

# **The human rights approach – tools for improving public health**

**Hauora: Health and Wellbeing –  
Everyone's Right**

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**With special acknowledgements to  
Warren Lindberg**

# Commitment to human rights - a New Zealand heritage . . .

- Tiriti o Waitangi
- Votes for women
- Collective responsibility for economic & social wellbeing
- Development of the Universal Declaration on Human Rights
- Leadership against nuclear weapons
- Promotion of international human rights law  
e.g. Dame Silvia Cartwright and Professor Paul Hunt

# **. . . which builds on shared values**

- **Respect for the mana of each person**
- **“A fair go”**
- **Support for the underdog**
- **Standing together**
- **Compassion & courage**

# Human rights and human dignity

- **Focus of human rights is the ‘inherent dignity of the human person’**

Universal Declaration of Human Rights, Article 1

- **These are the rights that we are born with and have because we are human - not because we are clever or good or sane or white or heterosexual or male or an adult etc**

# Rights and responsibilities

- **Everyone has rights – so we each have to recognise and respect the rights of other people.**
- **People fully develop in communities, and so we have duties to the communities that support our development.**

Universal Declaration of Human Rights, Article 29

# Breadth of human rights

- **Civil and political rights**
- **Economic, social and cultural rights**
- **Special protections for children and people in difficult circumstances**
- **Developing concepts**
  - **Self-determination**
  - **Environmental sustainability**

# Human rights and governments

**International human rights treaties place binding obligations on states to -**

- **Respect: not deny people a right**
- **Protect: make sure others can't deny people a right**
- **Fulfil: establish systems that ensure that everyone is able to enjoy that right**

# The first action in the Bangkok Charter on Health Promotion in a Globalised World

“Advocate for health based on human rights  
and solidarity”



# What is meant by the “right to health”?

**‘....the right of everyone to the enjoyment of the highest attainable standard of physical and mental health’**

International Covenant on Economic, Social and Cultural Rights, Article 12

Convention on the Rights of the Child, Art 24

Convention on the Elimination of all Forms of Discrimination Against Women, Article 12

Convention on the Elimination of all Forms of Racial Discrimination, Article 5  
etc.

# World Health Organisation

**“The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being.” (Preamble to WHO Constitution)**

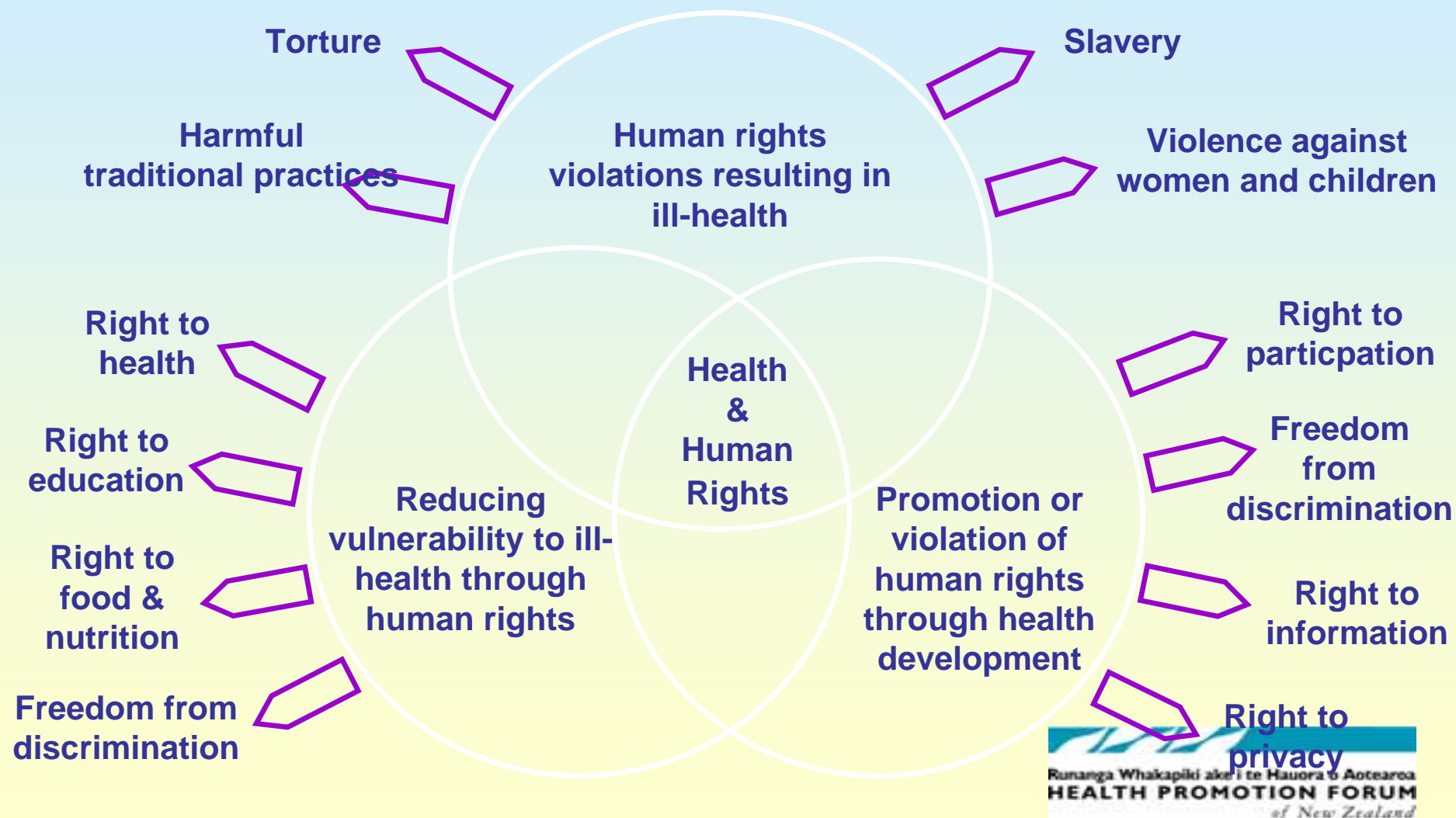


***25 Questions & Answers on  
Health & Human Rights***

**JR MCKENZIE TRUST**

ESTABLISHED IN 1940

# What are the links between Health and Human Rights?



From *25 Questions & Answers on Health & Human Rights* (WHO)

# Minimum core obligations in health

- **Food, housing, sanitation and clean water**
- **Public health strategy to improve health**
- **Transparent participatory processes**
- **Access to health facilities and essential drugs, especially for vulnerable groups**

UN Committee on Economic, Social & Cultural Rights, General Comment 14/2000

# Governments don't have to do it all at once!

- But they must have a plan and do as much as they possibly can (“progressive realisation”)
- And there are some things governments cannot do! Including -
  - torture
  - non-consensual or degrading treatment
  - unfair discrimination

# A rights-based approach to public health

- **Protects human dignity**
- **Ensures non-discrimination**
- **Promotes participation and accountability**
- **Provides a way of working out how to balance conflicting interests and needs**
- **Pays special attention to equity and those who are most disadvantaged**

# Who bears the greatest inequities in wellbeing?

- Maori
- Pacific peoples
- Refugees and asylum seekers
- Children and young people
- Disabled people
- People living in institutions
- People living in isolated situations
- Poor people

***If this is not us then it may be us in the future and will include those whom we love.***

# When may the protection of public health limit human rights?

- **When necessary to ensure respect for the rights of others**
- **There has to be a very good reason**
- **It must be necessary to achieve the objective**
- **The restriction has to be as small as possible**
- **It must not be discriminatory.**

Siracusa Principles, Economic and Social Council, 1985



# How can a human rights approach help our work in public health?

1. Moves the focus to dealing with inequity and determinants
2. Provides tools for planning, delivery and evaluation
  - Prioritises human dignity
  - Focuses on those who are most disadvantaged
  - Considers what to do about discrimination & participation

# How can a human rights approach help our work in public health?

## 3. Supports advocacy about determinants

- A framework and way of talking across disciplines, sectors, cultures, national boundaries, political persuasions
- Developed outside the health system
- Aligns public health with movements for social justice
- Recognises breadth of determinants
- Backed by international law and accountability mechanisms
- New Zealand Action Plan on Human Rights



## Health priorities in NZ Action Plan on Human Rights

- Address adverse environmental impacts on health
- Address socio-economic determinants of health
- Strengthen the Primary Healthcare Strategy - especially for vulnerable groups
- Develop a human rights approach to address barriers to healthcare for all