

Human Rights for Fat Humans



Dr Lily O'Hara **NAAFA Advisory Board**

Learning outcomes

- ▶ Define human rights and describe the characteristics of human rights
- ▶ Recall the core human rights documents and describe the process by which a document become legally binding
- ▶ Describe the origins and principles of the right to health
- ▶ Recall the legally binding documents addressing the right to health
- ▶ Describe the obligations of states with respect to the right to health

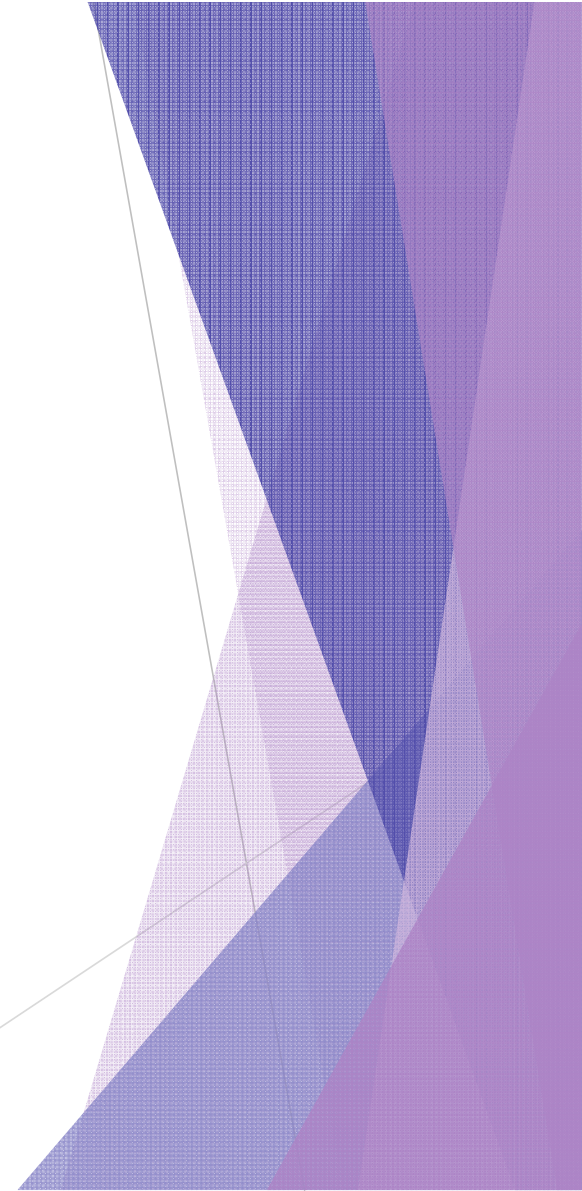
Human rights defined

- ▶ Rights that are inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status
- ▶ We are all equally entitled to our human rights without discrimination



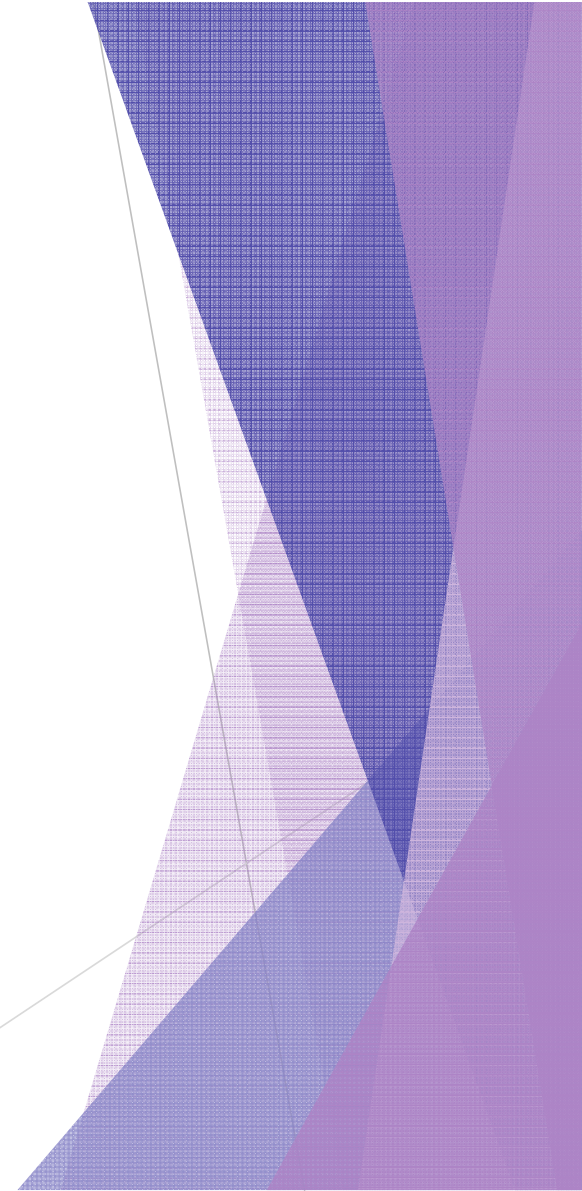
5 characteristics of human rights

1. Universal: Belong to everyone
2. Inherent: We are born with rights just because we are human
3. Inalienable: They exist even if they are being violated



5 characteristics of human rights

4. Interdependent: All are linked and depend on each other; the realisation of one right often depends on acknowledging and realising other rights
5. Indivisible: All rights form a whole and cannot be divided; no right is more important than any other right

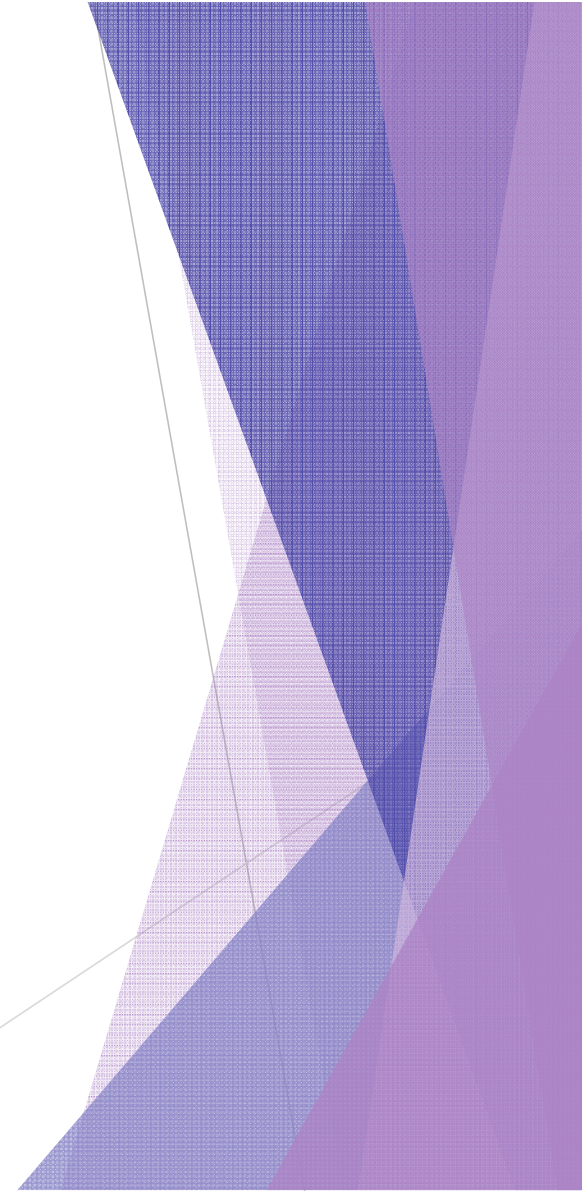


Human rights address basic needs

- ▶ For every basic need there is a matching human right
- ▶ Need for shelter: right of access to housing
- ▶ Need to be treated fairly: right to equality
- ▶ Need for freedom: right to freedom and security and right to freedom of expression
- ▶ Need to survive: right to social assistance from the state if you don't have enough resources

Human rights

- ▶ Set minimum standards for how individuals and institutions should treat people
- ▶ Tell both state and non-state actors what they can do, what they can't do and what they should do for you



Human rights terminology

- ▶ **Rights holders:** Those who can claim rights or are entitled to rights
- ▶ **Duty bearers:** Those who have obligations to fulfil rights, making sure that people's rights are made enacted

Human rights terminology

State

- ▶ Country that is recognised by other countries and have internationally recognised boundaries or borders
- ▶ Has an organised economy and is normally controlled by government
- ▶ Government provides public services (like education, health, transport) and police or military power
- ▶ **State actors** are government officials and the officials of any bodies owned and operated by the state
- ▶ Includes local, regional and national governments and government employees

Human rights terminology

Non-state actors

- ▶ Any individuals or organisations that are not controlled by the state
- ▶ Private citizens
- ▶ Private or publicly listed companies and businesses
- ▶ Transnational corporations
- ▶ Non-Government organisations
- ▶ Institutions

International human rights law

- ▶ Declaration
 - ▶ Document stating agreed standards or principles
 - ▶ Not legally binding but has strong moral force
- ▶ Code
 - ▶ Document setting out principles to guide states
 - ▶ Some states use codes as a basis for their laws
 - ▶ Some states refer to codes in their laws
- ▶ Conventions, Treaties or Charters
 - ▶ Legally binding written agreements



Universal Declaration of Human Rights

- ▶ Developed under the leadership of Eleanor Roosevelt, then first lady of the United States of America
- ▶ Adopted by the UN in 1948
- ▶ Aspirational – provides a moral path for how people should be treated



Universal Declaration of Human Rights

Article 1: Right to Equality

Article 2: Freedom from Discrimination

Article 3: Right to Life, Liberty and Personal Security

Article 4: Freedom from Slavery

Article 5: Freedom from Torture and Degrading Treatment

Article 6: Right to Recognition as a Person before the Law

Article 7: Right to Equality before the Law

Article 8: Right to a Remedy for Violations of Rights

Article 9: Freedom from Arbitrary Arrest and Exile

Article 10: Right to Fair Public Hearing

Article 11: Right to be Considered Innocent until Proven Guilty

Article 12: Freedom from Interference with Privacy, Family, Home and Correspondence

Article 13: Right to Free Movement in and out of Own Country

Article 14: Right to Asylum in other Countries from Persecution

Article 15: Right to a Nationality and the Freedom to Change Nationality

Article 16: Right to Marriage and Family

Article 17: Right to Own Property

Article 18: Freedom of Belief and Religion

Article 19: Freedom of Opinion and Information

Article 20: Right of Peaceful Assembly and Association

Article 21: Right to Participate in Government and in Free Elections

Article 22: Right to Social Security or a Social Safety Net

Article 23: Right to Desirable Work and to Join Trade Unions

Article 24: Right to Rest and Leisure

Article 25: Right to Adequate Living Standard, Including Food, Housing, and Medical Care

Article 26: Right to Education

Article 27: Right to Participate in the Cultural Life of Community

Article 28: Right to a Society that Upholds this Document

Article 29: Rights Limited by Need to Respect Rights of Other Persons

Article 30: Freedom from State or Personal Interference in the above Rights

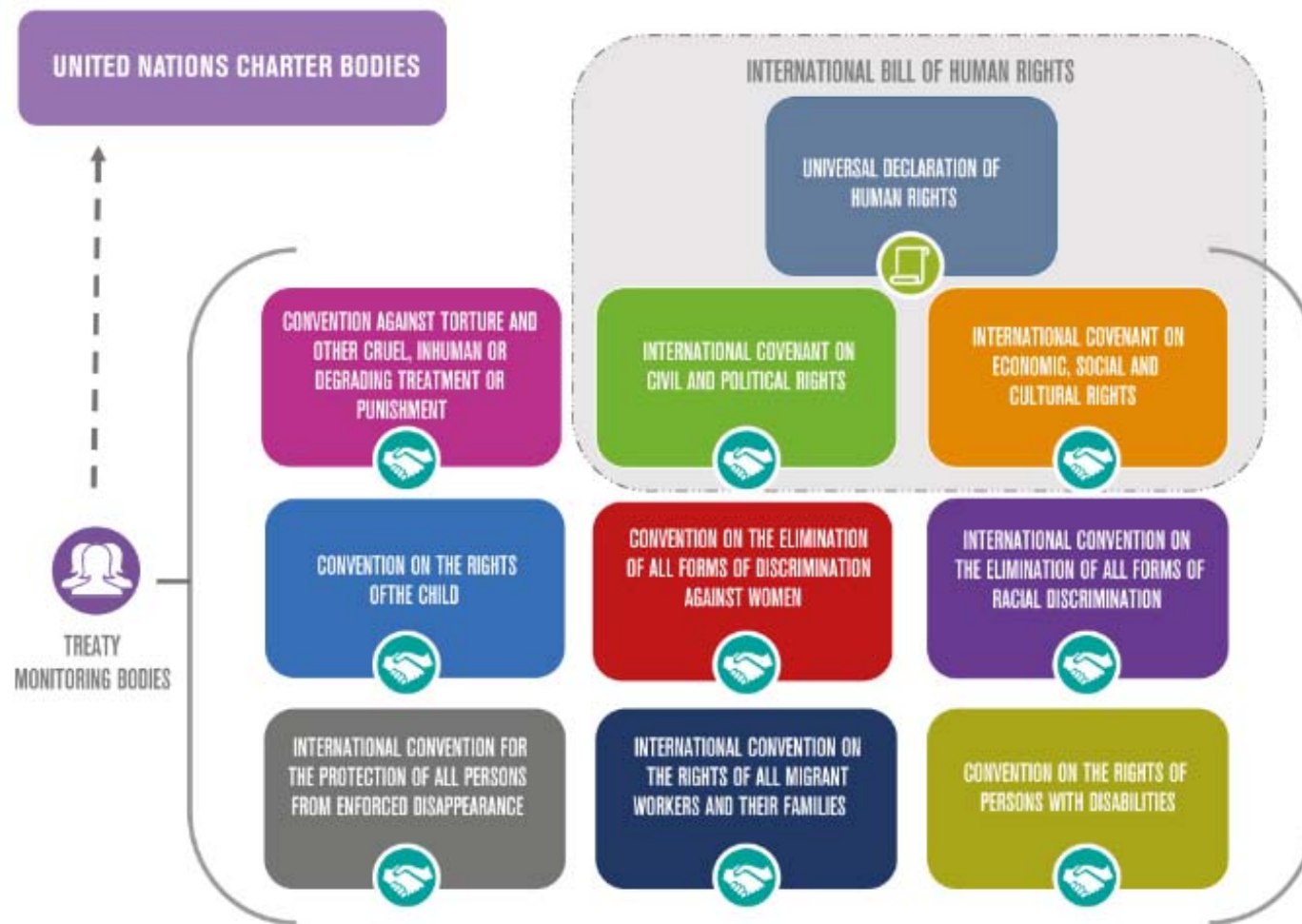
Daily breaches of human rights for fat people

- ▶ Loss of dignity through health sector sanctioned vilification of fat and fatness
- ▶ Weight bias, prejudice, and stigmatization
- ▶ Weight discrimination across all parts of society including education, housing, and employment
- ▶ Teasing, harassment, bullying, and violence
- ▶ Breaches of privacy
- ▶ Denial of appropriate medical care

International Bill of Human Rights

- ▶ Universal Declaration of Human Rights, 1948
- ▶ International Covenant on Economic, Social and Cultural Rights, 1966
- ▶ International Covenant on Civil and Political Rights, 1966
- ▶ Two covenants became law in 1976 after ratification by sufficient number of countries

International human rights law



International human rights law

- ▶ If a government signs a human rights document, they indicate that they support the agreement in principle and make a commitment not to act against the agreement
- ▶ When a government ratifies a convention, treaty or charter it means they officially agree to abide by it
- ▶ State then has a legal obligation to uphold the rights articulated within that document
- ▶ They must amend their own laws or pass new laws in line with it
- ▶ All government departments and employees within that Member State are then legally bound by the obligations of that document

But what about the non-State actors?

- ▶ Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 2002
- ▶ Describes the duties and obligations on all social actors, including corporations, nongovernmental organizations, and civil society to operate within the requirements of international human rights law

Right to health

- ▶ Constitution of the World Health Organization, 1946
- ▶ Health is defined as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity
- ▶ The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition



Right to health in international treaties

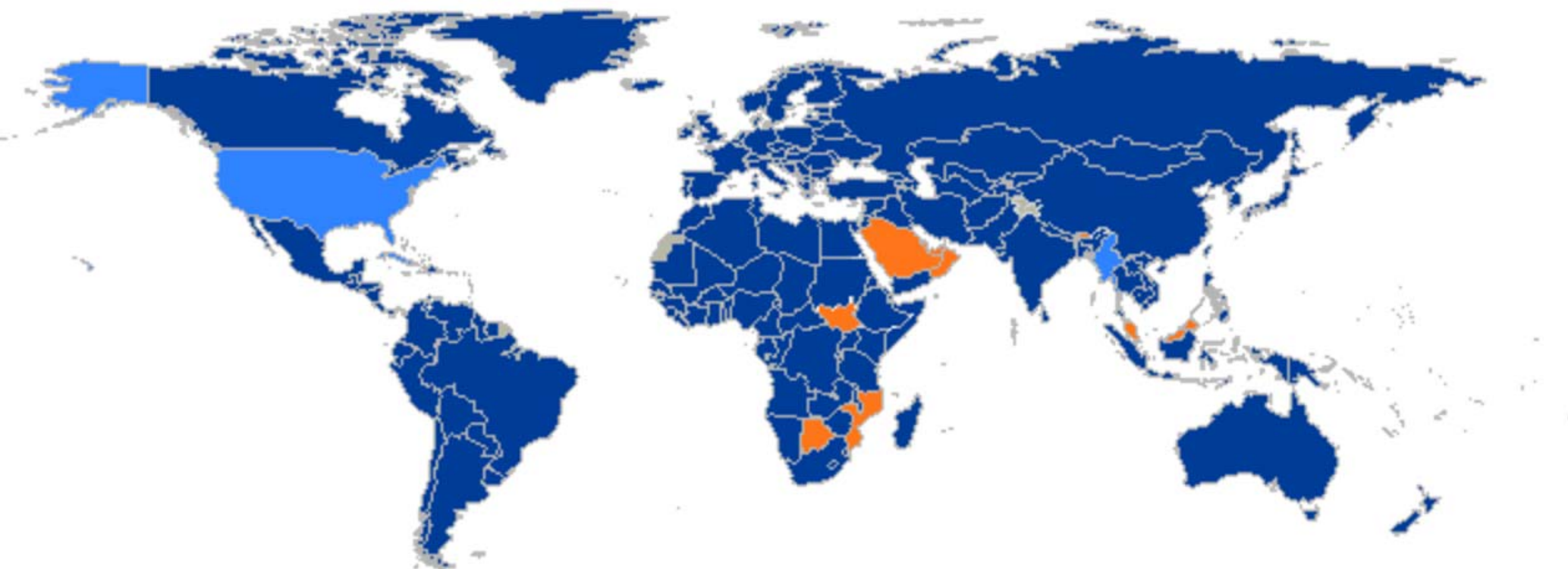
- ▶ Universal Declaration of Human Rights, 1948
- ▶ Article 25
- ▶ Everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing and medical care and necessary social services and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control



Right to health in international treaties


- ▶ International Covenant on Economic, Social and Cultural Rights, 1966
- ▶ Article 12: the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
- ▶ General comment no. 14: detailed description of the right to health and the underlying determinants of health

Status of ICESCR September 2017



Country Status

 State Party (165)  Signatory (5)  No Action (27)

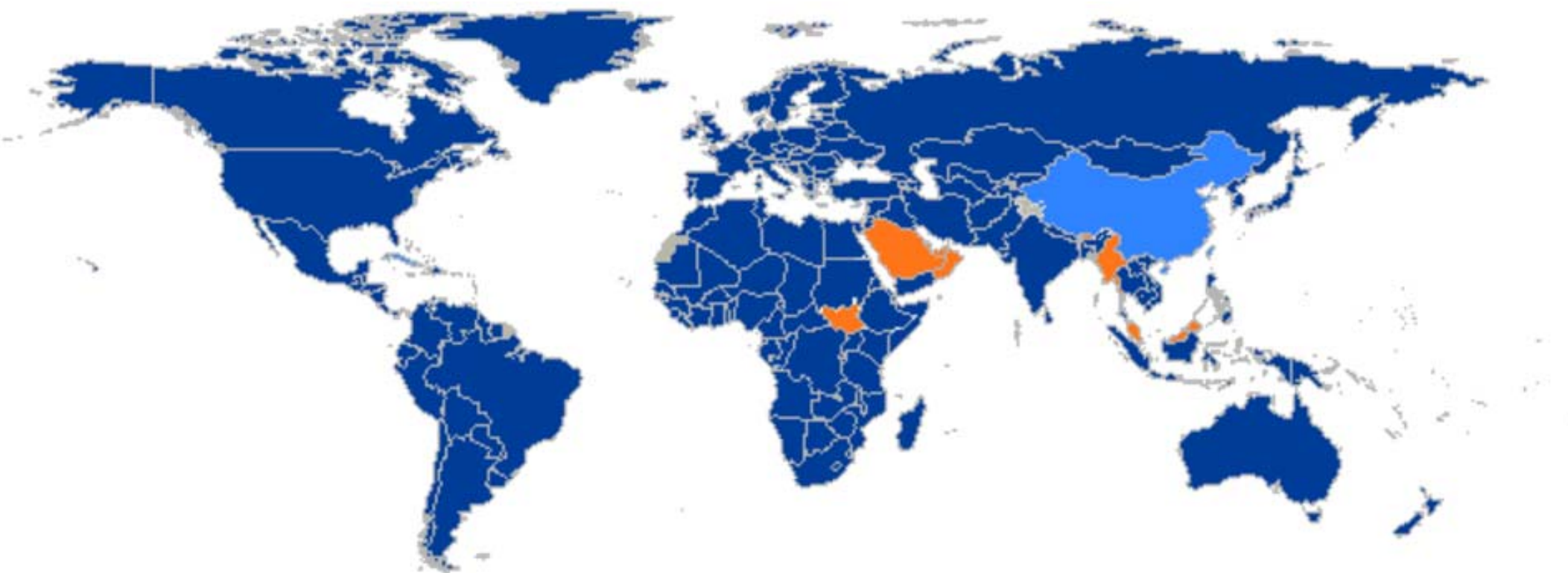
 Individual communications procedure

 Inquiry procedure

Right to health in international treaties


- ▶ International Covenant on Civil and Political Rights, 1966
- ▶ Article 24: Every child shall have ... the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
- ▶ Article 26: The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or **other status**.

Status of ICCPR, September 2017



Country Status

 State Party (169)  Signatory (6)  No Action (22)

 Individual communications procedure

Right to health in international treaties

- ▶ International Convention on the **Elimination of All Forms of Racial Discrimination**, 1965, Article 5
- ▶ Convention on the **Elimination of All Forms of Discrimination against Women**, 1979, Articles 11, 12 & 14
- ▶ Convention on the **Rights of the Child**, 1989, Article 24

Right to health in international treaties

- ▶ International Convention on the **Protection of the Rights of All Migrant Workers and Members of Their Families**, 1990, Articles 28, 43 and 45
- ▶ Convention on the **Rights of Persons with Disabilities**, 2006, Article 25

International human rights law

- ▶ Check your country's status on any document:
<http://indicators.ohchr.org/>
- ▶ All States have ratified **at least one** international human rights treaty that refers to the right to health
- ▶ Regional treaties in Africa, Europe and the Americas protect the right to health
- ▶ National constitutions of at least 115 states protect the right to health

Right to health and the Human Rights Council

- ▶ United Nations Commission on Human Rights (now the Human Rights Council), 2002
- ▶ Created the mandate of Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health
- ▶ Required to report regularly to Human Rights Council



Right to health in other international documents

- ▶ Declaration of Alma-Ata, International Conference on Primary Health Care, 1978
- ▶ Jakarta Declaration on Health Promotion into the 21st Century, 1998
- ▶ United Nations Millennium Declaration and Millennium Development Goals, 2000
- ▶ United Nations Sustainable Development Goals, 2016

Jakarta Declaration on Health Promotion into the 21st Century, 1997

Prerequisites for health

- ▶ peace
- ▶ shelter
- ▶ education
- ▶ social relations
- ▶ food
- ▶ income
- ▶ empowerment of women
- ▶ social security
- ▶ stable ecosystem
- ▶ sustainable resource use
- ▶ social justice
- ▶ respect for human rights
- ▶ equity



Jakarta 1997

Jakarta Declaration on Health Promotion into the 21st Century, 1997

- ▶ Built on the Ottawa Charter for Health Promotion
- ▶ Resolution WHA51.12 on Health Promotion passed by 1998 World Health Assembly
- ▶ Represented by Ministers of Health from member states
- ▶ Legalised a commitment to the Jakarta Declaration actions in all signatory states



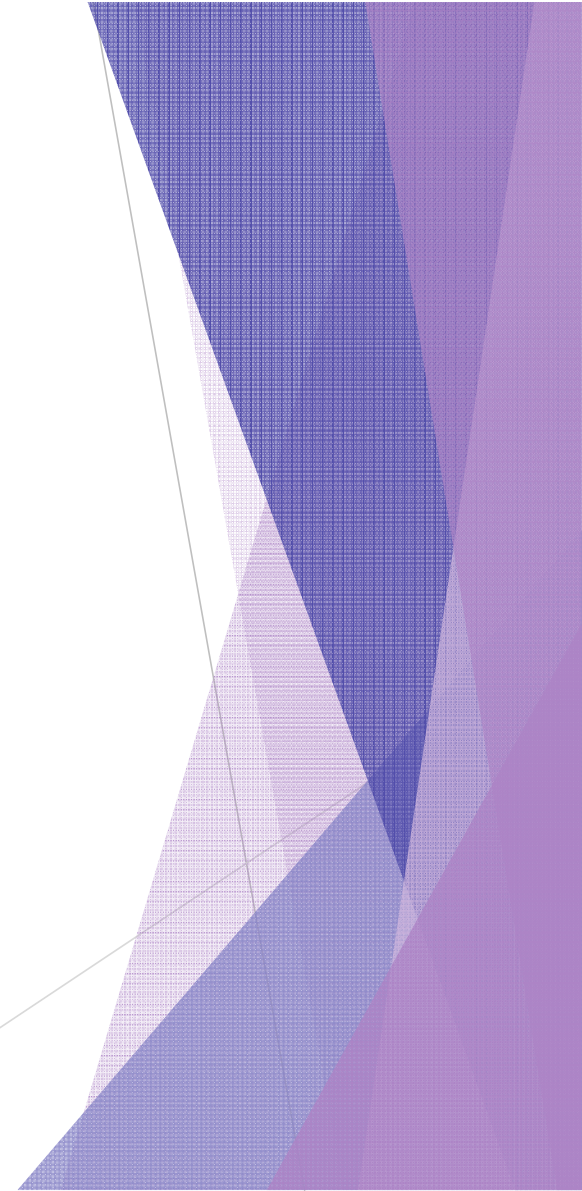
Jakarta 1997

Same year as the NAAFA Million Pound March for dignity and pride



Clarification of the right to health

- ▶ The right to the highest attainable standard of health does not mean we have a right to be healthy
- ▶ Some of the determinants of health lie outside the control of the state
- ▶ The right to health means we have a right to access the **conditions** needed to be healthy



Social determinants of health

Conditions in which we are conceived, born, grow, live, learn, work, play and age



Childhood experiences



Housing



Education



Social support



Family income



Employment

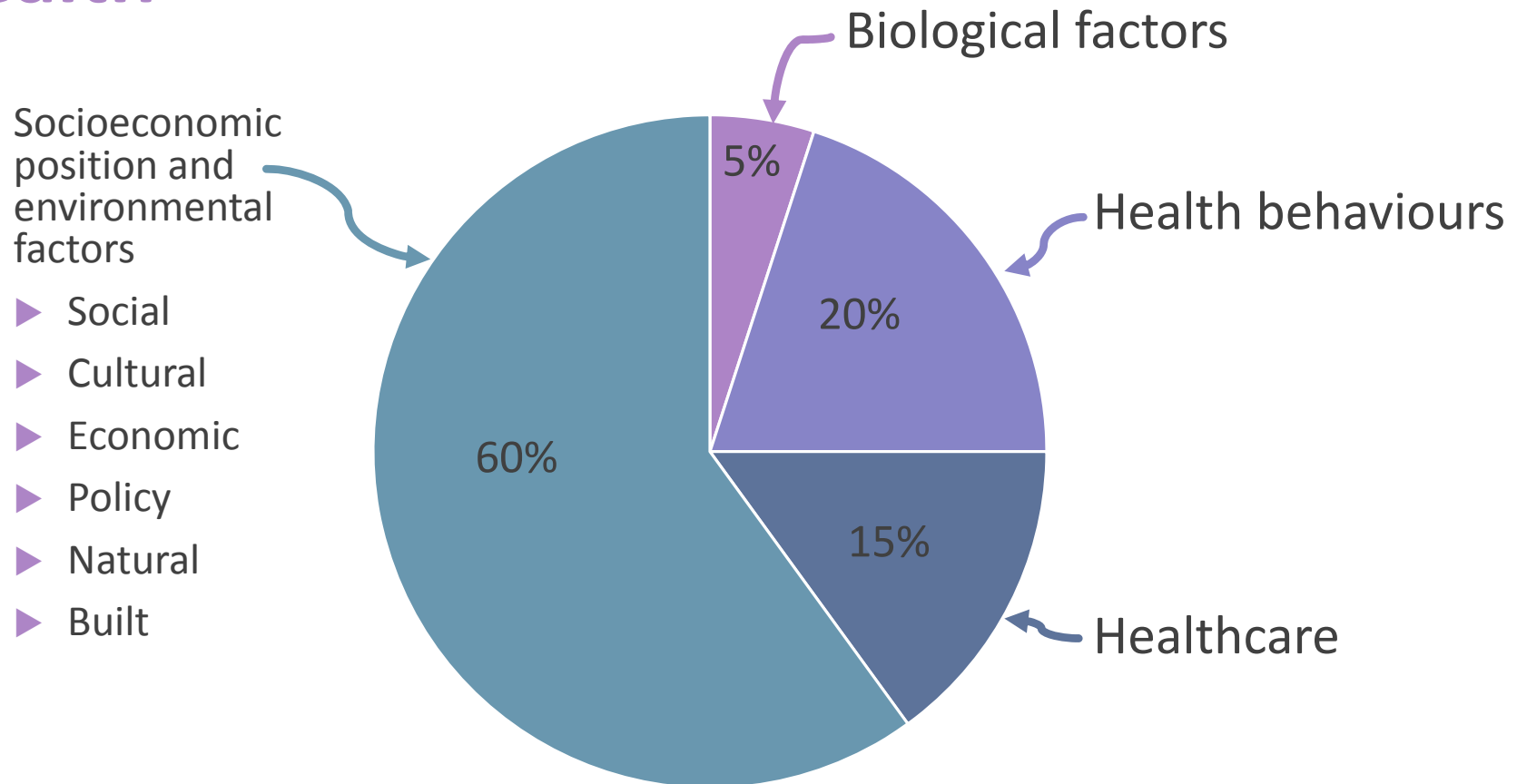


Our communities



Access to health services

Relative contribution of determinants of health



Sustainable Development Goals for 2030



TRANSFORMING OUR
WORLD:
THE 2030 AGENDA FOR
SUSTAINABLE
DEVELOPMENT

1 NO
POVERTY



2 ZERO
HUNGER



3 GOOD HEALTH
AND WELL-BEING



4 QUALITY
EDUCATION



5 GENDER
EQUALITY



6 CLEAN WATER
AND SANITATION



7 AFFORDABLE AND
CLEAN ENERGY



8 DECENT WORK AND
ECONOMIC GROWTH



9 INDUSTRY, INNOVATION
AND INFRASTRUCTURE



10 REDUCED
INEQUALITIES



11 SUSTAINABLE CITIES
AND COMMUNITIES



12 RESPONSIBLE
CONSUMPTION
AND PRODUCTION



13 CLIMATE
ACTION



14 LIFE
BELOW WATER



15 LIFE
ON LAND



16 PEACE, JUSTICE
AND STRONG
INSTITUTIONS



17 PARTNERSHIPS
FOR THE GOALS



Sustainable Development Goals

- ▶ Adopted universally by all states
- ▶ But are not legally binding



Right to health principles

- ▶ **Freedom**s include the right to control one's health and body and to be free from interference, coercion and discrimination
- ▶ **Entitlements** include the right to **equitable** opportunity to enjoy the highest attainable level of health
- ▶ States must **respect, protect, and fulfil** the right to health



Human Rights Obligations

Duty-bearer's obligation to

Respect

Protect

Fulfill

refrain from
interfering with the
enjoyment of the
right

prevent others
from interfering
with the enjoyment
of a right

adopt appropriate
measures towards
full realization of
the right

Respect the right to health

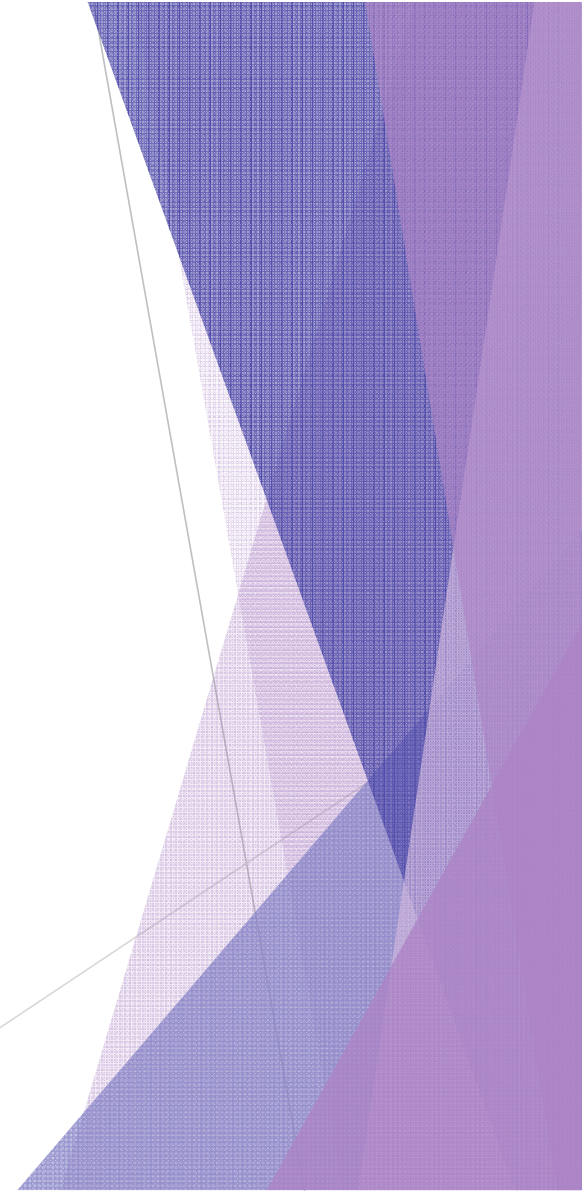
- ▶ States must **respect** the right to health
- ▶ Must not directly or indirectly prevent the enjoyment of the right to health or interfere with persons exercising their rights
- ▶ Must not withhold accurate health information
- ▶ Must not make health care services too expensive for the poor to afford
- ▶ Must not deny or limit access to health care for all persons
- ▶ Must not refuse to provide a service that only a particular group of people might need

Protect the right to health

- ▶ States must **protect** the right to health
- ▶ Prevent third parties from interfering with rights or committing human rights abuses
- ▶ Must make and enforce laws that prevent organisations from causing harm to the health of communities
- ▶ E.g. laws to regulate the creation and marketing of products and services that may create harm
- ▶ Ensure that health practitioners are properly trained and comply with medical ethics and do no harm

Fulfil the right to health

- ▶ States must **fulfil** the right to health
- ▶ Take positive action in providing resources and policies to ensure rights are enjoyed
- ▶ Must adopt legislative, administrative, budgetary, judicial and other measures to allow the full realisation of the right to health



Learning outcomes

- ▶ Define human rights
- ▶ Describe the characteristics of human rights
- ▶ Recall the core human rights documents and describe the process by which a document become legally binding
- ▶ Describe the origins and principles of the right to health
- ▶ Recall the legally binding documents addressing the right to health
- ▶ Describe the obligations of states with respect to the right to health

Where to begin?



“Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works...Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

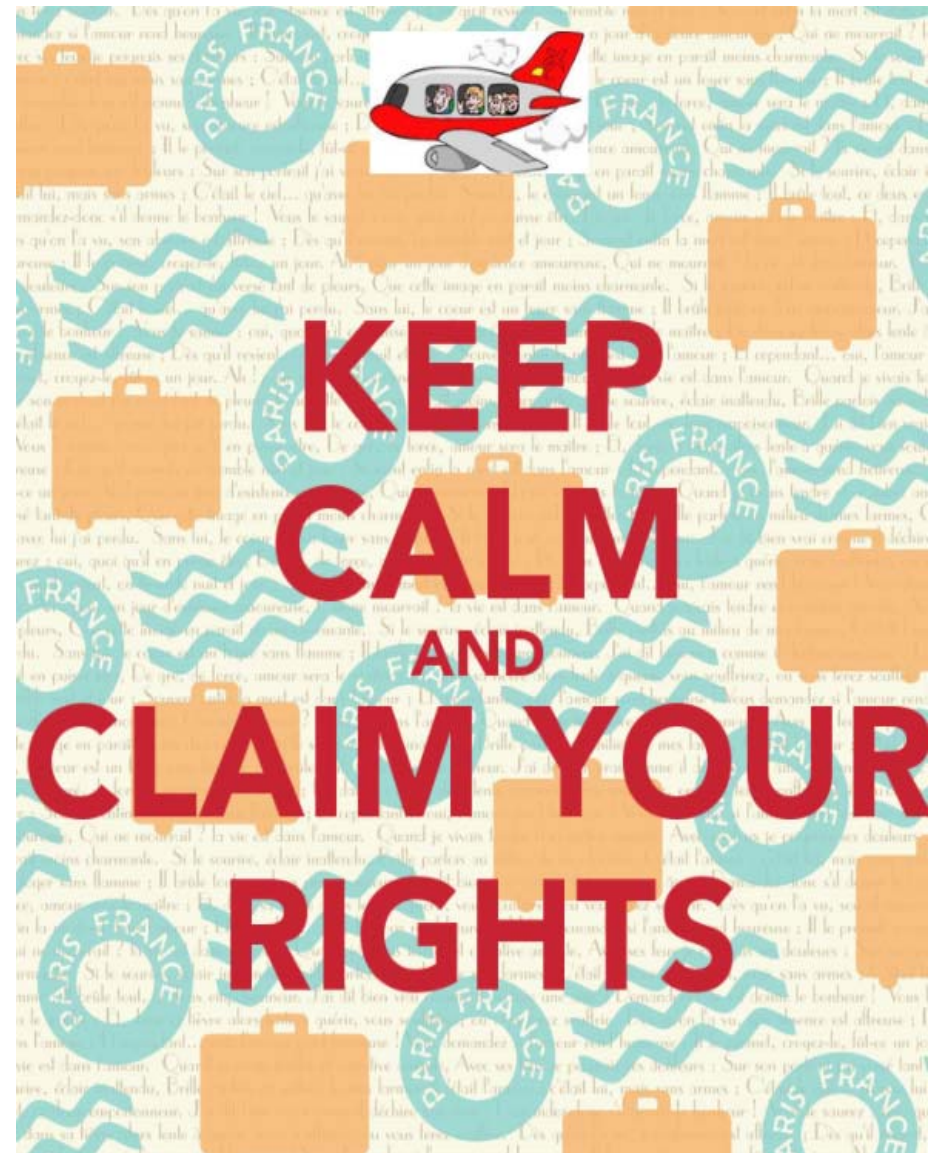
Claim your rights

- ▶ As individuals we are both rights holders and duty bearers
- ▶ We have the responsibility to make others aware of their rights and to avoid violating the rights of other people.
- ▶ But we also have a responsibility to claim our rights
- ▶ Human rights for fat humans, including the right to health, will only be met if rights holders demand their rights from duty bearers



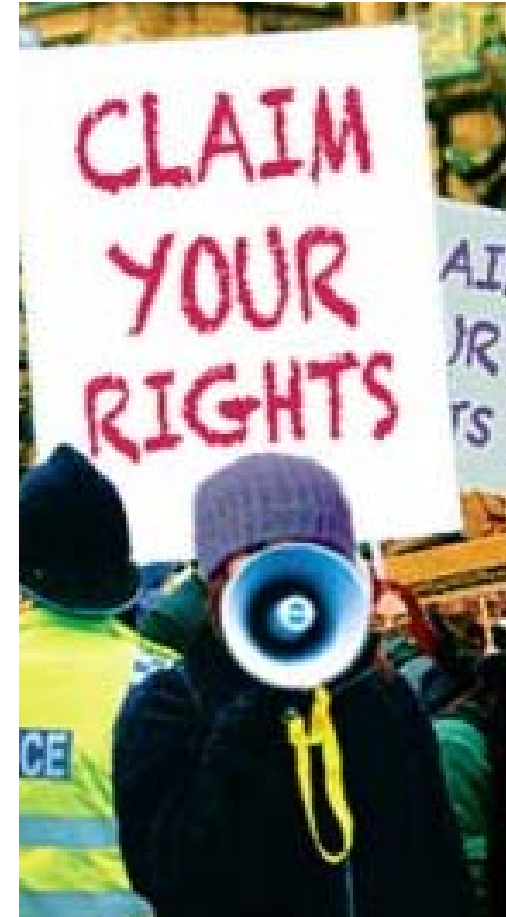
Claim your rights

- ▶ Who are the legal duty bearers close to you?
- ▶ Local government authorities
- ▶ State government health departments
- ▶ Federal government departments



Claim your rights

- ▶ Who are the moral duty bearers close to you?
- ▶ Healthcare professionals
- ▶ School teachers and administrators
- ▶ Employers
- ▶ Local businesses



Gettyimages

http://www.hayespress.org/claim_your_rights.php

**Human rights are for all humans,
including fat humans**



Resources

- ▶ Fick, N., et al. (2011). Toolkit on the Right to Health. Cape Town, SA, Learning Network. Available from <https://access2healthinfo.wordpress.com/2011/05/31/a-toolkit-on-the-right-to-health/>
- ▶ Office of the United Nations High Commissioner for Human Rights and World Health Organization. The Right to Health. Factsheet No. 31. Available from <http://www.ohchr.org/EN/PublicationsResources/Pages/FactSheets.aspx>
- ▶ Office of the United Nations High Commissioner for Human Rights. Toolkit on the Right to Health. Available from <http://www.ohchr.org/EN/Issues/ESCR/Pages/Health.aspx>
- ▶ O'Hara, L. and J. Gregg (2012). "Human rights casualties from the "war on obesity": Why focusing on body weight is inconsistent with a human rights approach to health." *Fat Studies* **1(1)**: 32-46.
- ▶ United Nations, Human Rights Council Secretariat. (2017). Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/HRC/35/21. Available from http://ap.ohchr.org/documents/dpage_e.aspx?si=A/71/304
- ▶ World Health Organisation (1998) World Health Assembly resolution WHA51.12 - Health promotion. Available from <http://www.who.int/healthpromotion/wha51-12/en/>
- ▶ World Health Organisation (2015). Health and human rights. Available from <http://www.who.int/mediacentre/factsheets/fs323/en/>