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**SUPPORTING HEALTH COORDINATION, ASSESSMENTS, PLANNING, ACCESS TO HEALTH
CARE AND CAPACITY BUILDING IN MEMBER STATES UNDER PARTICULAR
MIGRATORY PRESSURE
717275/SH-CAPAC**

Topic C reading

Module 1. Context

Unit 2: Health policies and provision of health services in
the EU

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Topic C – International bodies: human rights, legal instruments, standards and recommendations

We now examine the conventions, laws, standards and recommendations that have been put forward by international bodies. Which bodies are involved, what powers do they have and what do they prescribe?

Generally, the interests of migrants are poorly represented in national politics: the task of defending their rights falls to international governmental and non-governmental organisations. This is particularly true in the health sector. However, there is not a lot that such organisations can do if they find that policies in a country are unfair to migrants. Although some binding legal instruments exist, these bodies more often influence policies by setting standards and giving leadership (see MEM-TP Synthesis Report, 2015).

United Nations

The right to health (which includes the right to health care) is enshrined in the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) as well as other UN treaties. This right is universal, fundamental and unalienable; it exists regardless of a person's nationality or legal status. Since it was drafted, the ICESCR has been elaborated by the UN to give a much more detailed description of countries' obligations in respect of health care for migrants. For example, such care must be affordable, accessible, acceptable, appropriate and of adequate quality.

However, the provisions of the ICESCR are far from having been transposed into all countries' laws, and there is no way to force a country that ignores them to take them seriously. Opinions differ on the usefulness of this and other UN conventions for improving the situation of migrants.

European Union (EU)

The EU has no powers in relation to health policies, due to the principle of 'subsidiarity' that applies to this sector. However, it does have a mandate regarding public health issues, and is active in promoting research and training, as well as making recommendations about protecting the health of groups such as migrants.

Council of Europe (CoE)

The CoE was founded in 1949 and is responsible for the European Court of Human Rights. In 1950 it adopted the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in 1961 the European Social Charter (ESC, revised in 1996). The ESC contains requirements on migrant health, but only covers those *legally* present in a country. Although its scope has been extended by case law, it is not often used to challenge inadequate policies on migrant health. The CoE has however issued recommendations in 2006 and 2011 which give detailed advice on appropriate standards. (These provided the basis of the MIPEX study.)

World Health Organisation (WHO)

In 2007 the World Health Assembly adopted a resolution on migrant health which led to a number of WHO initiatives, including two Global Consultations and action on the ‘ migrant crisis’ in Europe. WHO Euro also issued a ‘policy briefing’ on the topic in 2010.

International Organization for Migration (IOM)

The IOM has for many years provided practical help to migrants and governments when assistance in meeting health needs is required. It also conducts research and advocacy (as for instance in the ‘Equi-Health’ project that produced the MIPEX Health strand).

International NGO’s

Organizations such as Médecins du Monde, Médecins sans Frontières and PICUM (Platform for International Cooperation on Undocumented Migrants) carry out research and conduct advocacy on behalf of better health policies for migrants.

References

MEM-TP Synthesis Report (2015). *Training packages for health professionals to improve access and quality of health services for migrants and ethnic minorities, including the Roma - Synthesis Report*. European Commission.

http://www.mem-tp.org/pluginfile.php/1104/mod_resource/content/3/WP1%20Report.pdf