A Rights-Based Approach to US Health Care Reform: Realizing the Highest Attainable Standard of Health through a Focus on Underlying Determinants

Benjamin Mason Meier, JD, LLM, MPhil
Columbia University
April 18, 2009
Health is a Human Right?

- Immunization
- Housing
- Social Security
- Nutrition
- Clean Water & Air
- Universality
- Equity
- Quality
Outline

1. Framework – Underlying Determinants of Health
2. Background – Health & Human Rights
3. Findings – Evolution of a Right to Underlying Determinants of Health
4. Analysis – A Rights-Based Approach to US Health Care Reform
Underlying Determinants of Health

Commission on Social Determinants of Health

- Poverty = Underlying Determinant of Health
  - Underlying Determinant
  - Mechanisms
    - Power
    - Money
    - Resources
  - Result
    - Ill Health
  - Health Care Systems for the Public’s Health
Underlying Determinants of Health in America

- Pervasive Socioeconomic Inequalities in Health
- Health Care is Not Enough
- Social Safety Net → UDH → Public Health
- Economic Stimulus for Health
Health & Human Rights

- The Health & Human Rights Movement - A Right to Health
- Human Rights Matter
- Human Rights Evolve
- Evolution of the Right to Health in International Law
- Right to Health for Underlying Determinants of Health
Evolution of the Right to Health

Universal Declaration of Human Rights (1948)

Int’l Covenant on Economic, Social & Cultural Rights (1966)

General Comment 14 (2000)

Declaration of Alma-Ata (1978)
International Legal Framework for Health

Second World War

Four Freedoms

UN Charter

WHO Constitution

UDHR

- freedom of speech
- freedom of religion
- freedom from fear
- freedom from want

“a necessitous man is not a free man”
- Franklin Delano Roosevelt
Universal Declaration of Human Rights

Second World War
  ↓
Four Freedoms
  ↓
UN Charter
  ↓
WHO Constitution
  ↓
UDHR

• Article 25
  – medical care
  – underlying determinants of health

“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...”
ICESCR – Codifying a Right to Health

UN General Assembly Debate

• Abandonment of “complete” health
• Neglect of Underlying Determinants of Health
  – Nutrition
  – Housing
  – Health promotion
  – Social services
Transitions to Public Health

• From Public Health to Medicine and Back Again
  – Curative medicine
  – Underlying determinants of health
  – Primary health care

• From Public Health Discourses to Human Rights Obligations
Declaration of Alma-Ata

International Conference on Primary Health Care

- Culmination of Rights-Based Approach to Underlying Determinants
- WHO definition of “complete” health

health—which is a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity—is a fundamental human right that requires the action of many other social and economic sectors in addition to the health sector.
An Evolving Right to Health

General Comment 14 (2000)

- Obligations for *Public* Health Systems
- Underlying Determinants of Health through Primary Health Care
- **AAAQ**
  - Availability
  - Accessibility
  - Acceptability
  - Quality
A Rights-Based Approach to Health Care Reform

- A Right to Underlying Determinants of Health
- A Duty to:
  - Respect
  - Protect
  - Fulfill
- Public Health Approach to Health Care Reform
  - A - Universality & Equity
  - A - Private vs. Public
  - A - Integration of Prevention & Care
  - Q - Evidence-based Evaluation
Availability – Universality & Equity

From Inequality to Inequity – Universal Health for All under the Same Terms

• Nondiscrimination
  – In law
  – In fact

“on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status, sexual orientation and civil, political, social or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to health.”
Accessibility – Private vs. Public

- Single-Payer?
  - Who cares?

Public Health as a Public Good

State Realization

- Participation for Social Justice
  - Organization of the health sector
  - Political determinants
Acceptability – Integration of Prevention & Care

Short-term Risk-reduction ➔ Underlying Determinants of Health

- An ounce of prevention is worth...

- From Individual to Collective Analysis
  - Social/Structural Determinants of Health
  - Efficient Allocation at the Collective Level
Quality – Evidence-based Evaluation

- Distributive Justice
  - Comparisons across Socioeconomic Groups

- Population-based Analysis
  - Public Health Indicators and Measurements

- Indicators Statistics Accountability

ANALYSIS
Health is a Human Right

Benjamin Mason Meier, JD, LLM, MPhil
International Development & Globalization Fellow
Columbia University
bmm2102@columbia.edu