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

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Columbia University
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OF PUBLIC HEALTH

The Program in
International Development and Globalization
at Columbia University

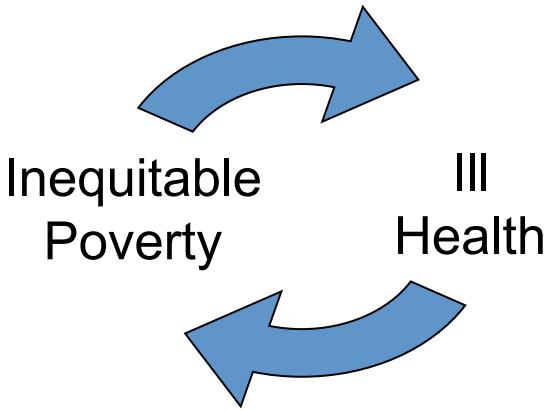
Immunization
Clean Water & Air
Housing
Nutrition
Social Security
Health is a Human Right?
Universality
Equity
Quality

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

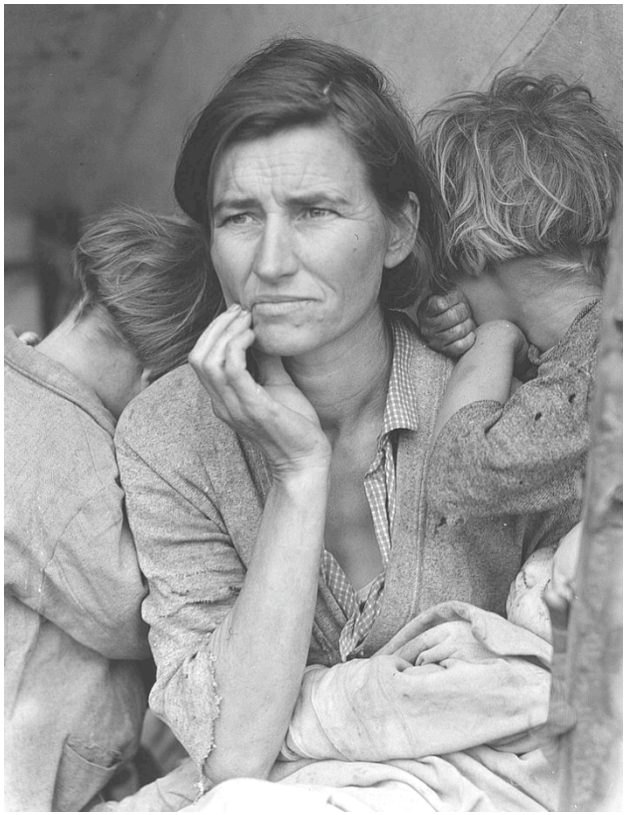


- Poverty = Underlying Determinant of Health

Underlying Determinant	**Poverty**
Mechanisms	**Power** **Money** **Resources**
Result	**Ill Health**

- Health Care Systems for the Public's Health

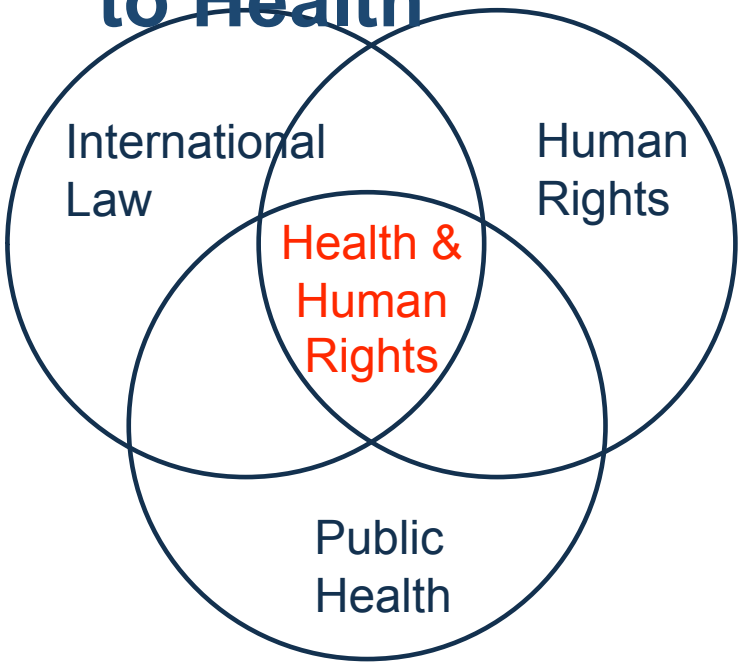
Underlying Determinants of Health in America



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

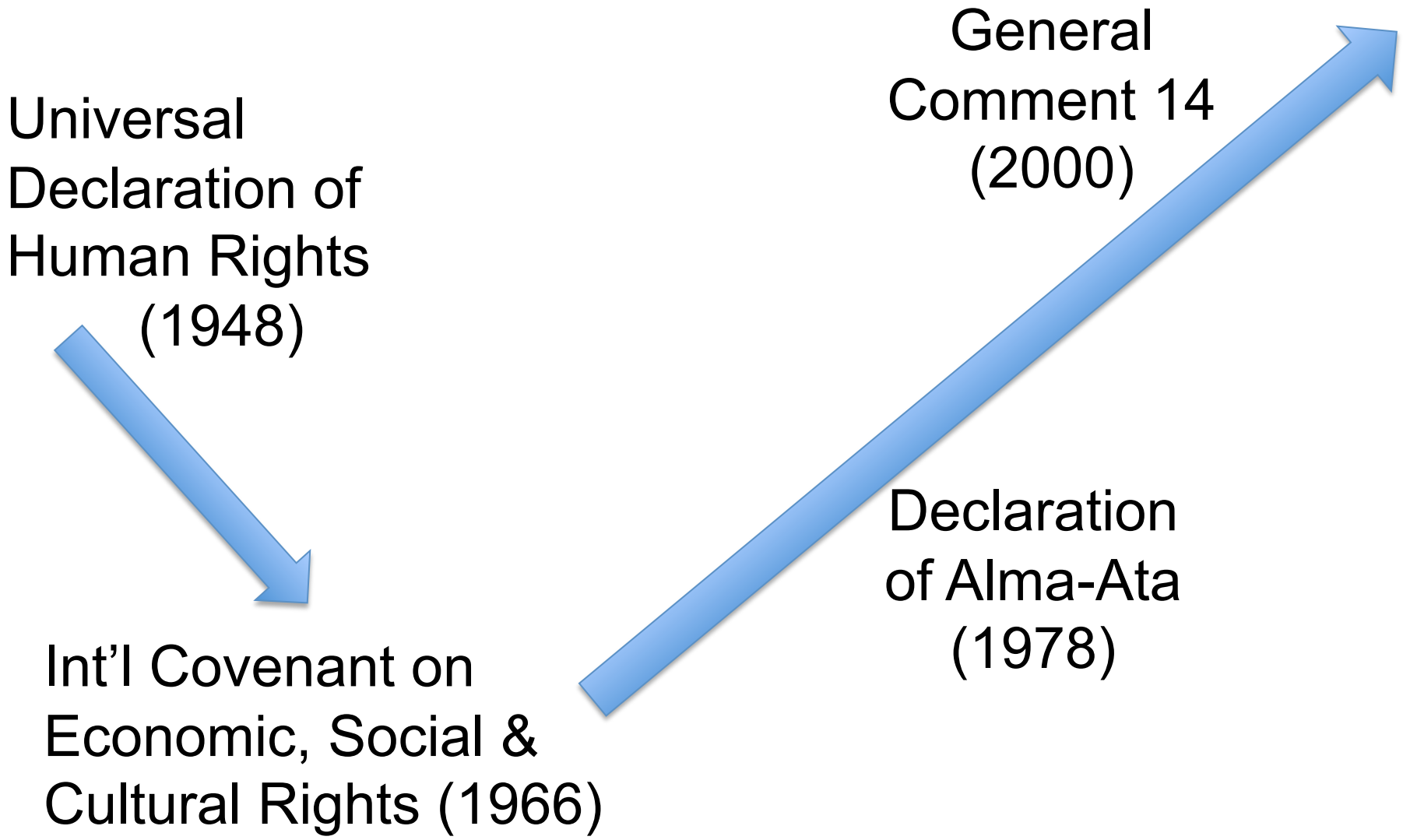
Health & Human Rights

- **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



International Legal Framework for Health

Second World War

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Four Freedoms

⬇

UN Charter

⬇

WHO Constitution

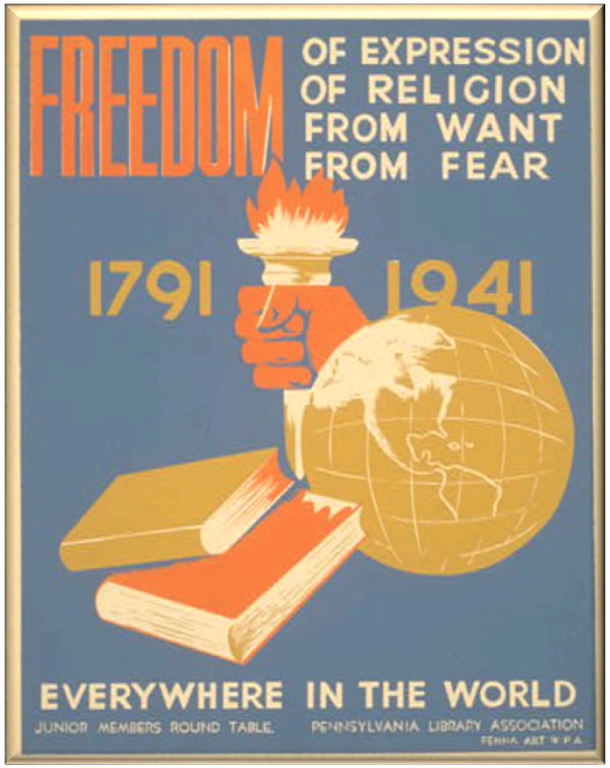
⬇

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

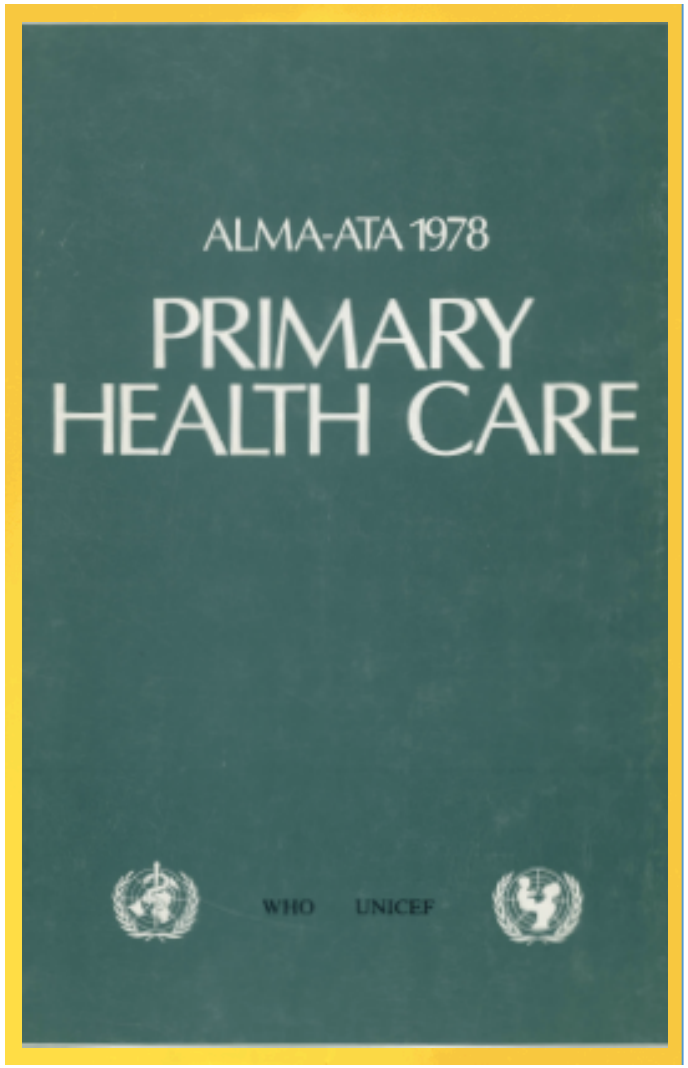
UN General Assembly Debate

- 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



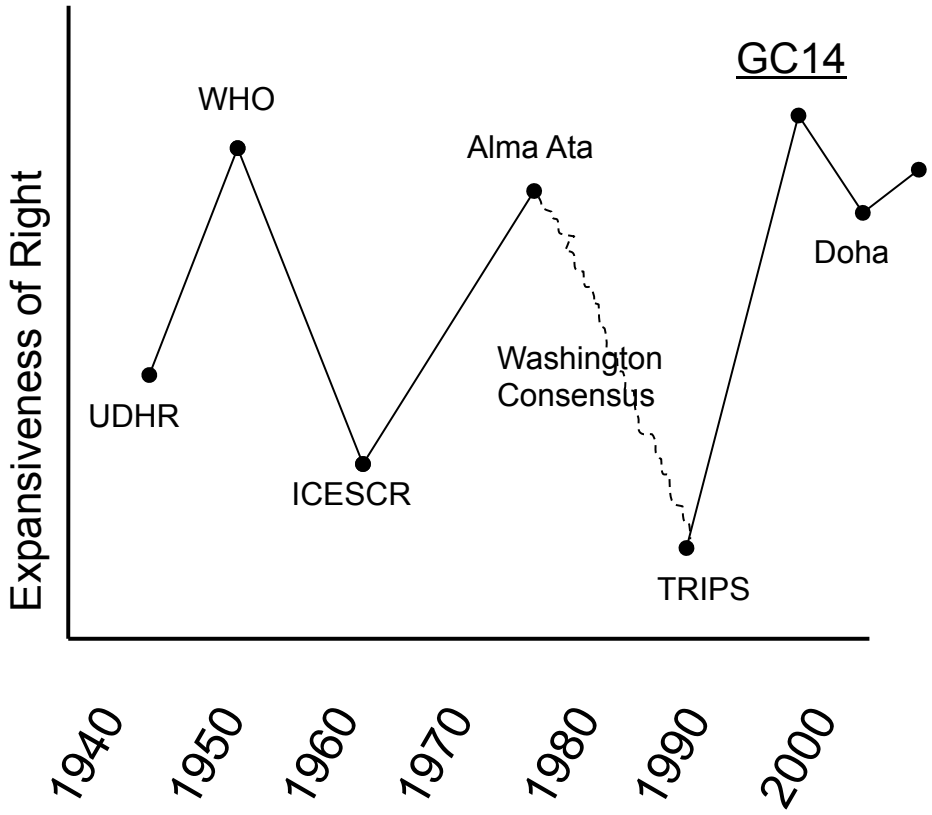
International Conference on Primary Health Care

- 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
  - **A**vailability
  - **A**ccessibility
  - **A**cceptability
  - **Q**uality

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

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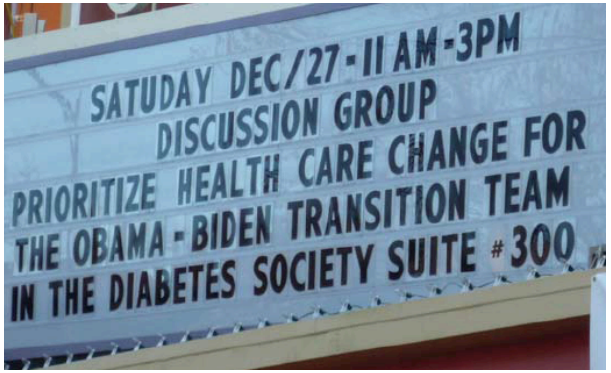
State Realization

- 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

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Accountability

Health is a Human Right

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