

## EDITORIAL

## The Right to Health in Libya: Is it a Constitutional Mandate?

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Published: 02 November 2014

Ibnosina J Med BS 2014;6(6):296-297

Received: 05 July 2014

Accepted: 08 July 2014

This article is available from: <http://www.ijmbs.org>

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Libya, a country that has lived over 40 years without an official constitution, is eagerly awaiting a new one. This new constitution is expected to shape the political future of the country and to outline the rights of its citizens, including political, social, and economic rights. However, for Libyans, what matters the most is the translation of these rights to a better life, including advanced healthcare.

The “right to health” was among the most important rights enumerated in the Universal Declaration of Human Rights issued in 1948 and ratified by most of the world’s countries (1). The World Health Organization has come to define this right in its constitution as “the enjoyment of the highest attainable standard of health.” Historically, incorporation and realistic application of this right into sovereign national constitutions have been sporadic and inconsistent. Moreover, the first Libyan Constitution in 1951, and its later amendments, never addressed the “right to health” leaving no historical precedent - legal or practical - for how

this right may be addressed in the new Libyan constitution.

The newly elected Constitution Drafting Committee seeks to successfully incorporate the people’s “will” into Libya’s new Constitution. Recently, the committee expressed its eagerness to listen to the public and to different Libyan organizations for their input. Nonetheless, there appears to be a paucity of discussion among Libyans, including healthcare professionals, in the conventional and social media, about this very specific right. Discussion of the “right to health” deserves to be featured in socio-political discourse, through conventional media, through social media, and through appropriate government forums.

In their recently released article in Arabic, *Ali et al.* looked closely at the “right to health” in the Libyan Constitution (2). They reviewed the historical development of this right and its potential constitutional implications on the upcoming Libyan Constitution. They also discussed the

government's role toward this constitutional right, and its obligation to respect, protect, and best execute the constitutional mandate. The paper looked at constitutions of other countries, and whether there exists a correlation between the constitutional "right to health" and healthcare delivery.

We encourage healthcare professionals to review that article, which can serve as a platform to ignite a dialogue among Libyans to define, delineate, and declare their "will" on how they want their new constitution to address this important human right.

### **References**

1. UN General Assembly. (1948). Universal declaration of human rights, 10 December 1948, United Nations, general assembly resolution 217 A (III); p. 71.
2. Libya al-mostaqbal [updated 2014 August 15; cited 2014 October 10]. available from: <http://www.libya-al-mostakbal.org/uploads/files/santtte.pdf>