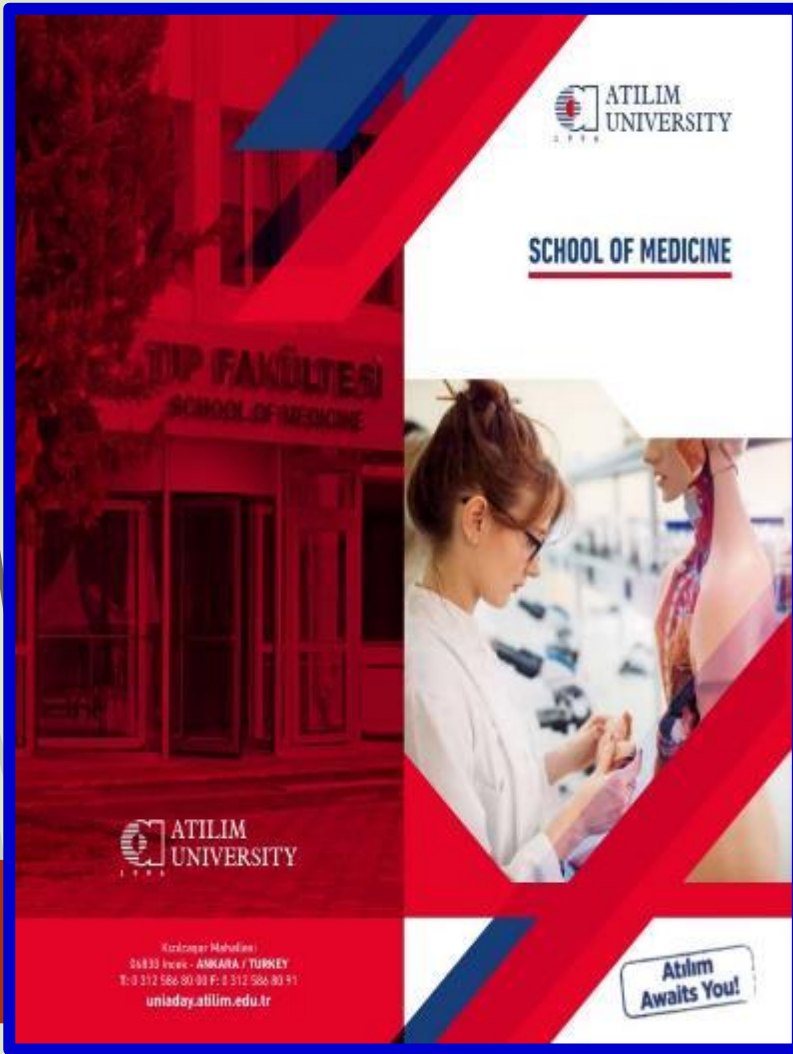# Human Rights & Health

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LLM, Health Law
BSc, Public Administration & Political Sciences

Phase 1 lecture, 2024- 2025
academic year, fall semester
01st Nov. 2024, Ankara - TURKIYE
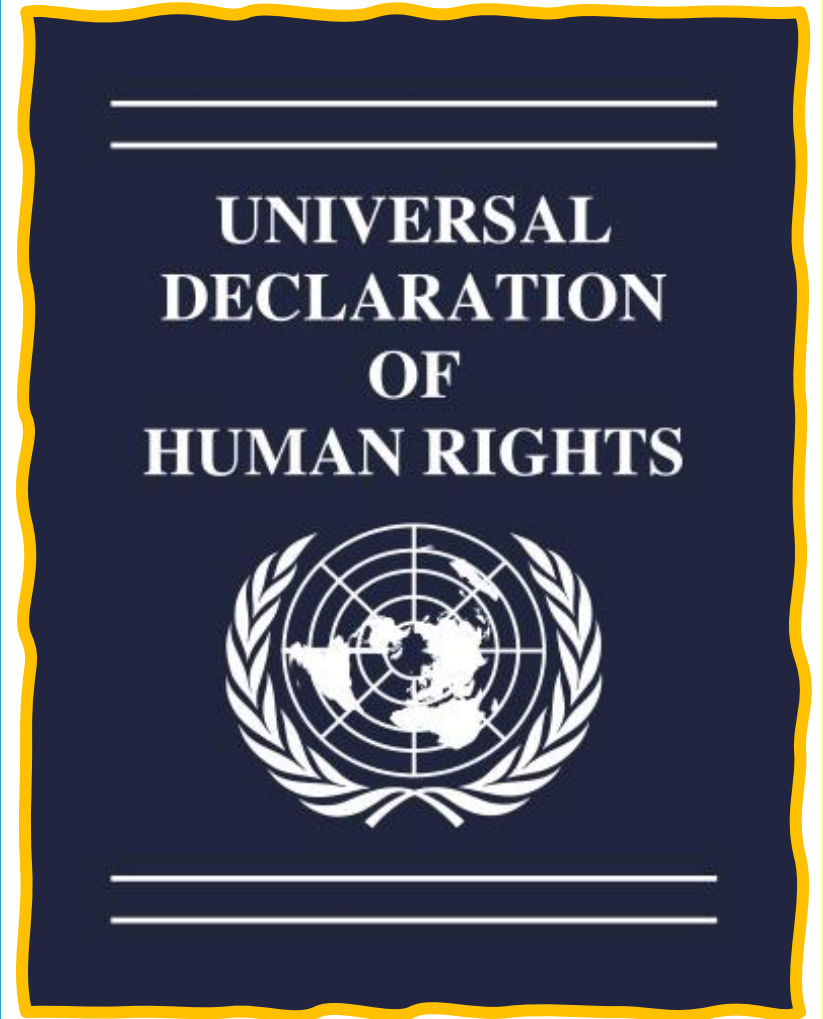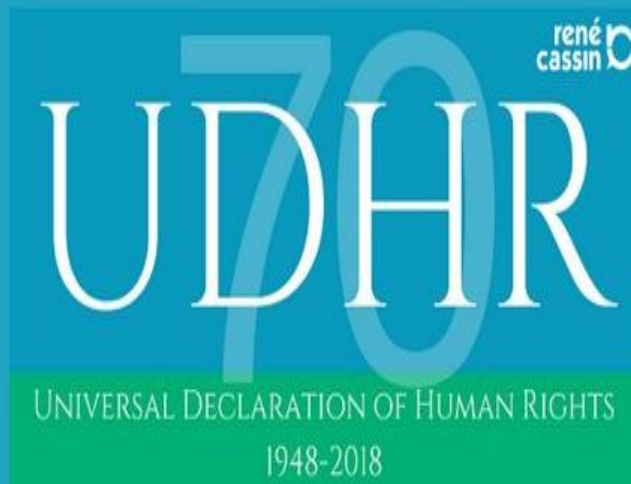
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What is Public Health?

- The sum of all official or governmental efforts to promote, protect, and preserve the people's health.

Learning objectives..

☐ At the end of this lecture, you will be able to   :

▪ ***Define*** *essential human rights*

▪ **Describe** the importance of health rights within human rights

▪ ***Conceive*** *the right to health is the essence and prerequist / pre-condition of other human rights*

▪ **Understand** meaningless of other human rights without health

▪ ***Realise*** *the imperativeness of health right for right to live*

▪ **Internalise** the approach on the ground of right to health.

"Everyone has the right to a standard of living adequate for ... health and well-being"

ARTICLE 25 UDHR

UDHR 70

UNIVERSAL DECLARATION OF HUMAN RIGHTS
1948-2018

rené cassin

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Post-war birth of human rights in global health governance

- **Human rights** provide a universal framework for advancing *global health* with justice, transforming moral imperatives into legal entitlements.

- *Created out of the atrocities of World War II, states in the newly formed* **UN** *established human rights under* **international law**.

- The 1945 *UN Charter* became the first international treaty to recognize human rights, which form the principal foundation of this new world body.

- *Operating through the* **UN Economic and Social Council (ECOSOC)**, *the UN would "make recommendations for the purpose of promoting respect for, and observance of human rights and fundamental freedoms for all".*

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31.10.2024

Constitution of the Republic of Turkiye - Article 56

- **Everyone has the right to live in a healthy, balanced environment.**
  It is the duty of the state and citizens to improve the
  natural environment, and to prevent environmental pollution.
  To ensure that everyone leads their lives in conditions of
  physical and mental health and to secure cooperation
  in terms of human and material resources through
  economy and increased productivity, the state shall regulate
  central planning and functioning of the health services.

- The state shall fulfill this task by utilizing and supervising
  the health and social assistance institutions, in both public
  and *private sectors*.

- In order to establish widespread health services,
 *general health insurance* may be introduced by law.

The UDHR Sets a Human Rights Standard for Health

- The UN General Assembly then adopted the 1948 **UDHR**, enumerating a broad set of ***fundamental human rights*** and proclaiming "*a common standard of achievement for all peoples and all nations*".

- *Drawing from the WHO Constitution, public health became central to the UDHR agenda, with ECOSOC's Commission on **Human Rights** highlighting the importance of both medical care and underlying **determinants of health**.*

- Reflecting rising national health systems and theories of **s o c i a l   m e d i c i n e**,

- *The right to health would encompass a **holistic / integral vision** of patient and population-based health.*

70 years of human rights in global health: drawing on a contentious past to secure a hopeful future - The Lancet

The UN Charters Articles for Health

- **[Peace, dignity and equality on a healthy planet](#)**

- Art. 13/b : promoting international co-operation in the economic, social, cultural, educational, and <u>health</u> fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

- *Art. 55/b : solutions of international economic, social, <u>health</u>, and related problems; and international cultural & educational cooperation; and*
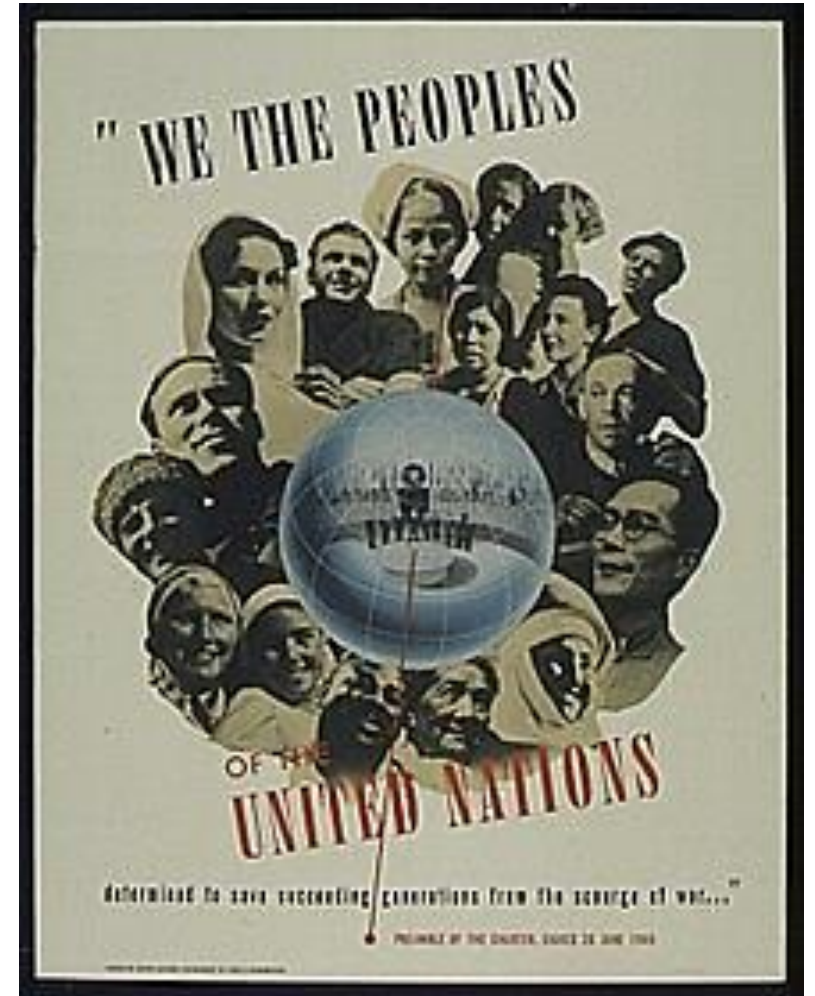
The UN Charters Articles for Health

- **Peace, dignity and equality on a healthy planet**

- Art. 57/1 :The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, **health**, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

- *Art. 62/1 : **The Economic and Social Council** may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly to the Members of the United Nations, and to the specialized agencies concerned.*

The Right to the Highest Attainable Standards of Health

- The primary objective of **Public Health Law** is to pursue the <mark>*highest possible level of physical and mental health*</mark> in the population, consistent with the values of <mark>***social justice.***</mark>

(Ref. Gostin 2008; Oxford Textbook of Public Health, section 3.4, pp 294-301)
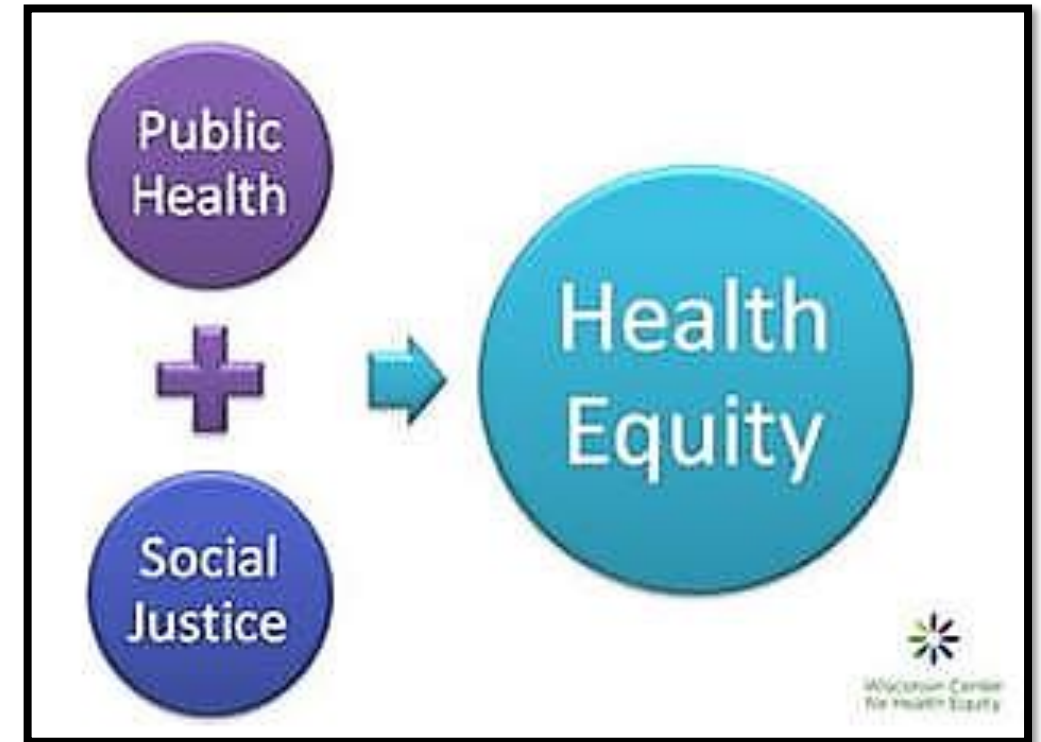
How Does Social Justice Intersect With Public Health?

- "There are so many things we can do within public health that advance **social justice**," explains Dr. Maniar.

- "It's about making sure that we train a public health workforce that sees social justice in every aspect of public health. **Without justice** in all aspects of our lives, we can never **attain the highest levels of health** we should be able to attain.»

https://www.northeastern.edu/graduate/blog/social-justice-career/
18.02.2019
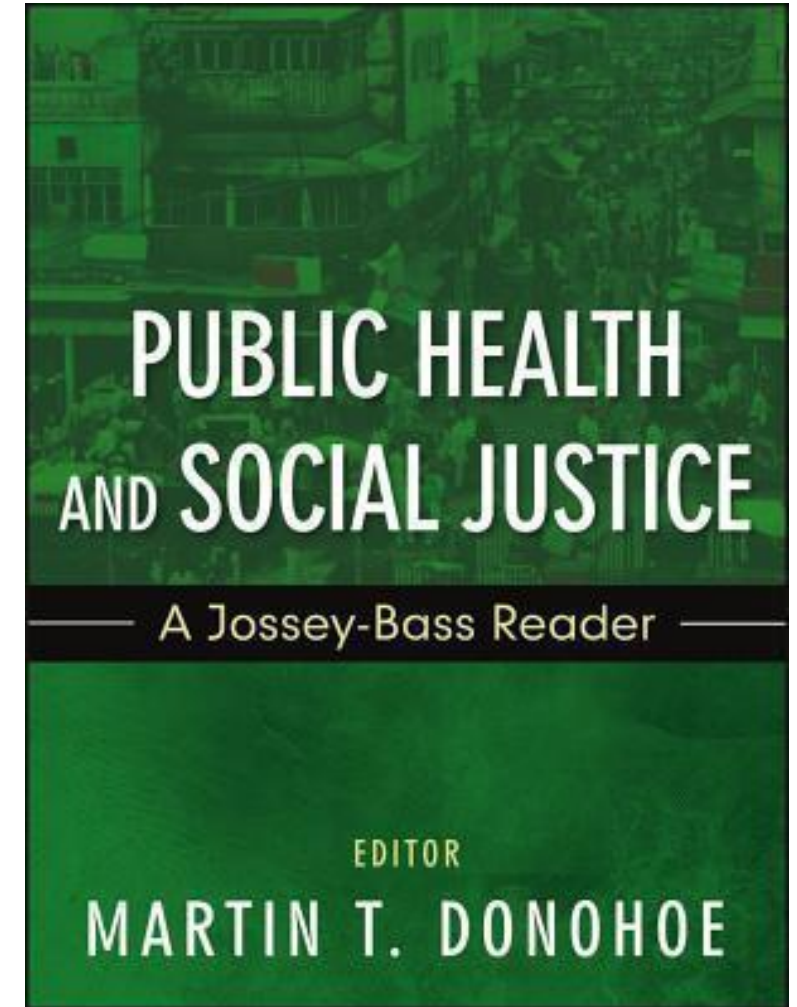
How Does Social Justice Intersect With Public Health?

❑ We seek to capture all the forces that influence health in different ways.

❑ When we think about the <mark>social determinants of health</mark>, this involves the conditions in which an individual lives, works, plays, and goes to school.

❑ When we think about housing, for inst., that hasn't always been viewed as directly related to **health care**, but the stressors of having poor access to <mark>housing has a profound impact on health</mark>."

https://www.northeastern.edu/graduate/blog/social-justice-career/ 18.02.2019
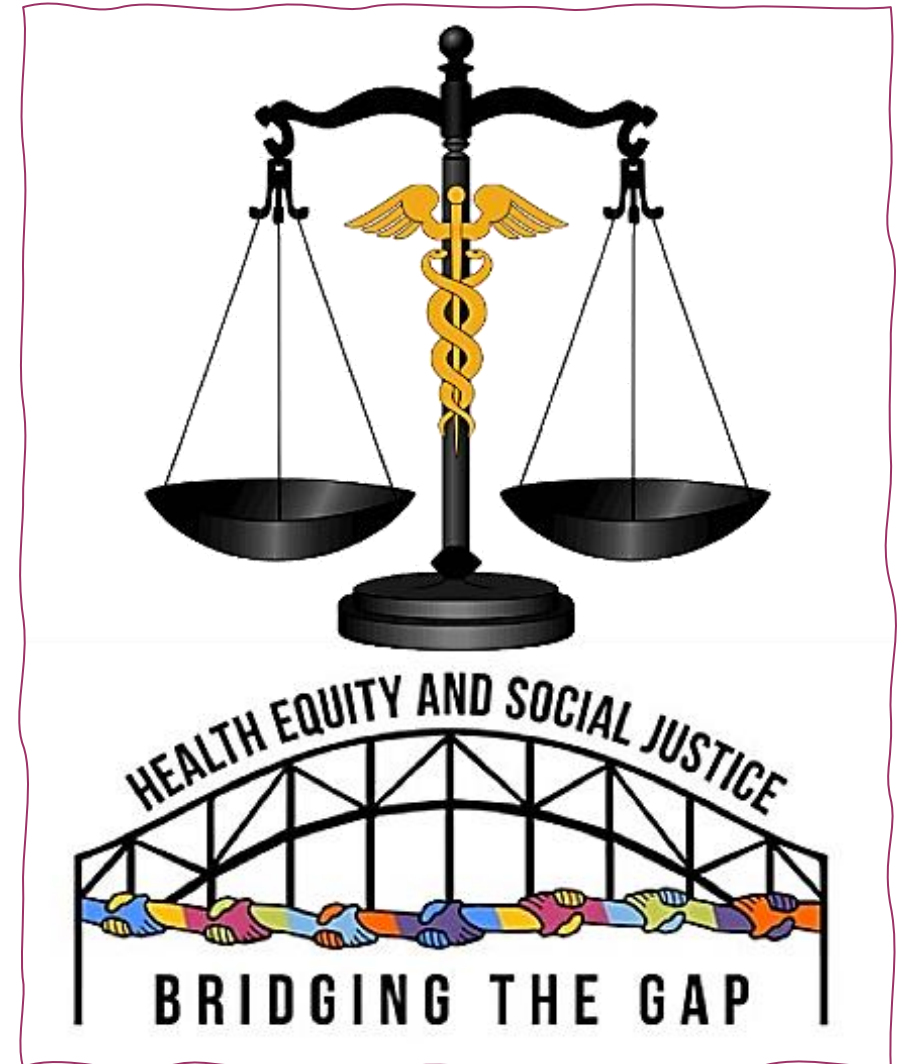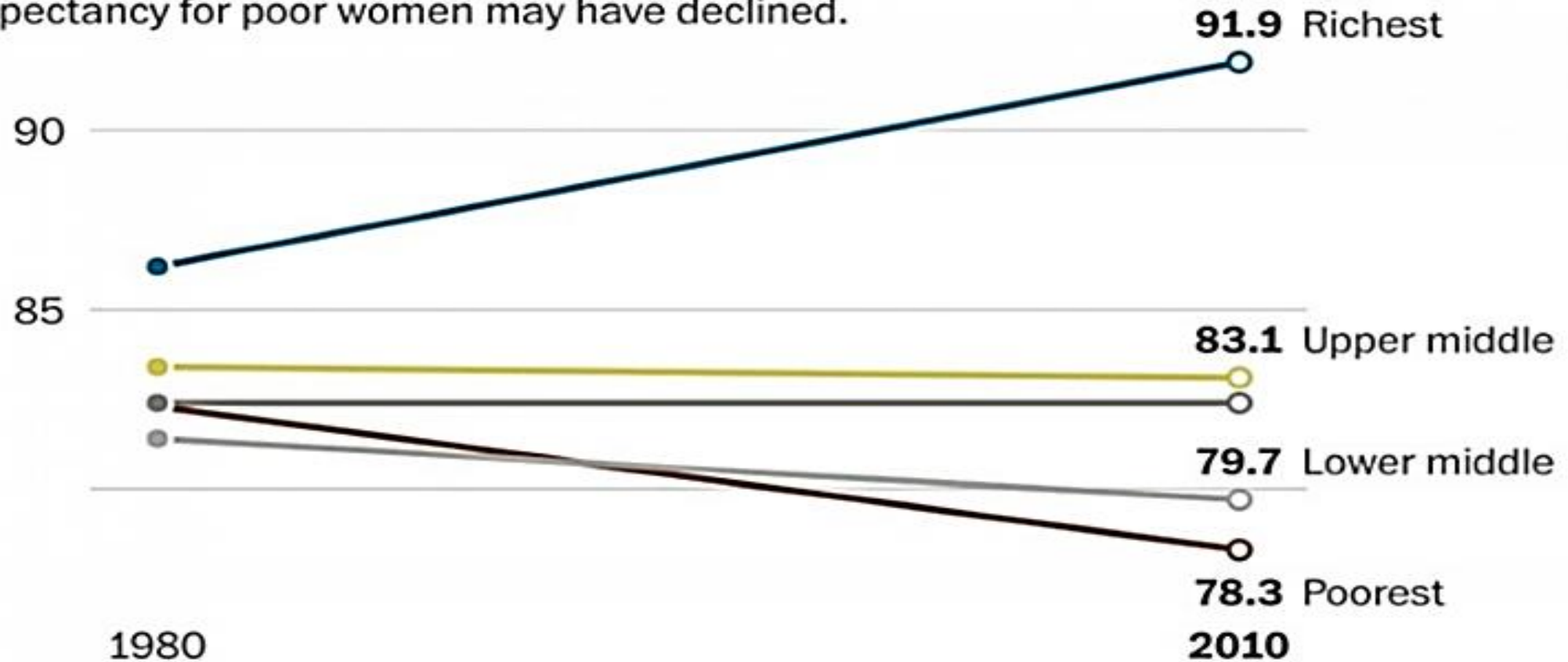
Unique Features of Public Health
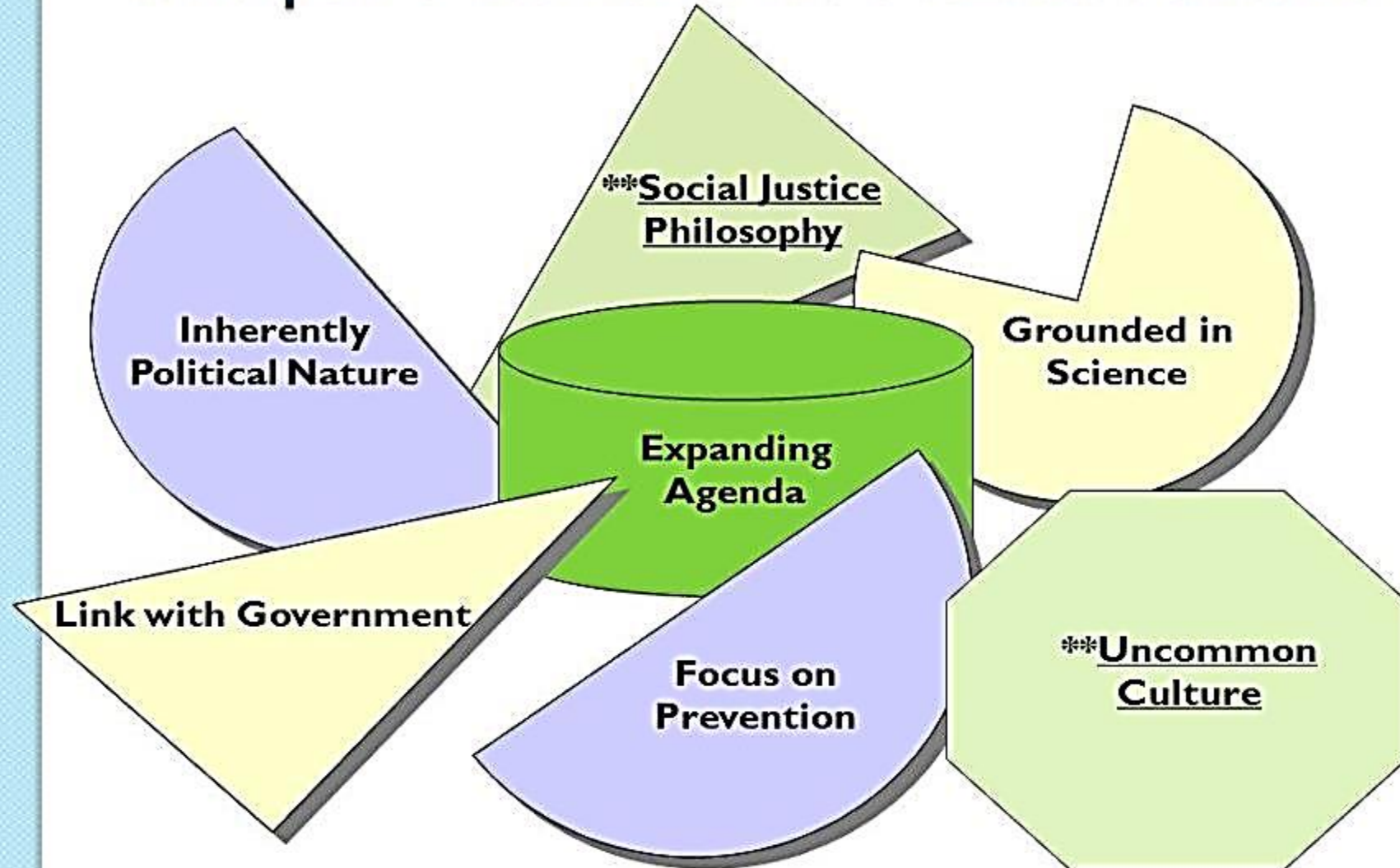
Inequality in life expectancy widens for women

Wealthier women can expect to live longer than their parents did, while life expectancy for poor women may have declined.

91.9 Richest

90

85

83.1 Upper middle

79.7 Lower middle

78.3 Poorest

1980

2010

Life expectancy for 50-year-olds in a given year, by quintile of income over the previous 10 years

Source: National Academies of Science, Engineering and Medicine

The Right to the Highest Attainable Standards of Health

- Constitution of the WHO : *Principles*

1. *Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.*

2. The enjoyment of the ==*highest attainable standard of health*== is one of the **fundamental rights of every human being** without distinction of <u>race</u>, <u>religion</u>, <u>political belief</u>, <u>economic or social condition</u>.

Public Health for Social Justice

- The GAP lays out the vision of a world free of the avoidable burden of **NCDs** with the goal of reducing the preventable and avoidable burden of <u>morbidity, mortality, and disability</u> due to non-communicable diseases.

- *The means of achievement will be thorough multi-sectoral collaboration and cooperation at national, regional, and global levels.*

(Ref. Oxford Textbook of Public Health, p. 1548)

PUBLIC HEALTH IS SOCIAL JUSTICE

Public Health for Social Justice

- The objective is for populations to reach the *highest attainable* standards of health and productivity at every age so that **NCDs** are no longer a barrier to well-being or socio-economic development (WHO 2013b).

- The principles adopted should be;.. *(next slide..)*

  (Ref. Oxford Textbook of Public Health, 6th ed.p. 1548)

"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."

Public Health for Social Justice

- The **principles** adopted should be:

◆ 'Life-course approach

◆ *Empowerment of people and communities*

◆ Evidence-Based Strategies (EBM)

◆ *Universal Health Coverage (UHC)*

◆ Management of real, perceived or potential conflicts of interest

◆ **Human rights approach**

◆ **Equity-based approach**

◆ *National action and international cooperation and* **solidarity**

◆ Multi-sectoral action.' *(WHO 2013b) (Oxford Textbook of Public Health, p. 1548)*

Social Justice & Access to Care

- ☑ **Maldistribution of Health Care Providers Especially in Rural Areas**
- ☑ **Lack of Preventive, Primary Care & Public Health**
- ☑ **Lack of Programs for Women, Gays, & Racial Minorities and w/Cultural & Language Sensitivity**
- ☑ **Denial of Care Because of: Pre-Existing Conditions; Immigration Status; Differences in States' Medicaid Coverage and Eligibility Rules**
- ☑ **Loss of Insurance Due to Unemployment and Fiscal Cutbacks (State Gov'ts, Corporations)**

Public Health & Social Justice

In order to reach **highest attainable standard of health**;
in the grand challenges to address the threats by:

◆ Raising public awareness.

◆ *Enhancing economic, legal, and environmental policies.*

◆ Modifying risk factors.

◆ *Engaging businesses and the community.*

◆ Mitigating health impacts of **poverty** and urbanization.

◆ *Reorienting health systems* (Daar et al. 2007).
   (Ref. Oxford Textbook of Public Health, 6th ed. p. 1548)
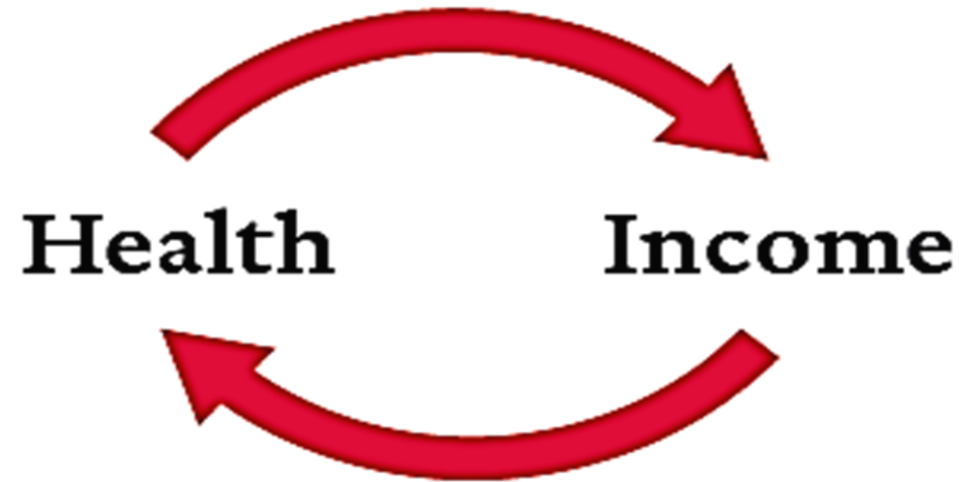

Poverty and Public Health

Turner, Toni

Note: This is not the actual book cover

The relationship between health and income

Better health

- allows people to gain and sustain employment
- can reduce the costs people face from ill-health
- allows people to have more options, such as a more active life.

Health ⟲ **Income**

Higher income

- means people face fewer stresses
- allows people to meet more of their needs
- can be spent on health-promoting assets, such as better-quality housing or food.

The Health Foundation © 2020

A SOCIAL JUSTICE MODEL OF PUBLIC HEALTH

Lee, David. (2009). A Social Justice Model of Public Health: Integrating Prevention of Violence Against Women [Video podcast]. Retrieved from http://www.preventconnect.org/

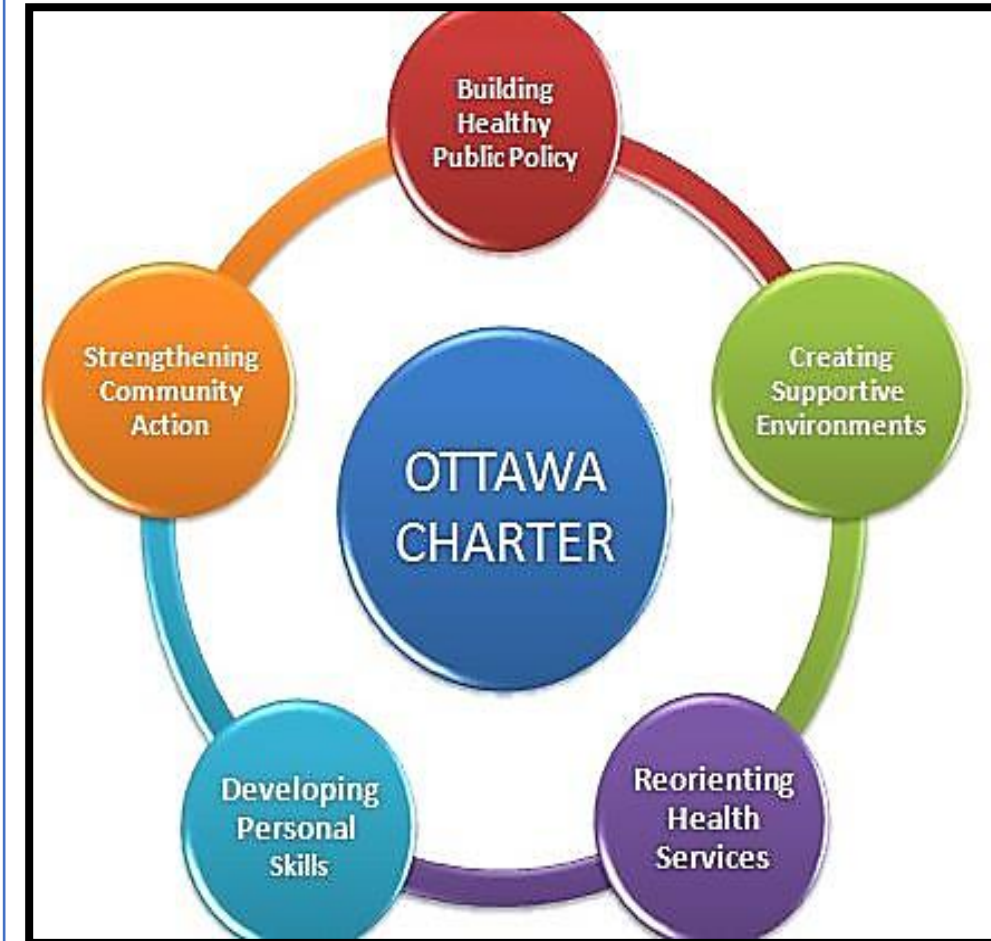HEALTH EQUITY AND SOCIAL JUSTICE

BRIDGING THE GAP

Ottawa Charter…

❑ The conceptual framework of **Almaty** was further developed by the **Ottawa Charter** (WHO 1986), which promoted the concept of healthy public policy rather than focusing only on health policy, extending consideration of health to all policy environments, including the concept of health impact assessment.

❑ The *Ottawa Charter* defined 5 key areas for strategic public health action:

1. *Building healthy public policy.*

2. **Creating supportive environments.**

3. *Strengthening community action.*

4. **Developing personal skills.**

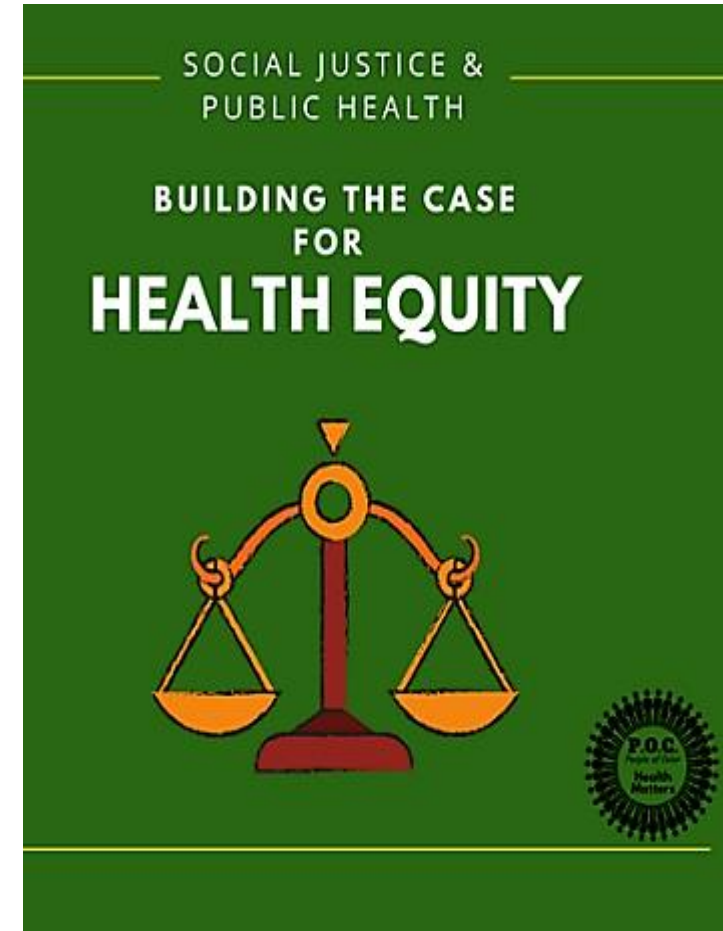5. *Reorienting health services towards prevention and a holistic (integrative) approach* (WHO 1986).

Characteristics of Market and Social Justice

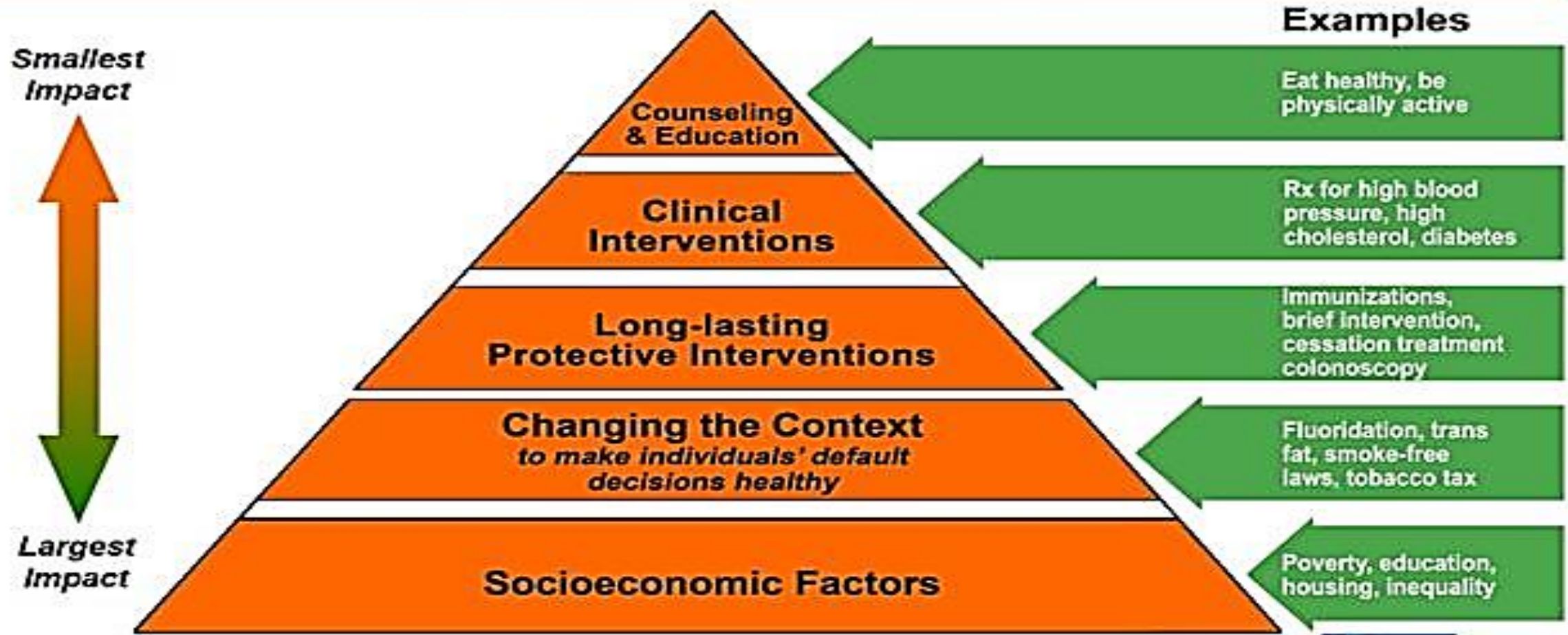| Market Justice	Social Justice
Views health care as an economic good	Views health care as a social resource
Assumes free market conditions for health services delivery	Requires active government involvement in health services delivery
Assumes that markets are more efficient in allocating resources equitably	Assumes that the government is more efficient in allocating health resources equitably

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SOCIAL JUSTICE & PUBLIC HEALTH

BUILDING THE CASE FOR

HEALTH EQUITY

P.O.C. People of Color Health Matters

CDC Health Impact Pyramid — Factors that Affect Health

Impediments to Public Health and Social Justice

- Scientific Ignorance
- Pseudoscience
- Damaged educational system
- The corporate media/media consolidation

- All lead to the decline of democracy
  - "Information is the currency of democracy" (Thomas Jefferson)
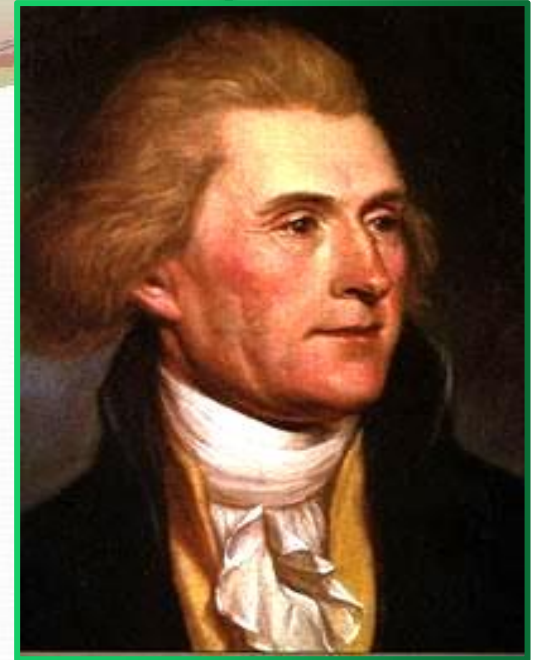
3rd President of the USA

Creating *health equity*

- Creating *health equity* is a [guiding priority](#) and [core value](#) of APHA.

- By health equity, we mean everyone has the opportunity
  to attain their ==**highest level of health**==.

- ***Inequities*** are created when barriers prevent individuals and communities
  from accessing these conditions and reaching their full potential.

- ***Inequities*** differ from *health disparities*, which are differences
  in health status between people related to social or demographic factors
  such as race, gender, income or geographic region.

- ***Health disparities*** are one way we can measure
  our progress toward achieving health equity.

  https://www.apha.org/topics-and-issues/health-equity *19.02.2019*

APHA – AMERICAN PUBLIC HEALTH ASSOCIATION
For science. For action. For health

How do we achieve health equity?

➢ **We value all people equally.**

➢ *We optimize the conditions in which people are born, grow, live, work, learn and age.*

➢ We work with other sectors to address the factors that influence health, including employment, housing, education, health care, public safety and food access.[1]

➢ *We name racism as a force in determining how these* **social determinants** *are distributed.*

https://www.apha.org/topics-and-issues/health-equity 19.02.2019

The Oviedo Convention: *European Charter on Bioethics*

➤ *Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine:*

Convention on Human Rights and Biomedicine

❖ **The member States of the Council of Europe, the other States and the European Community, signatories here to,**

❖ **Bearing in mind the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10 Dec. 1948;**

❖ *Bearing in mind the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950;*   *https://rm.coe.int/168007cf98*, 16.5.22

The Oviedo Convention: *European Charter on Bioethics*

❖ Bearing in mind the **European Social Charter**

of 18 October 1961; *Bearing in mind*

The International Covenant on Civil and

Political Rights &

The International Covenant on Economic,

Social and Cultural Rights of 16 December 1966

❑ **Conscious that the misuse of biology & medicine**

may lead to acts endangering human dignity;

https://rm.coe.int/168007cf98, 16.5.22

The Oviedo Convention: *European Charter on Bioethics*

> ### *Chapter I – General provisions*

> ### *Article 1 – Purpose and object*

□ **Parties to this Convention shall protect the dignity and identity of all human beings and guarantee everyone, without discrimination, respect for their integrity and other rights and fundamental freedoms with regard to the application of biology and medicine.**

*https://rm.coe.int/168007cf98*, 16.5.22

Better Health Through Equity:
Case Studies in Reframing Public Health Work (2015)

➢ This report by **APHA** highlights state and local efforts from health agencies and one Tribal Nation across Colorado, Oregon, Texas, Virginia and Wisconsin to address the ***root causes of health inequities***.

➢ Those ***root causes*** include **racism** and unequal distribution and access to resources such as a living wage, health care and quality education and housing.

➢ The report features the stories of the health agencies as they shifted their thinking and their work from focusing on *health disparities* to advancing **health equity**.
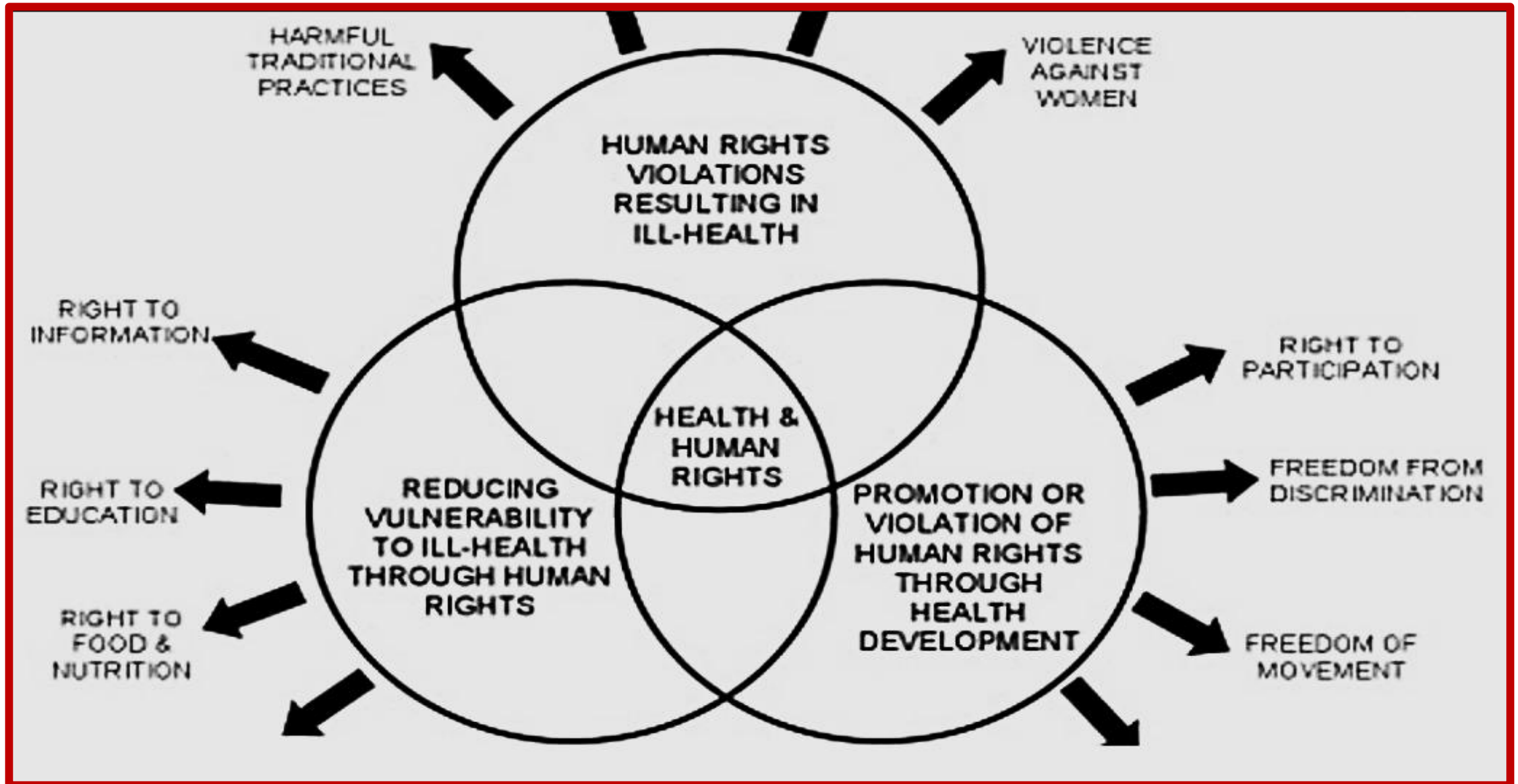
https://www.apha.org/topics-and-issues/health-equity 19.02.2019

https://youtu.be/29NHxReLvAY
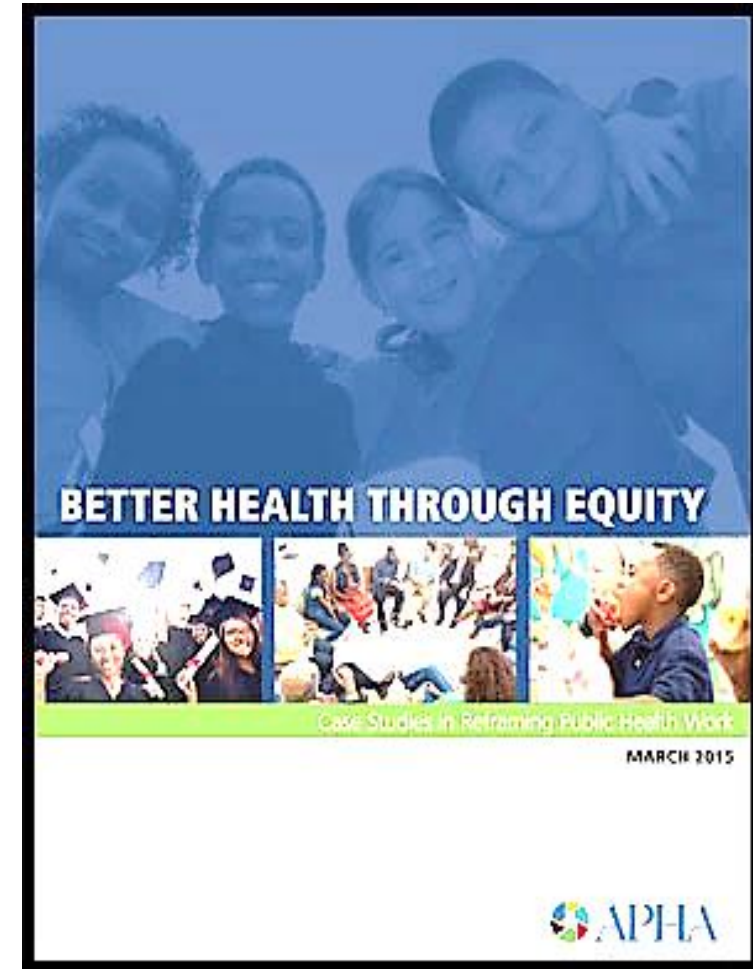
DYNAMICS of HUMAN RIGHTS & HUMAN HEALTH : *As UNSEPARATABLE CONCEPTIONS*

Public Health & Human Rights

❑ *Although the fields of health equity and human rights have different languages, perspectives and methodologies, they share a number of fundamental concepts and tools for study and action.*

❑ Evidence from **Social Epidemiology** showing that socioeconomic conditions *(e.g.* **poverty, unemployment, homelessness***, education)* are among the strongest determinants of health overlap with the human rights literature that focuses on the role of both socioeconomic rights *(e.g. access to a decent standard of living,* **housing**, **education***,* **healthcare***, housing, water and sanitation)* as well as civil and political rights *(e.g. the right to collective bargaining, political participation and non-discrimination).*

Public Health & Human Rights

- ❑ **Social justice and equity** lie at the heart of both human rights and public health.
- ❑ The social and economic circumstances in which we are born, live and work play a key role in the protection and advancement of human rights and health.
- ❑ *A growing body of evidence also indicates that human rights are plausible mechanisms to explain why more egalitarian societies have better health and psychosocial outcomes than more **unequal** ones.*
- ❑ By emphasizing a trans-disciplinary approach, this panel aims at quantitative and qualitative analyses of the impact of public policies, social conditions, and ***social justice on health, equity and human rights*** as well as theoretical contributions on the interrelationships between public health and human rights.

India, The Poor, Covid-19 mass deaths & funerals / 2021

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The UDHR Sets a Human Rights Standard for Health

- It is more important than ever for the **_health and human rights_** communities to stand together as partners to uphold the values of the **UDHR** and resist contemporary **_threats to human rights_**.

- *The human rights progress of the past, bringing together top-down leadership in global health governance with bottom-up civil society advocacy, highlights the importance of sustained political engagement to realise the right to health.*

- Health practitioners have a crucial role in this political engagement, advancing **_rights-based public health policies_**, programmes, and practices that are essential to secure the future of human rights in global health.

70 years of human rights in global health: drawing on a contentious past to secure a hopeful future - The Lancet

Human Rights:
The International Bill of Rights (IBR)

The UN Charter (1945)

↓

The Universal Declaration
of Human Rights (1948)

↓ ↓ ↓

The International Covenant
on Economic, Social &
Cultural Rights (1966)

The International
Covenant on Civil and
Political Rights (1966)

↓ ↓ ↓

Collectively known as the The IBR

*The ICCPR focuses on issues su
as the right to life, freedom
speech, religion and voting*

*The ICESCR focuses on food
education, **health** and shelte
Both Covenants proclaim the
rights for all people
and **forbid discrimination.***

(Turkiye approved the «Twin Covenants
-The International Covenant on Civil and Po
Rights (ICCPR) and the International Covena
Economic, Social, and Cultural Rights (ICES
March 15, 2003. Law No. 4867, which w
officially enacted on this date.

Thank you for valuable participation…

Never forget; HEALTH is a Basic Human RIGHT!