

TASK 3.2 ■ WHAT IS THE RIGHT TO HEALTH?

<p>The Right to Health should mean</p>	<p>The Right to Health should mean</p>
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TASK 3.3 ■ THE RIGHT TO HEALTH NATIONALLY AND INTERNATIONALLY – HOW DO THEY COMPARE?

Provisions in your national constitution on the right to health

The International Covenant on Economic, Social and Cultural Rights on the right to health:

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - (b) The improvement of all aspects of environmental and industrial hygiene;
 - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Which is stronger? Why?

TASK 3.4 ■ GENERAL COMMENT 14 AND THE 3AQ

Look at Reading 3.1 and summarize what General Comment says about availability, accessibility, acceptability and quality:

ASPECTS
Availability:
Accessibility:
Acceptability:
Quality:

TASK 3.5 ■ LEGAL AND POLICY PROVISIONS OF THE RIGHT TO HEALTH IN POLARUS

The Right to Health requires governments:

- To ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable groups;
- To provide essential drugs;
- To adopt and implement a national public health strategy and plan of action including methods by which progress can be closely monitored;
- To ensure reproductive, maternal (pre-natal as well as post-natal) and child health care;
- To take measures to prevent, treat and control epidemic and endemic diseases;
- To provide information concerning the main health problems in the community; and
- To provide appropriate training for health personnel.

United Nations, Committee on Economic, Social and Cultural Rights, General Comment 14

Working in your groups, examine the “Health Policy Framework and Strategy” in your Polarus Sourcebook.

- a) Identify key provisions, in the legal and the policy framework, that reflect the country’s compliance with the requirements lined out by General Comment 14, above.
- b) Write down as many key elements that you can identify, distinguishing between legal provisions and policy framework.
- c) Reflect on what this distinction means.

Legal provisions that relate to the Right to Health:

Policy provisions related to the Right to Health:

TASK 3.6 ■ AVAILABILITY, ACCESSIBILITY, ACCEPTABILITY AND QUALITY IN POLARUS

Availability: Existence of health facilities, goods and services to meet the basic health needs of the people, including hospitals and clinics, trained medical personnel, essential drugs and so forth

Accessibility: Geographical accessibility (without any discrimination or conditionality) and economic accessibility (no constraints in the form of payments for seeking health care)

Acceptability: Health facilities, goods and services must be appropriate for all (respectful of people's culture and aimed at improving people's health status)

Quality: Health facilities, goods and services must be scientifically and medically appropriate (skilled medical personnel, scientifically approved drugs and hospital

Working in your group, look for issues that are outlined in the “development overview” and “health background” of Polarus, taking into account the element of the right to health (availability, accessibility, acceptability or quality) assigned to your group. Identify gaps within each the element and its budgetary requirements. Use the table below to record your analysis.



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ASPECTS	GAPS	BUDGET IMPLICATIONS
Availability:		
Accessibility:		
Acceptability:		
Quality:		

TASK 3.7 ■ THE GOVERNMENT’S OBLIGATIONS RELATED TO THE RIGHT TO HEALTH

“Generic” obligations:

	Respect	Protect	Fulfil
Right to health	Not to interfere with people’s existing enjoyment of the right to health	Prevent others from interfering with people’s enjoyment of the right to health	Enact policies, plans and programs to realize people’s right to health
<i>Availability</i>	Not to interfere with the availability of health services for people	Prevent others from interfering with the availability of health service for people	Enact policies, plans and programs to ensure that health services are available
<i>Accessibility</i>			
<i>Acceptability</i>			
<i>Quality</i>			

Article 2 obligations:

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. ...

TASK 3.8 ■ THE GOVERNMENT’S OBLIGATIONS AND ITS HEALTH BUDGET

1. The army budget has risen by 10% this year and the Parliament has allocated 2 million dollars to build a monument to the President in the capital center. Meanwhile, the government has cut back on the program subsidizing health insurance for the low-income population, citing the effects of the global economic crisis on public resources.
2. People in the rural areas of Blossom County have to walk, on average, 15 miles to the nearest health clinic; no public transportation is available. As a result, a number of people, including pregnant women, die annually due to lack of medical care. Over the course of several years, the county government has claimed it has no resources to build additional clinics. During that same time county government officials have been seen driving expensive new cars.
3. At the mid-year budget review, the government discovers that its revenues are coming in above projections. It decides to allocate the additional funds to the tourism sector, even though the Department of Health’s budget allocation was only 70% of what it requested. At the same time, child deaths from epidemic diseases are well above international averages.
4. The national government has adopted a policy encouraging the privatization of health services. It has established a National Health Commission whose mandate is to oversee contracts entered into by local governments (which are responsible for health service provision), to ensure that services are being provided at affordable rates and that all citizens have access to health care services. While the government lays out the process for the selection and work of the Commission, it fails to allocate funds for its operation.
5. The population of Blossom State is comprised of three ethnic groups. The national government allocates health funds to the states in an equitable fashion, but the quality of health services varies considerably among districts in Blossom State. Your organization learns that the State authorities have directed the infrastructure funds to building health clinics in localities largely populated by one of the three ethnic groups.
6. Each year the people living in four states of the country suffer disproportionately from infectious diseases that increase in the rainy season. Unlike in previous years when there was almost total coverage, in 2008 local health clinics in the states ran out of vaccine when only half the people had received their shots. Earlier in the years newspapers had reported that the national government had contracted with a new vaccine supplier.
7. The provincial government has introduced user fees for public health services in Leaf Province. It claims that such a step is necessary to ensure full funding of the provincial health care system. Over the next two years, a community-based organization determines that 20% of the pregnant women in the communities with which it works have not sought any pre-natal care from the clinics, as they cannot afford to pay the user fee.

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8. The national government directs funds annually to state governments for the establishment and maintenance of a system of emergency vaccines. The local authorities in Lake State pocket most of the funds, with the result that vaccines are inadequate when an epidemic breaks out in the state.

TASK 3.9 ■ ACCESS TO INFORMATION AND PARTICIPATION AS RIGHTS

The following two articles are in the International Covenant on Civil and Political Rights:

Article 19...

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice....

Article 25

Every citizen shall have the right and the opportunity...

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives...
- To you have similar articles in your national constitution? In what ways are they similar? In what ways are they different? Which provide stronger guarantees?

 - What relevance do these two articles have for your budget work?