CHAPTER 19
THE RIGHT TO HEALTH UNDER THE U.N.
CONVENTION ON THE RIGHTS OF THE CHILD

Jonathan Todres

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
   (a) To diminish infant and child mortality;
   (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
   (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
   (d) To ensure appropriate pre-natal and post-natal health care for mothers;
   (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
   (f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Health has long been recognized as an essential prerequisite for life, happiness, and prosperity. The World Health Organization has stated “Without health, other rights have little meaning.”1 In his famous Four Freedoms speech of 1941, President Franklin D. Roosevelt included health as a component of one of the four essential human freedoms.2 For children, who are comparatively more vulnerable to illness than adults, health care is vital for survival and development.

The Convention on the Rights of the Child (CRC)3 includes health rights as part of the core economic and social rights of children. In doing so, the CRC follows the example of other human rights conventions and declarations—e.g., the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights—that recognize the right to health for all individuals.

A. CRC PROVISIONS ON THE RIGHT TO HEALTH

The health-related rights are contained in several articles of the CRC, however the primary source of the “right to health” is found in Article 24, which delineates the child’s right to health. Article 24(1) reads:

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.4


2 Franklin D. Roosevelt, State of the Union Address (Jan. 6, 1941) (“The third is freedom from want, which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants everywhere in the world.”). In his 1944 State of the Union speech, President Roosevelt, reiterated the importance of health, “Among these [rights in a second Bill of Rights] are: . . . The right to adequate medical care and the opportunity to achieve and enjoy good health.” See Jamar, supra note 1, at n.4.


4 CRC, supra note 3, art. 24(1).