

## **Who are Community Health Advocates?**

Community Health Advocates (CHAs) are people that undertake community and district-level advocacy for health and human rights in their respective communities. They help mobilize individuals, families and the community and guide them through the health care system - with free information, advice.

They advocate and engage duty bearers at the grassroots and local government levels on their communities' emerging health issues , including violations of health rights

## Introduction

This information sheet has been prepared to guide Community Health Advocates, grassroots paralegals and community-based groups and organizations during community awareness sessions on the topic of **Health and Human Rights**. It is part of a broader campaign by CEHURD and partners to mobilize, engage and work with communities and community-level actors to demand a human rights-based approach to health care delivery and programming in Uganda. It covers a basic introduction to human rights, the right to health, and available redress mechanisms for violations.

## UNDERSTANDING HUMAN RIGHTS

- Human rights are basic values and beliefs that give all human beings respectability.
- Human rights are standards of behavior expected from a reasonable individual or institution.
- Human rights are based on the belief that all people (unlike other creatures) have reason and ability to differentiate right from wrong.
- Human rights protect the dignity and equality of all human beings.
- Human rights protect individuals and groups (communities) against actions which interfere with important freedoms and human dignity.
- Human rights are guided by values which society has overtime accepted as necessary for proper living and behavior. Examples of these values are: equality, diversity, non-discrimination, special care for vulnerable people, etc.
- Human rights are not given by the State/Government and their enjoyment is not subject to the authority of anyone.

- The State/Government has the obligation to protect, defend and promote human rights at all times.
- Human rights are guaranteed by the Constitution of Uganda, other national laws and international laws.

### **Characteristics of Human Rights**

- Human rights are universal: They apply to everyone in the world equally, regardless of color, religion, culture, gender, etc.
- Human rights are natural: They are NOT given, bought, earned or inherited. They are inborn to people by the fact that they are human beings.
- Human rights are inalienable: They cannot be transferred from one person to another.
- Human rights are irrevocable. They cannot be taken away or reversed, except as permitted in human rights law): Some human rights can only be taken away in the following circumstances:
  - to protect the rights of others
  - to protect public health
  - to protect public morals
  - to promote peace and tranquility, etc.

- Human rights are indivisible: All human rights are interdependent and interrelated; they cannot be divided. The promotion and enforcement of one right has a connection to the protection and/or respect of another right

### **Examples of human rights**

The Constitution of Uganda guarantees the following rights:

- Equality and freedom from discrimination
- Protection of right to life
- Protection of personal liberty
- Respect for human dignity and protection from inhuman treatment
- Protection from slavery, servitude and forced labor
- Protection from deprivation of property
- Right to privacy of person, home and other property
- Right to a fair hearing

- Protection of freedom of conscience, expression, movement, religion, assembly and association
- Right to education
- Rights of the family
- Affirmative action in favor of marginalized groups
- Rights of women
- Rights of children
- Rights of persons with disabilities
- Protection of rights of minorities
- Right to culture and similar rights
- Civic rights and activities
- Right to a clean and healthy environment
- Economic rights
- Right of access to information
- Right to just and fair treatment in administrative decisions

## Human rights of patients

The rights of patients are listed in the Patients' Charter as follows:

- The right to medical care
- The right to equality
- Freedom from non-discrimination
- The right to participate in decision-making
- The right to a healthy and safe environment
- The right to be treated by named service provider
- The right to informed consent
- The right to visitors
- The right to continuity of care
- The right to privacy and confidentiality
- The right to information
- The right to medical records
- The right to redress

## Obligations created by human rights

Human rights creates three major obligations on the Government and its agents (such as government workers in police, schools, hospitals, etc.). These include:

- 1) **The obligation to respect:** requires government to desist from interfering directly or indirectly with the enjoyment of human rights through laws, policies, programs.
- 2) **The obligation to protect:** requires Government to prevent third parties (other people, businesses, institutions, etc.) from interfering with the enjoyment of human rights.
- 3) **The obligation to fulfill:** requires Government to put in place laws, policies and programs to facilitate the enjoyment of human rights.

## **Responsibilities under human rights**

For every single human right, there is a corresponding responsibility. This therefore means that should enjoy human rights responsibly, by ensuring that they do not violate other people's human rights while enjoying their own rights.

### **Examples:**

- Freedom of expression – the responsibility is to tell the truth.
- Right to health – for one to heal from illness, they have a responsibility to take the prescribed medication.

## Limitations on human rights

Some human rights can be restricted for some reasons including:

- to protect the rights of others
- to protect public health
- to protect public morals
- to promote peace and tranquility, etc.

When Government limits the exercise or enjoyment of a right, this action must be taken as a last resort, on the basis of the following principles:

- 1) The restriction has to be provided for and implemented in accordance with the law.
- 2) The restriction has to be directed towards a legitimate objective of general interest.
- 3) It must be strictly necessary to achieve the objective in question.
- 4) The restriction must be the only available option to reach the objective.
- 5) It should not be unreasonable or applied selectively.

## THE RIGHT TO HEALTH

Health is a state of complete physical, mental, and social well-being, and not merely the absence of disease. Every human being has a human right to the highest attainable standard of health.

### Key points

- The right to health is realized when health services and products (e.g. medicines) are available all the time; are of good quality; are affordable; are within reachable distance; and are respectful of society's values.
- The Government must ensure that the right to health is realized progressively (increasingly). E.g. if a hospital has an ambulance, there should NOT come a time in the future when it does not have.
- The Government has the responsibility to ensure access to timely, acceptable, and affordable health care of good quality.
- The realization of the right to health depends on the realization of other rights, e.g. right to safe water, right to food, the right to housing, the right to information, etc.

- The human rights-based approach to health means that health programs must prioritize the needs of those who are worst-off.
- A human rights-based approach to health means participation of patients, communities, NGOs in planning and monitoring health programs and facilities.
- The right to health must be enjoyed without discrimination on the grounds of gender, age, tribe, income level or any other status.

## **Links between health and human rights**

**1). Violations or lack of respect for human rights can lead to ill-health.** Negative cultural practices, violence against women, torture, slavery, denial of information, discrimination and breach of confidentiality and other violations all affect health.

### **For example:**

- Intentional or unintentional discrimination is a barrier to access to services for vulnerable groups, e.g. pregnant adolescent girls, pregnant women with disabilities, sex workers, men who have sex with men, etc.

- Mental illness often leads to a denial of the right to dignity, freedom from torture and inhumane treatment and freedom of movement, through forced treatment, confinement, etc. They experience violence, poverty and social exclusion that worsen their mental and physical health.

## 2) **Ill-health can lead to human rights violations.**

- Protection of human rights can contribute to the health of people, e.g. right to participation, freedom from discrimination, freedom of movement, right to privacy.
- People with stigmatizing illnesses (e.g. HIV, mental illness, etc.) are at a higher risk of human rights violations.

## 3) **Realization of human rights reduces vulnerability to ill-health.**

- The realization of the right to information, the right to education, the right to food and nutrition, the right to water, etc., reduces the risk of falling sick.

## **Sexual and reproductive health and human rights**

**Sexual health** is a state of physical, emotional, mental and social well-being in relation to sexuality; it is not merely the absence of disease or dysfunction. Sexual health requires a respectful approach to sexual relationships, as well as having pleasurable and safe sexual experience, based on free will not violence.

**Reproductive rights** are the rights of individuals to decide whether and when to have children. This may include an individual's right to plan a family, end a pregnancy, use family planning, and access sexuality education information and services.

Sexual and reproductive health and rights involves the following:

- Prevention of maternal and infant deaths and ill-health.
- Provision of quality sexual and reproductive health services, including family planning.
- Treatment of sexually transmitted infections (STIs) and cervical cancer
- Ending violence against women and girls

## **Sexual and reproductive health rights (SRHR) includes the right of all persons to:**

- Seek, receive, and impart information related to sexuality
- Receive sexuality education
- Have respect for bodily integrity
- Choose their partner; to decide to be sexually active or not
- Have consensual sexual relations
- Have consensual marriage
- Decide whether or not, and when, to have children
- Pursue a satisfying, safe, and pleasurable sexual life

## **DEALING WITH HUMAN RIGHTS VIOLATIONS**

### **How are human rights violated?**

In the health care setting, it is usually the rights of patients that are violated. The rights of patients are violated when Government directly or through its agents (district/subcounty local government, health workers, etc.) does not fulfil obligations to respect, protect and fulfil the human rights of patients.

### **This can happen through:**

- Long distances to health centers
- Shortage of qualified health workers
- Medicines stock-outs, and inadequate medical supplies and equipment
- Failure to enforce laws, policies and regulations that protect the rights of patients
- Failure to maintain a clean, healthy and safe environment within health centers
- Failure to regulate medical practice, including quality assurance and control

- Failure to provide sufficient funding for health
- Failure to educate citizens about their rights to health and redress procedures
- Unreasonable conditions for service access (e.g. priority women accompanied by a spouse for antenatal care)
- Unprofessional conduct of health workers (e.g. absenteeism, discrimination, illegal fees/bribes, breach of confidentiality, negative attitude towards work, etc.).
- Withholding medical records
- Lack of privacy at health centers
- Government (or its agents) taking negative steps, e.g. closing an existing health center, stopping some services, failing to maintain equipment, facilities and buildings, etc.

## Options for redress in case of a human rights violation

As the ultimate duty bearer, Government has the responsibility to ensure that the human rights of citizens are protected. Uganda also has a number of formal organizations whose main purpose is to deal with human rights violations or to hold the Government accountable.

- **The Human Rights Tribunal:** Uganda Human Rights Commission (UHRC) has a tribunal which handles human rights complaints, with powers to summon witnesses and issue orders against the State, its agencies and private persons in matters involving violations of human rights.
- **Redress at the health facility:** The Patients' Charter requires every health facility to have a person or a committee responsible for observance of patient rights; to receive, investigate, and process patients' complaints. The Health Unit Management Committee (HUMC) has a mandate to handle complaints from patients.
- **Courts of law:** The Constitution provides that any person whose right or freedom has been infringed or threatened, is entitled to apply to court

for redress, which may include compensation. It further provides that any person or organization may bring court action against the violation of another person's or group's human rights.

- **Professional regulatory authorities:** The Medical and Dental Practitioners Council for doctors and dentists; the Allied Health Professionals Council for clinical officers and theater and laboratory-related professionals; the Nurses and Midwives Council; and the Pharmacy Board for pharmacists.
- **Civil Society:** Non-profit organizations, unions, educational institutions, community based organizations, NGOs or religious groups are involved in provision of free legal services to those whose rights are violated and sensitizing the population on their rights.

