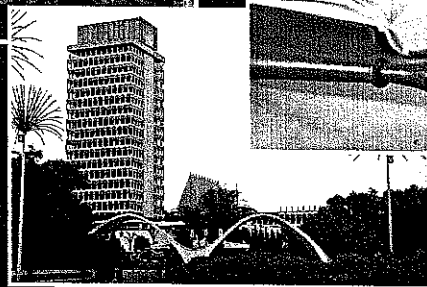
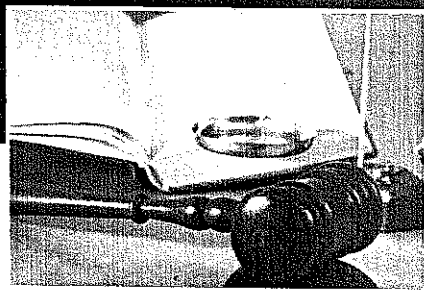
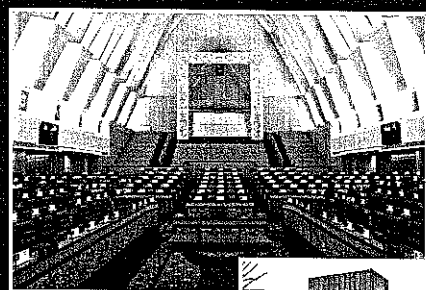


Constitutional Law and Human Rights in Malaysia

Topical Issues and Perspectives

Editor

Khairil Azmin Mokhtar



SWEET & MAXWELL ASIA

Constitutional Law and Human Rights in Malaysia

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Chapter Twenty Two

Right to Health: International Human Rights Law and the Experience of Other Countries

Husna Fauzi

It is my aspiration that health will finally be seen not as a blessing to be wished for, but as a human right to be fought for.

United Nations Secretary General, Kofi Annan

22.1 INTRODUCTION

Health is a fundamental determinant of quality of life. Health is not just a matter of personal concern, indeed it is very much related to social as well as economic concerns. This is because, physical and mental well being are essential needs for the performance of basic personal tasks in everyday life, expected social participation and more importantly participation in economic activities.

This chapter discusses the right to health from the perspective of the International Human Rights Law. It begins with a brief explanation of the concept of health. This is followed by a general discussion on the link between health and human rights and the right to health from the perspectives of the international and regional human rights instruments as well as the right to health as proclaimed in the selected national constitutions. This chapter will also outline the scope of the right to health and reference to selected decided cases will be made in explaining creative legal approaches in implementing the right to health. Finally, a brief account on the extent of the recognition of the right to health in Malaysia is presented.

22.2 BRIEF CONCEPT OF HEALTH

Health is multidimensional and a complex topic which cuts across