



**UN Special Rapporteur
on the right of everyone to the enjoyment of
the highest attainable standard of physical and mental health**

In 2002, the Commission on Human Rights, the principal political body dealing specifically with human rights in the United Nations system, decided to appoint a Special Rapporteur to focus on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health ('the right to health'). A Special Rapporteur is an independent expert appointed to monitor, examine and report on either a particular human rights issue or the human rights situation in a particular country or territory.

Paul Hunt, a New Zealand national, was appointed Special Rapporteur in August 2002 for a period of three years by the Commission on Human Rights. Mr Hunt is a Professor of Law and a Member of the Human Rights Centre at the University of Essex, England, and an Adjunct Professor of Law at the University of Waikato, New Zealand. In 2005, the Commission on Human Rights extended the Special Rapporteur's mandate by a period of 3 years. By its resolution 60/251 of 15 March 2006, the General Assembly concluded the work of the Commission on Human Rights and created the Human Rights Council. The Human Rights Council, by its decision 1/102 of 30 June 2006, extended all mandates of the former Commission on Human Rights, including that of the Special Rapporteur.

What is the Special Rapporteur's mandate?

The mandate of the Special Rapporteur is set out in Commission on Human Rights resolutions on the right to health, in particular resolution 2002/31 which establishes the mandate and requests the Special Rapporteur to:

- a)* gather, request, receive and exchange information related to the right to health from all relevant sources, including Governments, intergovernmental organizations and non-governmental organizations;
- b)* develop a regular dialogue and discuss possible areas of cooperation with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies and programmes, in particular the World Health Organization and the Joint United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, as well as non-governmental organizations and international financial institutions;
- c)* report on the status, throughout the world, of the right to health, including on laws, policies, good practices and obstacles; and
- d)* make recommendations on appropriate measures to promote and protect the realization of the right to health, with a view to supporting States' efforts to enhance public health.

They also request the Special Rapporteur to apply a gender perspective in his work, pay particular attention to the needs of children in the realization of the right to health and take into account the Durban Declaration and Programme of Action, adopted by the World Conference against Racism in 2001.

What issues does the Special Rapporteur address?

The Special Rapporteur has adopted three main objectives to guide his work:

- a) To promote - and to encourage others to promote - the right to health as a fundamental human right, as set out in international and regional human rights instruments, resolutions of the Commission on Human Rights and the Human Rights Council and the Constitution of the World Health Organization.
- b) To clarify the contours and content of the right to health. In jurisprudential terms, what does the right to health mean? What obligations does it give rise to?
- c) To identify good practices for the operationalization of the right to health at the community, national and international levels.

The Special Rapporteur aims to explore these objectives by way of two inter-related themes: **poverty** and the right to health; and **stigma and discrimination** in relation to the right to health. These themes permit the Special Rapporteur to examine a range of important issues such as poverty reduction strategies; the Millennium Development Goals; impact assessments; relevant trade agreements and the World Trade Organization; the role of health professionals; neglected diseases; and mental health. These issues – and others - are addressed in his reports to the Human Rights Council and the General Assembly.

What are the Special Rapporteur's working methods?

The Special Rapporteur is required to submit annually a report to the Human Rights Council and an interim report to the General Assembly, detailing the activities performed under his mandate. These reports also include information on particular issues relevant to the right to health, such as poverty, discrimination and stigma, international trade, mental health, neglected diseases, indicators, and sexual and reproductive health.

The Special Rapporteur undertakes country and other missions as a central part of his work. In July 2003 he conducted his first mission, to the World Trade Organization. In 2003 he visited Mozambique, in 2004 he visited Peru and Romania, in 2005 he visited Uganda, in 2006 he visited Sweden, and in 2007 he visited Uganda at the invitation of these Governments. Reports on the missions of the Special Rapporteur are submitted to the Human Rights Council.

The Special Rapporteur works in close co-operation with Governments, inter-governmental organizations and civil society. This work includes participating in relevant workshops or other meetings, writing reports and articles, making inquiries and responding to queries about the right to health.

In accordance with his mandate, the Special Rapporteur regularly receives information related to the right to health. This information sometimes includes credible allegations of serious violations of the right to health. In some cases, the Special Rapporteur will write to the Government urging it to take appropriate action.

How can the Special Rapporteur be contacted?

Dragana Korljan, UN Office of the High Commissioner for Human Rights, 8 - 14 avenue de la Paix, 1211 Geneva, Switzerland; Tel. ++41 22 917 9721; Fax. ++41 22 917 9010; Email. dkorljan@ohchr.org

Rajat Khosla, Human Rights Centre, University of Essex, Wivenhoe Park, Colchester, CO4 3SQ, UK; Tel: +44 (0)1206 873963; Fax: : +44 (0)1206 873627; Email: rkhosl@essex.ac.uk

Further information about the Special Rapporteur

For further information on the Special Rapporteur, please consult the website of the Office of the High Commissioner for Human Rights (<http://www.ohchr.org/english/issues/health/right/index.htm>) and the website of the Right to Health Unit at the Human Rights Centre, University of Essex (http://www2.essex.ac.uk/human_rights_centre/rth.shtm)

For further information about the Special Rapporteurs of the Commission on Human Rights, see Seventeen Frequently Asked Questions About Special Rapporteurs, OHCHR Fact Sheet No. 27

UN DOCUMENTS

The right of everyone to the enjoyment of the highest attainable standard of physical and mental health (available at www.ohchr.org)

Reports to the Commission on Human Rights and Human Rights Council

- Preliminary report of the Special Rapporteur, 13 February 2003, E/CN.4/2003/58
 - *Themes:* sources and content of the right to health; broad objectives of the Special Rapporteur; the relationship of poverty, discrimination and stigma with the right to health; poverty reduction strategies; neglected diseases; impact assessments; the WTO and the right to health; the right to mental health; health professionals

- Annual report of the Special Rapporteur, 16 February 2004, E/CN.4/2004/49
 - *Themes:* rights to sexual and reproductive health; poverty and the right to health – the Niger's Poverty Reduction Strategy; neglected diseases; the right to health and violence prevention

 - Addendum: report of the Special Rapporteur on his mission to the World Trade Organization, 1 March 2004, E/CN.4/2004/49/Add.1

- Annual report of the Special Rapporteur, 11 February 2005, E/CN.4/2005/51
 - *Themes:* mental disability and the right to health

 - Addendum: report of the Special Rapporteur on communications with Governments, 2 February 2005, E/CN.4/2005/51/Add.1

- Addendum: report of the Special Rapporteur on his mission to Mozambique, 4 January 2005, E/CN.4/2005/51/Add.2
- Addendum: report of the Special Rapporteur on his mission to Peru, 4 February 2005, E/CN.4/2005/51/Add.3
- Addendum: report of the Special Rapporteur on his mission to Romania, 21 February 2005, E/CN.4/2005/51/Add.4
- Annual report of the Special Rapporteur, 3 March 2006, E/CN.4/2006/48
 - *Themes*: the right to an effective, integrated health system accessible to all; a human rights-based approach to health indicators; a human rights-based approach to indicators in relation to the Reproductive Health Strategy endorsed by the World Health Assembly in May 2004
 - Corrigendum: 21 March 2006, E/CN.4/2006/48/Corr.1, deleting on p.23 of the E/CN.4/2006/48 “Table – Right to health indicators”
 - Addendum: report of the Special Rapporteur on communications with Governments, 22 December 2005, E/CN.4/2006/48/Add.1
 - Addendum: report of the Special Rapporteur on his mission to Uganda, 19 January 2006, E/CN.4/2006/48/Add.2
- Annual report of the Special Rapporteur, 17 January 2007, A/HRC/4/28
 - *Themes*: progress and obstacles to the health and human rights movement, in addition to cases on the right to health and other health-related rights
 - Addendum: report of the Special Rapporteur on communications with Governments, 23 February 2007, A/HRC/4/28/Add.1
 - Addendum: report of the Special Rapporteur on his mission to Sweden, 28 February 2007, A/HRC/4/28/Add.2
- Report on the situation of detainees at Guantanamo Bay, 27 February 2006, E/CN.4/2006/120; this report was submitted by five mandate holders jointly to the Commission on Human Rights, namely the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, Leila Zerrougui; the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak; the Special Rapporteur on freedom of religion or belief, Asma Jahangir; and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt.
- Report on the mission to Lebanon and Israel, 2 October 2006, A/HRC/2/7; this report was submitted to the Human Rights Council by four mandate holders, namely the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, the Representative of the Secretary general on human rights of internally displaced persons, Walter Kälin, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari and the Special Rapporteur on the right of

everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt.

- Annual report of the Special Rapporteur, 31 January 2008, A/HRC/7/11
 - *Themes:* health systems and the right to the highest attainable standard of health
 - Addendum: report of the Special Rapporteur on communications with Governments, 4 March 2008, A/HRC/7/11/Add.1
 - Addendum: report of the Special Rapporteur on his mission to the World Bank and the International Monetary Fund in Washington DC, 5 March 2008, A/HRC/7/11/Add.2
 - Addendum: preliminary note of the Special Rapporteur on his missions to Ecuador and Colombia, 4 March 2008, A/HRC/7/11/Add.3
 - Addendum: preliminary note of the Special Rapporteur on his mission to India, 29 February 2008, A/HRC/7/11/Add.4

Reports to the General Assembly

- Interim report of the Special Rapporteur, 10 October 2003, A/58/427
 - *Themes:* right to health indicators; good practices for the right to health; HIV/AIDS and the right to health; neglected diseases, leprosy and the right to health; an optional protocol to ICESCR
- Interim report of the Special Rapporteur, 08 October 2004, A/59/422
 - *Themes:* health-related Millennium Development Goals; right to health for indigenous peoples; right to health, child survival and indicators
- Interim report of the Special Rapporteur, 12 September 2005, A/60/348
 - *Themes:* health professionals and human rights education; the Commission on Social Determinants of Health; the international health professional skills drain
- Interim report of the Special Rapporteur, 13 September 2006, A/61/338
 - *Themes:* maternal mortality; the human right to medicines
- Interim report of the Special Rapporteur, 8 August 2007, A/62/214
 - *Themes:* prioritization of health interventions and respect for human rights, impact assessments, and water, sanitation and the right to health

Resolutions of the Commission on Human Rights

- Resolution 2002/31, 22 April 2002, E/CN.4/RES/2002/31
- Resolution 2003/28, 22 April 2003, E/CN.4/RES/2003/28
- Resolution 2004/27, 16 April 2004, E/CN.4/RES/2004/27
- Resolution 2005/24, 15 April 2005, E/CN.4/RES/2005/24

Decisions of the Human Rights Council

- Decision 1/102, 30 June 2006, A/HRC/DEC/1/102

Resolutions of the General Assembly

- Resolution 58/173, 10 March 2004, A/RES/58/173
- Resolution 60/251, 03 April 2006, A/RES/60/251

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