

The right to health care - the ROMED solution

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Right of access to health care

- Meaning of accessibility
 - accessible to all
 - physically accessible: within safe and easy reach
 - economically accessible: affordable to all
 - information accessibility: right to seek information and right to confidentiality

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- Universal Declaration of Human Rights:
« everyone has the right to a standard of living adequate for the health of himself and his family, including food, clothing housing and medical care and necessary social services »

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- International Covenant on Economic, Social and Cultural rights
 - « right of everyone to the enjoyment of the highest attainable standard of physical and mental health ».

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- International Convention on the Elimination of Racial Discrimination
« guarantee the right of everyoneto equality before the law...notably in the enjoyment of...the right to public health, medical care, social security and social services. »

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- Convention on the Elimination of all forms of discrimination against Women
 - « ensure on a basis of equality of men and women, access to health care services, including those related to family planning »

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- Convention on the rights of the Child
« the right of the child to the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health »

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- The European Convention on Human Rights and Fundamental Freedoms and Protocol No 12 – Art.8 – right to private and family life
- The Framework Convention for the Protection of National Minorities

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Revised European Social Charter

« The Parties undertake

- to remove as far as possible the causes of ill-health
- to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health

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- to prevent as far as possible epidemic, endemic and other diseases as well as accidents »

Decisions of the European Committee on Social Rights

- ERRC vs Bulgaria – 2007
- ERRC vs France - 2008
- COHRE vs Italy - 2009
- ERRC vs Portugal -2010

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- Convention on Human Rights and Bio-medicine
 - equitable access to health care
- General Policy Recommendation No 13 of the European Commission against Racism and Intolerance
 - « secure equal access to all quality health care for Roma »

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- Council of Europe Recommendation (2001) 12 on the adaptation of health services to the demand of people in marginal situations
- Council of Europe Recommendation (2006) 10 on better access to health care for Roma and Travellers in Europe
- Numerous recommendations and resolutions of the Parliamentary Assembly

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- Article 152 of the Treaty of the European Union
- Article 35 of the European Union Charter of Fundamental Rights
- Guiding Principles for improving the situation of the Roma, adopted by the European Union in 1999

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- European Council Directive
2000/43/EC
« principle of equal treatment
between persons irrespective of racial
or ethnic origin »

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OSCE Action Plan on Improving the situation of the Roma and Sinti in the OSCE area, 2003

“ ensure that Roma and Sinti people have access to health care services on a non-discriminatory basis”

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- Health 21 – Health for all policy framework for the WHO European Region

“We, the Member States of the World Health Organization (WHO), reaffirm our commitment to the principle enunciated in its Constitution that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being;

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- in doing so, we affirm the dignity and worth of every person, and the equal rights, equal duties and shared responsibilities of all for health.”

Right of access to Health Care

- Access to health care is a right – uncontested and non-controversial
- The gap between the commitment and the reality is enormous and unjustified
- Numerous conventions, agreements, charters, recommendations and resolutions have brought no change

Intercultural Mediation

Distinctive features of the Council of Europe Training Programme:

- It is Europe-wide – over 500 mediators have been trained in Bulgaria, Czech Republic, France, Germany, Greece, Hungary, Italy, Moldova, Romania, Serbia, Slovakia, Spain, Macedonia, Turkey and the Ukraine.

In 2012, training will start in Albania, Belgium, Portugal and the Russian Federation.

Intercultural Mediation

- It is a programme agreed to by all the Council of Europe member states in a high-level meeting in response to an urgent situation
- Follows a rights based approach
- Integrated in the wider framework of a dialogue.

Intercultural Mediation

The crux of the problem:

- lack of trust:
 - between the Roma and the non-Roma
 - between the Roma and the authorities
- absence of communication between the Roma, non-Roma and the authorities
- acceptance of the Roma of their situation

Intercultural Mediation

- The mediator:
 - - not an agent of the authorities
 - - not an activist of the Roma community
 - - not a paternalistic figure
 - - not limited to conflict solving

Intercultural Mediation

- The mediator is a neutral intermediary who
- -assists in improving communication and cooperation between Roma and public institutions
- - stimulates responsibility and involvement
- - empowers the Roma community to take responsibility for their health and their children's schooling
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Intercultural Mediation

- European Code of Ethics
 - avoiding abuse and misuse
 - low status
 - precarious employment
 - assignement of minor tasks
 - used by the authorities to avoid meeting the Roma

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Mediation is not the whole solution to improve the health situation of the Roma – but it is an important part of that solution and worth all the funds that are used for it