

## **Seminar on the Right to Health for Undocumented Migrants Stockholm, Sweden, 13 February, 2008**

### **Remarks of Paul Hunt, UN Special Rapporteur on the right to the highest attainable standard of health**

Human rights are designed to stop the abuse of power.

We expect dictators to abuse their power. Their abuse is often very visible. Demonstrators are beaten-up. Newspapers closed. Trade unionists imprisoned.

Sometimes democracies are also guilty of misconduct. A famous commentator once warned against the “tyranny of the majority”.

Curiously, when a democracy is guilty of misconduct, the abuse is sometimes more difficult to see than when a dictatorship abuses power.

The real impact of the “tyranny of the majority” is often disguised. There may be no summary executions. No torture victims. No imprisoned journalists. The misconduct - the abuse of power - is often elusive. Even hidden.

I do not mean that there is a cover-up. But, in a democracy, misconduct is often obscured by subtle legal arguments and compelling political justifications. Often there is a hint of populism.

In a democracy, those most affected by misconduct are usually not articulate journalists, or well-organised trade unionists, or large numbers of noisy demonstrators.

In a democracy, those most affected are usually the most disadvantaged members of society. They are often invisible. Sometimes they are unpopular.

Here is the historic role for human rights. To expose - and challenge - the abuse of power, wherever it occurs and whatever form it takes. Whether the abuse is at the hands of a dictator or a democracy. Whether it is deliberate or accidental. Whether those affected are popular or unpopular. Whether they are visible - or hidden.

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I am an independent human rights expert accountable to the United Nations General Assembly and Human Rights Council. My responsibility is to advise States and others on how to realise the right to the highest attainable standard of health. This is a wide-ranging human right that includes access to medical care without discrimination.

For more information about the right to health, and my UN mandate, please see some documents that are available in the room.

In January 2006, I visited Sweden at the invitation of the Government.

As my report to the United Nations records, I found a health status, life expectancy and standard of living that are amongst the best in the world. The Swedish health

system is recognised as one of the nation's vital social institutions and it attracts considerable resources. On the whole, Sweden has a fine record of respect for human rights and democratic principles.

However, my UN report also draws attention to some right-to-health problems. Mental health is deteriorating in Sweden. Comprehensive harm reduction programmes - for intravenous drug users - are not available throughout the country. The Sami's special status as the indigenous people of Sweden has not yet translated into specific health initiatives. And my report also draws attention to the alarming health situation of undocumented people in Sweden.

Sweden has ratified numerous international human rights treaties that recognise the right to the highest attainable standard of health. In other words, Sweden is legally bound to do all it reasonably can to deliver the right to health. Crucially, this fundamental human right is to be enjoyed by all - without discrimination - including undocumented people.

Undocumented people are among the most vulnerable and marginal in Sweden. They are precisely the sort of disadvantaged group that international human rights is designed to protect.

Nobody would suggest that an undocumented person, who is charged with a criminal offence, should be denied their human right to a fair trial.

Equally, a sick undocumented person should not be denied their human right to medical care without discrimination.

When undocumented people are asked to pay medical fees that are not required of others who are living in Sweden, this is a discriminatory obstacle to their enjoyment of the right to the highest attainable standard of health. Invariably, they cannot afford the fees and so they do not have the medical care they need. The tuberculosis is untreated. The chemotherapy is missed. The antenatal care is neglected - endangering mother and baby.

There are many reasons for not discriminating against undocumented people - ethical, humanitarian, public health and economic. This morning we will be hearing these arguments. There is also a human rights argument for non-discrimination – an argument that I endorse and share with two UN committees of independent human rights experts.

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Human rights are a check against the abuse of power by both dictators and democracies. In democracies, human rights are especially important as a way of protecting the most marginal and disadvantaged.

In Sweden, respect for the right to health of undocumented people will help to stop a silent, hidden, grave injustice – an injustice that causes pain and threatens lives.

Paul Hunt, 13 February 2008