



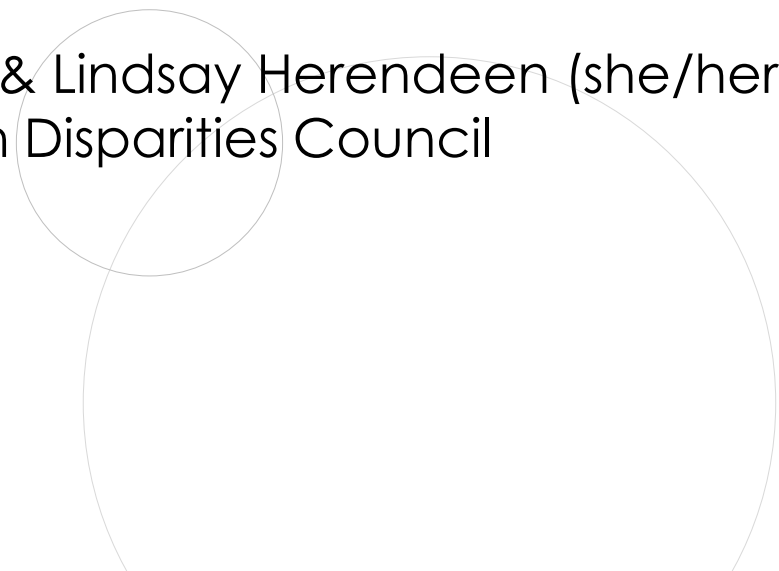
# HEALTH AS A RIGHT

RESEARCH BRIEFING: AREAS OF EXPLORATION

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# INDIGENOUS HEALTH AND INTERCONNECTEDNESS

- Indigenous worldviews see the whole person as connected to and mutually dependent on land and in relation to others.
- Exploring health as a right as it has been written and described in recent history includes examining the written word, legal frameworks, etc.
- Prior to global colonization and white supremacy culture, there may have been less of a need to explicitly name health as a right.
- **Dynamic tension: Can legal accountability lead to liberation?**





# INTERNATIONAL DECLARATIONS

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- The World Health Organization (WHO) preamble (1946)
  - Health: *“a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”*.
  - *“The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.”*
- Universal Declaration of Human Rights (1948)
- International Covenant on Economic, Social and Cultural Rights (1966)
- Declaration of Alma Ata (1978)
- Mandate of Special Rapporteur by WHO and the Commission on Human Rights (2002)
- The United Nations Declaration on the Rights of Indigenous Peoples (2007)



# DEFINING HEALTH AS A RIGHT

- The World Health Organization and the United Nations' Key Aspects of the right to health:
  - Inclusive of the underlying determinants of health
  - Freedoms
  - Entitlements
  - Non-Discrimination
  - Available, accessible, acceptable, and of good quality





# NAMING HEALTH IS A RIGHT

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- Some International examples of naming **Health** As A Right
  - The Arab Charter on Human Rights
  - The Association of South East Asian Nations Human Rights Declaration
  - The Convention on the Rights of the Child
  - The Convention on the Elimination of All Forms of Racial Discrimination
  - The Convention on the Elimination of All Forms of Discrimination Against Women
  - The Convention on the Rights of Persons with Disabilities
  - American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, the “Protocol of San Salvador”
  - The African Charter on Human and Peoples Rights
- U.S. States that have named **Healthcare** As A Right
  - California Attorney General’s Office: *“Health care is a right, and the Attorney General will fight for your right to access all health care services.”*
  - Oregon Constitution: *“It is the obligation of the state to ensure that every resident of Oregon has access to cost-effective, clinically appropriate and affordable health care as a fundamental right.”*



# INTERNATIONAL TREATIES, DECLARATIONS, RESOLUTIONS

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- World Health Organization Constitution
  - Signed and ratified by U.S.
- International Convention on the Elimination of All Forms of Racial Discrimination
  - Signed and ratified by U.S.
- International Covenant on Economic, Social, and Cultural Rights
  - Signed, **NOT ratified** by U.S.
- Convention on the Rights of the Child
  - Signed, **NOT ratified** by U.S.
- Universal Declaration of Human Rights
  - Signed by U.S., ratification not necessary
- World Health Assembly Resolution 58.33
  - Signed by U.S., ratification not necessary



# MEASURING THE RIGHT TO HEALTH

- **Indicators of right-to-health systems**

- Recognition of the right to health
- Non-discrimination
- Health information
- National health plan
- Participation
- Underlying determinants of health
- Access to services
- Medicines
- Health Promotion
- Health Workers
- National Financing
- International assistance and cooperation
- Additional safeguards
- Awareness about the right to health
- Monitoring, assessment, accountability, and redress





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# INDIGENOUS COMMUNITIES AND HEALTH AS A RIGHT

- **Canada**

- Report of the Royal Commission on Aboriginal Peoples (1996)
- Research among 50 Indigenous community members and 15 healthcare workers (2021)
  - Violations of rights in healthcare settings
  - Inconsistencies regarding entitlement to rights
  - Strategies for supporting peoples' rights

- **Australia**

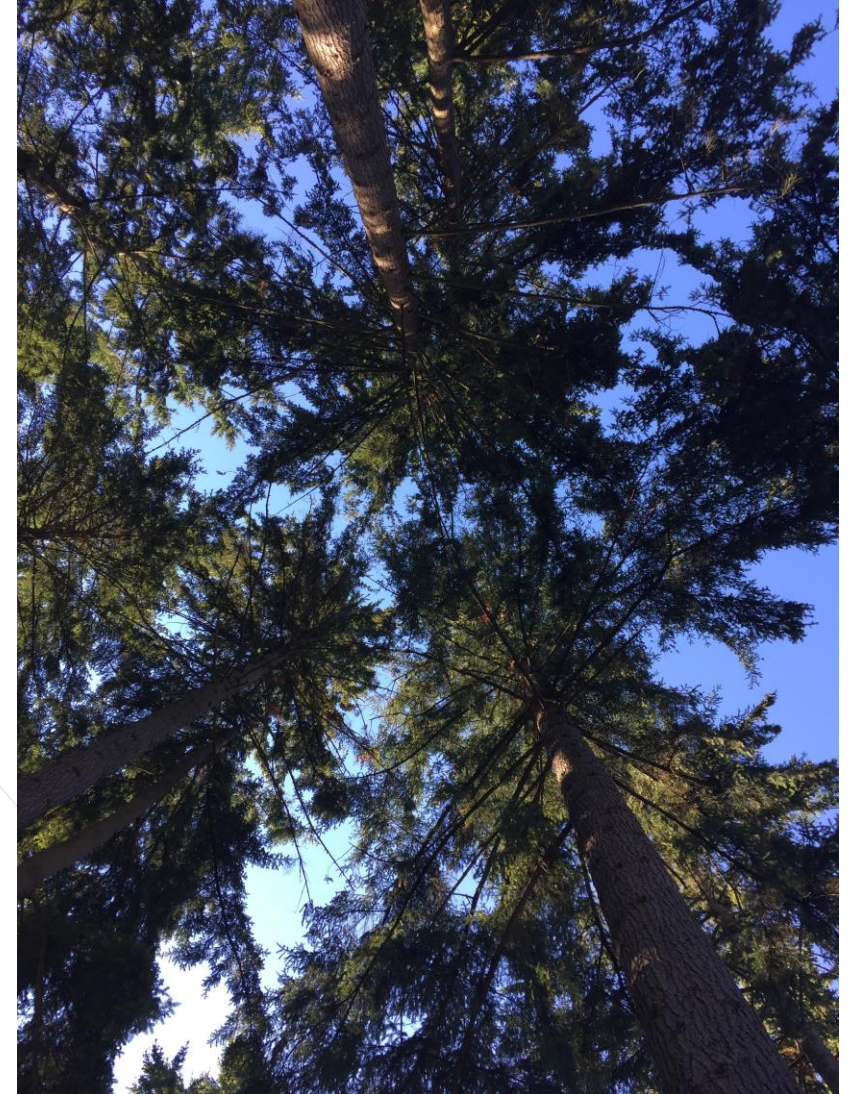
- Indigenous people recognized as citizens in 1967
- Participatory processes and engagement with the human rights framework
  - 1989 National Aboriginal Health Strategy
  - Creation of Aboriginal Community Controlled Health Organizations (ACCHOs) (1990s)
  - Inclusion of holistic definition of health in the ICESCR
  - Advocate for inclusion of Aboriginal Peoples in International Human Rights Declarations
  - Australian Human Rights Commission's (HREOC)
  - National Aboriginal and Torres Strait Islander Health Plan 2013–2023





# INTERCONNECTEDNESS

- Indigenous and *“traditional knowledges are collective, holistic, community-based, land-informed ways of knowing that are inherently interconnected with people and the environment”* (Redvers 2022).
- **One Health**
  - 2008: Public health systems endorsed One Health approach.
  - 2019 Governor’s Proclamation: *“the state of Washington seeks to protect and improve the health of all Washingtonians, which is inextricably linked to the health of Washington’s domestic animals, wildlife, and environment [...]”*



# INTERCONNECTEDNESS AND HEALTH AS A RIGHT

- **Planetary Health**

- Mother Earth-level determinants
  - Respect of the feminine; Ancestral legal personhood designation
- Interconnecting determinants
  - Human interconnectedness within Nature; Self and community relationships; The modern scientific paradigm; Governance and law
- Indigenous Peoples' level determinants
  - Indigenous land tenure rights, languages, health, elders and children

- **Sao Paulo Declaration on Planetary Health 2021**

- Public access to health services and culturally-appropriate health services are human rights
- Rights of Nature

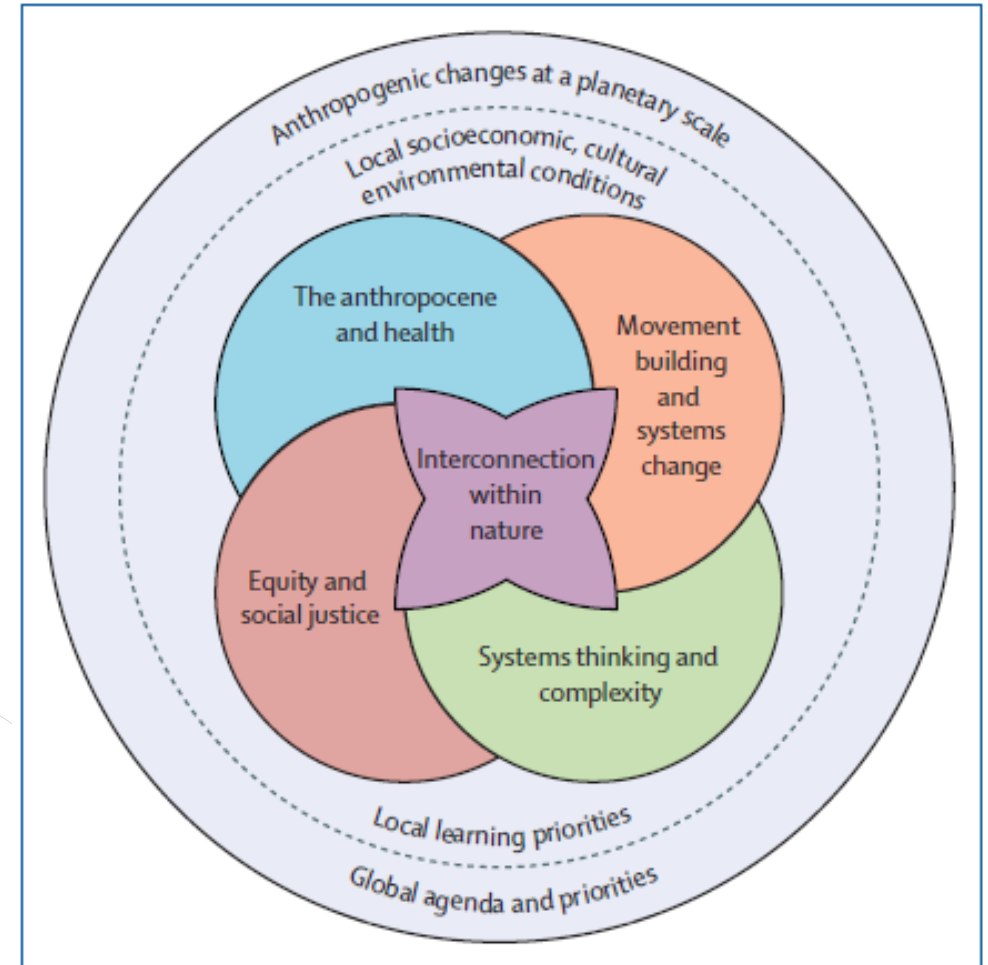


Figure: Guzman 2021, A framework to guide planetary health education



# INTERGENERATIONAL CONSIDERATIONS



- **The Seventh Generation Principle**
  - Based on Indigenous philosophy.
  - Decisions are made in consideration of the impact seven generations into the future, and with the remembrance of seven generations before you.
- **Intergenerational Justice**
  - Present generations hold an obligation toward future generations.
  - Acknowledges that adults hold the power in dominant culture.
  - Strategy to include youth in mitigating climate change.



# IMPACTS

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## Actions

- Opportunities to take actions to advance equity and health as a right
  - The right to be cared for
  - Indigenous People-led initiatives
  - Living wage for all
  - Access to clean water
  - Universal healthcare
  - Improved birth outcomes
  - Culturally-appropriate services
  - Carbon emission reductions
  - Recognition of traditional healing methods

## Responsibilities

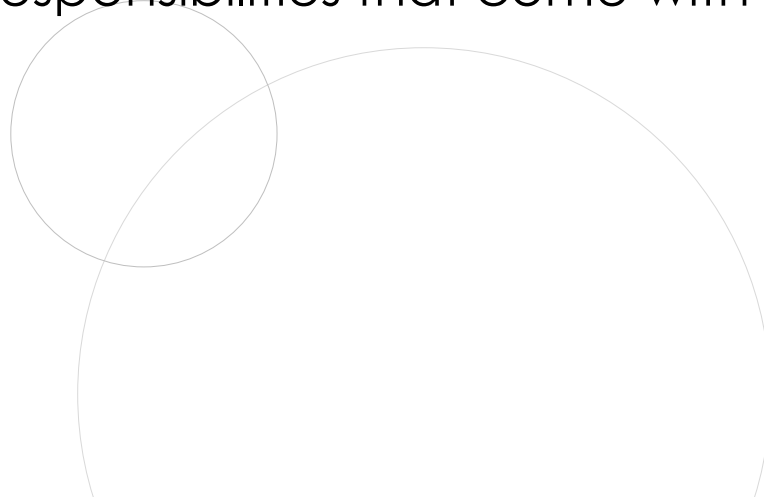
- Legal
  - *“Acknowledging health as a human right recognizes a legal obligation on states to ensure access to timely, acceptable, and affordable healthcare” (WHO, 2022).*
- Financial
  - Legal obligations → Financial obligations
  - Budget impacts on the state
    - Could shift obligation to non-health-related government entities, employers, and voters.



# SUMMARY

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- Indigenous ways of knowing and being pre-exist formal declarations that Health is a Right.
- There are several declarations, treaties, documents, and reports that name Health is a Right.
  - Some of the international frameworks have been signed and ratified by the U.S.
  - Indigenous Peoples have used some of these frameworks to advance health and equity.
- The health of our planet is connected to the health of our people.
- There are opportunities and responsibilities that come with declaring Health as a Right.





# QUESTIONS & DISCUSSION





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# THANK YOU

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