dignified treatment; to receive sufficient, clear, opportune and truthful information; to decide freely in respect to their treatment; to give or not their validly informed consent; to be treated with confidentiality; to have facilities to obtain a second option; to receive medical attention in case of urgency; to have a clinical expedient; to be attended when in inconformity with the medical attention received. All the prerogatives are relevant, but the first, in relation to the present subject, is fundamental; given that it establishes the patients' right to receive adequate medical attention in accordance to his necessities. Which implies that the medic has to ground his necessities in scientific evidence, not in a

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