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Abstract and Bio for Talk on 22 November 2017

Title: Rights, resources and basic needs: Interrogating the function and future of core obligations under the international human right to health

Abstract: Few rights generate more debate and confusion than the international human right to the highest attainable standard of health, an amorphous formulation complicated further by the limitation of state duties under this to right to progressive realization within available resources. In order to prevent progressive realization from undermining both domestic and international responsibilities towards health, international human rights law institutions developed the idea that these rights hold an inviolable ‘minimum core’ equivalent to essential health needs. Yet few aspects of this right and indeed of economic social and cultural rights more generally have generated greater debate and unresolved questions than minimum core obligations: Is the core fixed or moveable, non-derogable or restrictable, universal or country-specific? Is its function to guarantee specified bundles of the most essential health facilities, goods and services, or it is closer to South African constitutionalism’s requirement that governments act reasonably to progressively realize health entitlements?

The idea of core obligations delves into the heart of what it means to talk about a right to health in international human rights law: What do we protect as a matter of priority when state ability and willingness to realize health is severely limited? And would having a clear defined core of the right to health assist in protecting people when they need it most? My presentation will address several of these questions in light of the evolution of this concept in international law and human rights scholarship, focusing in particular on the interpretative work of the United Nations Committee on Economic, Social and Cultural Rights, including their concluding observations from 2000-2014.

Bio: Lisa Forman is an Associate Professor at the Dalla Lana School of Public Health at the University of Toronto and holds a Canada Research Chair in Human Rights and Global Health Equity. Lisa’s research focuses on the contribution that international human rights law related to health can make to remediating global health inequities, with a focus on the right to health in international law, universal health coverage, access to essential medicines, trade rules, and the social determinants of health. Lisa qualified as an attorney of the High Court of South Africa, with a BA and LLB from the University of the Witwatersrand. Her graduate studies include a Masters in Human Rights Studies from Columbia University and a Doctorate in Juridical Science from the University of Toronto’s Faculty of Law. She is co-editor of *Access to Medicines as a Human Right: Implications for Pharmaceutical Industry Responsibility* (University of Toronto Press, 2012), and has authored over 70 articles and book chapters related to the right to health.