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The right to health : a human rights perspective with a case study on Greece

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NATIONAL CONSTITUTIONS

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 Constitution of Bulgaria
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 Constitution of Finland
 Constitution of Greece
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 Constitution of Italy
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 Constitution of Luxembourg
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Annex 1

Typology of Rights related to Health¹

<i>Right to</i>	<i>Relevant Provisions in HRL</i>	<i>Issues related to health</i>
Life	Art.: 3 UDHR, 6 ICCPR, 6 CRC, 9 MWC, 10 CRPD, 2 ECHR, 2 CFREU, 4 AfCHR, 4 ACHR	Protection of the life of every person, including patients' lives; application of life saving medical treatment; investigate the causes of death
Privacy and Family Life	Art.: 12 UDHR, 17 ICCPR, 10 ICESCR, 16 & 40 CRC, 16 CEDAW, 22 CRPD, 14 MWC, 8 ECHR, 7 & 8 CFREU, 7, 10 Biomedicine Convention, 4 & 20 AfCHR, 11 ACHR	Respect of patients' rights: protection of personal information, breaches of confidentiality in the provision of health services, self-determination in terms of medical decisions, compliance or non-compliance with the principle of informed consent
Birth registration and Identity	Art.: 24(2) ICCPR, 2(1), 12 ICESCR, 7 and 8 CRC	Access to medical treatment
Prohibition of Torture	Art.: 5 UDHR, 7 ICCPR, CAT, 16 CRPD, 3 ECHR, 4 CFREU, 5 AfCHR, 5 (2) ACHR	Access to medical treatment for prisoners and other detained persons; Restrain patients with mental disabilities; Prohibition of abusive treatment: physical/mental abuse
Marry and found a Family	Art.: 16 UDHR, 23 ICCPR, 5(d)(iv) ICERD, 16 CEDAW, 8 & 9 CRC, 12 ECHR, 9 CFREU, 18 AfCHR, 17 ACHR, 15 AP to the ACHR	Family planning issues, non-consensual sterilization/ abortion
Human Dignity	Art.: 1 UDHR, 10 ICCPR, 3 CRPD, 1 CFREU, 1 Biomedicine Convention, 5 AfCHR, 11(1) ACHR	Core of human rights law - Central to medical treatment, medical experimentation

¹ UN CESCR, General Comment No. 14: The Right to the Highest Attainable Standard of Health, 11 August 2000, UN Doc. E/C.12/2000/4, § 3; See, e.g., R.J. Cook & M.F. Fathalla 'Advancing Reproductive Rights Beyond Cairo and Beijing' *International Family Planning Perspectives* Sep., 1996, 22, no. 3, pp. 115-121, p. 116; B. Toebes, 'The Right to Health and Other Health-Related Rights' in: B. Toebes, M. Hartlev, A. Hendriks & J. Rothmar Herrmann (eds.), *Health and Human Rights in Europe*, Cambridge/Antwerp/ Portland: Intersentia 2012, pp. 83-110, p. 83.

<i>Right to</i>	<i>Relevant Provisions in HRL</i>	<i>Issues related to health</i>
Access to an Effective Remedy	Art.: 8 UDHR, 13 CRPD, 13 ECHR, 7 AfCHR, 25 ACHR	Accountability for professional misconduct in the health care sector, Adequate reparation: restitution, compensation, satisfaction/ guarantees of non-repetition
Freedom from Discrimination/ Non-Discrimination	Art.: 1,2 & 6 UDHR, 3 & 2(2) ICCPR, 2 ICESCR, ICERD, 2 CRC, 1-5 CEDAW, 5 CRPD, 11 & 14 Biomedicine Convention, 14 ECHR, 20-26 CFREU, 3 RESC, 2, 3, 18 (3) & (4), 28 AfCHR, 1 & 24 ACHR, 3 AP to the ACHR	Fundamental principle of human rights law, Attention to vulnerable groups in terms of access to health care and other health-related services
Participation	19 UDHR, 19 & 25 ICCPR, 12, 13 & 17 CRC, 13 MWC, 21, 29 & 30 CRPD, 8 & 10 ECHR, 5-9 Biomedicine Convention, 11 CFREU, 10 AfCHR	Active involvement of individuals in decision making process, namely in decisions defining, determining and affecting their health
Freedom of Expression-Information (receive/impart information)	Art.: 19 UDHR, 19 ICCPR, 13 & 17 CRC, 13 MWC, 21,29 & 30 CRPD, 8 & 10 ECHR, 11 CFREU, 9 AfCHR, 13 ACHR	Access to information in the context of health, such as health risks, reproductive health, Access to personal data
Liberty and Security	Art.: 1 & 3 UDHR, 9 ICCPR, 5 (b) ICERD, 37 (b)- (d) CRC, 12,14 & 17 CRPD, 5 ECHR, 3 & 6 CFREU, 1 & 7 Biomedicine Convention, 6 AfCHR, 7 ACHR	Integrity, Consent to treatment, Lawful detention of (mental health) patients in case of public health hazards
Health	Art.: 12 ICESCR, 12 CEDAW, 24 CRC, 5 ICERD, 28,43 & 45 MWC, 9,25 & 26 CRPD 11 & 13 RESC, 3 Biomedicine Convention, 35 CFREU, 16 AfCHR, 26 ACHR, 10 AP to the ACHR Access to health care	services and goods, to health-related rehabilitation services, to services in the area of reproductive and child health, to healthy occupational conditions, to public health programmes

<i>Right to</i>	<i>Relevant Provisions in HRL</i>	<i>Issues related to health</i>
Enjoy the Benefits of Scientific Progress and its Applications	Art.: 27(2) UDHR, 15(2)(b) & (3) ICESCR, 22 AfCHR, 26 ACHR	Promotion of science and scientific research in the field of medicine , <i>inter alia</i> , antiretroviral therapies and other forms of HIV/AIDS care, development of vaccines for limiting outbreaks of infectious diseases
Housing	Art.: 11 ICESCR, 21 & 27(3) CRC, 19 CRPD, 8 ECHR, 31 RESC	Precondition for the advancement of people's health-Social determinant of health, safe and adequate housing
Education	Art.: 13(1) & 14 ICESCR, 24, 28 & 29 CRC, 10 CEDAW, 24 CRPD, 30, 43 & 45 MWC, 14 CFREU, 17 AfCHR, 26 ACHR, 13 AP to the ACHR	Social determinant of health, Access to education on health-related information, such as reproductive health
Food	Art.: 11 ICESCR, 27(3) CRC, 12 CEDAW, 11 RESC, 12 AP to the ACHR	Precondition for the advancement of people's health-Social determinant of health, Access to adequate and quality-nutritious foods
Social Security	Art.: 9 ICESCR, 13 & 14 CEDAW, 26 CRC, 5 ICERD, 27 MWC, 12,14,16 & 23 RESC, 9 AP to the ACHR	Social determinant of health, provision of services-benefits for the advancement of people's health
Work (employment)	Art: 6 & 7 ICESCR, 11 CEDAW, 17 & 18 CRC, 27 CRPD, 38-71 MWC, 15 CFREU, 1-4, 7-10, 18-22 & 24-29 RESC, 15 AfCHR, 6 & 7 AP to the ACHR	Social determinant of health, protection against occupational diseases, Obligation to ensure health and safety at work
Adequate Standard of Living	Art.: 25 UDHR, 11 ICESCR, 27 CRC, 28 CRPD, 30 RESC, 24 AfCHR	Social determinant of health, Adequate living conditions: access to adequate food, housing, clothing, work

Annex 2

Ratification by Greece of Human Rights Documents Recognizing the Right to Health

<i>Treaty recognizing the Right to Health</i>	<i>Ratification/ Accession/ Signature Date</i>	<i>Greek Law incorporating the Treaty</i>
UN International Covenant on Economic, Social, and Cultural Rights (ICESCR)	16 May 1985 (accession)	Law 1532/1985, <i>Official Government Gazette</i> - ΦΕΚ issue A' 45/19-03-1985
UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	7 June 1983 (signature: 2 March 1982)	Law 1342/1983, <i>Official Government Gazette</i> - ΦΕΚ issue A' 39/01-04-1983
UN Convention on the Rights of the Child (CRC)	11 May 1993 (signature: 26 January 1990)	Law 2101/1992, <i>Official Government Gazette</i> - ΦΕΚ issue A' 192/02-12-1992
UN International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	18 June 1970 (signature: 7 March 1966)	Legislative Decree 494/1970, <i>Official Government Gazette</i> - ΦΕΚ issue A' 77/03-04-1970
UN Convention on the Rights of Persons with Disabilities (CRPD)	31 May 2012 (signature: 26 January 1990)	Law 4074/2012, <i>Official Government Gazette</i> - ΦΕΚ issue A' 88/11-04-2012
European Social Charter (ESC)	6 June 1984 (signature: 18 October 1961)	Law 1426/1984, <i>Official Government Gazette</i> - ΦΕΚ issue A' 32/21-03-1984
Revised European Social Charter (RESC)	18 March 2016 (signature: 3 May 1996)	Law 4359/2016, <i>Official Government Gazette</i> - ΦΕΚ issue A' 5/20-01-2016
Biomedicine Convention	6 October 1998 (signature: 4 April 1997)	Law 2619/1998, <i>Official Government Gazette</i> - ΦΕΚ issue A' 132/19-06-1998

