



**OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS**



**The right of everyone to the enjoyment of the highest
attainable standard of physical and mental health**

Commission on Human Rights Resolution: 2004/27

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right, as reflected, inter alia, in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 12 of the International Covenant on Economic, Social and Cultural Rights and article 24 of the Convention on the Rights of the Child, as well as, with respect to non-discrimination, in article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination and in article 12, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, and that such a right derives from the inherent dignity of the human person,

Recalling that, according to the Constitution of the World Health Organization, health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity,

Recalling also the relevant provisions of declarations and programmes of action adopted by the major United Nations conferences, summits and special sessions and their follow-up meetings,

Recalling further all its previous resolutions concerning the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recalling general comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the International Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-second session,

Recalling also general comment No. 15 (2002) on the right to water (arts. 11 and 12 of the Covenant), adopted by the Committee at its twenty-ninth session,

Recalling further general comment No. 3 (2003) on HIV/AIDS and the rights of the child, adopted by the Committee on the Rights of the Child at its thirty-second session,

Recalling general recommendation No. 24 (1999) on women and health (art. 12 of the Convention on the Elimination of All Forms of Discrimination against Women), adopted by the Committee on the Elimination of Discrimination against Women at its twentieth session,

Recalling also that the International Labour Organization Convention concerning Occupational Safety and Health and the Working Environment, 1981 (No. 155) emphasizes the importance of promoting coherent national policy in the matter of occupational safety and health of workers with the aim of preventing accidents and injury to health occurring in the course of work,

Noting resolution 47/1 of 14 March 2003 on women, the girl child and HIV/AIDS, adopted by the Commission on the Status of Women,

Welcoming the adoption of the World Health Organization Framework Convention on Tobacco Control by the fifty-sixth World Health Assembly in May 2003,

Recognizing the important contribution of regional and subregional intergovernmental initiatives regarding HIV/AIDS, including those aimed at strengthening horizontal technical cooperation and encouraging best practices,

Aware that, for millions of people throughout the world, the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health still remains a distant goal and that, in many cases, especially for those living in poverty, this goal is becoming increasingly remote,

Noting with concern the lack of progress towards the targets of the General Assembly special session on HIV/AIDS highlighted in the report of the Secretary-General (A/58/184), which suggests that without stronger action those targets will not be met,

Recognizing a need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Noting the need for States to realize progressively the right to the enjoyment of the highest attainable standard of physical and mental health and noting the important contribution that international assistance and cooperation can make in this regard,

Recognizing the indispensable role that health professionals play in the promotion and protection of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Welcoming the initiatives of the Secretary-General and relevant United Nations bodies and programmes, such as the World Health Organization and the Joint United Nations Programme on HIV/AIDS (UNAIDS), as well as public-private partnership initiatives, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, which contribute to improvements in addressing health issues worldwide, including in developing countries, while noting that further progress should be achieved in this regard, including in the mobilization of resources,

Mindful of the need to promote and protect the progressive realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Concerned about the interrelationships between poverty and the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in particular that ill-health can be both a cause and a consequence of poverty,

Mindful that States should take into account the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in their relevant national and international policy-making processes,

Recalling the development goals of the United Nations Millennium Declaration, in particular the four health-related development goals,

Considering that sexual and reproductive health are integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Stressing that gender equality and the empowerment of women and girls are fundamental elements in the reduction of their vulnerability to HIV/AIDS and that the advancement of women and girls is key to reversing the pandemic, and noting the importance of increasing investments in, and accelerating research on, the development of effective HIV prevention methods, including female-controlled methods and microbicides,

Recalling the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and Public Health adopted at the Fourth World Trade Organization Ministerial Conference, held in Doha in November 2001, and welcoming the decision of the World Trade Organization General Council of 30 August 2003 on the implementation of paragraph 6 of the Declaration,

Stressing the importance of monitoring and analysing the pharmaceutical and public health implications of relevant international agreements, including trade agreements, so that States can effectively assess and subsequently develop pharmaceutical and health policies and regulatory measures that address their concerns and priorities, and are able to maximize the positive and mitigate the negative impact of those agreements, while respecting all international obligations applicable to them,

1. *Urges* States to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, by all appropriate means, including in particular the adoption of legislative measures;

2. *Calls upon* the international community to continue to assist the developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through financial and technical support as well as training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

3. *Calls upon* States to guarantee that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health will be exercised without discrimination of any kind;

4. *Invites* States to consider signing and ratifying the World Health Organization Framework Convention on Tobacco Control;

5. *Reaffirms* that the achievement of the highest attainable standard of physical and mental health is a most important worldwide social goal, the realization of which requires action by many other social and economic sectors in addition to the health sector;

6. *Recommends* that States establish effective mechanisms to ensure that they take due account of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the formulation of their relevant national and international policies;

7. *Urges* all international organizations with mandates bearing upon the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to take into account their members' national and international obligations related to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

8. *Calls upon* States to pay special attention to the situation of vulnerable groups, including by the adoption of positive measures, in order to safeguard the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

9. *Also calls upon* States to place a gender perspective at the centre of all policies and programmes affecting women's health;

10. *Further calls upon* States to protect and promote sexual and reproductive health as integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

11. *Considers* it to be of the utmost importance to enhance all States' efforts for the effective prevention of violence that causes physical and mental injury, particularly with a view to reducing its possible negative impact on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

12. *Affirms* that access to a sufficient amount of safe and clean water for personal and domestic use is fundamental to the realization of the right of everyone to the enjoyment of the highest attainable standard of health;

13. *Also affirms* that good governance, sound economic policies and solid democratic institutions responsive to the needs of the people are also key to the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

14. *Takes note* of the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (E/CN.4/2004/49 and Add. 1 and 2);

15. *Invites* the Special Rapporteur, within his existing mandate, to continue to explore how efforts to realize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health can reinforce poverty reduction strategies;

16. *Also invites* the Special Rapporteur, within his existing mandate, to continue his analysis of the human rights dimensions of the issues of neglected diseases and diseases particularly affecting developing countries, and also the national and international dimensions of those issues;

17. *Requests* the United Nations High Commissioner for Human Rights to continue providing all the necessary resources for the effective fulfilment of the Special Rapporteur's mandate from within existing resources;

18. *Calls upon* Governments to cooperate fully with the Special Rapporteur in the implementation of his mandate, to provide all information requested and to respond promptly to his communications;

19. *Requests* the Special Rapporteur to submit annually a report to the Commission and an interim report to the General Assembly on the activities performed under his mandate;

20. *Decides* to continue consideration of this matter at its sixty-first session under the same agenda item.

52nd meeting

16 April 2004

[Adopted by a recorded vote of 52 votes to 1. See chap. X.- E/2004/23 – E/CN.4/2004/127]