

HEALTH AND ITS PROVISION AS A RIGHT

JAMSHED AKHTAR

Humans are described as a type of species but what make them different from the rest of the species is the unique social structure which they create. It comprises of many complex units from families, communities to nations and so forth.¹ This results in variety of social interactions from where generates social norms, values, ethics, law etc that leads to formation of human society. To make this society flourish some kind of a discipline is mandatory so a concept of state and a political unit emerged. In order to maintain harmony in such a group of people living together, rules were created. The sole purpose of which is to bring happiness in the lives of members of the society. The basis of this concept derives its roots from normative values.

In the evolution of communities the concept of right also arose and different definitions have been put forward to make them understand, but it remained controversial. According to Stanford Encyclopedia "Rights are entitlements (not) to perform certain actions or be in certain states, or entitlements that others (not) perform certain actions or be in certain states."² In a society or a state some rights are considered as fundamental rights also known as human rights. These are there because we are human beings. These are neither created nor can they be taken away by any authority.

There can be further classification of rights into natural rights and legal rights. Natural rights are also known as moral rights and are inalienable. They can not be overridden by laws, customs or beliefs of a particular community or political set up. They are termed as universal rights. Legal rights on the other hand are culturally and politically synthesized and thus are not absolute. Historically many milestones in this regard can be traced like the philosophical concept of UK John Locke and US Declaration of Rights in 1776, where all human beings were considered free and independent having inherent rights and the concept of health as a separate right is not found as a distinct entity.^{3,4} Though indirectly one can arrive at conclusion that health, a normative term, is a fundamental right and can be made a part of positive law.

In terms of rights in twentieth century, the concept of positive right arose when states started taking on itself as an obligation to provide its members with the necessities of life that they were unable to provide for themselves. The purpose of this is to promote well being of its population. In American constitution the rights to life, liberty, property, and the pursuit of happiness are considered as true rights. Expanding upon pursuit of happiness one can draw parallel that only a healthy individual can enjoy life thus how one defines health becomes important.

Health according to World Health Organization is defined as "a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity".⁵

In 1986, the WHO, in the Ottawa Charter for Health Promotion, said that health is "a resource for everyday life, not the objective of living. Health is a positive concept emphasizing social and personal resources, as well as physical capacities." Health is not just the physical well-being of the individual, but the social, emotional, and cultural well-being of the whole community. This is a whole-of-life view and it also includes the cyclical concept of life-death-life.⁶

Health and development are intimately interconnected. Lack in development leads to poverty. Poverty thus leads to ill health as one can not have enough money to seek health care. Diseased person in a society will result in lack of manpower. Working force which is an important source for income generation of a government is thus affected and state owned system can collapse. If every thing is left to open market, as in United States, where health is taken as a commodity, the out of pocket expenditures fail to provide the required needs in health care of an individual, thus alternative sources are explored. One such options is the health insurance. This option may not deliver, as everybody can not afford premium. Government thus has to intervene to promote equity in terms of provision and utilization of health and health care services to which it is morally bound at least to basic minimum, so that its people can stay healthy, which helps in development of society, both physically and mentally.

A word of caution has to be added as there is an alternate position that health care can not be an absolute right. This means that every government has some kind of limitations

Correspondence

Dr Jamshed Akhtar

Department of Paediatric Surgery

National Institute of Child Health, Karachi

E.mail: jamjim88@yahoo.com

to resources at hand. It thus can not provide unlimited medical care to its masses. However, a more transparent system that addresses basic needs of community (based upon research as to health care needs of a society) and which is equitable in its distribution (no discrimination on the basis of gender, race, religion, geographical location etc) is one that is recommended.

With debate on provision of health and health care as a right we must know that there is also a responsibility, and this time on an individual as well. They must be made responsible for pursuing the goals of staying healthy. A central component of the right to health as said by Helen Potts, is "the right to people, to active and informed participation in health related decisions that affect them. This means participation in the development, implementation, evaluation and review of health programs, strategies and plans."⁷ Thus both the state and its population need to collaborate in the pursuit of health.

REFERENCES:

1. Human available at URL <http://en.wikipedia.org/wiki/Human> accessed on September 13, 2009.
2. Rights available at URL <http://plato.stanford.edu/entries/rights/> accessed on September 13, 2009.
3. Human rights available at URL <http://www.businessdictionary.com/definition/human-rights.html> accessed on September 13, 2009.
4. Rights available at URL <http://en.wikipedia.org/wiki/Rights>
5. Health available at URL <http://en.wikipedia.org/wiki/Health> accessed on September 13, 2009.
6. Ottawa Charter for health promotion available at http://en.wikipedia.org/wiki/Ottawa_Charter_for_Health_Promotion accessed on September 13, 2009.
7. Global Health Action Campaign. Available at URL <http://physiciansforhumanrights.org/right-to-health/conversation-with-helen-potts.html> accessed on September 13, 2009.