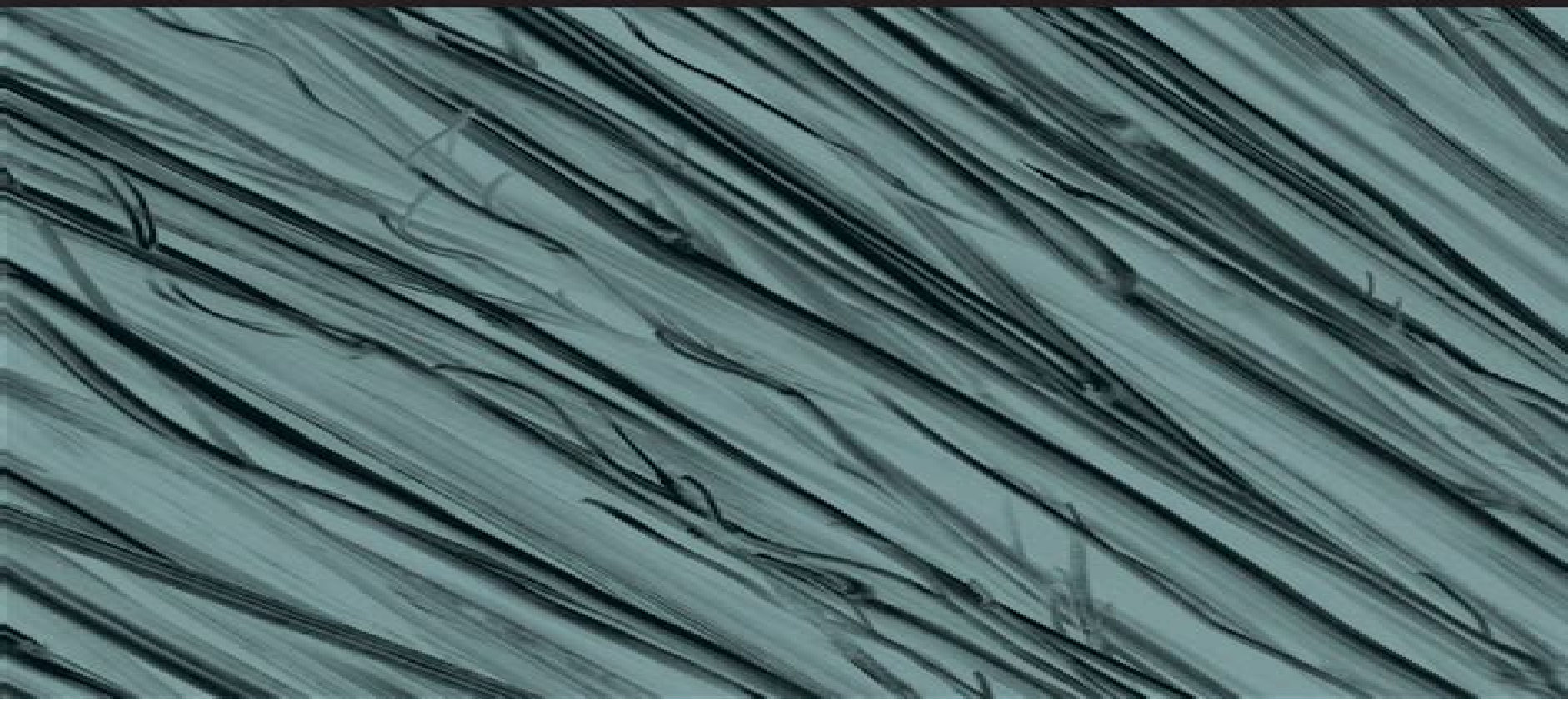


# LITIGATING THE RIGHT TO HEALTH IN AFRICA

Challenges and Prospects

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explicitly guaranteed attempts have been made to litigate on this right The collection focusses on understanding the legal framework for the recognition of the right to health the challenges people encounter in litigating health rights issues and prospects of litigating future health rights cases in Africa The book also takes a comparative approach to litigating the right to health before regional human rights bodies This book will be valuable reading to scholars researchers policymakers activists and students interested in the right to health *The World Bank Legal Review, Volume 5* Hassane Cisse,N. R. Madhava Menon,Marie-Claire Cordonier Segger,Vincent O. Nmehielle,2013-11-26 This volume explores the potentially transformative role of effective laws and legal institutions in providing people with more opportunity that is both inclusive and equitable Litigating the Right to Health in Africa Ebenezer Durojaye,2015-10-01 With contributions from activists and scholars across Africa this study focusses on understanding the legal framework in Africa for the recognition of the right to health the challenges people encounter in such litigation and prospects for litigating future health rights cases Diverse case studies also demonstrate that even in jurisdictions where the right to health has not been explicitly guaranteed attempts have been made to litigate on this right The book also takes a comparative approach to litigating the right to health before regional human rights bodies *International Human Rights Law and Destitution* Luke Graham,2022-08-18 This book explores destitution from the perspective of international human rights law and more specifically economic social and cultural rights The experience of destitution correlates to the non realisation of a range of economic social and cultural rights However destitution has not been defined from this perspective Consequently the nexus between destitution and the denial of economic social and cultural rights remains unrecognised within academia and policy and practice This book expressly addresses this issue and in so doing renders the nexus between destitution and the non realisation of these rights visible The book proposes a new human rights based definition of destitution composed of two parts The rights which must be realised the component rights and the level of realisation of these rights which must be met the destitution threshold to avoid destitution This human rights based understanding of destitution is then applied to a UK case study to highlight the relationship between government policy and destitution to illustrate how destitution manifests itself and to make recommendations founded upon engendering the realisation of economic social and cultural rights aimed towards addressing destitution This book will have global and cross sectoral appeal to anti poverty advocates policy makers as well as to researchers academics and students in the fields of human rights law poverty studies and social policy **Research Handbook on Gender, Sexuality and the Law** Chris Ashford,Alexander Maine,2020-03-28 This innovative and thought provoking Research Handbook explores not only current debates in the area of gender sexuality and the law but also points the way for future socio legal research and scholarship It presents wide ranging insights and debates from across the globe including Africa Asia Eastern Europe and Australia with contributions from leading scholars and activists alongside exciting emergent voices Codesria Bulletin ,2002 Current Law Index ,2007 The Wall Street Journal ,2009 **The New**

**York Times Index** ,2005      Can rights cure? The impact of human rights litigation on South Africa's health system Marius Pieterse,2014-08-01 Can rights cure At a time when South Africa's ailing and dysfunctional health system is on the verge of radical transformation through the mooted introduction of a National Health Insurance scheme and when there are increasing political tensions between government and the courts this book reflects upon the South African experience of judicially enforcing health related constitutional rights It attempts to understand the ways in which rights based litigation has impacted on the operation and transformation of different features of the health system including the formulation and implementation of health laws and policies processes of health resource allocation and rationing the regulation of health care delivery in the private sector and the promotion and protection of public health      **International Law and Domestic Human Rights Litigation in Africa** Magnus Killander,2010 African civil law countries are traditionally described as monist and common law countries as dualist This book illustrates that the monism dualism dichotomy is too simplistic in particular in the field of human rights Academics and practitioners from across the continent illustrate how domestic courts in Africa have engaged with international human rights law to interpret or fill gaps in national bills of rights The authors also consider the challenges encountered in increasing the use of international human rights law by African domestic courts Back cover

**Litigating on the Right to Health for People Living with HIV in South Africa and Colombia** Jean Olivier Karemera,2014      **Africa's Health Challenges** Andrew F. Cooper,John J. Kirton,Franklyn Lisk,Hany Besada,2016-04-01 This volume addresses the ideational and policy oriented challenges of Africa's health governance due to voluntary and involuntary cross border migration of people and diseases in a growing mobile Africa The collected set of specialized contributions in this volume examines how national and regional policy innovation can address the competing conception of sovereignty in dealing with Africa's emerging healthcare problems in a fast paced interconnect world      *The Human Right to Health in Africa and Its Challenges* Obiajulu Nnamuchi,Simon Uche Ortuanya,2014 This paper seeks to advance human rights scholarship by locating the right to health within the broader frameworks of socioeconomic development and political governance It identifies two critical factors as fundamentally responsible for the dismal state of health and wellbeing of Africans despite an extant robust regional human rights regime that explicitly proclaims health as a human right First there is lack of access to health services the result of spiraling and crippling poverty amongst the general population Second a plurality of governments in the region is either unwilling or unable to come to the aid of the people within their respective jurisdictions These unmet challenges ground the need for international intervention an instance of which is the compact establishing the Millennium Development Goals MDGs One of them MDG 8 which explicitly requires international cooperation recognizes that without enormous assistance poor countries would be unable to attain the various benchmarks of the MDGs But although MDG 8 could have transformative impact on health in Africa given its potential to supply the missing link in the struggle toward improving population health resources there are structural and operational difficulties that could

undermine this possibility This paper critically analyzes these difficulties and offers suggestions on how to surmount them

*Right to Health Litigation and HIV/AIDS Policy* Benjamin Mason Meier,Alicia Ely Yamin,2011 This article sketches the evolving interaction between human rights case law and HIV AIDS policy To clarify the need for such analysis this article discusses the promise of human rights litigation in providing accountability for state public health commitments Given the promise of this litigation in realizing public health outcomes this article reviews the origins and development of human rights jurisprudence for HIV AIDS With this enforcement movement facing increasing criticism for distorting the global health governance agenda the authors examine the backlash against this human rights jurisprudence in setting HIV AIDS policy This article concludes that scholars and practitioners must engage in comparative analyses of these rights based litigation strategies and empirical research on their public health impacts

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