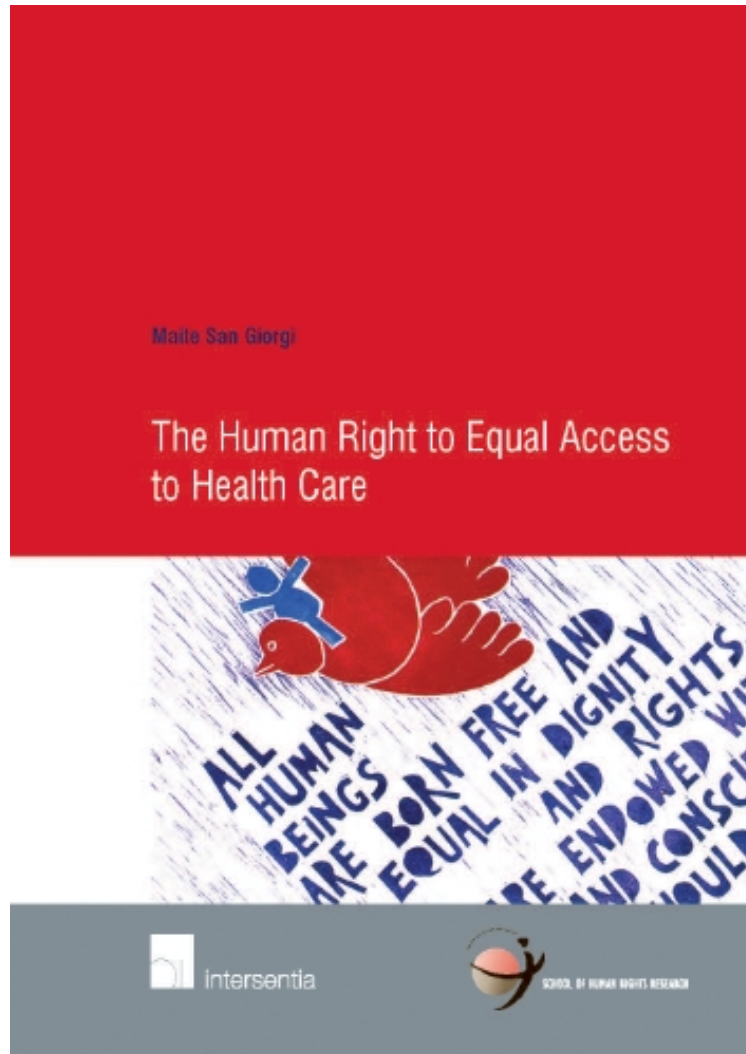


[Ebook free] The Human Right to Equal Access to Health Care (School of Human Rights Research)

The Human Right to Equal Access to Health Care (School of Human Rights Research)

Maite San Giorgi

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Maite San Giorgi : The Human Right to Equal Access to Health Care (School of Human Rights Research) before purchasing it in order to gauge whether or not it would be worth my time, and all praised The Human Right to Equal Access to Health Care (School of Human Rights Research):

The right to equal access to health care is a fundamental principle that is part of human rights. For victims of a violation of the right to equal access to health care, it is important that a judicial or quasi-judicial human rights body

can adjudicate their complaints in this regard. Justiciability contributes to the protection and realization of the right to equal access to health care and further determines the meaning of this right. The justiciability of the human right to equal access to health care is complex. It is one of the economic, social, and cultural rights, and ever since the emergence of these rights, their justiciability has been a contentious issue. Moreover, in practice, it is much more difficult for an alleged violation of an economic, social, or cultural right to be subject of review by a court of law or a quasi-judicial procedure than it is for a civil or political right. Nevertheless, over the last two decades, several developments have strengthened the justiciability of rights. This book analyzes the justiciability of the human right to equal access to health care. It examines how cases concerning unequal access to health care would be dealt with by judicial and quasi-judicial human rights bodies and distills the elements that can be expected to play a role in the assessment of such cases. First, the book provides for an extensive analysis of the legal framework of the right to equal access to health care, its entitlements, and the corresponding State obligations. Subsequently, it addresses what arguments are brought forward and how such rights are adjudicated in practice by the various judicial and quasi-judicial human rights bodies. Furthermore, the case law of three human rights bodies - the European Committee of Social Rights, the European Court of Human Rights, and the Human Rights Committee - is examined in detail in order to analyze how these bodies assess cases concerning discrimination and how elements of economic, social, and cultural rights are taken into account under the various equality and non-discrimination provisions. Finally, the different criteria and elements that can be expected to play a role in the justiciability of cases are presented. (Series: School of Human Rights Research - Vol. 53)

' [A] valuable study which clearly answers a number of important questions.' Brigit Toebes in *Rechtsgeleerd Magazijn Themis* (2013) 83