

Achieving Good Health and Well-Being for All

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Abstract

Health is both a basic human right in itself and an essential means for the realisation of other human rights. Achieving good health and well-being is therefore of fundamental importance as envisaged under Sustainable Development Goal 3. This paper critically discusses the progress made towards achieving good health and well-being for all. It examines the legal framework on the right to health at the global, regional and national levels and its efficacy in fostering good health and well-being for all. The paper further discusses some of the key challenges hindering the realization of the right to health and offers proposals towards achieving good health and well-being for all.

1.0 Introduction

The Constitution of the World Health Organization (WHO) defines health as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity¹. According to the WHO, the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition². It further posits that the health of all peoples is fundamental to the attainment of peace, security and development and is dependent upon the fullest co-operation of individuals and states³.

According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the right to health extends beyond access to health care and includes a wide

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¹ Constitution of the World Health Organization., Available at <https://apps.who.int/gb/bd/PDF/bd47/EN/constitution-en.pdf> (Accessed on 01/11/2023)

² Ibid

³ Ibid

range of factors that can help everyone to lead a health life⁴. These include safe drinking water and adequate sanitation, safe food, adequate nutrition and housing, healthy working and environmental conditions, health related education and information, and gender equality⁵. The OHCHR further asserts that the right to health contains freedoms which include the right to be free from non-consensual medical treatment, such as medical experiments and research or forced sterilization, and to be free from torture and other cruel, inhuman or degrading treatment or punishment; and entitlements which include the right to a system of health protection providing equality of opportunity for everyone to enjoy the highest attainable level of health, the right to prevention, treatment and control of diseases, access to medical services, maternal, child and reproductive health and equal and timely access to basic health services⁶.

The right to health is also at the heart of the *United Nation's 2030 Agenda for Sustainable Development*⁷. Sustainable Development Goal (SDG) 3 aims to ensure health lives and promote well-being for all at all ages⁸. SDG 3 makes a bold commitment to end the epidemics of AIDS, tuberculosis, malaria and other communicable diseases by 2030⁹. It also aims to achieve universal health coverage, and provide access to safe and affordable medicines and vaccines for all among other targets¹⁰.

Health is therefore a fundamental human right. It has correctly been observed that health is both a basic human right in itself and an essential means for the realisation of other human rights¹¹. Good health is one of the many aspects of human well-being that is

⁴ Office of the United Nations High Commissioner for Human Rights., 'The Right to Health.' Available at <https://www.ohchr.org/sites/default/files/Documents/Publications/Factsheet31.pdf> (Accessed on 01/11/2023)

⁵ Ibid

⁶ Ibid

⁷ United Nations., 'Transforming our World: the 2030 Agenda for Sustainable Development.' Available at <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (Accessed on 01/11/2023)

⁸ Ibid

⁹ Ibid

¹⁰ Ibid

¹¹ Nampewo. Z., Mike. J., & Wolff. J., 'Respecting, Protecting and Fulfilling the Human Right to Health.' *International Journal of Equity in Health*, Volume 21, No. 36 (2022)

necessary for the enjoyment of all other human rights¹². Good health and well-being also plays a pivotal role in empowering people to pursue other activities that will enhance their welfare¹³. It is therefore one of the cornerstones for the enhancement and improvement of overall wellbeing and human development since it enables human beings to undertake social, economic and cultural activities as well partake in civil and political activities¹⁴.

Achieving good health and well-being is therefore of fundamental importance as envisaged under SDG 3. According to the United Nations Development Programme (UNDP), good health is essential to Sustainable Development and the 2030 Agenda for Sustainable Development reflects the complexity and interconnectedness of the two¹⁵. This paper critically discusses the progress made towards achieving good health and well-being for all. It examines the legal framework on the right to health at the global, regional and national levels and its efficacy in fostering good health and well-being for all. The paper further discusses some of the key challenges hindering the realization of the right to health and offers proposals towards achieving good health and well-being for all.

2.0 Legal Framework on the Right to Health

The right to health is enshrined under various legal instruments at the global, regional and national levels.

2.1 Global Legal Framework

At the global level, the *Universal Declaration of Human Rights (UDHR)*¹⁶ provides that everyone has the right to a standard of living adequate for the *health and well-being* of himself and of his family, including food, clothing, housing and medical care and

¹² Ibid

¹³ Ibid

¹⁴ Ibid

¹⁵ United Nations Development Programme., 'Goal 3: Good Health and Well-Being.' Available at <https://www.undp.org/sustainable-development-goals/good-health> (Accessed on 02/11/2023)

¹⁶ United Nations General Assembly., 'Universal Declaration of Human Rights,' 10 December 1948, 217 A (III)

necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control (emphasis added)¹⁷. Further, the UDHR provides that women and children are entitled to special care and assistance in relation to the right to health and that all children, whether born in or out of wedlock, shall enjoy the same social protection¹⁸. It has been asserted that the UDHR sets a common standard for the achievement of fundamental human rights and freedoms including the right to health for all people and all nations¹⁹. The UDHR has inspired and paved the way for the universal protection of human rights including the right to health and has led to the adoption of numerous human rights treaties, applied today on a permanent basis at global and regional levels²⁰.

The right to health is also enshrined under the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*²¹. The ICESCR recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health²². It further requires states to undertake various steps towards the full realization of the right to health including those necessary for the provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child; the improvement of all aspects of environmental and industrial hygiene; the prevention, treatment and control of epidemic, endemic, occupational and other diseases; and the creation of conditions which would assure to all medical service and medical attention in the event of sickness²³. The ICESCR therefore identifies the various dimensions of the right to health including both physical and mental health and various key domains pertinent to the achievement of this right including the healthy development of the newborn and the

¹⁷ Ibid, Article 25 (1)

¹⁸ Ibid

¹⁹ United Nations., 'Universal Declaration of Human Rights.' Available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (Accessed on 02/11/2023)

²⁰ Ibid

²¹ United Nations General Assembly, 'International Covenant on Economic, Social and Cultural Rights.' 16 December 1966, A/RES/2200.

²² Ibid, Article 12 (1)

²³ Ibid, Article 12 (2)

child; and public health measures to promote environmental health and to prevent epidemic, endemic, occupational and other diseases²⁴. The scope, content and nature of state obligations in relation to the right to health as set out under the ICESCR has been expounded by the Committee on Economic, Social and Cultural Rights (CESCR) under *General Comment No. 14 on the Right to the Highest Attainable Standard of Health*²⁵.

General Comment No. 14 on the Right to the Highest Attainable Standard of Health acknowledges that health is a fundamental human right indispensable for the exercise of other human rights²⁶. It further provides that every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity²⁷. General Comments No. 14 also acknowledges that the right to health is closely related to and dependent upon the realization of other human rights, as contained in the International Bill of Rights, including the rights to food, housing, work, education, human dignity, life, non-discrimination, equality, the prohibition against torture, privacy, access to information, and the freedoms of association, assembly and movement which among other rights and freedoms address integral components of the right to health²⁸. It requires states to foster the progressive realization of the essential elements of the right to health including availability, accessibility, acceptability and quality while ensuring non-discriminatory and gender-based approach²⁹. General Comment No. 14 is therefore important in ensuring respect, protection and fulfillment of the right to health for all persons.

The *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*³⁰ highlights that in situations of poverty, women have the least access to food, health,

²⁴ Ibid

²⁵ United Nations Committee on Economic, Social and Cultural Rights (CESCR), '*General Comment No. 14: The Right to the Highest Attainable Standard of Health.*' (Art. 12 of the Covenant), 11 August 2000, E/C.12/2000/4.

²⁶ Ibid, Paragraph 1

²⁷ Ibid

²⁸ Ibid, paragraph 3

²⁹ Ibid, Paragraph 12

³⁰ United Nations General Assembly, '*Convention on the Elimination of All Forms of Discrimination against Women,*' 18 December 1979, A/RES/34/180

education, training and opportunities for employment and other needs³¹. The Convention requires states to ensure that women have access to specific educational information to help to ensure the *health and well-being* of families, including information and advice on family planning³². Further, in the field of employment, CEDAW requires states to accord women protection of health and to safety in working conditions, including the safeguarding of the function of reproduction³³. CEDAW further requires states parties to take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning³⁴. In addition, it requires state parties to ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation³⁵. CEDAW also requires state parties to ensure that the rights set out extend to all women including those in the rural areas by ensuring that they have, inter alia, access to adequate health care facilities, including information, counselling and services in family planning³⁶. CEDAW is therefore an important legal instrument geared towards elimination of all forms of discrimination against women in various fields and realization of their fundamental human rights and freedoms including the right to health.

The *Convention on the Rights of the Child*³⁷ is geared towards the protection of fundamental rights and freedoms of children and requires state parties to ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety,

³¹ Ibid, Preamble

³² Ibid, Article 10 (h)

³³ Ibid, Article 11 (f)

³⁴ Ibid, Article 12 (1)

³⁵ Ibid, Article 12 (2)

³⁶ Ibid, Article 14 (2) (b)

³⁷ United Nations General Assembly., 'Convention on the Rights of the Child,' 20 November 1989, Available at <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/crc.pdf> (Accessed on 02/11/2023)

health, in the number and suitability of their staff, as well as competent supervision³⁸. It further requires state parties to ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health³⁹. Of specific importance, the Convention recognizes the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health⁴⁰. It requires states parties shall to ensure that no child is deprived of his or her right of access to such health care services⁴¹. In order to achieve the right to health for all children, the Convention requires state parties to take appropriate measures: to diminish infant and child mortality; to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; to combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution; to ensure appropriate pre-natal and post-natal health care for mothers; to ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents; and to develop preventive health care, guidance for parents and family planning education and services⁴². Realizing the provisions of the Convention on the Rights of the Child can enhancement achievement of good health and well-being for all children.

³⁸ Ibid, Article 3 (3)

³⁹ Ibid, Article 17

⁴⁰ Ibid, Article 24 (1)

⁴¹ Ibid

⁴² Ibid, Article 24 (2)

2.2 Regional Legal Framework

At the regional level, African countries have subscribed to a robust normative legal framework on the right to health. At its core is the *African Charter on Human and Peoples' Rights*⁴³ which enshrines the right of every person to enjoy the best attainable state of physical and mental health⁴⁴. The Charter further requires African countries to take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick⁴⁵.

In addition, the *African Charter on the Rights and Welfare of the Child*⁴⁶ requires African countries to undertake several measures towards achieving good health and well-being for all children in the continent including reducing infant and child mortality rate; ensuring the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; ensuring the provision of adequate nutrition and safe drinking water; combating disease and malnutrition within the framework of primary health care through the application of appropriate technology; ensuring appropriate health care for expectant and nursing mothers; developing preventive health care and family life education and provision of service; integrating basic health service programmes in national development plans; and ensuring the meaningful participation of non-governmental organizations, local communities and the beneficiary population in the planning and management of basic service programme for children⁴⁷.

⁴³ Organization of African Unity (OAU), *African Charter on Human and Peoples' Rights* ("Banjul Charter"), 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982)

⁴⁴ *Ibid*, Article 16 (1)

⁴⁵ *Ibid*, Article 16 (2)

⁴⁶ African Union., 'African Charter on the Rights and Welfare of the Child.' Available at https://au.int/sites/default/files/treaties/36804-treaty_african_charter_on_rights_welfare_of_the_child.pdf (Accessed on 02/11/2023)

⁴⁷ *Ibid*, Article 14 (2)

Further, the *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)*⁴⁸ requires state parties to ensure that the right to health of women, including sexual and reproductive health is respected and promoted⁴⁹. This includes the right of women to control their fertility; to decide whether to have children, the number of children and the spacing of children; to choose any method of contraception; to self-protection and to be protected against sexually transmitted infections, including HIV/AIDS; to be informed on one's health status and on the health status of one's partner, particularly if affected with sexually transmitted infections, including HIV/AIDS, in accordance with internationally recognised standards and best practices; and to have family planning education⁵⁰. Further, the Protocol requires state parties to take all appropriate measures towards achieving good health and well-being for all women in Africa including providing adequate, affordable and accessible health services, including information, education and communication programmes to women especially those in rural areas; establishing and strengthening existing pre-natal, delivery and post-natal health and nutritional services for women during pregnancy and while they are breast-feeding; and protecting the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus⁵¹. It also enshrines the right of women to live in healthy and sustainable environment which is vital in achieving good health and well-being⁵².

Finally, the *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa*⁵³ recognizes the right to health for older persons in Africa and requires

⁴⁸ African Union., 'Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).' Available at https://au.int/sites/default/files/treaties/37077-treaty-charter_on_rights_of_women_in_africa.pdf (Accessed on 02/11/2023)

⁴⁹ Ibid, Article XIV (1)

⁵⁰ Ibid

⁵¹ Ibid, Article XIV (2)

⁵² Ibid, Article XVIII

⁵³ African Union., 'Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa.' Available at https://au.int/sites/default/files/pages/32900-file-protocol_on_the_rights_of_older_persons_e.pdf (Accessed on 02/11/2023)

states to ensure that they access health services that meet their specific needs⁵⁴. It further requires states to take reasonable measures to facilitate access to health services and medical insurance cover for older persons within available resources and to ensure the inclusion of geriatrics (medical care for older persons) and gerontology (the study of aging including physical, mental, social and societal implications) in the training of health care personnel⁵⁵.

Actualizing the provisions of the foregoing regional instruments can enhance the achievement of good health and well-being for all in Africa.

2.3 National Legal Framework

The right to health has also been embraced in Kenya. The *Constitution of Kenya*⁵⁶ enshrines the right of every person to the highest attainable standard of health, which includes the right to health care services, including reproductive health care⁵⁷. The Constitution further provides that a person shall not be denied emergency medical treatment⁵⁸. In addition, the Constitution contains provisions geared towards fostering the right to health for all groups of persons including children⁵⁹, minorities and marginalized

⁵⁴ Ibid, Article 15 (1)

⁵⁵ Ibid, Articles 15 (2) & (3)

⁵⁶ Constitution of Kenya, 2010., Government Printer, Nairobi

⁵⁷ Ibid, Article 43 (1) (a)

⁵⁸ Ibid, Article 43 (2)

⁵⁹ Article 53. Children

(1) Every child has the right –

(c) to basic nutrition, shelter and health care;

(d) to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment

and punishment, and hazardous or exploitative labour

persons⁶⁰, consumers⁶¹ and older persons⁶². The Constitution further enshrines the right of every person to a clean and healthy environment, which includes the right-to have the environment protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Article 69; and to have obligations relating to the environment fulfilled under Article 70⁶³. It has been asserted the right to health is closely related to the state of the environment hence achieving good health and well-being is also dependent upon realization of the right to a clean, healthy and sustainable environment⁶⁴. A safe, clean, healthy and sustainable environment is considered to be integral to the full enjoyment of a wide range of human rights, including the rights to life, *health*, food, water and sanitation⁶⁵.

Another fundamental legal instrument geared towards achieving good health and well-being for all in Kenya is the *Health Act*⁶⁶. The Health Act was enacted to establish a unified health system, to coordinate the inter-relationship between the national government and county government health systems, to provide for regulation of health care service and health care service providers, health products and health technologies and for connected purposes⁶⁷. The objectives of the Act include establishing a national health system which encompasses public and private institutions and providers of health services at the national and county levels and facilitate in a progressive and equitable manner, the

⁶⁰ Article 56. Minorities and marginalised groups

The State shall put in place affirmative action programmes designed to ensure that minorities and marginalised

groups – e) have reasonable access to water, *health services* and infrastructure

⁶¹ Article 46. Consumer rights

(1) Consumers have the right –

(a) to goods and services of reasonable quality;

(c) to the protection of their *health*, safety, and economic interests.

⁶² 57. Older members of society

The State shall take measures to ensure the rights of older persons –

(d) to receive reasonable care and assistance from their family and the State

⁶³ *Ibid*, Article 42

⁶⁴ Muigua. K., 'Realizing the Right to a Clean, Healthy and Sustainable Environment.' Available at <https://kmco.co.ke/wp-content/uploads/2023/06/Realizing-the-Right-to-a-Clean-Healthy-and-Sustainable-Environment.pdf> (Accessed on 02/11/2023)

⁶⁵ *Ibid*

⁶⁶ Health Act, No. 21 of 2017, Laws of Kenya

⁶⁷ *Ibid*, Preamble

highest attainable standard of health services; protecting, respecting, promoting and fulfilling the health rights of all persons in Kenya to the progressive realization of their right to the highest attainable standard of health, including reproductive health care and the right to emergency medical treatment; protecting, respecting, promoting and fulfilling the rights of children to basic nutrition and health care services contemplated in Articles 43 (1) (c) and 53 (1) (c) of the Constitution; protecting, respecting, promoting and fulfilling the rights of vulnerable groups as defined in Article 21 of the Constitution in all matters regarding health; and recognizing the role of health regulatory bodies established under any written law and to distinguish their regulatory role from the policy making function of the national government⁶⁸.

The Act stipulates that it is a fundamental duty of the state to observe, respect, protect, promote and fulfill the right to the highest attainable standard of health including reproductive health care and emergency medical treatment⁶⁹. It requires the state to fulfill this duty by developing policies, laws and other measures necessary to protect, promote, improve and maintain the health and well-being of every person; ensuring the prioritization and adequate investment in research for health to promote technology and innovation in health care delivery; ensuring the realization of the health related rights and interests of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalized communities and members of particular ethnic, religious or cultural communities; ensuring the provision of a health service package at all levels of the health care system, which shall include services addressing promotion, prevention, curative, palliative and rehabilitation, as well as physical and financial access to health care; and ensuring adequate investment in research for health to promote technology and innovation in health care delivery⁷⁰.

⁶⁸ Ibid, S 3

⁶⁹ Ibid, S 4

⁷⁰ Ibid, S 4

The Health Act upholds the right of every person in Kenya to the highest attainable standard of health which shall include progressive access for provision of promotive, preventive, curative, palliative and rehabilitative services⁷¹. In addition, the Act provides that every person shall have the right to be treated with dignity, respect and have their privacy respected in accordance with the Constitution and the Act⁷². Further, it requires the national and county governments to ensure the provision of free and compulsory vaccination for children under five years of age and maternity care⁷³. The Health Act also sets out several rights and duties that are pertinent in realizing the right to health including reproductive health, emergency treatment, health information, consent, information dissemination and confidentiality⁷⁴.

In addition to the Constitution and the Health Act, other key legal and policy instruments on health in Kenya include the *Public Health Act*⁷⁵; the *Kenya Health Policy 2014-2030*⁷⁶ which aims to attain the highest standard of health in the country by the year 2030; and the *Kenya Universal Health Coverage Policy 2020-2030*⁷⁷ that aims to accelerate attainment of Universal Health Coverage (UHC) in Kenya.

3.0 Achieving Good Health and Well-Being for All: Successes and Challenges

SDG 3 identifies key measures that are vital in fostering the right to health and achieving good health and wellbeing for all⁷⁸. These include reducing the global maternal mortality ratio to less than 70 per 100,000 live births; ending preventable deaths of newborns and

⁷¹ Ibid, S 5 (1)

⁷² Ibid, S 5 (2)

⁷³ Ibid, S 5 (3)

⁷⁴ Ibid, Part II

⁷⁵ Public Health Act, Cap 242, Laws of Kenya

⁷⁶ Kenya Health Policy 2014-2030., Available at

https://publications.universalhealth2030.org/uploads/kenya_health_policy_2014_to_2030.pdf

(Accessed on 02/11/2023)

⁷⁷ Kenya Universal Health Coverage Policy 2020-2030., Available at

http://guidelines.health.go.ke:8000/media/Kenya_Universal_Health_Coverage_Policy_2020_2030.pdf

(Accessed on 02/11/2023)

⁷⁸ United Nations., 'Transforming our World: the 2030 Agenda for Sustainable Development.' SDG 3

children under 5 years of age, with all countries aiming to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under-5 mortality to at least as low as 25 per 1,000 live births; ending the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combating hepatitis, water-borne diseases and other communicable diseases; reducing by one third premature mortality from non-communicable diseases through prevention and treatment and promoting mental health and well-being; strengthening the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol; reducing global deaths and injuries from road traffic accidents⁷⁹. Further it urges states to ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes; achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all; substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination; support the research and development of vaccines and medicines for the communicable and noncommunicable diseases that primarily affect developing countries; substantially increase health financing and the recruitment, development, training and retention of the health workforce in developing countries; and strengthen the capacity of all countries, in particular developing countries, for early warning, risk reduction and management of national and global health risks⁸⁰.

The United Nations observes that there has been global progress towards meeting some of the targets of SDG 3 towards achieving good health and well-being for all⁸¹. It notes that 146 out of 200 countries have already met or are on the track to meet the under-5 mortality target; effective HIV treatment has cut global AIDS-related deaths by 52% since

⁷⁹ Ibid

⁸⁰ Ibid

⁸¹ United Nations., 'SDG 3: Ensure Healthy Lives and Promote Well-Being for All at All Ages.' Available at <https://sdgs.un.org/goals/goal3> (Accessed on 02/11/2023)

2010 and at least one neglected tropical disease has been eliminated in 47 countries⁸². The UNDP further notes that the world has made great progress against several leading causes of death and disease; life expectancy has increased dramatically; infant and maternal mortality rates have declined; and that AIDS and malaria related deaths have declined⁸³. The *Sustainable Development Goals Report*⁸⁴ also indicates that gains are evident in many areas of health, including reproductive, maternal and child health, immunization coverage and treatment of communicable diseases, though progress is marred by huge regional disparities⁸⁵.

Progress towards achieving good health and well-being is also evident in some countries including Kenya. A report by the State Department for Economic Planning on the progress made towards achievement of SDG 3 shows that Kenya has made some significant progress in key areas including skilled deliveries at health facilities, improvement in antenatal care coverage, improvement in child immunization coverage, decrease in health diseases and conditions including tuberculosis, malaria and HIV/AIDS, improvement in health infrastructure, increased financing of healthcare and increase in health insurance coverage due to the government policy on Universal Healthcare Coverage which has led to a general increase in the uptake of National Health Insurance Fund (NHIF)⁸⁶. Further, it has been noted that Kenya has made some progress and key reforms towards achieving Universal Health Care including free maternity services in all public health facilities; free primary health care in all public primary healthcare facilities; equipment of major public hospitals across the country with modern diagnostic equipment; adoption of health insurance subsidies through NHIF targeting disadvantaged groups; and the provision of infrastructure and equipment to health

⁸² Ibid

⁸³ Ibid

⁸⁴ United Nations., 'The Sustainable Development Goals Report: 2022.' Available at <https://unstats.un.org/sdgs/report/2022/The-Sustainable-Development-Goals-Report-2022.pdf> (Accessed on 02/11/2023)

⁸⁵ Ibid

⁸⁶ State Department for Economic Planning., 'Is Kenya on Track Towards Achievement of SDG 3? An analysis of Health Indicators in Kenya.' Available at <https://www.planning.go.ke/wp-content/uploads/2022/02/UHC-REPORT-ammended-1.pdf> (Accessed on 02/11/2023)

facilities across county governments such as new wards, ambulances, and additional health workers among other initiatives⁸⁷.

However, despite this progress, several challenges at the global, regional and national level continue to impede realization of the right to health and achievement of SDG 3 on good health and well-being for all. It has been reported that the outbreak of the COVID-19 pandemic posed and continues to pose challenges to people's health and wellbeing globally and is impeding progress in meeting SDG 3 targets⁸⁸. Before the pandemic, notable gains were evident in many areas of health across the globe, including reproductive, maternal and child health, immunization coverage and treatment of communicable diseases, though progress was marred by huge regional disparities⁸⁹. However, the outbreak of the pandemic severely disrupted essential health services across the world, triggered an increase in the prevalence of anxiety and depression, lowered global life expectancy, derailed progress towards ending HIV, tuberculosis and malaria, and halted two decades of work towards making health coverage universal⁹⁰. Combating COVID-19 effectively and other global health challenges is essential in achieving good health and well-being for all.

Further, it has been pointed out that developing countries continue to face challenges in achieving good health and well-being for all due to economic hardships⁹¹. Achieving the targets of SDG 3 requires significant resources to be invested in infrastructure, facilities, personnel and research and development which may be out of reach for developing countries⁹². As a result, the health sector in some countries continues to face challenges including underequipped health facilities; inability of the infrastructure in place to meet

⁸⁷ Government of Kenya., 'Beyond The Conference: Kenya's Progress Towards Affordable and Accessible Health Care.' Available at <https://vision2030.go.ke/beyond-the-conference-kenyas-progress-towards-affordable-and-accessible-health-care/> (Accessed on 02/11/2023)

⁸⁸ United Nations., 'The Sustainable Development Goals Report: 2022.' Op Cit

⁸⁹ Ibid

⁹⁰ Ibid

⁹¹ World Bank., 'Measuring Progress in SDGs.' Available at <https://thedocs.worldbank.org/en/doc/274691605003514448-0050022020/original/12ISSMEASURINGPROGRESSINSBG3HEALTH.pdf> (Accessed on 03/11/2023)

⁹² Ibid

existing demands; and inadequate human resource, thereby limiting the ability of citizens to access quality and affordable health care services, among others⁹³. Further, incidences of poverty in some countries hinder the realization of SDG 3 by limiting the ability of people to access health services. It has been pointed out that as a result of poverty, children growing up in socioeconomically disadvantaged neighborhoods face greater direct physical challenges to health status and health-promoting behaviours; they also often experience emotional and psychological stressors, such as family conflict and instability arising from chronically inadequate resources⁹⁴.

Further, achieving good health and well-being for all continues to be a challenge especially for women. It has been pointed out that women and men have different health-care needs, but an equal right to live healthily⁹⁵. However, for many women and girls, gender discrimination systematically undermines their access to health care, for reasons that include fewer financial resources and constraints on mobility among others⁹⁶. This is compounded by additional burdens imposed by gender disparities which limit their ability to stay healthy including long hours spent on domestic work, unsafe work environments and gender-based violence, with mechanisms for prevention and protection often being inadequate⁹⁷. Women face peculiar health concerns as a result of pregnancy and child birth which need to be met in order to foster their good health and well-being⁹⁸.

Finally, environmental challenges including climate change, degradation and pollution continue to pose a risk to the right to health around the world. UNDP posits that climate change and environmental degradation have potentially serious implications for social

⁹³ Muigua. K., 'Ensuring Healthy Lives and Well-being for All Kenyans.' Available at <https://kmco.co.ke/wp-content/uploads/2020/12/Ensuring-Healthy-Lives-and-Wellbeing-for-All-Kenyans-Kariuki-Muigua-December-2020.pdf> (Accessed on 03/11/2023)

⁹⁴ Ibid

⁹⁵ United Nations Women., 'SDG 3: Ensure Healthy Lives and Promote Well-Being for All at All Ages.' Available at <https://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-3-good-health-well-being> (Accessed on 03/11/2023)

⁹⁶ Ibid

⁹⁷ Ibid

⁹⁸ Ibid

and economic development, including health⁹⁹. It observes that health systems in many countries are highly vulnerable to the shocks caused by epidemic outbreaks, conflict and climate events¹⁰⁰. Further climate change could result in poverty a situation that may hinder the ability of people to access health services and further increases susceptibility to health risks including malaria and diarrhea due to global warming¹⁰¹. It can also result in water scarcity undermining the ability of people to access clean water and sanitation which is vital in achieving good health and well-being¹⁰². Further, environmental degradation as a result of air and water pollution as well as poor management of hazardous chemicals and waste can undermine good health and well-being and result in health hazards and diseases¹⁰³. In addition, natural disasters and environmental shocks can have substantial impact on health, including deaths, injuries, diseases, disabilities, psychosocial problems and other indirect effects with damage to health facilities and disruption to the delivery of health services over extended periods of time¹⁰⁴. It is therefore vital to combat climate change and foster the right to a clean and healthy environment in order to achieve good health and well-being for all.

4.0 Way Forward

In order to achieve good health and well-being for all, it is important for all countries to foster Universal Health Coverage (UHC). UHC means that all people have access to the full range of quality health services they need, when and where they need them, without financial hardship¹⁰⁵. According to the WHO, UHC covers the full continuum of essential

⁹⁹ United Nations Development Programme., 'UNDP Support to the Implementation of Sustainable Development Goal 3.' Available at <https://www.undp.org/sites/g/files/zskgke326/files/publications/SDG-3%20Health.pdf> (Accessed on 03/11/2023)

¹⁰⁰ Ibid

¹⁰¹ Ibid

¹⁰² Ibid

¹⁰³ United Nations Environment Programme., 'Goal 3: Good Health and Well-Being.' Available at <https://www.unep.org/explore-topics/sustainable-development-goals/why-do-sustainable-development-goals-matter/goal-3> (Accessed on 03/11/2023)

¹⁰⁴ Ibid

¹⁰⁵ World Health Organization., 'Universal Health Coverage (UHC).' Available at [https://www.who.int/news-room/fact-sheets/detail/universal-health-coverage-\(uhc\)](https://www.who.int/news-room/fact-sheets/detail/universal-health-coverage-(uhc)) (Accessed on 03/11/2023)

health services, from health promotion to prevention, treatment, rehabilitation, and palliative care across the life course¹⁰⁶. UHC is vital in fostering the right to health and enhancing the economic and social development of all nations¹⁰⁷. It has been pointed out that to deliver UHC, opportunities exist to ensure equity in access to health services – everyone who needs services gets them; the quality of health services are good enough to improve the health of those receiving services; people are protected against financial-risk, ensuring that the cost of using services does not put people at risk of financial harm; and accountability to translate commitments relating to access, quality, and financial protection into action through transparency and citizen participation¹⁰⁸. Countries should therefore pursue UHC including enhancing health insurance coverage in order to achieve good health and well-being for all.

In addition, there is need to improve health infrastructure in all countries. The importance of quality health services, both as a development goal in its own right and a foundation for achieving inclusive growth and other development goals, is widely recognized¹⁰⁹. It is therefore essential for countries to invest in health infrastructure including health facilities, medicine and modern technology and equipment.

Further, it is also pertinent to enhance human resource development in the health sector. It has correctly been observed that proper management of human resources is critical in providing high quality health care¹¹⁰. However, this is often not achieved in most countries including Kenya as evidenced by the frequent cases of strikes by health care providers which are attributed to factors such as limited career opportunities, insufficient

¹⁰⁶ Ibid

¹⁰⁷ Ibid

¹⁰⁸ Amref Health Africa., 'Universal Health Coverage (UHC).' Available at <https://amref.org/kenya/our-work/pillar-2-innovative-health-services-solutions/universal-health-coverage/> (Accessed on 03/11/2023)

¹⁰⁹ African Development Bank Group., 'Strategy for Quality Health Infrastructure in Africa 2022-2030.' Available at https://www.afdb.org/sites/default/files/documents/publications/strategy_for_quality_health_infrastructure_in_africa_2022-2030.pdf (Accessed on 03/11/2023)

¹¹⁰ Kabene. S et al., 'The Importance of Human Resources Management in Health Care: A Global Context.' *Human Resources for Health.*, Volume 4, No. 20 (2006)

workforce, and low remuneration among others¹¹¹. Effective human resources management strategies are greatly needed to achieve better outcomes in the health sector around the world¹¹². It is thus important for countries to pursue strategies including recruiting and continuously training more health workers in order to ensure adequate staff in the sector; having a clear policy and guidelines on how to protect and compensate health workers including a specific medical policy given their exposure in the line of duty; and avoid frequent strikes in order to enhance health human resources¹¹³.

It is also imperative to increase health financing. WHO posits that health financing is a core function of health systems that can enable progress towards universal health coverage by improving effective service coverage and financial protection¹¹⁴. Carefully designed and implemented health financing policies can help enhance accessibility, affordability and quality of health services¹¹⁵. It has been asserted that there is an urgent need to accelerate health financing in Africa in order to foster the right to health and achieve good health and well-being for all¹¹⁶. Under the *Abuja Declaration*¹¹⁷, African countries committed themselves to allocate at least 15% of their annual budgets to the improvement of the health sector¹¹⁸. It is therefore imperative to realize the target of the Abuja Declaration in order to enhance health financing and improvement of the health sector in Africa. Countries should further embrace health financing through initiatives such as strengthening health financing structures, pursuing Public Private Partnerships

¹¹¹ Muigua. K., 'Ensuring Healthy Lives and Well-being for All Kenyans.' Op Cit

¹¹² Kabene. S et al., 'The Importance of Human Resources Management in Health Care: A Global Context.' Op Cit

¹¹³ State Department for Economic Planning., 'Is Kenya on Track Towards Achievement of SDG 3? An analysis of Health Indicators in Kenya.' Op Cit

¹¹⁴ World Health Organization., 'Health Financing.' Available at https://www.who.int/health-topics/health-financing#tab=tab_1 (Accessed on 03/11/2023)

¹¹⁵ Ibid

¹¹⁶ Munyua. A., & Olalere. N., 'Public Financing for Health in Africa: 15% of an Elephant is not 15% of A Chicken.' Available at <https://www.un.org/africarenewal/magazine/october-2020/public-financing-health-africa-when-15-elephant-not-15-chicken> (Accessed on 03/11/2023)

¹¹⁷ African Union., 'Abuja Declaration on HIV/AIDS, Tuberculosis and other Related Infectious Diseases.' Available at <https://au.int/sites/default/files/pages/32894-file-2001-abuja-declaration.pdf> (Accessed on 03/11/2023)

¹¹⁸ Ibid

and introducing supportive and flexible statutory and regulatory laws to support the health financing reforms and outcomes¹¹⁹.

It is also paramount for the world and countries to effectively combat illnesses and diseases. The COVID-19 pandemic posed and continues to pose challenges to people's health and wellbeing globally and is impeding progress in meeting SDG 3 targets¹²⁰. Further, the world has struggled with health issues including HIV, tuberculosis and malaria which hinder achievement of good health and well-being for all¹²¹. It is therefore important for countries to strengthen preparedness for pandemics and other emergencies¹²². Such measures include ensuring equitable access to safe and effective vaccines; awareness campaigns on healthy living to reduce incidences of non-communicable diseases; and enhancing supportive and synergistic community investments in related sectors such as economic empowerment, water, sanitation and hygiene¹²³.

Another key measure in achieving good health and well-being for all is fostering research and development. Health research and development is important to the health sector since it provides health practitioners and health system investors with innovation and associated evidence for prevention interventions, effective treatments and care pathways¹²⁴. It is therefore important to ensure the prioritization and adequate investment in research for health in order to promote technology and innovation in health care delivery¹²⁵. Further, it has been observed that there is need for countries to

¹¹⁹ State Department for Economic Planning., 'Is Kenya on Track Towards Achievement of SDG 3? An analysis of Health Indicators in Kenya.' Op Cit

¹²⁰ United Nations., 'The Sustainable Development Goals Report: 2022.' Op Cit

¹²¹ Ibid

¹²² World Health Organization., '10 Global Health Issues to Track in 2021.' Available at <https://www.who.int/news-room/spotlight/10-global-health-issues-to-track-in-2021> (Accessed on 03/11/2023)

¹²³ State Department for Economic Planning., 'Is Kenya on Track Towards Achievement of SDG 3? An analysis of Health Indicators in Kenya.' Op Cit

¹²⁴ Mallender. J., 'Health Research and Development: An Overview.' Available at <https://www.economicsbydesign.com/health-research-and-development-an-overview/> (Accessed on 03/11/2023)

¹²⁵ Muigua. K., 'Ensuring Healthy Lives and Well-being for All Kenyans.' Op Cit

strengthen and support research in health especially on emerging diseases and support evidence based research that would inform full rollout of UHC strategies¹²⁶.

In addition, it is essential to foster gender equality in the health sector in order to achieve good health and well-being for all especially women and girls. Women face peculiar health concerns as a result of pregnancy and child birth which need to be met in order to foster their good health and well-being¹²⁷. However, for many women and girls, gender discrimination systematically undermines their access to health care, for reasons that include fewer financial resources and constraints on mobility among others¹²⁸. In addition to SDG 3, SDG 5 urges countries to ensure that women have universal access to sexual and reproductive health and reproductive rights¹²⁹. It is therefore vital for countries to foster laws and practices which enhance women's access to sexual and reproductive health-care services in order to realize their good health and well-being¹³⁰.

Finally, is vital to realize the right to a clean, healthy and sustainable environment in order to achieve good health and well-being for all. The United Nations Environment Programme correctly states that a clean environment is essential for human health and well-being¹³¹. Environmental problems including climate change and environmental degradation as a result of air and water pollution as well as poor management of hazardous chemicals and waste can undermine good health and well-being and result in health hazards and diseases¹³². It is therefore essential for countries to realize the right to a clean, healthy and sustainable environment in order to achieve good health and well-being for all. Countries should therefore address concerns which affect the attainment of the right to a clean, healthy and sustainable environment such as climate change,

¹²⁶ State Department for Economic Planning., 'Is Kenya on Track Towards Achievement of SDG 3? An analysis of Health Indicators in Kenya.' Op Cit

¹²⁷ United Nations Women., 'SDG 3: Ensure Healthy Lives and Promote Well-Being for All at All Ages.' Op Cit

¹²⁸ Ibid

¹²⁹ United Nations., 'Transforming our World: the 2030 Agenda for Sustainable Development.' Op Cit

¹³⁰ United Nations Women., 'SDG 3: Ensure Healthy Lives and Promote Well-Being for All at All Ages.' Op Cit

¹³¹ United Nations Environment Programme., 'Goal 3: Good Health and Well-Being.' Op Cit

¹³² Ibid

unsustainable management and use of natural resources, environmental degradation, pollution and poverty¹³³. Countries should further pursue Sustainable Development in order to achieve environmental sustainability, economic growth and social progress¹³⁴. Sustainable Development has the ability to strike a balance between anthropocentric and ecocentric approaches towards the right to a clean, healthy and sustainable environment by promoting human rights such as the right to food, the right to clean water and sanitation, the right to affordable and clean energy and the right to health while simultaneously ensuring sound environmental protection and management¹³⁵.

Through the foregoing among other measures, countries will be able to achieve good health and well-being for all.

5.0 Conclusion

Achieving good health and well-being for all is essential to Sustainable Development as reflected under the 2030 Agenda for Sustainable Development¹³⁶. There has been global progress towards meeting some of the targets of SDG 3 towards achieving good health and well-being for all as evidenced by gains in many areas of health, including reproductive, maternal and child health, immunization coverage and treatment of communicable diseases¹³⁷. However, problems such as the COVID-19 pandemic, economic disparities between nations, poverty, gender inequalities and environmental problems including climate change and environmental degradation continue to threaten the achievement of good health and well-being for all¹³⁸. In order to fully achieve good health and well-being for all, there is need for countries to embrace measures including fostering Universal Health Coverage, improving health infrastructure, increasing health financing, combating illnesses and diseases, fostering research and development,

¹³³ Muigua. K., 'Realizing the Right to a Clean, Healthy and Sustainable Environment.' Op Cit

¹³⁴ Fitzmaurice. M., 'The Principle of Sustainable Development in International Development Law.' International Sustainable Development Law., Vol 1

¹³⁵ Muigua.K., 'Nurturing Our Environment for Sustainable Development.' Glenwood Publishers Limited, 2016

¹³⁶ United Nations Development Programme., 'Goal 3: Good Health and Well-Being.' Op Cit

¹³⁷ United Nations., 'The Sustainable Development Goals Report: 2022.' Op Cit

¹³⁸ Ibid

promoting gender equality in the health sector and realizing the right to a clean, healthy and sustainable environment¹³⁹. Achieving good health and well-being is an imperative that can be actualized at the national, regional and global level for Sustainable Development.

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¹³⁹ Muigua. K., 'Ensuring Healthy Lives and Well-being for All Kenyans.' Op Cit

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