The Human Right to Equal Access to Health Care
SCHOOL OF HUMAN RIGHTS SERIES, VOLUME 53

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Maite San Giorgi
The Human Right to Equal Access to Health Care

Cover illustration: One of the illustrations made by the Brazilian artist Otavio Roth of the 30 articles of the Universal Declaration of Human Rights for the United Nations. © Isabel Roth and Ana Roth

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In memory of my father
to Jan Willem
with love
Conducting this research has been an interesting and challenging project. I considered it a window of opportunity to deepen my knowledge about the human right to equal access to health care. Moreover, during the many solitary hours spent on writing a PhD on a topic that was quite new to me as a non-jurist, I have learned a lot, also about myself. However, bringing this project to an end could not have been achieved without the help and contribution of many. I am indebted to, and it is my pleasure to thank, all those who have supported me throughout.

To start at the beginning, my supervisors Martin Buïjsen and Roel de Lange. Martin, you have given me the opportunity to begin this project by offering me a position as a researcher and lecturer at the Institute of Health Policy and Management. Thank you for believing in me. Roel, although you only got involved halfway through, your contribution to this research project has been a truly positive one. I would like to thank you for your kindness, the coffees we had in Utrecht, your support, and helpful comments. I would also like to thank the members of the Reading Committee, Professors Aart Hendriks, Pieter Ippel and Herman Nys for taking an interest in my research and agreeing to read my manuscript.

A word of thanks also goes to all my dear colleagues at the Institute of Health Policy and Management. I enjoyed the uplifting conversations, coffees, lunches and dinners, cheer and laughter I shared with so many of you, and thank you for your support during the difficult times I went through when both my parents fell seriously ill. It is unfortunately impossible to thank you all individually, but I would nevertheless like to thank a few of you specifically: my roommates of the past few years with whom I spent many a pleasant hour: Lieke, Stéphanie and Edith; the Sectie ZKV who welcomed me in their midst; and the members of the activity committee with whom I experienced marvellous moments in organizing many different activities. My special gratitude goes to Barbara: Thank you for lending me your ear, for being my sounding board, and for your support. I am very much indebted to you.

During my PhD research I became a member of the School of Human Rights Research and the Working Group on Economic, Social and Cultural Rights. This gave me the possibility to meet many interesting and inspiring people and I would like to thank them for getting me involved in the broad field of human rights, which is such an interesting subject of research and debate.

I also wish to thank the student assistants Eveline, Joanna and Martijn who saved me many hours of basic library research, the EUR librarians for their kind
and patient assistance, and Marlon Steine who was willing to conscientiously and patiently correct the English of the final manuscript.

I am both lucky and privileged to have at my side so many wonderful and loving people. Amongst them my family and friends who make my life enjoyable and complete. My dear parents-in-law who I would like to thank for their interest, support and warm enquiries as to the progress of this venture. And my paranimfen Charlotte and Marjolein who encouraged me in all possible ways and supported me in completing this project. It is my honour to have you with me during the public defense.

It was difficult to write this thesis about health care while both my parents simultaneously got cancer. I terribly missed my farther when finishing and editing this PhD. Had he still been alive, he would have made such an essential contribution to this difficult work as he did at so many other times in my life.

My dear mother I would like to thank for her love and for convincing me that nothing is impossible. Her unwavering faith in my ability to accomplish this research made me believe in myself. My brother I would like to thank for always being there for me when I need him and for always giving me new perspectives on life. Since we were little we form a great team and so too during the preparation of this book for publication.

More than to anyone else I am indebted to my beloved husband Jan Willem. Words cannot describe how precious you are to me and I have the deepest respect for how you stood by me during the years that I worked on this PhD research. You unconditionally and in good spirit supported and encouraged me, provided me with good advice and cheered me up with your jokes. I can truthfully say that you meticulously read every word of this book. It is a great privilege to have you in my life.

Maite San Giorgi

March 2012
CONTENTS

List of Abbreviations xiii

PART A
GENERAL INTRODUCTION AND LEGAL FRAMEWORK

Chapter I
General Introduction 3

1  Introduction and Statement of the Problem 3
2  Research Objective, Research Questions and Structure of the Present Study 5
3  Method of Analysis 7

Chapter II
The Right to Health and the Right to Health Care in Human Right Law 9

1  Introduction 9
2  The Right to Health in International and Regional Human Rights Law 10
2.1  Introduction 10
2.2  The Right to Health in International Human Rights Law 10
2.3  The Right to Health in Regional Human Rights Law 13
3  The Scope, Core content and Overlapping Elements of the Right to Health 14
3.1  Introduction 14
3.2  The Scope of the Right to Health 15
3.3  The Core Content of the Right to Health 16
3.4  The Overlapping Elements of the Right to Health 18
4  The Core Content and Scope of the Right to Health Care within the Broad Framework of the Right to Health 19
4.1  Introduction 19
4.2  The Scope of the Right to Health Care 20
4.2.1  Overview of Scope of the Right to Health Care 22
4.3  The Core Content of the Right to Health Care 25
4.3.1  Overview of Core Content of the Right to Health Care 27


## Chapter III

State Obligations Resulting from the Right to Health Care

1. Introduction
   - General Clauses Regulating the Realisation of the Right to Health Care by Member States
   1.1 Introduction
   1.2 Progressive Realisation, Immediate Realisation and Realisation to the Maximum of Available Resources
   1.3 Derogations, Limitations, and Retrospective Measures
   1.3.1 Derogations
   1.3.2 Limitations
   1.3.3 Retrospective Measures

2. Tripartite Typology of Obligations:
   - the Obligation to Respect, to Protect and to Fulfil

3. Tripartite Obligations and the Right to Health Care
   3.1 Introduction
   3.2 The Obligation to Respect and the Right to Health Care
   3.3 The Obligation to Protect and the Right to Health Care
   3.4 The Obligation to Fulfil and the Right to Health Care

4. Criteria to Ensure Actually Access to Health Care
   4.1 Introduction
   4.2 Availability of Health Care
   4.3 Accessibility of Health Care
   4.3.1 Non-Discrimination
   4.3.2 Financial Accessibility
   4.3.3 Physical Accessibility
   4.4 Acceptable Health Care of Good Quality

5. Conclusions


## Chapter IV

Equality, Non-Discrimination and the Right to Equal Access to Health Care as a Human Right

1. Introduction
2. Recurring Elements of the Rights to Health Care: Equal Access, Equitable Access, and Access on a Non-Discriminatory Basis
3. The Principle of Equality: Definition of Concepts
3.1 Introduction 65
3.2 The Right to Equality: Formal and Substantial Equality 65
3.3 Discrimination, Direct Discrimination and Indirect Discrimination 66
3.4 Positive Measures and Preferential Treatment 68
4 The Right to Equal Access to Health Care; its Components and Definition 68
5 The Legal Framework of the Right to Equal Treatment and Non-Discrimination in Human Rights Law 70
5.1 Introduction 70
5.2 The International Legal Framework of the Human Right to Equal Treatment and Non-Discrimination 71
5.3 The Regional Legal Framework of the Human Right to Equal Treatment and Non-Discrimination 73
6 Conclusions 74

PART B
Practice and Discussion of the Justiciability of Economic, Social and Cultural Rights

Chapter V
The Justiciability of Economic, Social and Cultural rights 79

1 Introduction 79
2 The Term Justiciability Defined 79
3 Arguments against the Justiciability of Economic, Social and Cultural Rights 80
4 Arguments in Support of the Justiciability of Economic, Social and Cultural Rights 82
5 The Justiciability of Economic, Social and Cultural Rights in Practice 85
5.1 Introduction 85
5.2 The Justiciability of Economic, Social and Cultural Rights at the International Human Rights Level 85
5.2.1 The ICESCR and the Committee on Economic, Social and Cultural Rights 85
5.2.2 The ICCPR and the Human Rights Committee 88
5.2.3 The CEDAWCee, CERDcCee, CRCee, and the CRPDCee 89
5.3 The Justiciability of Economic, Social and Cultural Rights at the Regional Human Rights Level 90
5.3.1 European Committee of Social Rights 90
5.3.2 European Court of Human Rights 92
6 Conclusions 94
Chapter VI
The Justiciability of The Right to Health Care            97
1  Introduction               97
2  The Justiciability of the Right to Health Care at the
   International Human Rights Level: Review by
   the UN Treaty Based Bodies 97
3  The Justiciability of the Right to Health Care at the Regional
   Human Rights Level: Review by the European Committee of
   Social Rights and the European Court of Human Rights 101
3.1  Introduction             101
3.2  The Justiciability of the Right to Health Care under the Collective
    Complaints Procedure at European Committee of Social Rights  102
3.3  The Justiciability of Elements of the Right to Health Care at the
    European Court of Human rights  103
3.3.1  Article 2 ECHR         103
3.3.2  Article 3 ECHR         104
3.3.3  Article 8 ECHR         106
4  Conclusions             109

Chapter VII
The Integrated Approach           111
1  Introduction              111
2  The Integrated Approach: Definition and Emergence in
   Human Rights Law 111
3  Normative Explanation of the Integrated Approach 113
4  The Normative Explanations of the Integrated Approach and the
   Justiciability of the Right to Equal Access to Health Care 118
5  Conclusions             120

PART C
The Justiciability of the Right to Equal Access to Health Care

Chapter VIII
The Justiciability of the Right to Equal Access to Health Care at
the European Committee of Social Rights          125
1  Introduction              125
2  The Assessment of Complaints on Unequal Treatment and
   Discrimination by the European Committee of Social Rights 125

xii
3 Case Law of the European Committee of Social Rights on the Right to Equal Access to Health Care under the Collective Complaints Mechanism 132
4 The Case Law of the European Committee of Social Rights and the Justiciability of the Right to Equal Access to Health Care 137
5 Conclusions 140

Chapter IX
The Justiciability of the Right to Equal Access to Health Care at the European Court of Human Rights 143

1 Introduction 143
2 The Assessment Model under Article 14 ECHR of the European Court of Human Rights 144
2.1 Introduction 144
2.2 The First Phase of the Assessment Model of Article 14 ECHR: General Cases 145
2.3 The First Phase of the Assessment Model of Article 14 ECHR: Cases Dealing with Elements of Economic, Social and Cultural Rights 148
2.4 The Second Phase of the Assessment Model of Article 14 ECHR: General Cases 150
2.4.1 Phase 2a: Legitimate Aim 151
2.4.2 Phase 2b: The Proportionality Test 152
2.5 The Second Phase of the Assessment Model of Article 14 ECHR: Cases dealing with Elements of Economic, Social and Cultural Rights 154
2.5.1 The Second Phase 2a: The Legitimate Aim 154
2.5.2 The Second Phase 2b: The Proportionality Test 155
3 The Degree of Assessment under Article 14 ECHR 157
3.1 Introduction 157
3.2 The Degree of Assessment adopted under Article 14 ECHR and The Various Factors Influencing it 157
3.3 The Degree Adopted by the ECtHR in Cases that Deal with Elements of Economic, Social and Cultural Rights under Article 14 ECHR 162
4 Article 14 ECHR and the Right to Equal Access to Health Care 165
4.1 Introduction 165
4.2 The Right to Equal Access to Health Care and its Justiciability under Article 14 ECHR 166
5 Article 1 Protocol No. 12 to the ECHR 172
5.1 Introduction 172
5.2 Article 1 Protocol No. 12 ECHR and its Application 173
# LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>AP ESC</td>
<td>Additional Protocol to the ESC</td>
</tr>
<tr>
<td>CAT</td>
<td>Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of all forms of Discrimination Against Women</td>
</tr>
<tr>
<td>CEDAWCee</td>
<td>Committee on the Elimination of Discrimination Against Women</td>
</tr>
<tr>
<td>CERD</td>
<td>Convention on the Elimination of all forms of Racial Discrimination Women</td>
</tr>
<tr>
<td>CERDCEE</td>
<td>Committee on the Elimination of Racial Discrimination</td>
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<tr>
<td>CoE</td>
<td>Council of Europe</td>
</tr>
<tr>
<td>Committee</td>
<td>Committee on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>CoEe</td>
<td>Committee on Human Rights and Biomedicine</td>
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<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<tr>
<td>CRCCee</td>
<td>Committee on the Rights of the Child</td>
</tr>
<tr>
<td>CRPD</td>
<td>Convention on the Rights of Persons with Disabilities</td>
</tr>
<tr>
<td>CRPDCee</td>
<td>Committee on the Rights of Persons with Disabilities</td>
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<tr>
<td>ECHR</td>
<td>Convention for the Protection of Human Rights and Fundamental Freedoms</td>
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<td>ECtHR</td>
<td>European Court of Human Rights</td>
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<td>ESC</td>
<td>European Social Charter</td>
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<td>ECOSOC</td>
<td>UN Economic and Social Council</td>
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<td>GC</td>
<td>General Comment</td>
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<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
</tr>
<tr>
<td>HRcee</td>
<td>Human Rights Committee</td>
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<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political rights</td>
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<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<td>ICPD</td>
<td>International Conference on Population and Development</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<td>Abbreviation</td>
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<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
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<td>OP ICCPR</td>
<td>Optional Protocol to the ICCPR</td>
</tr>
<tr>
<td>OP ICESCR</td>
<td>Optional Protocol to the ICESCR</td>
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<tr>
<td>RESC</td>
<td>Revised European Social Charter</td>
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<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UNFPA</td>
<td>UN Population Fund</td>
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<td>UNICEF</td>
<td>UN Children’s Fund</td>
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<td>WHO</td>
<td>World Health Organization</td>
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