

Right to health (Article 12)

Article 12 requires the Government to ensure that everyone has the right to the highest attainable standard of physical and mental health.

According to [General Comment No.12 of CESCR](#), ICESCR 'clearly imposes a duty on each State to take whatever steps are necessary to ensure that everyone has access to health facilities, goods and services so that they can enjoy, as soon as possible, the highest attainable standard of physical and mental health'.

Components of the right to health



Discussion points on the right to health:*

- Budget allocation for key health services and HSE Service Plan;
- Government commitment to introduce a system of universal healthcare;
- Access to healthcare services and lengthy waiting lists;
- Current review of medical card holders and issue of discretionary medical cards;
- Cuts to mental health budget– reduction of €15million in development funding for mental health services in Budget 2014 and lack of adequate services;
- Placement of children under 18 in adult mental health facilities;
- Government action on tobacco and alcohol;
- Location of services poses a problem for people in rural areas without adequate access to transport;
- State's failure to ratify UN Convention on the Rights of Persons with Disabilities (CPRD).

*This is not an exhaustive list but these issues have arisen through other consultations or through desk research.

Questions for FLAC Consultation on Economic, Social and Cultural Rights

Accessing the Right and Available Remedies

- Is information available on how you can access the right?
- Are there any government or state bodies or supports available to help you access the right?
- Do you feel that the process or procedure for you to assert the right is transparent?
- Do you feel that all of the different elements of the right are respected, protected and fulfilled in the way intended by the Committee?
- If you feel that the right is not being respected, do you know if there is a remedy available to you or who to contact?

Vulnerable Groups

- Are there any particular groups of people who face specific discrimination when trying to access a particular right or who are more likely to be affected by the lack of access to the right?
- If so, please give a short outline of the group and describe the nature of the discrimination they face and how this impacts on them.

Government Action

- What steps has the Government taken to progress this right?

In law:

- Have any specific laws been introduced to support better enjoyment of this right?
- Have any specific laws been introduced which impact negatively on the enjoyment of this right?

In policy:

- Has the Government introduced any policy which supports or promotes the better enjoyment of this right?
- Has the Government introduced any policy which negatively impacts on the enjoyment of this right? Please give details.

In budgetary decision-making:

- Has the Government introduced any budgetary measures to support, promote or improve the enjoyment of this right?
- Has the Government introduced any budgetary measures which negatively impact on the enjoyment of this right?
- Has there been any change, positive or negative, in how this right is enjoyed since the economic downturn?
- Do you feel these changes have been reasonable?

Additional information

Do you have any other information or issues that you wish to raise which have not been covered already?