

The Right to Health: Institutional Effects of Constitutional Provisions on Health Outcomes

Matthew M. Kavanagh^{1,2}

Abstract The “right to health” is increasingly enshrined in national constitutions around the world—present today in a slight majority of written constitutions. Whether this trend is good, bad, or meaningless is considerably debated. Contrary to skeptics’ worries, this study finds empirical evidence of a positive role of the right to health in the production of population health. Estimating the most widely promulgated theories of the economic and social determinants of health, and the role of electoral democracy, provides a foundation from which to evaluate the effect of the right to health. This study assembles and analyzes data for 144 countries between 1970 and 2010 and finds that, controlling for these factors, a constitutional right to health contributes significantly to wellbeing. Assembled quantitative and case-study evidence both support the idea that institutional environments shaped by a right to health encourage more and better delivery of health services, which in part account for positive impact on health outcomes. These results suggest that focusing research on political institutions primarily on democratic participation rights ignores important impacts of “entitlement” rights on norms and actors in health policy-making. Overall, the right to health is both an important contextual factor for health research and meaningful institutional innovation.

Keywords Health · Development · Constitution · Law · Rights

Introduction

A person born in one of the countries with the world’s worst health outcomes is 50 times less likely to make it to their fifth birthday than someone born in the best-performing countries.

Revisions, Resubmitted to Studies in Comparative International Development

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Table of Contents Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica

1. Understanding the eBook **Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica**
 - The Rise of Digital Reading **Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica**
 - Advantages of eBooks Over Traditional Books
2. Identifying **Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica**
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an **Right To Health In The Americas A Comparative Constitutional Study Publicacif N**

Cientf Fica

- User-Friendly Interface

4. Exploring eBook Recommendations from Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica

- Personalized Recommendations
- Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica User Reviews and Ratings
- Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica and Bestseller Lists

5. Accessing Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica Free and Paid eBooks

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- Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica Budget-Friendly Options

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- ePub, PDF, MOBI, and More
- Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica Compatibility with Devices
- Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica Enhanced eBook Features

7. Enhancing Your Reading Experience

- Adjustable Fonts and Text Sizes of Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica
- Highlighting and Note-Taking Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica
- Interactive Elements Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica

8. Staying Engaged with Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica
9. Balancing eBooks and Physical Books Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica
 - Setting Reading Goals Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica
 - Fact-Checking eBook Content of Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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