

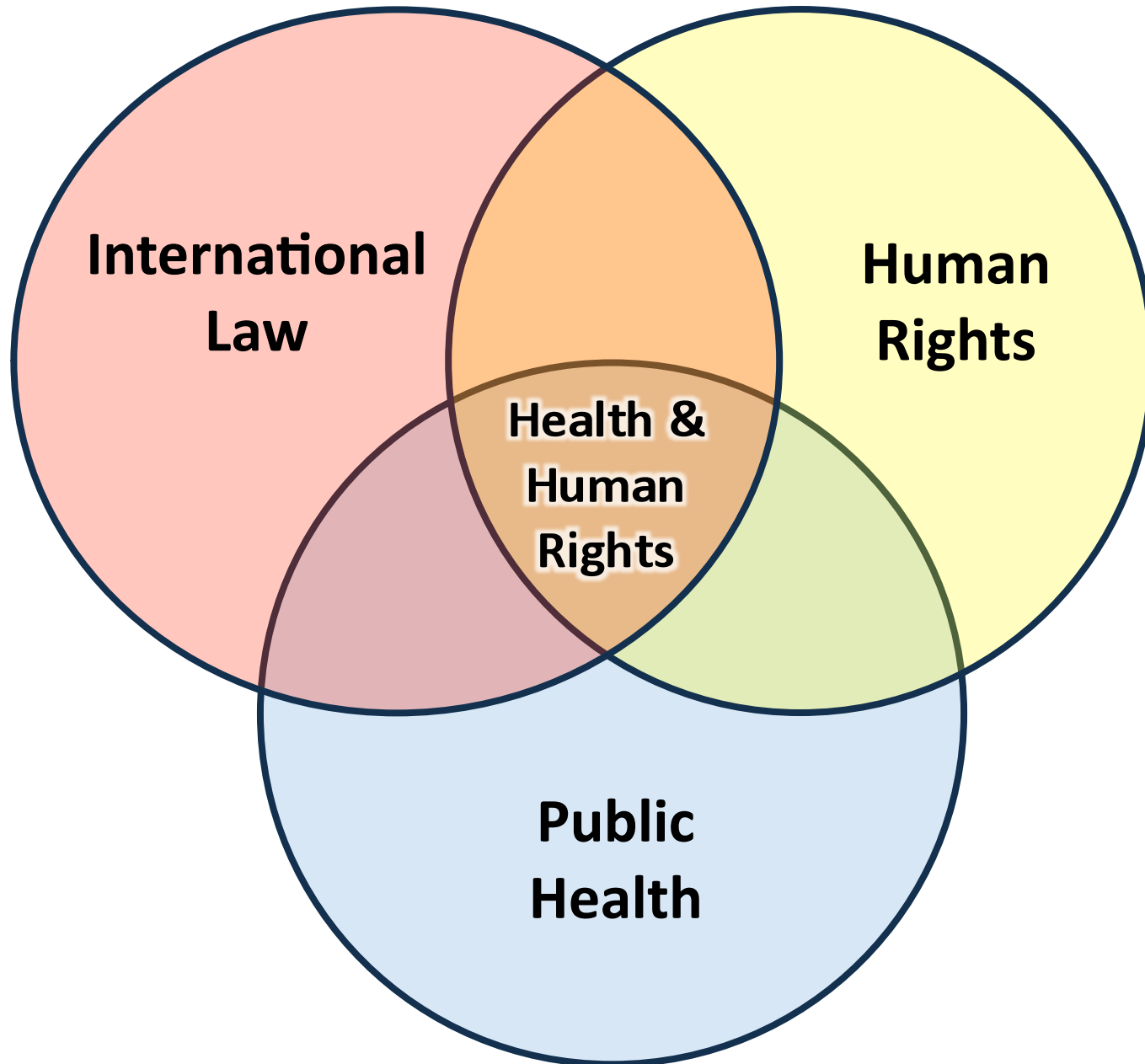
The Affordable Care Act, the Right to Health, and the Next American Dream

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THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL



Human Rights & the U.S. Debate

Four
Freedoms

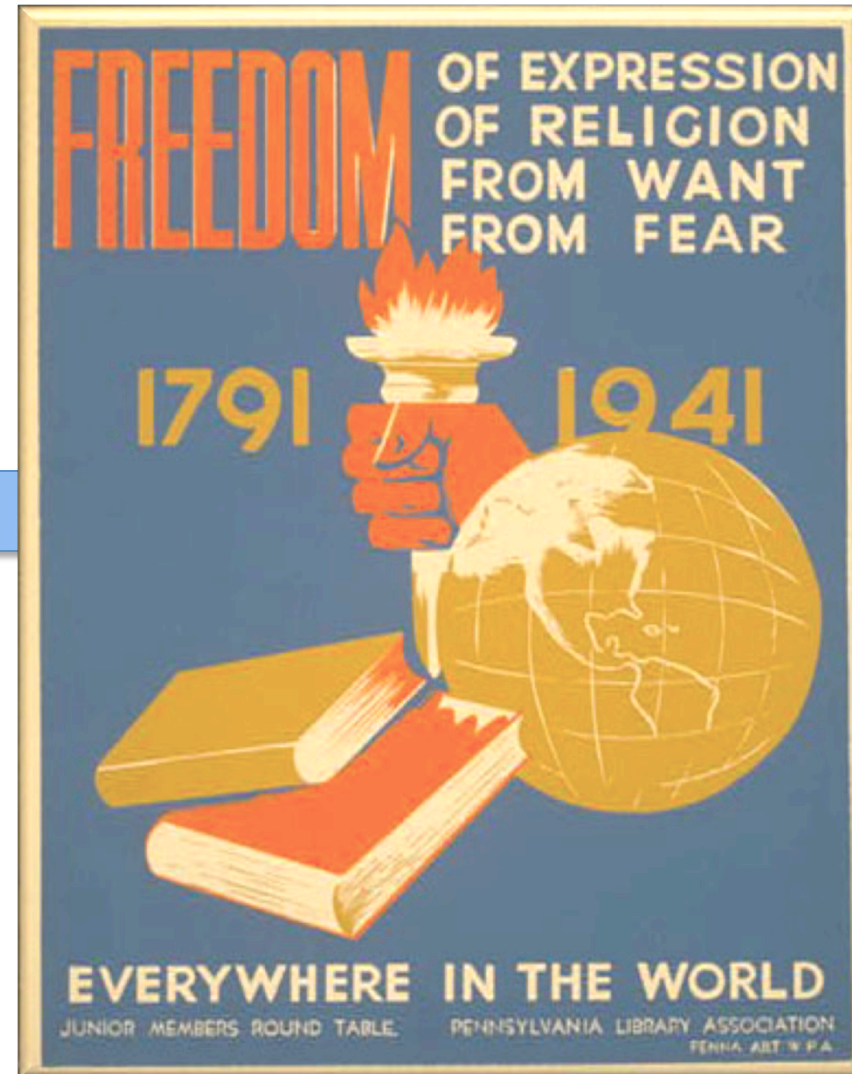
1940

1960

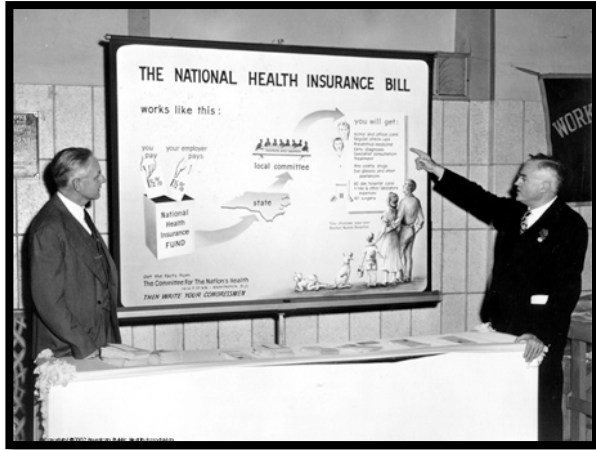


*“a necessitous
man is not a
free man”*

- FDR



Human Rights & the U.S. Debate



1940

1960

1980

2000

Emergency Maternal
& Infant Care Act
Hospital Survey &
Construction Act

Human Rights & the U.S. Debate

Universal
Declaration of
Human Rights

1940

1960

1980

2000

“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...” UDHR, Art. 25



Human Rights & the U.S. Debate

“Let a just nation throw open to them the city of promise to the elderly, by providing hospital care under social security...to those struggling to maintain the dignity of their later years.” — LBJ



1940

1960

1980

2000

Medicare &
Medicaid

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ICESCR

1940

1960

1980

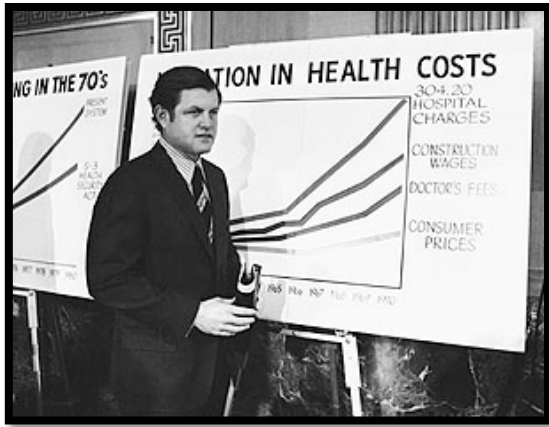
2000



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.

- ICESCR, Art. 12

Human Rights & the U.S. Debate



“I am shocked to find that we in America have created a health care system that can be so callous to human suffering, so intent on high salaries and profits, and so unconcerned for the needs of our people...” – Ted Kennedy

1940

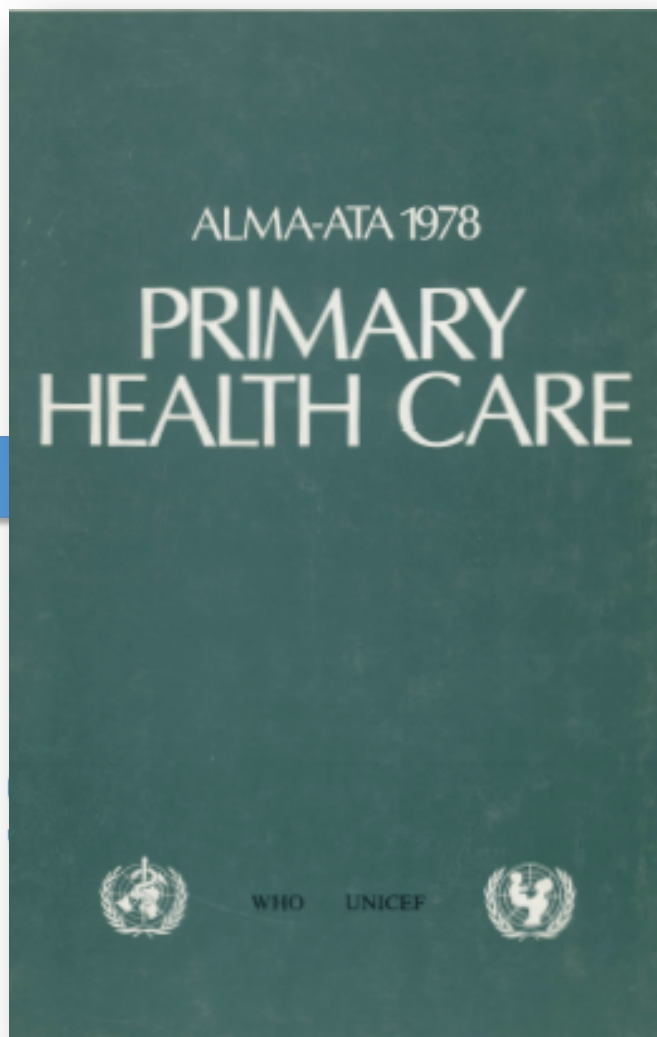
1960

1980

2000

Kennedy
“Single Payer”
Proposal

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Declaration
of Alma-Ata

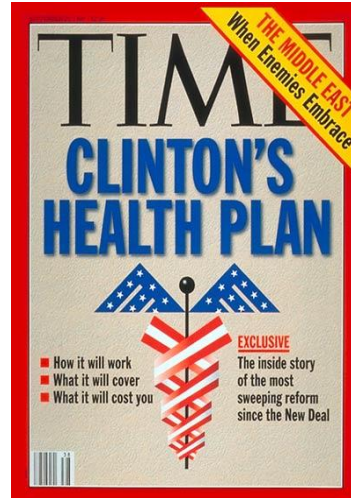
1960

1980

2000



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1940

1960

1980

2000

Clinton Market-Oriented Proposal

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General
Comment 14

1940

1960

1980

2000



“The right to health extends not only to timely and appropriate health care but also to the underlying determinants of health...”

Obamacare: A Rights-Based Approach to Health?

- **Declaring Health a Human Right**
- **Single-Payer vs. Market-Based Approaches**
- **Comprehensive Reform**
 - **Mandated Coverage**
 - **Regulated Marketplaces**
 - **Expanded Public Insurance**
 - **Strengthened Public Health**
- **Constitutionality Challenges Overcome**



Application of the Right to Health to U.S. Health Care Reform

- **Dabney Evans, PhD, MPH (Emory)**
 - Right to health: The next American dream
- **Dhrubajyoti Bhattacharya, JD, MPH, LLM (Loyola-Chicago)**
 - Using a human rights framework to identify the opportunities and shortcomings of the affordable care act to ameliorate health disparities among persons with HIV/AIDS
- **Leslie London, MD, MB ChB (University of Cape Town)**
 - Universal health care and the right to health - no gains without community agency

