

## Handout 14.4

# Selected international legal provisions guaranteeing the right to health

### **Article 25 (1) of the Universal Declaration of Human Rights:**

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, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (emphasis added).

### **Article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination:**

In compliance with the fundamental obligations laid down in Article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (e) Economic, social and cultural rights, in particular:
  - (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
  - (ii) The right to form and join trade unions;
  - (iii) The right to housing;
  - (iv) **The right to public health, medical care, social security and social services;**
  - (v) The right to education and training;
  - (vi) The right to equal participation in cultural activities. (emphasis added).

### **Article 11 (1) (f) of the Convention on the Elimination of All Forms of Discrimination against Women:**

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (f) **The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.** (emphasis added)

### **Article 24 of the Convention on the Rights of the Child:**

1. States Parties recognize the right of the child to the enjoyment of the **highest attainable standard of health** and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
  - (a) To diminish infant and child mortality;
  - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
  - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution;
  - (d) To ensure appropriate prenatal and post-natal health care for mothers;
  - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
  - (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of the developing countries. (emphasis added)

**Article 16 of the African Charter on Human and Peoples' Rights:**

1. Every individual shall have the right to enjoy ***the best attainable state of physical and mental health.***
2. States parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick. (emphasis added)

**Article 10 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights:**

1. Everyone shall have ***the right to health***, understood to mean the enjoyment of the highest level of physical, mental and social well-being (emphasis added).
2. In order to ensure the exercise of the right to health, the States Parties agree to recognize health as a public good and, particularly, to adopt the following measures to ensure that right:
  - Primary health care, that is, essential health care made available to all individuals and families in the community;
  - Extension of the benefits of health services to all individuals subject to the State's jurisdiction;
  - Universal immunization against the principal infectious diseases;
  - Prevention and treatment of endemic, occupational and other diseases;
  - Education of the population on the prevention and treatment of health problems, and
  - Satisfaction of the health needs of the highest risk groups and of those whose poverty makes them the most vulnerable.

**Article 11 of the European Social Charter (Revised):**

With a view to ensuring the effective exercise of **the right to protection of health**, the Parties undertake, either directly or in cooperation with public or private organizations, to take appropriate measures designed inter alia:

- To remove as far as possible the causes of ill-health;
- To provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
- To prevent as far as possible epidemic, endemic and other diseases, as well as accidents. (emphasis added)

**NOTE:** For information in general on matters of health, see the website of the World Health Organization: [www.who.int/](http://www.who.int/).