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Health:

a Human right or a Citizen's Right?

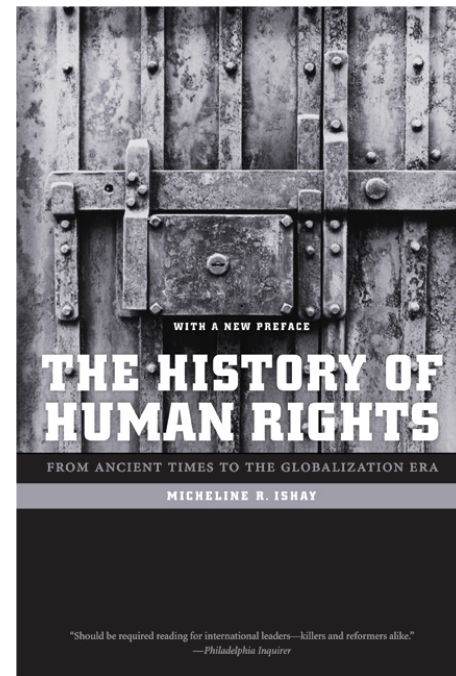
Towards *global* universal health coverage

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February 2017

1. Health: a human right?

“Human rights are rights held by individuals simply because they are part of the human species. They are rights shared equally by everyone regardless of sex, race, nationality and economic background.”



8. The right to health is not to be understood as a right to be *healthy*. The right to health contains both freedoms and entitlements. The freedoms include the right to control one's health and body, including sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation. By contrast, the entitlements include the right to a system of health protection which provides equality of opportunity for people to enjoy the highest attainable level of health.



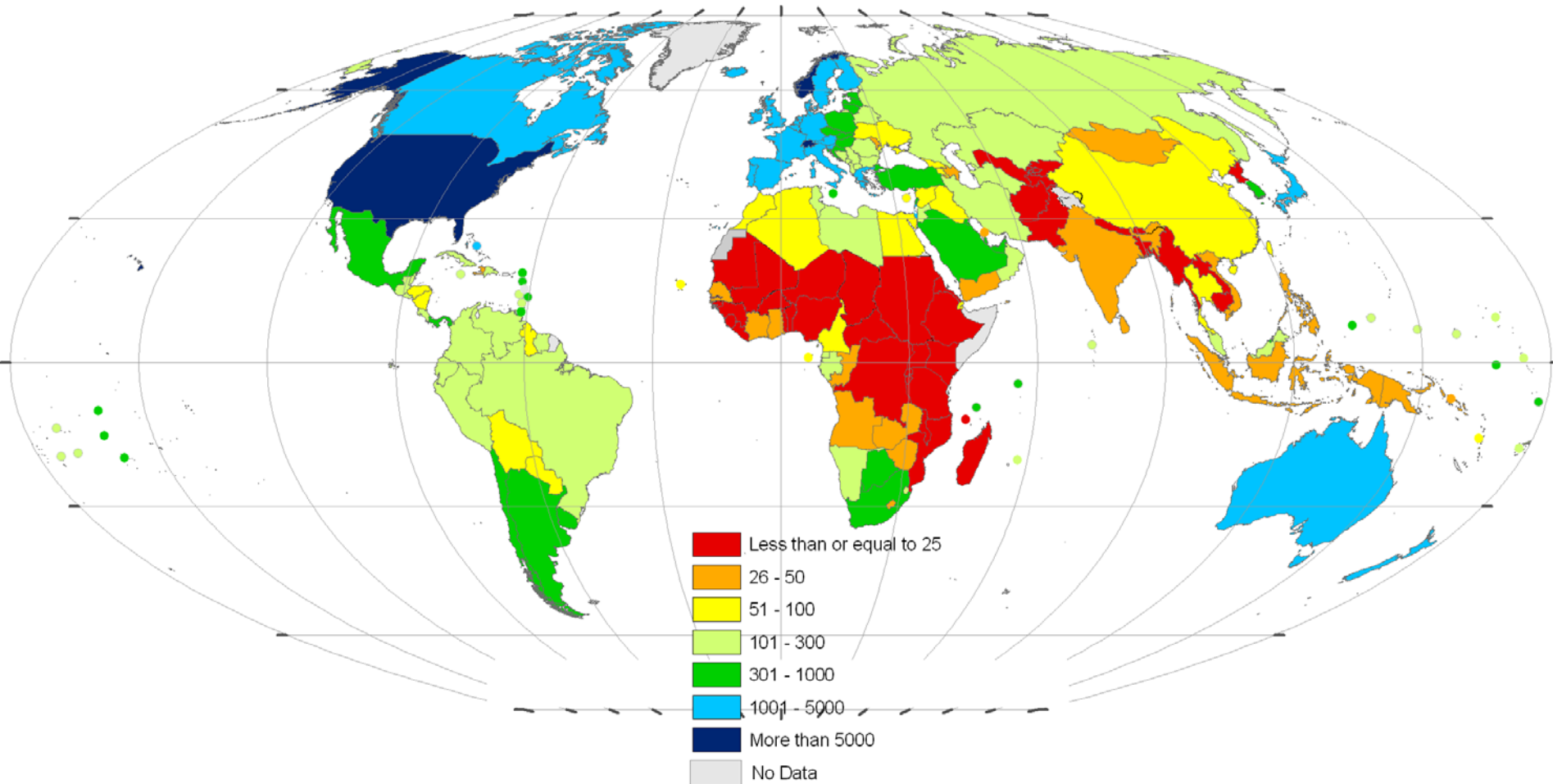
OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS



**CESCR General Comment No. 14: The Right to the Highest Attainable
Standard of Health (Art. 12)**

*Adopted at the Twenty-second Session of the Committee on Economic,
Social and Cultural Rights, on 11 August 2000
(Contained in Document E/C.12/2000/4)*

Total expenditure on health per capita, 2004 (in US\$)



The boundaries and names shown and the designations used on this map do not imply the expression of any opinion whatsoever on the part of the World Health Organization concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. Dotted lines on maps represent approximate border lines for which there may not yet be full agreement.

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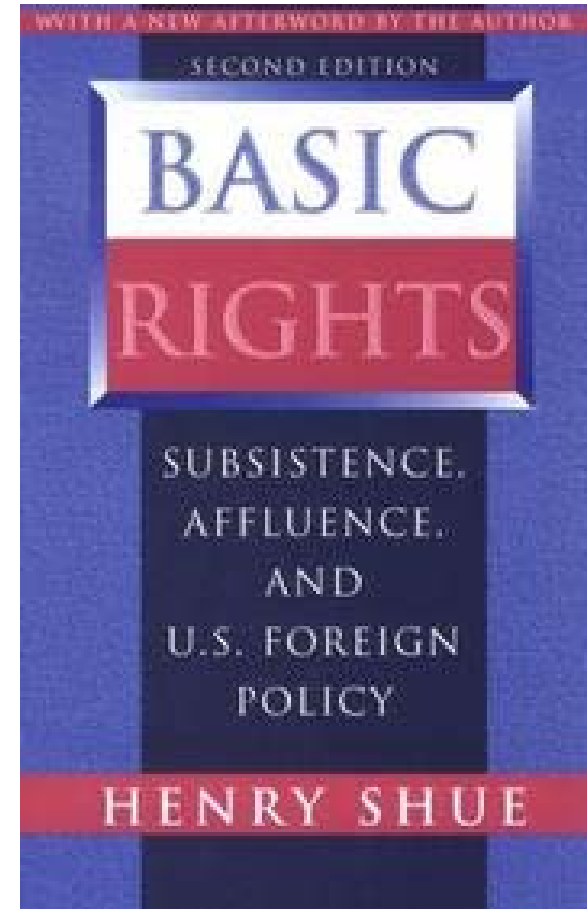
**Data Source: National Health Accounts unit,
Evidence and information for policy,
World Health Organization**

Map Production: Public Health Mapping and GIS
Communicable Diseases (CDS), World Health Organization

2. Human rights and corresponding obligations: which polity is responsible?

“Basic rights are the morality of the depths. They specify the line beneath which no one is to be allowed to sink.”

“They are the rational basis for justified demands the denial of which no self-respecting person can reasonably be expected to accept.”



What are my demands to the community, of which it cannot reasonably expect me to give them up?

What are the demands of the individual, of which we cannot reasonably expect him or her to give them up?

3. Historical perspective

- Declaration of Human Rights
- Declaration of Independence: „We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are, life, liberty, and the pursuit of happiness.“



THE UNIVERSAL DECLARATION OF Human Rights

WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

WHEREAS disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

WHEREAS it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

WHEREAS it is essential to promote the development of friendly relations between nations,

WHEREAS the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the

human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

WHEREAS Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

WHEREAS a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

NOW THEREFORE THE GENERAL ASSEMBLY

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

ARTICLE 1 All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 2 Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be

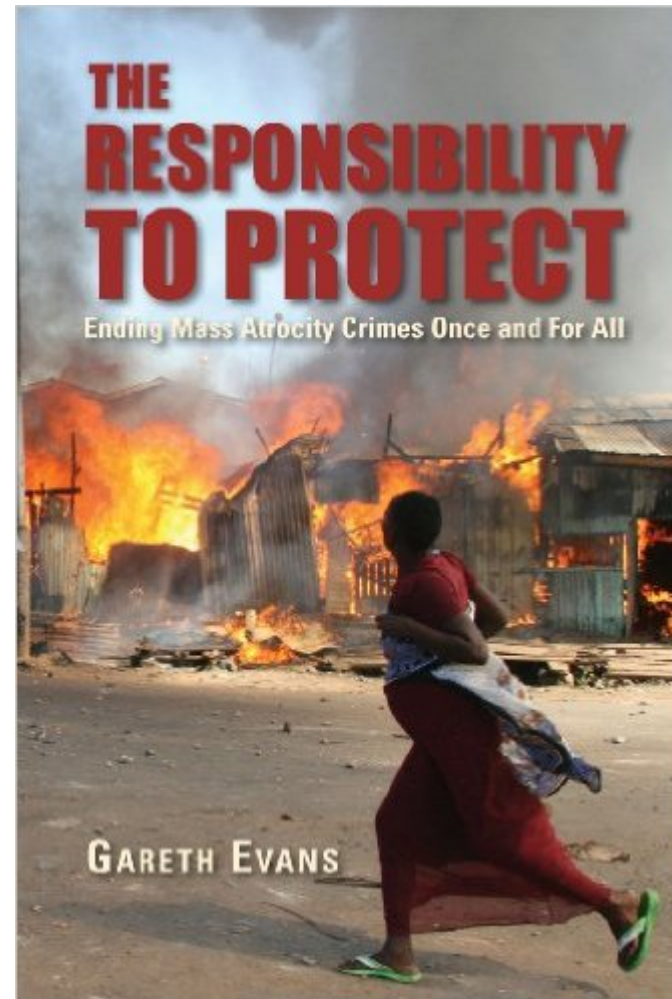
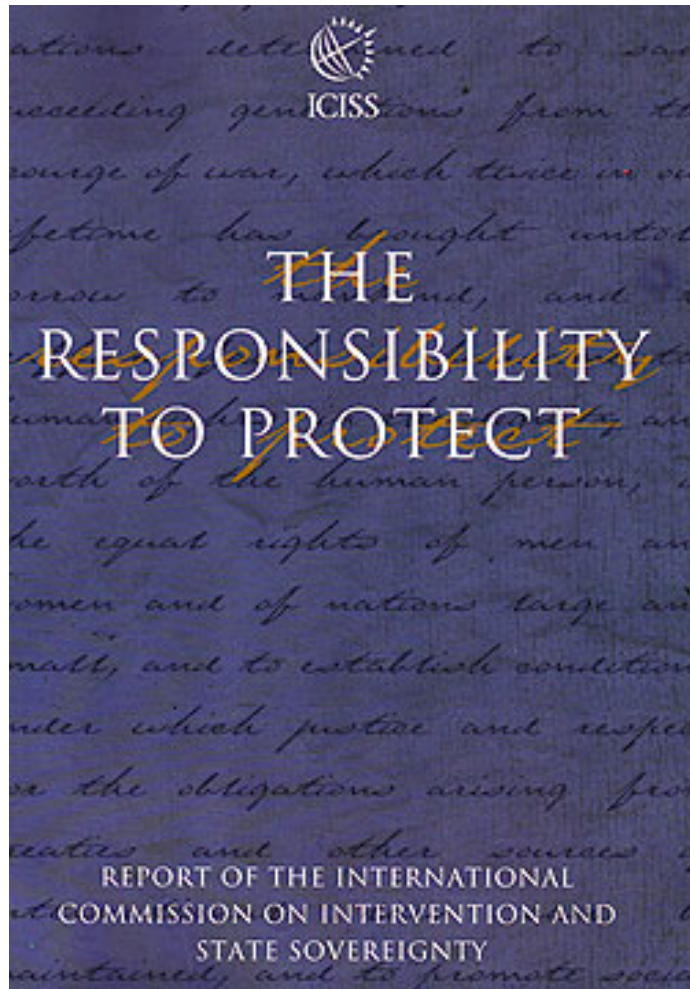
ARTICLE 14 (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution. (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations

ARTICLE 15 (1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. (4) Everyone has the right to form and to join trade unions for the protection of his interests.

ARTICLE 21 Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 25 (1) Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family.



4. Ways forward

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PLoS MEDICINE

Essay

Do We Need a World Health Insurance to Realise the Right to Health?

Gorik Ooms*, Katharine Derderian, David Melody

A Practical Framework for a World Health Insurance

The underlying principle of health insurance is the willingness to share health risks and the burden of health care. In national health insurance schemes, duty-bearing individuals pay a fair contribution; rights-holding individuals receive assistance in accordance with their health-care needs.

Transposed to a world health insurance, rich states would pay a fair contribution and poor states would have a right to assistance according to the health-care needs that they are unable to finance themselves.

Citation: Ooms G, Derderian K, Melody D (2006) Do we need a world health insurance to realise the right to health? *PLoS Med* 3(12): e530. doi:10.1371/journal.pmed.0030530



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A Framework Convention on Global Health: Health for All, Justice for All

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Table. Objectives and Modalities of a Framework Convention on Global Health (FCGH)

Objective	FCGH Modalities
Define state responsibilities for the health of their domestic populations	Establish domestic funding targets covering health care, public health, and social determinants of health, with timelines for compliance.
Define international responsibilities to provide sustainable funding	Establish a global health financing framework to ensure reliable funding. Equitably apportion responsibilities according to resource capacities and health needs.
Define the right to health to meet health needs and reduce global health disparities	Establish agreed-upon definitions for “universal coverage” and “health equity.” Strengthen commitments under WHO codes of practice and global strategies, such as reducing health worker recruitment in developing countries with personnel shortages.
Ensure policies in key domains (eg, trade, agriculture, environment) to promote health and health equity	States commit to a health-in-all-policies approach. WHO charged with engaging with and coordinating multiple sectors.
Create innovative financing mechanisms for health	States commit to innovative financing for health, such as taxes on financial transactions, unhealthy foods, and alcoholic beverages.
Improve empirical monitoring of progress and setbacks in implementing the right to health	Establish standardized methods of data gathering and benchmarks for measuring progress on health outcomes and health equity.
Promote sound models of global governance for health	States commit to “good governance” (eg, transparency, engagement, accountability). WHO to lead health-focused multisectoral consortium.
Promote strong global health leadership	Strengthen WHO with sustainable funding, expertise to develop evidence-based innovative solutions, and normative authority to implement those solutions.

Abbreviation: WHO, World Health Organization.