

EMERGENCY MEDICAL CARE (“EMC”) & DO NOT RESUSCITATE (“DNR”) ORDERS IN BOTSWANA

AN INTRODUCTION

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If you read our offering on living wills, your mind may have gone into what you can do to cater for your being incapacitated and having no desire for Emergency Medical Care (“EMC”), or perhaps if you wish to have a Do Not Resuscitate (“DNR”) order in place. This is the conclusion of the introspection that we hoped our articles on living wills would help to trigger.

AN INTRODUCTION:

Our Constitution is framed on what Karel Vasak termed “first generation rights” in 1979. These deal essentially with liberty and participation in political life and are fundamentally civil and political in nature, serving to protect individuals from the excesses of the state.

The right to healthcare and EMC in particular, is a second-generation right that is not contained in our Constitution. In essence, the Constitution has no express provision on health, although section 4 provides that no person shall be deprived of their right to health intentionally, except under the law in the context of execution.

The Public Health Act provides that patients have the right to participate in any decision affecting their personal health and treatment, unless it is not reasonably practicable for such participation to occur. It further enjoins healthcare providers to inform patients of the risks, costs and consequences that might arise in case of premature discontinuation of treatment.

The guideline contained in the National Health Quality Standards (“NHQS”) provides that, **“patients, or those making decisions on their behalf, may decide not to proceed with the planned care or treatment or to continue care or treatment after it has been initiated.**

... Patients and families are given information on any care and treatment alternatives. Personnel are informed of their responsibility to implement **and respect the choices of patients.”**

DNR orders essentially require that patients should not be given cardiopulmonary resuscitation to save their lives.

This is heavy stuff and that introduction was pretty dense. Let us pause here to let it all this sink in.

Please join us next week as we define EMC, delve into the relationship between EMC and DNR orders, and the meaning of futile medical treatment.

I am [Msiya Kindiano](#), Partner and Head of the Dispute resolution department at [Bookbinder Business Law](#). I have acted for a large number of clients in local, cross-border and international arbitrations, as well as conventional dispute resolution proceedings involving company law.

If you have any questions for me on this subject matter you can drop me an email on msiya@bookbinderlaw.co.bw or if you wish to schedule an appointment with any of my colleagues on any of our offerings you can reach us on (+267) 391 2397. You can also follow our [Facebook](#) or our [LinkedIn](#) page. You can subscribe to our newsletter [here](#) or browse our website at www.bookbinderlaw.co.bw.