

What Future for Core Obligations Under the Right to Health?

Speaker: Lisa Forman (Lupina Assistant Professor at the Dalla Lana School of Public Health)

Discussant: Rebecca Cook (Professor Emerita at the Faculty of Law, University of Toronto)

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208N, Munk School of Global Affairs (1 Devonshire Place)

Register online at:

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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 to progressive realization within maximum available resources. To prevent these treaty formulations from undermining both domestic and international responsibilities towards health, international human rights law institutions assert that rights like health hold an inviolable ‘minimum core’ that states cannot limit. Yet the concept of minimum core obligations has generated more unresolved questions than answers: 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 to require governments to act reasonably to progressively realize these minimal health entitlements? What is the legitimacy of this concept in terms of international law? And will this concept endure as the right to health evolves through emerging interpretation and enforcement? My presentation will explore several of these questions by focusing on the evolution of minimum core obligations through the interpretative work of the United Nations Committee on Economic, Social and Cultural Rights, and what this implies for the future of this concept in international human rights law.

Lisa Forman is a Canada Research Chair in Human Rights and Global Health Equity, the Lupina assistant professor in global health and human rights at the Dalla Lana School of Public Health, and Director of the Comparative Program on Health and Society at the Munk School of Global Affairs. She is a South African human rights lawyer and international human rights law scholar whose research explores the contribution of the right to health in international law to remediating global health inequities.

Rebecca Cook, A.B. (Barnard), M.A. (Tufts), M.P.A. (Harvard), J.D. (Georgetown), LL.M. (Columbia), J.S.D. (Columbia), called to the Bar of Washington, D.C., is a Professor in the Faculty of Law, the Faculty of Medicine and the Joint Centre for Bioethics at the University of Toronto; and Co-Director, International Reproductive and Sexual Health Law Programme, University of Toronto.