Reimagining Human Rights: Harnessing the Power of Law for Global Health and Sustainable Development Goals

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1. Introduction

The intersection of human rights, global health, and sustainable development represents a critical nexus in the contemporary global landscape (Bleischwitz et al., 2018). The discussion has provided the resources to debate with multi-sector of domestic policy-making to cover this initiative (Boas et al., 2016) with the pivotal message underpinning that the different domains of the goals should be understood with the realisation of human rights as interrelated and interdependent (Kwame & Petrucka, 2022). This research explores the implications of harnessing the power of law to reimagine human rights within the framework of Sustainable Development Goal 3 (SDG 3) - Good Health and Well-Being. Human rights, as
enshrined in international instruments such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), are the bedrock upon which notions of justice, dignity, and equality stand (Ssenyonjo, 2011). To some extent, it highlights human rights to mainstream gender to promote equity as part of the operationalisation of SDGs (Zamora et al., 2018). The right to health holds a special place because it recognises that access to adequate healthcare is not just a matter of policy but a fundamental human entitlement (Gostin, 2019). However, the stark reality is that millions around the world still lack access to essential healthcare services, which highlights the persistent gap between human rights ideals and their realisation.

SDG 3, part of the broader 2030 SDG agenda, emerged as a global commitment to bridge this gap. It recognises health as a human right and a cornerstone for sustainable development (Singh, 2023). However, achieving the ambitious targets of SDG 3 is a complex endeavour that extends far beyond the realm of health systems (Hellevik et al., 2023). It encompasses issues of social justice, environmental sustainability, and economic development. As a result, further discussion on this topic may call for a holistic approach that acknowledges the interplay between health and humans. At the heart of this endeavour lies the power of law, and law can be described as the scaffolding upon which human rights and sustainable development aspirations are constructed (Collins, 2018). Through this lens, the analysis will provide the framework for defining rights, responsibilities, and mechanisms of accountability in framing the overarching concept of the state obligation on SGD 3, which is also part of realising the right to health. The legal system, from international treaties to domestic legislation, has the potential to be an instrument for shaping the destiny of nations and individuals concerning their health and well-being (Allott, 2002). However, the path forward is fraught with legal complexities and challenges. From the interpretation of vague and evolving human rights standards to the formulation of laws that ensure equitable healthcare access, a myriad of legal issues must be navigated (Hanum, 2016). Furthermore, emerging technologies, global health crises, and environmental changes pose novel legal dilemmas that require innovative solutions (McBride, 2019).

Previous research on this topic generally examines the international framework of SGD 3 to its policy implementation at the domestic level. For instance, the global framework for policy critiques is important to the implementation of sustainable development goals involving different stakeholders, i.e., state and non-state actors (Haffeld, 2013). There is growing research on global health governance to the realisation of the right to health in post-2015 SDGs (Brolan et al., 2015, Forman et al., 2013, Van De Pas et al., 2017). Other research critically analyses the strengths and weaknesses of the target of universal health coverage in the SDGs as outlined in the international legal framework of human rights (Chapman, 2016). This research is important because it will critically analyse the implications of harnessing the power of law to reimagine human rights within the framework of Sustainable Development Goal 3. In reimagining human rights in the context of global health and sustainable development, this research is compelled to confront the legal hurdles and the moral imperatives. This endeavour beckons us to challenge the status quo, transcend boundaries, and forge new legal pathways that align with dignity, equity, and justice principles. This paper underscores the undeniable connection between law, health, and human rights, and it holds the promise of a brighter and more equitable future for all.

The discussion in this paper is divided into three parts. Firstly, this paper will discuss the right to health as a vital component of human rights. Further, it will analyse the power of law in the way to advance human rights within the framework of global health. Lastly, the role of the World Health Organisation (WHO) is examined in shaping global health governance.
2. Research Methods

To comprehensively investigate the topic of “Human Rights: Harnessing the Power of Law for Global Health and Sustainable Development Goals 3,” a multidisciplinary research approach will be adopted. This research will employ qualitative and quantitative methods to provide a holistic understanding of the subject matter, which fulfils the research objectives (M A Hamad, A., Jannial, J., & Indriyani, R., 2022; Ulum, 2022). This paper aims to analyse the historical development of human rights within the context of global health and sustainable development. Next, this paper examines the legal frameworks and instruments that pertain to the right to health and sustainable development, both at the international and national levels. In addition, an assessment is needed in the role of law in promoting and safeguarding human rights in the context of Sustainable Development Goal 3 (SDG 3). This objective of this paper is to identify and analyse emerging legal issues and challenges related to global health, sustainability, and human rights. Lastly, this paper explores potential legal innovations and solutions for addressing these challenges.

3. Discussion

The significance of the results of the research on “Human Rights: Harnessing the Power of Law for Global Health and Sustainable Development (SDG 3)” is profound and multifaceted. The outcomes of this research hold relevance for policymakers, legal practitioners, scholars, international organisations, civil society, and the global community.

3.1. Right to Health as an Essential Component of Human Rights

The evolution of human rights in global health is a complex and multifaceted journey that has unfolded over the course of the 20th and 21st centuries. It is a story of progress, challenges, and ongoing efforts to ensure that every individual, regardless of nationality or socioeconomic status, can enjoy the highest attainable physical and mental health standards. This evolution can be traced through several key milestones and themes (Sharma & Singh, 2022). The earliest landmark in the evolution of human rights in global health was the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948. Article 25 of this historic document recognised the right to health as a fundamental human right. This declaration laid the foundation for subsequent efforts to integrate health into the broader framework of human rights (Hyde, 2020).

The 1978 Alma-Ata Declaration on Primary Health Care marked another pivotal moment in the evolution of global health rights. It emphasised the importance of equitable access to essential healthcare services and underscored the role of social determinants in health (Williams, 2019). This declaration promoted the idea that health was not just the absence of disease but a complete physical, mental, and social well-being, aligning with the holistic perspective of human rights. The HIV/AIDS pandemic in the 1980s and 1990s brought global attention to the intersection of health and human rights. Stigmatisation and discrimination against people living with HIV/AIDS led to calls for the protection of their rights, including access to treatment and care. The formation of organisations like the Global Fund to Fight AIDS, Tuberculosis, and Malaria and the advocacy of civil society groups played a crucial role in advancing the human rights agenda in global health.

The 21st century witnessed a growing recognition of health as a cross-cutting issue in international law and diplomacy. The United Nations Millennium Development Goals (MDGs) and later the Sustainable Development Goals (SDGs) incorporated health-related targets, emphasising the importance of health within the broader development agenda. These goals underscored the principle of leaving no one behind and promoted health as a human
right. However, the journey towards realising the full spectrum of human rights in global health remains fraught with challenges. Health disparities persist, with marginalised communities often bearing the brunt of unequal access to healthcare services. Socio-economic factors, political conflicts, and humanitarian crises hinder progress (Iro, 2019).

The COVID-19 pandemic, which emerged in late 2019, starkly exposed the vulnerabilities in global health systems and highlighted the need for a rights-based approach to health. It underscored the importance of equitable vaccine distribution, access to information, and protection from discrimination. In recent years, the WHO has played a central role in promoting human rights in global health. It has emphasised the importance of the right to health, equity, and social determinants of health in its global health strategies. The evolution of human rights in global health is an ongoing and dynamic process. It has seen significant advancements, from recognising health as a fundamental human right to integrating health into broader international development agendas. However, challenges remain, and the COVID-19 pandemic has highlighted the urgent need to ensure that human rights principles guide global health policies and practices. The pursuit of health as a human right remains central to achieving a more just and equitable world for all.

The right to health stands as an essential and inalienable component of human rights, deeply intertwined with the very essence of human dignity and well-being. This fundamental right is enshrined in various international agreements, most notably the Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights. It embodies the idea that every individual, regardless of their background, socio-economic status, or geographic location, should enjoy the highest attainable standard of physical and mental health (Lo & Horton, 2019). At its core, the right to health recognises that health is not merely the absence of disease, but a state of complete physical, mental, and social well-being. It goes beyond medical care to encompass access to clean water, adequate nutrition, safe housing, and a healthy environment. In this comprehensive understanding of health, the right to health acknowledges that social determinants, including education, employment, and social inclusion, shape health. This right imposes clear obligations on governments and other stakeholders to ensure the availability, accessibility, acceptability, and quality of healthcare services. It obligates states to establish a healthcare system that is accessible to all, without discrimination, and that provides essential services such as maternal care, vaccination, and treatment for diseases. Moreover, the right to health requires states to address underlying social determinants, tackling issues like poverty, discrimination, and unequal access to education, as these factors significantly impact health outcomes (Tomossey, 2021).

The right to health also underscores the principle of non-discrimination. It insists that healthcare and health-related services must be provided without any form of discrimination, ensuring that marginalised and vulnerable populations are not excluded. Discrimination on grounds of race, gender, age, disability, sexual orientation, or any other status must be actively combated to uphold this fundamental right. The right to health is a moral imperative and a legal obligation under international law. States that have ratified the relevant international treaties are legally bound to take measures to progressively realise the right to health. These measures include allocating resources, developing health infrastructure, and removing barriers to healthcare access.

Also, the right to health is indivisible and interconnected with other human rights. It is closely linked to the right to life, as without good health, the right to life loses its meaning. It is also linked to the right to education, as an educated population is better equipped to make informed decisions about their health. Additionally, the right to health intersects with economic and social rights, such as the right to work, as ill health can lead to unemployment.
and economic hardship. The right to health is not a luxury but a fundamental and non-negotiable human right (World Health Organization, 2017). It embodies the principle that everyone, regardless of their circumstances, deserves the opportunity to lead a healthy life. Governments, international organisations, and civil society must work together to ensure the realisation of this right, addressing not only healthcare provision but also the underlying determinants of health, in order to create a world where health and dignity are accessible to all.

Health is not just a fundamental human right in its own right, but it also serves as a cornerstone for the realisation of numerous other rights, creating a solid interdependence between health and the broader spectrum of human rights. First and foremost, the right to life is intimately connected to health. Good health is a precondition for the enjoyment of the right to life, as illness, disease, and poor health can directly threaten an individual's life. Access to healthcare services, preventive measures, and essential treatments is crucial in safeguarding these fundamental human rights (Singh, 2022). Without good health, the right to life becomes precarious, highlighting the pivotal role of health in its enjoyment. Furthermore, health plays a vital role in the realisation of economic and social rights. The right to work, for instance, is closely intertwined with health. A healthy workforce is more productive and capable of participating in the labour market. On the other hand, ill health can lead to absenteeism, reduced productivity, and even job loss, affecting an individual's economic well-being. Health is thus an enabler of economic participation and financial stability.

Education is another area where health is a crucial determinant of its enjoyment. The right to education can be undermined if individuals are in poor health. Health conditions, especially among children, can lead to absenteeism from school, reduced cognitive development, and decreased educational attainment. This can perpetuate cycles of poverty and inequality, highlighting the inextricable link between health and the right to education. The right to an adequate standard of living, including housing and food, also relies heavily on health. Malnutrition, poor sanitation, and inadequate housing can significantly impact health outcomes. Conversely, poor health can hinder an individual's ability to secure and maintain adequate housing and access to nutritious food. In this way, health is intertwined with the enjoyment of economic, social, and cultural rights.

The right to be free from torture and cruel, inhuman, or degrading treatment is intricately connected to health. Individuals who are subjected to torture or ill-treatment may suffer physical and psychological harm, directly affecting their health. Ensuring access to healthcare and psychological support for survivors of torture or abuse is essential to restore their physical and mental well-being and prevent further violations of their rights. Health is not an isolated human right but a linchpin that underpins the enjoyment of many other human rights. It is both an enabler and a reflection of human dignity and well-being. Recognising and upholding the interdependence of health with other human rights is essential for fostering a just and equitable society where all individuals have the opportunity to lead healthy, fulfilling lives while enjoying the full spectrum of their human rights.

Sustainable Development Goal 3 (SDG 3), “Good Health and Well-Being,” is a critical and far-reaching component of the United Nations’ 2030 Agenda for Sustainable Development. It represents a global commitment to improving the health and well-being of people around the world, recognising that health is not only a fundamental human right but also a foundation for economic growth, poverty reduction, and overall sustainable development. At its core, SDG 3 aims to ensure that everyone, regardless of age, gender, socioeconomic status, or geographic location, can access high-quality healthcare services without financial hardship. This includes reducing maternal and child mortality, preventing and treating major
diseases, and strengthening healthcare systems. SDG 3 encompasses a wide range of health-related targets, such as ending the epidemics of AIDS, tuberculosis, and malaria, reducing premature deaths from non-communicable diseases, and achieving universal health coverage (Smith, 2016).

One of the critical principles of SDG 3 is leaving no one behind. It emphasises the importance of addressing health inequalities and disparities, ensuring that vulnerable and marginalised populations have equitable access to healthcare. This principle aligns with the broader ethos of the 2030 Agenda, which seeks to eradicate poverty and reduce inequalities in all forms. SDG 3 also recognises the interconnectedness of health with other sustainable development goals. Good health and well-being are not isolated outcomes but are closely linked to factors like education, gender equality, clean water, sanitation, and decent work. For example, educated and healthy populations are better equipped to participate in the workforce and contribute to economic growth. SDG 3 strongly emphasises prevention and promotion, acknowledging that a proactive approach to health is more cost-effective and beneficial in the long term. This includes efforts to promote sexual and reproductive health, increase vaccination coverage, and combat substance abuse and harmful traditional practices (World Health Organization, 2018).

Realising the targets of SDG 3 requires collective action at the international, national, and local levels. Governments, civil society organisations, healthcare professionals, and the private sector all play pivotal roles in advancing this goal. It necessitates increased investment in healthcare infrastructure, workforce development, research and innovation, and the strengthening of health systems in low- and middle-income countries. It encapsulates the global commitment to ensure that all individuals enjoy good health and well-being, regardless of their circumstances. By working together to address health inequalities, improve healthcare access, and promote healthy living, the international community can make significant strides toward a more equitable and sustainable world (Wofford, 2016). Ultimately, achieving SDG 3 is not just a goal but a pathway to achieving all the other sustainable development goals and creating a better future for generations to come.

3.2. Power of Law in Advancing Human Rights in Global Health

Health disparities within and among nations are stark reflections of systemic inequalities that persist on a global scale. At the heart of these disparities lies the profound divide between those with access to quality healthcare and those without access. Within nations, marginalised communities often bear the brunt of these disparities, with factors like income, race, ethnicity, and geography contributing to differential health outcomes. Socioeconomic inequalities manifest in unequal access to healthcare services, preventive measures, and health education, perpetuating cycles of ill health and poverty (Freeman, 2022).

On a global scale, the disparities among nations are equally concerning. High-income countries often enjoy advanced healthcare systems, cutting-edge medical technologies, and well-trained healthcare professionals, while low- and middle-income nations struggle with limited resources, inadequate infrastructure, and healthcare workforce shortages (Lawrence O Gostin et al., 2019). This gap in healthcare capabilities contributes to dramatic differences in life expectancy, disease prevalence, and overall health between countries. Additionally, infectious disease outbreaks, like the COVID-19 pandemic, have exposed the vulnerabilities of nations with weaker healthcare systems, illustrating the urgent need for global solidarity and cooperation to address health disparities. International efforts to ensure equitable access to vaccines, treatments, and medical supplies are critical in bridging the gap between nations and promoting global health security (Smith, 2016). Health disparities within and among nations are not merely public health issues but also social justice and human rights.
Addressing these disparities requires concerted efforts to eliminate discrimination, improve access to healthcare, and address the social determinants of health, such as education, housing, and employment. Achieving health equity within and among nations is an essential step toward a more just and equitable world where every individual can enjoy the highest attainable standard of health, regardless of their background or where they live.

The power of law in advancing human rights in global health is undeniable and pivotal. Legal frameworks and instruments serve as critical tools in ensuring that every individual, regardless of nationality, ethnicity, or socio-economic status, can enjoy the highest attainable standard of health. The international community has recognised this by enshrining the right to health in numerous legal documents, most notably the Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights (Friedman, 2016). These legal instruments establish the foundation for holding governments and other stakeholders accountable for their obligations to respect, protect, and fulfil the right to health. The power of law lies in its ability to set clear standards and norms, making it possible to evaluate and enforce these commitments. When states ratify such agreements, they are legally bound to take measures to progressively realise the right to health, including providing access to healthcare services, addressing social determinants of health, and eliminating discrimination in healthcare settings.

National legal systems play a crucial role in translating global health rights into actionable policies and practices. Many countries have adopted constitutions or legislation that explicitly recognise the right to health, establishing a legal framework for healthcare provision and health-related policies. For instance, Article 21 of the Constitution of The Republic of India acknowledges the broadest form of right to health (Mridula Sarmah, 2019). In this context, legal acknowledgement constitutes a solid ground for further realisation of the right to health. Legal mechanisms enable individuals to seek redress for violations of their right to health and hold governments accountable for failing to meet their obligations. Therefore, the law takes the role of a guarantor of a certain degree of right to health realisation.

Furthermore, the law may safeguard policy trajectory and budget allocations, ensuring that resources are allocated equitably to advance health and well-being. The law may also promote transparency, accountability, and participation in healthcare decision-making processes, allowing communities to have a say in how their health systems are structured and operated (Berta Esperanza Herndndez-Truyol, 2004). However, the effectiveness of law in advancing human rights in global health depends on its implementation and enforcement. Many challenges persist, including gaps in legal frameworks, insufficient resources, corruption, and different understandings among individuals about their rights. Therefore, building a robust legal system takes time, and long-term measures are needed. This can be done through awareness campaigns and capacity-building efforts to ensure a comprehensive understanding of the system, which may optimise the system to secure human rights in global health.

3.3. The World Health Organization’s Role in Shaping Global Health Governance

The WHO is a preeminent international agency dedicated to shaping global health governance and improving the health and well-being of people across the world. Established in 1948 as a specialised agency of the United Nations (UN), the WHO has played a pivotal role in addressing global health challenges, setting health standards, and coordinating efforts to combat diseases and promote healthcare systems worldwide (J Liden, 2014). One of the fundamental roles of the WHO in shaping global health governance is the formulation of international health policies and standards (Jennifer Prah Ruger & Derek Yach, 2009). The
organisation develops guidelines, recommendations, and strategies on a wide range of health issues, from disease prevention and measures to strengthen health systems. These policies serve as a foundation for countries to align their healthcare practices and policies, ensuring a consistent and evidence-based approach to global health challenges (Addo-Atuah, 2020).

The WHO acts as a catalyst for international cooperation and collaboration. It brings together member states, experts, researchers, and various stakeholders to exchange knowledge, resources, and best practices. Through its technical expertise and convening power, the WHO fosters a global network that allows nations to learn from each other’s successes and failures, promoting the dissemination of critical health information and innovations. In times of global health crises, such as pandemics and epidemics, the WHO assumes a central role in coordinating international responses. It serves as an early warning system, monitoring health trends and emerging threats worldwide. During outbreaks, the organisation deploys teams of experts to affected regions, assisting governments in managing and controlling the spread of diseases. The WHO’s leadership in the COVID-19 pandemic, for instance, demonstrated its role as a linchpin in coordinating efforts to combat a global health crisis (Gustavo Müller et al., 2021).

The WHO’s commitment to equity and access to healthcare is another integral aspect of its global health governance efforts. It advocates for universal health coverage, ensuring that all people have access to essential healthcare services without suffering financial hardship. The organisation also addresses health inequalities, striving to bridge gaps in health outcomes among different populations and regions. The WHO aims towards a fairer and more equitable world by emphasizing the importance of health as a fundamental human right. The WHO is a linchpin in shaping global health governance. Through its development of international health policies, its role in fostering international cooperation, its leadership during health crises, its commitment to equity, and its contributions to research and innovation, the WHO remains at the forefront of efforts to improve global health and well-being. In an increasingly interconnected world, the WHO’s mission and impact remain paramount in safeguarding all people’s health (Bhutta, 2020).

Transnational health threats, such as pandemics and emerging diseases, underscore the imperative of coordinated global responses. These threats know no borders and can rapidly escalate into global crises if not addressed collectively. The interconnectedness of our world, with international travel and trade, makes it crucial for countries and international organisations to work together to prevent, detect, and respond to these challenges effectively. Pandemics, like the COVID-19 pandemic that swept the globe in 2020, highlight the need for coordinated global responses. A virus originating in one corner of the world can quickly spread to every corner, wreaking havoc on healthcare systems, economies, and societies. In such cases, international organisations are pivotal in coordinating efforts among nations, with the WHO at the forefront. It provides critical guidance on public health measures, conducts research to understand the virus better, and facilitates the equitable distribution of vaccines and treatments. The pandemic has shown that no single country can effectively tackle a global health crisis alone; it requires a united front (Rosa & Coach (Eds.), 2017).

Emerging diseases often jump from animals to humans, and demand coordinated global responses (Charlotte Milbank & Bhaskar Vira, 2022). These zoonotic diseases, like Ebola and avian influenza, can have devastating consequences. To mitigate their impact, it is crucial to strengthen surveillance systems, share data transparently, and collaborate on research. International organisations and agreements, such as the International Health Regulations (IHR), provide a framework for countries to promptly report and respond to outbreaks. By adhering to these regulations and fostering international collaboration, nations can enhance their preparedness for emerging diseases and prevent them from becoming global pandemics.
Additionally, the economic and social consequences of transnational health threats are profound, for example, COVID-19 ([Maria Nicola et al., 2020]). They disrupt supply chains, strain healthcare systems, and cause immense human suffering. A coordinated global response is not just about health; it is about safeguarding the stability and prosperity of nations. Collaborative efforts, such as the Access to COVID-19 Tools (ACT) Accelerator, demonstrate the importance of working together to ensure equitable access to vaccines, treatments, and diagnostics ([Suerie Moon et al., 2022]). This not only saves lives but also helps countries recover faster from the economic impact of the pandemic.

In addition to immediate responses, it is crucial to invest in long-term preparedness. Building resilient healthcare systems, bolstering research and development capacity, and strengthening international cooperation mechanisms are vital components of this preparedness. Lessons learned from past pandemics, like the 2009 H1N1 influenza pandemic and the 2014-2016 Ebola outbreak, emphasise the need for continuous vigilance and improvement ([Steven J Hoffman & Sarah L Silverberg, 2018]). These threats transcend borders and have far-reaching consequences that affect health, economies, and societies. The world has made strides in responding to such challenges, but there is much work to be done in terms of strengthening international cooperation, preparedness, and equitable access to resources. Only by working together can nations hope to effectively mitigate the impact of transnational health threats and protect the well-being of people worldwide ([Bekker, 2018]).

4. Conclusion

The intersection of human rights, law, and global health has the potential to be a formidable force in advancing Sustainable Development Goal 3 (SDG 3), which aims to ensure healthy lives and promote well-being for all. Human rights frameworks provide a robust foundation for addressing health disparities, promoting access to healthcare, and ensuring that the most vulnerable populations are not left behind. The power of law in this context lies in its ability to hold governments and institutions accountable for their health commitments and provide a structured framework for addressing global health challenges.

Recognising health as a fundamental human right is not only morally imperative but also strategically sound for achieving sustainable development. Healthy populations are more productive, economically stable, and better equipped to contribute to the overall well-being of their communities and societies. Harnessing the power of law to protect and promote human rights in the context of global health is essential for achieving not only SDG 3 but also the broader 2030 Agenda for Sustainable Development. However, the journey towards fully integrating human rights into global health and sustainable development is ongoing. It requires continued advocacy, legal reforms, and collaborative efforts among governments, civil society organisations, and international bodies. It also necessitates addressing systemic inequalities and disparities that hinder access to healthcare and the realisation of human rights. By upholding human rights principles and leveraging the force of legal instruments, we can create a world where health is not a privilege but a universal right, paving the way for a more equitable and sustainable future for all.

References


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