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DIRECTOR'S

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LETTER

HEALTH AND LAW

“Health is a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity.” This concept, as set forth in the WHO Constitution, is a guiding principle for health workers. It is part of the same ethic as the goal of health for all and the belief that health is a right, shared by everyone, which transcends politics, religion, or the other artificial barriers that divide humanity. Sometimes, however, the people charged with formulating the laws that establish individual and social rights fail to take into account this most basic right. By the same token, those who are daily engaged in caring for the sick and fighting against disease can be unfamiliar with the legal principles that have a direct bearing on the ultimate success of their endeavors.

PAHO's work has been linked with law and legislation since its early years, when international treaties on mandatory reporting of diseases were established. But it is only in recent times that we have begun to recognize the importance of the legal framework in which national health authorities must operate and which consequently have profound effects on their activities. We realize that the changes recommended to achieve the goal of health for all—such as expanded coverage, decentralization, and community participation—may entail changes in law. We are also aware of the inherently political nature of legislative activity; such activity is not in PAHO's mandate, nor does it seek such a role. Instead, it can provide information, training, and advice. The Organization, either through its own staff or by contracting outside experts, has cooperated with the Member Governments on reviews of legislation in such areas as formulation of health codes, regulation of social security institutions, vaccination of international travelers, and, recently, smoking control and the fight against AIDS.

WHO has likewise played an active and significant role in the field of health legislation over the years. It drafted and has been an effective advocate of Article 12 of the United Nations' International Covenant of Economic, Social, and Cultural Rights (1966), which states that all persons have the right to enjoy the highest possible level of physical and mental health. Earlier this year, WHO established its first international collaborating center for health legislation at Harvard University's School of Public Health.

PAHO's interest in this field has culminated in the forthcoming publication *The Right to Health in the Americas: A Comparative Constitutional Study*, where for the first time the constitutions and legislation of the countries of the Americas will be analyzed in terms of their implications for the right to health protection. It is our hope that this important study will raise the level of awareness of the linkages between law and health, and that it will spawn further activities in this increasingly important field. □



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