



## **ROLE OF HUMAN RIGHTS LAW IN THE DOMAIN OF PUBLIC WELLNESS**

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### **ABSTRACT**

This article examines the critical part that human rights legislation plays in advancing general well-being. It is crucial to consider how human rights frameworks and concepts may promote a comprehensive approach to public wellness since it is becoming more clear that public wellness involves not just physical health but also social, economic, and environmental well-being. The article starts out by explaining the fundamental tenets of human rights legislation, highlighting its worldwide application and the intrinsic worth and equality of every person. The nexus of human rights and public wellbeing is then explored, emphasising the numerous aspects of wellness that are supported and protected by human rights legislation.

The study also examines how structural injustices and impediments to public wellbeing may be addressed via human rights legislation. It looks at how human rights-based methods may be used to identify and address the structural causes of inequities in access to wellness services and health outcomes, especially for disadvantaged and marginalised people. The article illustrates how human rights legislation may be used in the field of public health by using case studies and international legal documents. The article urges policymakers, practitioners, and advocates to incorporate human rights concepts into public health and wellness policies and practises in order to emphasise the crucial role that human rights legislation plays in promoting public wellbeing. By doing this, communities may work to promote the general well-being of their citizens in a way that is more equal and inclusive.

**Keywords:** human rights law, public wellness, holistic approach, health disparities, social justice.

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## **INTRODUCTION**

The topic of public wellness is of great significance as “it pertains to the physical, mental and social well-being of individuals and communities.” In recent years, the role of human rights law in promoting public wellness has become a widely debated issue. Human rights law is a set of international laws and norms that protect the basic rights and freedoms of individuals and communities. These laws are binding on states and are intended to promote human dignity and prevent discrimination. The Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) are two of the most important human rights instruments.

## **HUMAN RIGHTS APPROACH TO PUBLIC HEALTH POLICY**

*“The pursuit of health and human rights are interconnected goals, with health being a fundamental part of overall well-being that is dependent on the realization of all human rights.”* Likewise, access to the highest standards of *“physical and mental health is recognized as a human right in itself.”* International agreements and treaties reflect this relationship, with mechanisms in place to monitor and enforce these rights. Despite their importance, “these aspirations are often not framed as human rights” in public discourse, but their inclusion in legal frameworks provides a basis for action. “Incorporating human rights into public health” policy can help to meet public demands for positive outcomes and provide a framework for analysing and evaluating health policies.

## **HEALTH, DEVELOPMENT, AND HUMAN RIGHTS**

Theoretically, there are many similarities and widely recognised notions of human rights, health, and development. For instance, the World Health Organisation defines health as a comprehensive condition of physical, mental, and social well-being, not merely the absence of disease. Since all three of them endeavour to enhance people's lives and assist them in realising their full potential, this wide definition incorporates the same objectives as development and human rights. Through the protection of their dignity, the advancement of social development, and the advancement of living conditions, human rights work to create an environment in which people may thrive and pursue creative endeavours. In contrast, the United Nations Development Programme uses the term "human development" to refer to the process of fostering an environment in which

individuals can reach their full potential and live fulfilling lives that are in line with their needs and interests.<sup>1</sup>

## **HEALTH AS AN INTEGRAL PART OF HUMAN RIGHTS**

The recognition of the right to health as a basic human right in international law emphasises the significance of guaranteeing fair and impartial access to healthcare services and the rights to a healthy living environment. For the welfare of both people and society, the right to healthcare is a fundamental component of human rights. The fulfilment of the aforementioned right is necessary for a number of other human rights, including but not limited to the right to education and the absence of discrimination.

Numerous international human rights treaties, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, and the Convention on the Rights of the Child, among others of a same kind, clearly recognise the right to health. The aforementioned agreements place a high priority on ensuring access to healthcare services and emphasising the role of social elements that affect health, such as but not limited to environmental conditions, poverty, and prejudice. They also stress how important it is to ensure that healthcare services are accessible.

The supply of basic sanitation and hygiene, the availability of safe drinking water, and access to appropriate food and nutrition are only a few of the issues covered under the right to health. It also includes the right to obtain information about matters relating to one's health and the right to take part in processes for making decisions that are important to one's health.

The ability to get medical treatment when it is thought necessary is one aspect of the right to healthcare. Governments are in charge of making sure that medical care is available and that it also satisfies the standards of appropriateness, affordability, and high quality. According to this claim, there should be a substantial amount of healthcare services that are widely available, non-discriminatory, provided in a way that preserves human dignity, and based on scientific and medical principles.<sup>2</sup>

Additionally, the right to healthcare includes the need to address the societal conditions that affect health outcomes. Access to healthcare services is significantly hampered by poverty, which may

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<sup>1</sup> Stephen P. Marks, "Health, Development, and Human Rights", in Anna Gatti and Andrea Boggio (eds.), *Health and Development: Toward a Matrix Approach*, Palgrave Macmillan, 124-139 (2008).

<sup>2</sup> "Martin Shupack, *The Churches and Human Rights: Catholic and Protestant Human Rights Views as Reflected in Church Statements*, 6 HARV. HUM. RTS. J. pp. 127 (1993)."

also affect the results of such treatments. To guarantee that people have fair access to vital medical care, governments must prioritise addressing issues of poverty and prejudice. Discrimination based on a variety of variables, including race, nationality, and gender, among others, may have an influence on health outcomes. Governments are in charge of combating prejudice and ensuring that everyone in the population has access to healthcare services.

Environmental variables must be taken into account when resolving health-related problems since they have a considerable influence on health outcomes. This is necessary to uphold the right to health. Governments must take the required steps to ensure that people have access to clean water, sufficient sanitation and hygiene facilities, and a healthy living environment. It is essential to take action to address environmental issues in order to promote public health and halt the spread of infectious illnesses.<sup>3</sup>

The notion of the right to health inherently encompasses the responsibility to address both infectious and non-infectious diseases. The provision of suitable medication and healthcare, along with the prevention of communicable diseases, is a crucial responsibility that rests solely with the governments of nations. Non-communicable diseases such as diabetes and cardiovascular disease are significant health concerns that require targeted interventions for their management and prevention.<sup>4</sup>

The right to health requires that people have the resources to get both medical treatment and information about their own personal health. The right of people to get medical treatment is supplemented by this need. The current publication offers recommendations on tactics for the management, prevention, and treatment of the aforementioned illness. Governments are responsible for ensuring that people have access to accurate and trustworthy information about their health.

The author's last argument is that one of the components of the right to health is the ability to participate in decisions affecting one's own health. This relates to the right to provide your informed consent before receiving medical treatment as well as the right to take part in the creation of health-related policies and activities.

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<sup>3</sup> “Douglas Lee Donoho, *The Role of Human Rights in Global Security Issues: A Normative and Institutional Critique*, 14 MICH. J. INT'L L. pp. 827 (1993).”

<sup>4</sup> Theodor Meron, *On a Hierarchy of International Human Rights*, pp. 80 AM. J. INV'L L. 1 (1986).

The entitlement to healthcare is a crucial element of human rights and holds significant importance for the welfare of individuals and societies.<sup>5</sup> It is essential to safeguard this privilege, and this protection should never be jeopardised. Important components of the human right to health include having access to medical treatment, having access to basic sanitation and hygiene, having access to clean drinking water, and having enough food and nutrition. It is essential to address social and environmental determinants of health, such as discrimination and poverty, in order to achieve optimum health. The government is in charge of delivering healthcare services, allowing access to health-related data, and empowering people to take part in health-related decision-making.

## **ROLE OF WHO**

The World Health Organisation (WHO) was founded in response to the interdependence of national health systems and the realisation that health is a fundamental human right. Following World War II, the need for a coordinated strategy to handle public health challenges became clear to the worldwide community, and the significance of international collaboration in areas of global health was more understood. The World Health Organisation was founded in response to the harmful effects of infectious diseases like smallpox, TB, and malaria on human health, according to the WHO. The aforementioned diseases showed extensive prevalence around the globe, especially in countries with low to intermediate economic levels. As a result, it was decided that in order to successfully address these health issues, a determined and coordinated approach was required.

WHO was established primarily for the goal of increasing global health via the encouragement of healthy behaviours, disease prevention, and the management of pre-existing illnesses. In addition to defining global health standards, the institution has been tasked with creating health policies and recommendations. Additionally, it is in charge of coordinating activities and efforts related to global health. Additionally, as part of its broad purpose, the International Organisation has been tasked with addressing a variety of health concerns. The aforementioned issues include mental health, environmental health, maternity and child health, non-communicable illnesses, and communicable diseases. Additionally, the group plays a crucial role in responding to health emergencies and providing support and assistance to nations facing health issues.

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<sup>5</sup> Anthony D'Amato, *The Concept of Human Rights in International Law*, 82 COLUM. L. REV. pp. 1110 (1982).

In order to enhance global health security and establish policies and recommendations for the prevention and treatment of diseases, the organisation works in partnership with member countries and other partners. The World Health Organisation (WHO) offers countries advice and professional assistance to improve their healthcare systems and their capacity to respond to public health crises. Utilising this intervention has been vital in the fight against several health risks on a global scale, including the elimination of smallpox, the control of polio, and the fight against epidemics like the Ebola and Zika virus. Additionally, the aforementioned institution has been at the forefront of efforts to promote universal healthcare accessible and to address the sociological and economic factors that affect people's health.

The international organisation continues to be a significant force in the improvement of global health and a vital ally in the fight against illnesses all over the globe. To fulfil its mission of facilitating access to medical care for people worldwide and thereby promoting healthy and productive lifestyles, the organisation must establish global health standards, coordinate international health programmes, and provide a response to health emergencies.<sup>6</sup>

## **PUBLIC HEALTH AS COMPONENT OF PUBLIC WELLNESS**

The terms "public wellness" and "public health" are closely related, however they do not have the same aims and purposes. Public wellbeing places a stronger emphasis on the promotion of healthy lifestyles and the overall enhancement of people's well-being as compared to public health, which is concerned with the prevention and control of illnesses, accidents, and other health issues that have an influence on communities.

A relatively new notion, "public wellbeing" encompasses a broad range of initiatives and programmes meant to improve the mental, emotional, and social health of people and communities. These programmes and initiatives are intended to improve peoples' general health. It involves enticing individuals to engage in healthy behaviours including regularly visiting the gym, eating a balanced diet, learning how to manage stress, and engaging in social activities. The construction of environments that encourage healthy lifestyles, including smoke-free, safe, readily accessible parks and other natural areas, healthy food options in schools and workplaces, and no-smoking zones in public places, is another key component in promoting public wellness. Another objective of public wellbeing, which also aims to reduce health inequities, is to address socioeconomic determinants of health such poverty, prejudice, and lack of access to health care.

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<sup>6</sup> Buxton M, S. Hanney, T. Jones, *Estimating the economic value to societies of the impact of the health research: A Critical study*, Bulletin to the World Health Organisation, pp. 733-739 (2004).

On the other side, the main focus of public health is to identify, manage, and prevent diseases and other conditions that have an impact on a community's general health. In order to promote health, prevent sickness, and respond to epidemics and other sorts of disasters, it involves a broad range of activities and interventions. A broad notion known as "public health" applies to a number of different subfields, including epidemiology, environmental health, prenatal and child health, and health policy.

By lowering the risk of sickness and injury, promoting healthy lifestyle choices, and addressing the social and environmental factors that have an impact on a person's state of wellbeing, public health aims to enhance the general health of a community. Public health interventions may include vaccination campaigns, disease surveillance and outbreak investigation, patient education initiatives, and the creation of new health policies.<sup>7</sup>

## **CONCLUSION**

The implementation of laws pertaining to human rights is of utmost significance in enhancing the overall welfare of the society. The safeguarding of human rights is crucial for promoting the well-being and contentment of both individuals and communities. This encompasses entitlements to healthcare, sustenance, and shelter.

Commencing with the discourse, regulations that ensure the preservation of human rights offer a safeguard for the entitlement to health, which is a fundamental constituent of communal welfare. The right to health encompasses various elements such as medical care accessibility, provision of potable water, and maintenance of proper hygiene standards. It also encompasses the right to exist free from environmental contamination and in a healthy environment, as well as the right to have a healthy environment.” The aforementioned rights are deemed essential for safeguarding susceptible demographics, including but not limited to infants, pregnant individuals, and individuals with disabilities. Additionally, these rights serve to avert illnesses, promote healthy behaviours, and maintain the overall well-being of the populace. Therefore, laws pertaining to human rights play an essential part in ensuring that healthcare services are available and approachable to all individuals and that environmental health hazards are reduced to the greatest extent possible.

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<sup>7</sup> “Institute of Medicine (US) Committee for the Study of the Future of Public Health, *The Future of Public Health*. <https://www.ncbi.nlm.nih.gov/books/NBK218227/>.

The significance of human rights laws in promoting public health and well-being lies in their role in protecting individuals' entitlement to sustenance and nutrients. Access to substantial, secure, and nourishing food is included in the definition of the right to sustenance. The aforementioned entitlement holds paramount importance for individuals belonging to marginalised communities, including minors, females, and senior citizens, who face a higher likelihood of experiencing malnourishment and encountering insufficient means of obtaining nourishment. Hence, the regulations concerning human rights hold substantial importance in guaranteeing the sustainability of food systems, affordability and accessibility of food, and fulfilment of nutritional needs.