

Health Justice & Rights

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Abstract: Health is a universal need and good that deserves protection, but there is no agreement about its concept and meaning, nor about the nature and scope of its protection. The aim of this paper is to justify why the protection of health should be considered a public duty of justice and to make a case for a rights-based theory of health care. In order to fulfil that aim the paper answers five questions: 1) what is to be protected, providing a concept of health; 2) who is benefit by this protection, that is, human being, person; 3) where is health protection to be applied, i.e., our political and legal context; 4) why this proposal, by means of a fourfold philosophical foundation; and 5) how is to be implemented health justice through rights.

Keywords: Capabilities, Recognition, Right to health, Secure health capability, Secure functioning.

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