

Seminar Five: Comparative analysis of the Right to Health

“Health cannot be a question of income; it is a fundamental human right.” - Nelson Mandela

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

This class will discuss thematic issues which highlight the struggles with securing the right to health. It will illustrate the competing interests at play between the State and the individual. The class will highlight the question of autonomy and paternalism in the decision making process concerning medical treatment. Students will be expected to conduct independent research into the thematic areas raised by reading the guided reading list provided below.

Reading Task & Literature

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

- Human Rights Abuses and the War on Drugs
- Count the Costs 50 Years Of The War On Drugs
- Case of Vavřička and Others v. the Czech Republic

Self-Check Questions:

1. What have been some of the unforeseen consequences of the “war on drugs” campaign?
2. What impact has the war on drugs had on the right to health?
3. Do those who use drugs give up their human rights?

This teaching material has been made at the University of Szeged, and supported by the European Union by the project nr. EFOP-3.6.2-16-2017-00007, titled Aspects on the development of intelligent, sustainable and inclusive society: social, technological, innovation networks in employment and digital economy. The project has been supported by the European Union, co-financed by the European Social Fund and the budget of Hungary.



Author – Dr. Samantha Joy Cheesman

4. It is argued that by criminalizing drug use, states are pushing underground drug users and creating a health epidemic. Do you agree with statement? Please state reasons for your opinion either for or against.

1. In the case of *Vavříčka and Others v. the Czech Republic* what were the basis of the complaints lodged?
2. Why did the ECtHR find in the case of *Vavříčka and Others v. the Czech Republic* find that there had been no violation of Article 8 of the ECHR? What was the reasoning that the ECtHR gave?

Definitions/Key Terminology

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

- Public health impact
- Grass roots
- Injection drug users
- Proportionality
- Legitimate aim
- Margin of Appreciation

