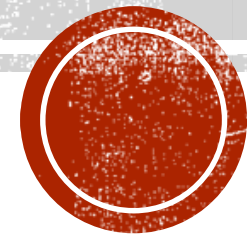


# HEALTH AND HUMAN RIGHTS

International People's Health Assembly

Gono Biswabidalya, Savar, 12 November 2018



# OUTLINE

1. What are human rights ?
2. What is the relationship between health and human rights?
3. What is meant by the right to health?
4. What happens when there is a conflict between ensuring public health, and ensuring particular human rights (liberty, privacy?)
5. What are some of the mechanisms to protect the right to health?



# HEALTH AND HUMAN RIGHTS MILESTONES

## LAWS, POLICIES, ACTIONS

Year	International	National



# WHAT ARE HUMAN RIGHTS?

- Relationship between individuals and states
- Duties to respect, protect and fulfill
- Universal
- Inter-related
- Indivisible
- Set out in international human rights instruments
- May be codified in national constitutions and laws



# SOURCES OF HUMAN RIGHTS LAW

## INTERNATIONAL

- Customary Law }
- Treaties } binding on states, creating duties and rights
  
- Declarations
- Soft law } non-binding, eg Beijing PFA

## REGIONAL

- European Convention on Human Rights
- Inter American Convention on Human Rights

## NATIONAL

- Constitutions
- Laws



# HEALTH RELATED RIGHTS

- Life
- Liberty
- Equality and non-discrimination
- Bodily integrity
- Freedom from Arbitrary Detention
- Self determination
- Identity
- Privacy
- Freedom from Slavery
- Expression
- - to seek receive and impart information
- Thought and Conscience
- Association
- Movement
- Freedom from Torture
- Fair Trial
- Food
- Water
- Housing
- Social Security
- Education



# FREEDOM FROM DISCRIMINATION

- Caste
- Religion
- Gender
- Sexuality
- Disability
- Nationality



# RIGHT TO HEALTH

- Underlying determinants
  - Safe water/ safe food/ adequate nutrition / housing/ healthy working conditions/ health related education and information/ gender equality
- Freedoms
  - From torture/ coercion/ non-consensual treatment or examination
- Entitlements
  - System of health protection
  - Prevention treatment and control
  - Access to essential medicines
  - Maternal child and reproductive health
  - Equal and timely access to basic health services
- Health care

*“The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief or economic or social condition”*

*“Health is a state of complete, physical mental and social well being and not merely the absence of disease or infirmity”*

*WHO Constitution*





# CORE HUMAN RIGHTS TREATIES

Universal Declaration of Human Rights UDHR 1948

## ARTICLE 25

- International Covenant on Civil and Political Rights ICCPR 1966
- International Covenant on Economic Social and Cultural Rights ICESCR 1966  
**ARTICLE 12**
- International Convention on the Elimination of Racial Discrimination CERD 1963
- International Convention on the Elimination of All Forms of Discrimination against Women CEDAW 1979
- Convention on the Rights of the Child 1989
- Convention on the Rights of People with Disabilities CRPD



# RIGHT TO HIGHEST ATTAINABLE STANDARD OF HEALTH

- WHO Constitution 1946
- Core human rights treaties
- Declaration of Alma Ata 1978
- World Health Declaration 1998
- General Comments on the Right to Health 2000
- Special rapporteur on the highest attainable standard of health 2002



# ART. 12 ICESCR

- 1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
- 2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
  - a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
  - b) The improvement of all aspects of environmental and industrial hygiene
  - c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
  - d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness



# RIGHT TO HEALTH

- Availability
- Accessibility
  - Non-discrimination
  - Physical access
  - Information access
- Affordability
- Acceptability
- Quality



# **'PROGRESSIVE REALISATION'**

- Obligation to take effective action
- Identify issues of capacity and political will
- Need specific and targeted steps
- Use indicators and benchmarks



# SPECIAL RAPPORTEUR

