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Human Rights and Issue of Global Health

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Introduction:

In today's context, along with basic human needs such as food, clothing and shelter, education and health have become very important. The Covid 19 pandemic was experienced by all human beings in the world came to realize the importance of health care. Increased attention to global health presents opportunities for governments to advance other shared objectives, including promotion of the broad international human rights agenda. While some countries have pledged to integrate the promotion of human rights across all areas of foreign policy, in general terms policy approaches have concentrated primarily on civil and political rights issues such as the promotion of democratic governance and the rule of law. Relatively little emphasis has been placed on using the human rights framework concerning economic, social and cultural rights, including the right to the highest attainable standard of health, to advance international development of humanitarian objectives. So in this research paper, the researcher has tried to study the role of human rights in the context of global health by considering the concept of global health and human rights.

Human Rights and Health:

Today there is growing recognition of the links between health and a wide range of human rights, as well as a growing appreciation of the right to the highest attainable standard of health itself. There is broad agreement that health policies, programmes and practices can have a direct bearing on the enjoyment of human rights, while a lack of respect for human rights is recognized as key consequences. Protecting human rights is recognized as key to protecting public health. Policy interventions that are grounded in human rights with a strong gender dimension can help inform and strengthen public health responses.

Attention to the human rights principles of nondiscrimination and equality can highlight different treatment of distinct population groups, moving beyond averages to focus attention on the health needs of vulnerable or marginalized groups, and thus help to ensure that health systems meet the health needs of all segments of a population. Engaging individuals and communities actively

in decisions bearing upon their health, including the development and implementation of health policies, strategies and programmes, helps ensure, for example, that disease specific programmes do not skew the delivery of health interventions. By placing individuals at the centre of a health system, human rights provide a powerful standard by which to ensure that the health needs of all members of society are being met.

International human rights mechanisms regularly monitor health related human rights issues within the scope of their mandates. The Committee on Economic, Social and other treaty monitoring bodies have clarified the normative content of the right to health, and regularly analyze foreign and domestic policies relevant to health through their consideration of country reports. In addition to various resolutions on the right to the highest attainable standard of health, the United Nations Human Rights Council and its predecessor, the Commission on Human rights, have emphasized the need for intensified efforts to promote human rights in order to reduce vulnerability to HIV/AIDS, prevent HIV-related discrimination and stigmatization, and improve access to treatment.

The Human Rights Council now addresses health issues through its universal periodic review of the fulfillment by each state of its human rights obligations and commitments, as well as through the work of the UN human rights special procedures. The UN Special Rapporteur on the right to health has examined states' domestic and foreign policies and practices through various country missions and visits to international organizations, including the World Trade Organization, The International Monetary Fund and the World Bank. Most recently, at the Human Rights Council, an optional protocol to the International Covenant on Economic, Social and Cultural Rights was adopted, which will make it possible for individuals, groups, or organizations acting on their behalf to seek justice at the international level for violations of the right to health and other economic, social and cultural rights.

International Agenda and Global Health:

National health policies and strategies increasingly include a global health dimension, and governments in some

countries are striving to improve coherence across domestic and foreign policies to address global health. The increase in attention to global health on foreign policy agendas has been motivated by a range of factors, such as national security interests, as well as by humanitarian concern and recognition of greater interdependence between nations brought about by the forces of globalization. This trend has created an important opportunity to improve health outcomes around the world.

Increased attention to global health also presents opportunities for governments to advance other shared objectives including promotion of the broad international human rights agenda, which includes the human right to the highest attainable standard of health. However, rarely has health been discussed as a matter of human rights in foreign policy settings at national, regional or global levels.

Since the adoption of the Universal Declaration of Human Rights in 1948, all states have endorsed the principle that human rights and freedoms are inalienable and inherent to all people. The principles of the Universal Declaration are to all people. The principles of the Universal Declaration are to all people. The principles of the Universal Declaration are now well wellenshrined in international law, and civil, cultural, economic, political and social rights are reflected in a comprehensive framework of international and regional treaties, as well as in domestic constitutions and laws. At the same time, it must be acknowledged that traditional conceptions of norms concerning state sovereignty and nonintervention have, and in some cases continue to, come into conflict with global consensus around human rights and efforts by some governments to prioritize human rights in their foreign policies.

The Vienna Declaration and Programme of Action, adopted at the 1993 World Conference on Human Rights, asserted the promotion and protection of all human rights as both “a legitimate concern of the international community” and a “priority objective” of the United Nations (UN), and reaffirmed the universal and indivisible character of human rights. The establishment of ad hoc international criminal tribunals in the 1990’s, and the subsequent creation of a permanent International Criminal Court, further signaled the commitment of the international community to ensure accountability for human rights abuses. The 2000 UN Millennium Summit reaffirmed global commitment to the Universal Declaration and to the broad international human rights framework, while legal developments in many countries have demonstrated the way in which human rights are given practical meaning at national and local levels.

More recently, at the 2005 World Summit, all UN Member States affirmed their primary responsibility to prevent crimes against humanity, war crimes, genocide and ethnic cleansing through “appropriate and necessary means”. They agreed that if they fail to do so, the international community, through the United Nations, must use “appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VII of the Charter”, to help protect populations from such crimes. While the practical implications have yet to be explored, by committing to the “responsibility to protect” the international community has acknowledged that serious human rights violations, in and of themselves, require an international response.

Although the implicit tension between state sovereignty and the protection of individuals under international human rights law persists, today the notion that human rights are a legitimate concern of the international community is beyond challenge, and the indivisible and interdependent nature of human rights is now widely recognized. Economic, social and cultural rights have increasingly figured prominently on internal human rights agendas, alongside issues of civil and political rights.

Opportunities for Advancing Human Rights:

Many factors tend to influence the place of human rights on a state’s foreign policy agenda. Some countries have pledged to integrate human rights across all areas of foreign policy, integrate human rights across all areas of human policy, including through regional and global organizations. Advancing the right to health in particular can help to strengthen the coherence of state’ human rights agendas, as well as support the furthering of traditional human rights concerns such as democracy and rule of law. The effective implementation of health programmes at the national level requires, for example, transparency of information, accountability mechanisms and effective participation of affected communities. In short, the health agenda can serve as a platform, or entry point, for advancing a range of other human rights through foreign policy. By pursuing the integration of global health issues as matters of human rights, foreign ministries cannot only protect vital national interests, but also help advance their commitment to promoting human rights around the world.

Looking to the future, it seems likely that the links between health and human rights will become more prominent on government foreign policy agendas. A growing number of global initiatives point to the need for common frameworks and tools both to address the ethical

and legal dimensions of global health policies, and to ensure greater accountability to affected individuals and communities. These include initiatives aimed at strengthening failing and inadequate health systems, increasing financing for health, addressing the global shortage of health workers and the migration of health professionals from the global south, and efforts to promote women's health, among others.

What steps should be taken to ensure that these global health policy initiatives are grounded in human rights and gender equality? What more could be done to advance human rights and gender equality through the work of global health partnerships, such as the GAVI Alliance and the Global Fund to Fight AIDS, Tuberculosis and Malaria? Equally important, what steps can be taken to ensure that human rights and gender equality are harnessed, for example, through development of relevant indicators and assessments, to advance the implementation of the Paris Declaration on Aid Effectiveness and achievement of the health related Millennium Development Goals (MDGs)?

As a first step, urging governments to promote greater integration of health related human rights into global health policy initiatives is a clear advocacy objective. WHO governing bodies have a critical role to play in fostering greater policy coherence with the UN human rights system around health related human rights and the global health agenda. At the same time, the UN Human Rights Council should ensure that its thematic activities contribute to the promotion of human rights on global health agendas. Similarly, global health partnerships should strive towards greater coherence between their policies and programmes and Member States' human rights commitments. The recent adoption by the GAVI Alliance of a gender policy, which aims to "promote increased coverage, effectiveness and efficiency of immunization and related health services by ensuring that all rights and boys, women and men, receive equal access to these services," is one example. Through this

new policy the Alliance commits to "exercise leadership, and promote coordinated international efforts towards, the realization of existing international commitments to gender equality and health equity."

Conclusion:

Making the case that it is not only in the national interest of governments to take such steps, but that such steps also contribute to better health outcomes for all, remains a challenge. Greater efforts should be made to highlight good practice examples which reveal the practical benefits of a human rights approach to health. By integrating human rights and global health as part of a coherent domestic and foreign policy, governments can contribute to improving global health outcomes while advancing shared commitments to human rights and the rule of law.

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