

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

Matthew M. Kavanagh<sup>1,2</sup>

**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.

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Revisions, Resubmitted to Studies in Comparative International Development

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# Right To Health In The Americas A Comparative Constitutional Study Publicacif N Cientf Fica

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