



## **STATEMENT FROM HEALTH STAKE HOLDERS ON THE RIGHT TO HEALTH ON THE NEW DRAFT CONSTITUTION**

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We would first like to congratulate the Constitutional Review Commission (CRC) for the invaluable work of collecting comments and preparing the second draft of the constitution. We also acknowledge for considering health as a basic human right for some groups such as women and children. According to article (47) sub-article 1(g), every woman has the right to better health services. With regard to children's rights article (43) sub-article 1(e) stipulates that every child has the right to nutritious food, health service, housing and to grow up in an ethical environment.

However, we are concerned that the right to health is not recognized in the draft as the basic right for every citizen. We, as health sector stakeholders, would like to amplify that health is a state of mental, physical, social, ethical and environmental well-being and is, therefore, a basic human right for every citizen. If a citizen is denied this right, she/he may fail to participate in various development activities and may suffer from other side effects that may lead to death.

In the second draft of the constitution, which was presented to the president of the United Republic of Tanzania for the discussion at the constituent assembly in February 2014, health is not recognized as a basic human right like education.

We recognize that the constitution is a fundamental norm. Therefore, without recognizing the right to health in the constitution, by-laws cannot govern such an important issue and, thus, put the society and future generations' health at risk.

In June 2013, Sikika requested for, and finally received an official permission from the Commission. It was recognized as a constitutional platform to analyze and collect comments on the Draft Constitution. Sikika involved citizens and various institutions such as the **Tanzania Public Health Association (TPHA)**, **Medical Association of Tanzania (MAT)** and **Legal and Human Rights Center (LHRC)** in the analysis of the first draft constitution and finally recommended the recognition of right to health in the constitution. Those recommendations were presented to the commission in August 2013, but they were not considered.

Because health is so important to every human being, we recommend that **health is recognized as a basic right in the constitution of the United Republic of Tanzania** and it should be a responsibility for every citizen to protect his or her health through participation and monitoring of public health related issues. The United Republic's sovereign, with its institutions, is to ensure that this basic right is supervised correctly. It should also be recognized that it is an offence for a citizen to commit any act that may threaten health of another person and the society as a whole.

We also request the government and the constitutional assembly to **recognize health as a right** that needs to be considered in all development policies in order to protect the health of all Tanzanians.

Moreover, we recommend adding to article 41 on the freedom and right to clean and safe environment the following: (1) The government ensures that every investor performs a health assessment before the project begins, and the implementation of the recommendation should involve all stakeholders especially at the community level.

(2) The government and the responsible authorities control the import and usage of equipment, food, or medicine of low quality and prohibit the usage of medicines or foods without research based evidence that assures the safety of the consumer.

Not providing the right to health for citizens its equivalent to denying right to life as identified on article 24 of the draft constitution, because the life of a human being depends on his or her health condition.

We believe that there is still an opportunity to recognize health as a basic right; therefore, we call upon all members, leaders and members of the parliament to consider this serious matter when discussing the draft constitution during the constituency assembly.

*This statement has been prepared by **Sikika, Tanzania Public Health Association (TPHA), Medical Association of Tanzania, and the Legal and Human Rights Center.***