

Our Health is Our Right

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Abstract

The World Health Organization (WHO), in its Constitution written in 1948, recognized health to be a fundamental right of every human being. In the same year, the Universal Declaration of Human Rights (1948) were drawn up and subsequently many international and regional human rights treaties, recognized the right of every human being to achieve the highest attainable standard of physical and mental health. Realizing the fact that the marginalized, discriminated and underserved population have as much equal right as the others, the WHO outlined a human rights-based approach, which aims to support sustainable development by addressing inequalities and discriminatory practices, focusing on the groups of people who are most marginalized and discriminated against. All countries have a legal obligation to use the maximum available resources to develop and implement legislation, policies, health systems and health services, which guarantee universal access to quality health care and address the root causes of health disparities, including poverty, stigma and discrimination. To focus on ensuring right to health, the theme for World Health Day 2024 was formulated as 'My health, my right'.

Keywords: Human rights, Right to health, World health day theme.

Key messages: Key messages have been released by the WHO, separately for the public and for the Governments, for the campaign on World Health Day Theme 2024, for protecting the rights.

INTRODUCTION

Health is a fundamental right of every human being. Hence, all countries have legal obligations to provide resources to ensure that their citizens achieve their rights. The right to health is closely related to and dependent on the realization of other human rights, including the rights to life,

food, housing, work, education, privacy, access to information, freedom from torture and the freedoms of association, assembly and movement.¹

The right to health of millions is increasingly coming under threat all over the world, due to various challenges. To address these challenges, the theme for World Health Day 2024 was formulated as 'My health, my right'.²

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GLOBAL HEALTH SITUATION

Global health focuses on the health needs of people around the world, which includes the regional health problems that can affect other populations around the world. In addition to the communicable and contagious diseases, global health issues include factors that affect health either directly or indirectly viz. economic and political instability, income and social inequality, lack of education and employment, insufficient food and medicine, climate change and natural disasters, limited access to quality health care, and more. Determinants of global health include many cultural, economic, environmental, and social factors.³

Global health is dynamic and ever-changing, and hence there are new or emerging problems in addition to existing problems and their sudden rise, examples of new problems being Zika virus disease in 2007, COVID-19 pandemic in 2019, monkey pox outbreak in 2023 etc., while cancer or tuberculosis, are consistent and long lasting problems and non-communicable diseases showing a rising trend.³

The COVID-19 pandemic had a devastating effect across the world. As shown in World Health Statistics by the WHO, in just two years, the COVID-19 pandemic reversed over a decade of gains in both life expectancy at birth and healthy life expectancy (HALE), both reaching the 2016 levels (72.5 years and 62.8 years, respectively) by the end of 2020, with further decline in the following year to reach 2012 levels (71.4 years and 61.9 years, respectively).⁴

The GBD 2021 study reveals gross disparities in health across age, sex, location, and socioeconomic groups, emphasizing the impact of the COVID-19 pandemic alongside other health challenges.³

HUMAN RIGHT TO HEALTH

The World Health Organization (WHO), in its Constitution written in 1948, recognized health to be a fundamental right of every human being. In the same year, the Universal Declaration of Human Rights (1948) were drawn up and subsequently many international and regional human rights treaties, recognized the right of every human being to achieve the highest attainable standard of physical and mental health.¹

Realizing the fact that the marginalized,

discriminated and underserved population have as much equal right as the others, the WHO outlined a human rights based approach (HRBA), with the United Nations' common understanding of HRBA serving as a guiding framework. HRBA aims to support sustainable development by addressing inequalities and discriminatory practices, focusing on the groups of people who are most marginalized and discriminated against. Its **goal is that all** programmes, policies and technical assistance should further advance the realization of the right to health and other health-related human right, by integrating human rights standards and principles viz. participation, accountability, equality and non-discrimination, into all stages of the health programming cycle, like assessment, priority setting, planning, implementation, monitoring and evaluation. Institutions, processes and systems need to ensure that people are empowered to understand and claim their health-related rights. States as well as non-State actors, like the private sector and non-governmental organizations, have human rights obligations. Policies should ensure respect, protection and fulfilment of health-related rights, health and safety standards and labour rights.⁵

Fundamental human rights principles¹

Fundamental human rights principles and standards are required to be followed across health services and health system policies and implementation mechanisms, including public health emergency preparedness and response. These principles are as follows:¹

- **Non-discrimination and equality:** This requires prioritizing the needs of those furthest behind, to achieve equity by identifying and addressing unfair and remediable health disparities among different sub-populations notably gender, race, ethnicity, disability, sexual orientation, gender identity and socioeconomic status.
- **Participation:** For this all health service users should be empowered, so that communities and civil societies can be engaged in planning, decision-making and implementation processes for health across the programme cycle and at all levels of the system.
- **Accountability:** Accessible and effective accountability mechanisms must be implemented by countries, which include administrative and judicial remedies and oversight by other institutions, both at national and international levels.

Core components of the right to health¹

The right to health includes four essential elements viz. availability, accessibility, acceptability and quality, which are interrelated with each other.

- **Availability:** This refers sufficient quantity of functioning health facilities, goods and services should be provided for all, across all sections of population strata like age, gender, location and socio-economic status. Availability can be measured by analysis of data by subgroups and conducting qualitative surveys to understand gaps in coverage.
- **Accessibility:** This requires that health facilities, goods, and services must be accessible to everyone across all four dimensions viz. non-discrimination, physical accessibility, economic accessibility or affordability and information accessibility, which can be assessed by analysis of various barriers to health systems and services, and their effects on marginalized population.
- **Acceptability:** This implies that services should be culturally appropriate and sensitive to gender. Health facilities, goods, services and programmes should be people-centred, catering to specific needs of diverse population groups, following medical ethics for confidentiality and informed consent.
- **Quality:** This extends to the determinants of health, like safe and potable water and sanitation, and establishment of scientifically and medically approved health facilities, goods and services. Quality is a key component of universal health coverage (UHC).

WORLD HEALTH DAY THEME 2024

The WHO Council on the Economics of Health for All has found that at least 140 countries recognize health as a human right, in their constitution. Yet there are no laws in these countries to ensure that their populations are entitled to access health services. Hence, it was observed that at least 4.5 billion people, which are more than half of the world's population, were not fully covered by essential health services in 2021.²

There are multiple challenges globally which are the main causes of morbidity, disability and mortality. Such challenges include diseases and disasters, indoor and outdoor air pollution, climate change and global warming, violence and conflicts,

which are devastating lives, causing death, pain, hunger and psychological distress. To address these challenges, the theme for World Health Day 2024 is 'My health, my right'.²

The purpose of selecting this theme was to ensure that everyone, everywhere had access to all the essential services and facilities like good quality health services, education, and information, safe drinking water and sanitation, good nutrition, healthful housing and clean air, decent working and environmental conditions, and freedom from discrimination.²

For the public

- **Know your health rights:** People have the right to safe and quality care, without any discrimination, right to privacy and confidentiality of their health information, right to information about their treatment and to informed consent, and right to bodily autonomy and integrity.
- **Make decisions about your own health:** People should be empowered to take their own decisions regarding maintaining good health, following proper health seeking and treatment seeking behaviour, and being prepared for emergency and exigency conditions.
- **Protect your right to health as a basic human right:** Everyone should have access to the accessible and quality health services, without facing financial hardship.
- **Promote the right to health as an intrinsic pillar of broader human rights:** Along with the right to health, their rights to access other basic amenities like education, and information, safe drinking water and sanitation, good nutrition, healthful housing and clean air, decent working and environmental conditions, and freedom from discrimination, should also be ensured.
- **Champion health as a priority:** People should get involved in decision-making regarding health and health services through meetings and citizen assemblies, health committees, and review boards.

For governments

- **Every law counts:** Every ministry can and should enact legislation to realise the right to health in all sectors, including Finance, Agriculture, Environment, Justice, Transport, Labour, Social affairs and Social development.

- **Invest in health:** Additional resources should be mobilized to scale up primary health care in low- and middle-income countries, at 3.3% of national forecast GDP.
- **Deliver on the right to health:** Health services should be made available, accessible, acceptable and of good quality for everyone, everywhere.
- **Be strategic and build from the basics:** Health systems should be oriented around primary health care.
- **Champion transparency and accountability:** Corruption should be stopped, by strengthening governance and working across sectors.
- **Involve the general public in health decision-making:** Social participation should be encouraged by meaningfully involving individuals and communities in decision-making regarding health and health services through meetings and citizen assemblies, health committees, and review boards.
- **Know the health needs of populations and act on them:** Collect data and conduct subgroup analysis by demographic factors like age and gender, socio-economic status including education and occupation, social variables like place of residence, race and ethnicity, and take action to correct health inequities.
- **Safeguard the right to health in war and conflict:** Ensure accessible health services to the people, without any disruption in times of unrest, adhering to international humanitarian and human rights law.

CONCLUSION

Human rights are universal rights of all human beings, regardless of age, gender, race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status. The right to health is intimately linked to other human rights, including the rights to education, participation, food, housing, work and information. Constitution of the World Health Organization also recognizes the right to health. All countries have a legal obligation to use the maximum available resources to develop and implement legislation, policies, health systems and health services.

Some human rights obligations are of immediate effect, like guarantee of non-discrimination. However, most of the components of the right to health are subject to the principle of progressive realization. Hence, to attain progressive development and to focus on ensuring right to health, the theme for World Health Day 2024 was formulated as '**My health, my right**', wherein key messages were released by the WHO, separately for the public and for the Governments, for the campaign on World Health Day Theme 2024, for protecting the rights of every individual.

DECLARATION

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