

Seminar One: What is the right to health?

"If access to health care is considered a human right, who is considered human enough to have that right?" Paul Farmer

Estimated reading time:

- Set reading tasks 60 minutes
- Video lesson 10 minutes
- Self Check Questions 10 minutes

Class Summary

Post-Pandemic global perspectives on the Right to Health

The right to health is interconnected, interdependent and indivisible from other rights and principles being fulfilled such as education, accessibility, non-discrimination, the right not to be tortured, and the right not to live in poverty to list but a few of them. This interwoven factor of how we conceive of the right to health is important because it provides the framework within which States can then understand their own role in adhering to the right to health. States should not be allowed to pick and choose which rights they will enforce and those that they will choose to ignore. Unfortunately, when it comes to making health a justiciable right before courts you can sometimes be confronted with the problem that the judiciary is not always independent from the Government and as such would find it difficult to reach a decision which was to the contrary. The language of freedoms, entitlements and duties are often used when describing what the right of health encompasses.

It is important to remember the significance of the 3 A's: Availability, Accessibility and Acceptability. These 3 A's can be used as the benchmark against which domestic and international provisions can be analysed to determine if they meet the standards of protecting the right to health.

Reading Task & Literature

Please read the articles below by following the associated link and then answer the self-check questions:

- Interpreting the International Right to Health in a Human Rights-Based Approach to Health
- History, principles, and practice of health and human rights

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Self-Check Questions:

1. What is meant by the right to health?
2. What is the connection between health and human rights?
3. Do you agree with the following statement: The right to health is not to be understood as a right to be healthy. The right to health contains both freedoms and entitlements. Discuss

Definitions/Key Terminology

There are several terms that are used when talking about the development of the common law. Please ensure that you familiarize yourself with them.

- Socio-economic rights
- Entitlement
- Availability
- Accessibility
- Acceptability

