

ՊԱՅԻԵՆՏՆԵՐԻ ԻՐԱՎՈՒՆՔՆԵՐԻ
ՊԱՇՏՊԱՆՈՒԹՅԱՆ ՄԻՋԱԶԳԱՅԻՆ ՀԱՄԱԺՈՂՈՎ
**INTERNATIONAL CONFERENCE
ON PATIENTS' RIGHTS**

The right to health and equitable access in Europe

*Tatiana Puiu, Vice-President of the European Committee of Social Rights,
Council of Europe*





The Core Question



What must the State ensure when health is at risk?



Public debates on healthcare often focus on:



financing systems



infrastructure



medical technologies



Human rights law asks a different question:



What obligations arise for the State when a person's health — and dignity — are at risk?



The European Human-Rights Map for Health



Distinct functions, one objective

European Convention on Human Rights

→ protects health indirectly through guarantees of life, dignity, and physical and psychological integrity.

Oviedo Convention

→ establishes binding standards on informed consent, autonomy and biomedical ethics.

European Social Charter

→ guarantees the right to protection of health through public policies and healthcare systems.



Article 11: The Right to Protection of Health



***From services to
system duties***



Article 11 guarantees:
**the right to protection
of health.**



It does not promise
perfect health
outcomes.



It requires States to:



organise policies and
public systems,



reduce avoidable ill-
health,



address social and
environmental
determinants of health.



Health protection
becomes a matter of
public governance.



What “Compliance” Means in Practice



Effectiveness, resources and outcomes



The European Committee of Social Rights evaluates **legislation and regulatory frameworks; allocation of public resources; organisation of healthcare services; preventive policies; equality of access and outcomes.**



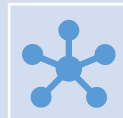
Central question: **Does the system enable people to achieve the best possible state of health?**



Article 11 in Three Pillars



The operational framework



The Committee assesses health protection through three interconnected pillars:



1. Best possible state of health



2. Effective access to healthcare



3. Prevention of disease and health risks



Pillar I: Population Health and Progress



Indicators as evidence of performance

Assessment considers measurable **indicators** such as:

life expectancy; infant and maternal mortality; preventable mortality trends.

Public health data serves as an indicator in assessing compliance with human-rights obligations.

Persistent stagnation or regression requires justification.



Pillar II: Effective Access to Care

Access must exist in practice



Healthcare must be: financially **affordable**, geographically **accessible**, timely, of **adequate quality**, available **without discrimination**



A legal entitlement alone does not guarantee effective access.



Pillar III: Prevention and Risk Governance



Health protection before illness



Article 11 requires States to ensure: **epidemiological monitoring, health education and public information, precautionary action where risks are identified, preparedness during public health crises**



Prevention is a **legal obligation**, not only a policy choice.



Equity Is the Legal Test

Non-discrimination in real access

In Charter supervision, the decisive question is not whether a system works on average, **but whether it works equitably — especially for those facing predictable exclusion.**

Article 11 operates together with Article E (non-discrimination).

Particular attention is required for: **vulnerable and marginalised groups; persons facing structural barriers to healthcare.**



Patients at the Centre

Autonomy, consent and bodily integrity



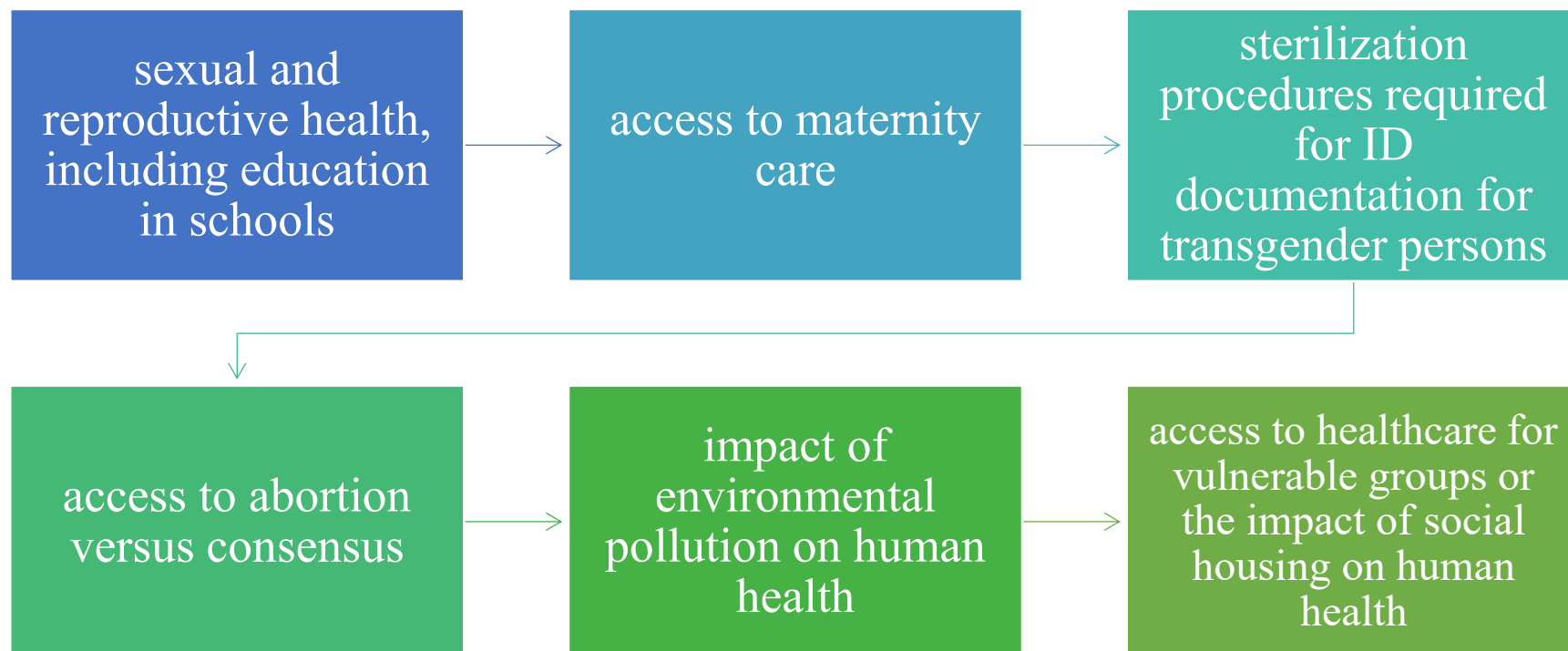
The right to protection of health is interpreted consistently with the Oviedo Convention: free and informed consent, bodily integrity, respect for personal autonomy.



Patients' rights and health protection are mutually reinforcing.



Complaints practice and examples (how principles become enforceable protections)





Health Beyond Hospitals



The conditions that make health possible



The Committee's interpretation of Article 11 encompasses:



environmental protection



housing conditions



safe water



adequate and stable energy access



Health outcomes depend on living conditions as much as medical care.



Making Dignity Operational



Access, prevention and equity as State obligations

The European Social Charter affirms that: Health protection is not only a sectoral policy objective. It is a **legal responsibility grounded in dignity, equality and effective public governance.**

Health lies at the centre of people's daily concerns.



THANK YOU!

Շնորհակալություն