

Seminar Two: Introduction to International Human Right's Law

"[...] 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, economic or social condition. [...]" - Constitution of the World Health Organization

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

Governments have a need to show a constant progression, a moving forwards towards the meeting of the goals of securing health as a human right for all within their own countries. Despite these international obligations few states have signed up for the protection of the right to health. The international human rights framework, in particular general comment no 14 are vague in definition so as to ensure that more member states implement and incorporate at a more universal level

The right to health is dependent upon and interrelated with other rights being secured because of this factor the right to health as being a legally protected right is often brought in through the back door before domestic Courts. This is not a desirable situation as yet again health is taking a subsidiary role.

The protection of the right to health is spread out over several international instruments including Article 25(1) of the UDHR, Article 12 of the ICESCR, Article 5 of the ICERD. In addition to these legal obligations there have also been several conferences held which have also sought to bring together different stakeholders to discuss the question of health. These conferences have resulted in several declarations and charters which have helped to set the tone for what the international community is willing to commit itself to protecting and promoting when it comes to the right to health.

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Reading Task & Literature

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

- Alma-Ata Declaration
- The Ottawa Charter for Health Promotion
- General Comment No 14
- Universal health coverage in the framework of the 2030 global agenda for sustainable development: agreements and challenges

Self-Check Questions:

1. Analyse the impact that General Comment No 14 has had upon states recognising the right to health.
2. Why does the Committee on Economic, Social and Cultural affairs focus not so much on the legal but rather those elements which will aid in securing the right to health?
3. How is the human right to health upheld in international law?

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:

- Individual freedoms
- Standard of adequate living
- Highest attainable standard
- Social responsibility

