

**Right to Health Care during Covid-19 Pandemic:  
A Critical Review of Sri Lankan Law against International Standards**

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Right to healthcare has become a stimulating topic during the COVID-19 pandemic. Many of the international human right treaties recognize the right to health including the United Nations Declaration on Human Rights (UDHR) where Article 25 recognizes the right to health care as being one of the fundamental rights of an individual. The International Covenant on Economic, Social and Cultural Rights (ICESCR) also recognizes the right to health under Article 12 where it states that, everyone has a right to the ‘enjoyment of the highest attainable standard of physical and mental health’. It may also be added that the right to health means having access to the health services they need, when and where they need them, without suffering financial hardship. Therefore, under international human rights law, there is a specific right granted upon the individuals regarding the right to health and healthcare facilities. In this backdrop, using a qualitative methodology with the use of the black letter approach through a critical evaluation of the existing international legal instruments including, treaties, covenants, declarations and accords, this study aims to critically analyze the Sri Lankan context regarding the right to health care, and in particular, the right to vaccination under the Sri Lankan law. The findings reveal that the 1978 Constitution fails to recognize many of the vital rights, including the right to healthcare. Even under the directive principles enshrined under Article 27 of the Constitution, there is no reference to healthcare. However, the judiciary through its powers of interpretation with the aid of Article 12 of the Constitution has interpreted into the Constitutions rights such as, right to life, environment, and right to receive information. Still, it has not been able to hint on the right to healthcare. In such a background it is recommended that Sri Lanka must take necessary steps in providing adequate healthcare facilities including vaccination to overcome the COVID-19 pandemic as Sri Lanka cannot escape its international responsibility in providing healthcare for its individuals, especially during the COVID-19 pandemic.

**Keywords:** Covid-19, Right to healthcare, Vaccination, Sri Lankan law, Human rights