

Human Right to Health

Everyone has “the right ... to the enjoyment of the highest attainable standard of physical and mental health.”

- International Covenant on Economic, Social and Cultural Rights, Article 12

What is the Human Right to Health?

The right to health is universally recognized as fundamental to human dignity, freedom and well-being. The World Health Organization defines health as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.” This does not mean we have a right to be healthy, but we do have the right to be as healthy as possible, within the limits posed by our bodies and behaviors. Many external factors influence our health, such as the environment, housing and workplace conditions, and medical care. In so far as these are shaped by society, the government has an obligation to protect our health.

Where is the Human Right to Health Protected?

The right to health is guaranteed by international human rights treaties and declarations, including the Universal Declaration of Human Rights, the American Declaration on the Rights and Duties of Man, the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights. The right to health is also recognized by national constitutions around the world, and some U.S. state constitutions include protection of public health as a core government function.

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services”

- Universal Declaration of Human Rights, Article 25

Does the U.S. Government Protect the Human Right to Health for All People?

Both federal and state governments have launched many successful public health initiatives. However, the United States does not recognize a right to health in its public policy, has no national health care plan, and falls short of taking a comprehensive approach to health protection. This has a disastrous impact on people’s lives.

- ◆ Approximately 22,000 people in the United State die every year because they lack health insurance and have dangerously limited access to care.
- ◆ Environmentally related diseases continue to increase unabated, such as many forms of cancers, in the face of inadequate regulation of toxins produced by a range of industries.¹
- ◆ About 3.4 million people a year are injured on the job.²
- ◆ A significant number of poor children in the United States (estimated at 5%) suffer from stunted growth most likely due to inadequate nutrition.³

These failures to protect health are also failures to meet basic human rights standards. The United States must fulfill its historic promise under the Universal Declaration of Human Rights to respect and ensure economic and social rights, including the human right to health.

What are the Components of the Right to Health?

The Right to Appropriate Health Care

The right to health care requires the establishment of health facilities, goods and services, such as hospitals, doctors and drugs, that are of good quality and available to all, on an equal basis. They must be affordable for everyone, respect dignity and diverse needs and operate transparently. These facilities must provide preventative, curative, palliative and rehabilitative health services, including regular screening programs, appropriate treatment of prevalent diseases, illnesses, injuries and disabilities, both physical and mental, and all necessary medications.⁴

The Right to an Adequate Supply of Water, Food, Nutrition and Housing

The right to health requires equal access for all to the underlying determinants of health, such as an adequate supply of food and proper nutrition, safe and potable water, basic sanitation, and adequate housing and living conditions.⁵

The Right to a Healthy Environment and Healthy Working Conditions

The right to a healthy environment requires “the prevention and reduction of the population’s exposure to harmful substances ... or other detrimental environmental conditions that directly or indirectly impact upon human health,” including the pollution of air, water and soil. The right to safe and healthy working conditions requires the establishment of “preventative measures in respect of occupational accidents and diseases,” as well as the minimization of the “causes of health hazards inherent in the working environment.”⁶

The Right to Maternal, Child and Reproductive Health

The right to health requires special provisions for improving child and maternal health, sexual and reproductive health services,⁷ as well as the treatment of diseases affecting women, reduction of women’s health risks, and protection of women from domestic violence.⁸

The Right to Participate in Health-Related Decision-Making

The right to health requires the promotion of effective community participation in “setting priorities, making decisions, planning, implementing and evaluating strategies to achieve better health.”⁹ This includes participation in the “provision of preventative and curative health services, such as the organization of the health sector, the insurance system and, in particular, participation in political decisions relating to the right to health taken at both the community and national levels.”¹⁰

The Right to Access Health-Related Information

The right to access health-related information requires “the promotion of medical research and health education, as well as information campaigns, in particular with respect to HIV/AIDS [and other sexually transmitted diseases], sexual and reproductive health, traditional practices, domestic violence, the abuse of alcohol and the use of cigarettes, drugs and other harmful substances.”¹¹

¹ E.g. State of the Evidence 2006: What is the Connection Between the Environment and Breast Cancer? Breast Cancer Fund, and Breast Cancer Action, 2006.

² Morbidity and Mortality Weekly, April 27, 2007/56(16); 393-397.

³ Nutrition Assessment: A Comprehensive Guide for Planning Intervention, 2nd ed. Margaret D. Simko, Catherine Cowell, Judith A. Gilbride, An Aspen Publication, 2000.

⁴ U.N. Committee on Economic, Social and Cultural Rights (CESCR), General Comment 14 (GC 14), Par 12.

⁵ GC 14, Par 12.

⁶ GC 14, Par 15. ⁹ GC 14, Par 54.

⁷ GC 14, Par 14. ¹⁰ GC 14, Par 17.

⁸ GC 14, Par 21. ¹¹ GC 14, Par 36