

ENHANCING THE RIGHT TO HEALTH THROUGH THE ESTABLISHMENT OF A CORRUPTION-FREE HEALTH SYSTEM

Ouahchi Djamila*

Maghreb Legal Studies Laboratory, University of Annaba,
ouahchidjamila15@gmail.com

Bouchoucha Samia

Maghreb Legal Studies Laboratory, University of Annaba,
samiabouchoucha23@yahoo.com

Send Article Date: 03 / 08 /2024 Date of acceptance of the article: 21 / 09 /2024

Abstract:

Health remains a universal human right, and corruption deprives many citizens of easy access to health care. Corruption has spread in the field of health, and its manifestations have multiplied, occurring in the field of granting public contracts, as well as in employment in positions based on merit and entitlement. As a general result, the authorities developed a strategy to combat corruption in the health system a decade ago, but the effectiveness of what this strategy brought about remains conditional on the intensification of the efforts of all those in charge of the rest of the sectors in order to put an end to the phenomenon of corruption that has violated the human right to health.

key words: The Right to Health, Corruption, Health system, corruption-freeHealth sector

*OuahchiDjamila.

*Bouchoucha Samia.

Introduction:

The right to health is one of the fundamental human rights. This right transcends all considerations related to colour, race, or gender and falls under the umbrella of economic and social rights. Since health has always been one of the primary aspirations of humanity, various international laws and national legislations have addressed it through the enactment of enforceable legal texts (Makhlouf, 2021, p. 67). These texts call upon states to uphold this right within a framework of transparency and respect for human dignity.

Conversely, several international documents, endorsed by the United Nations and regional organizations, have recognized the inability of states to comply with their obligations toward realizing the human right to health due to the pervasive corruption within the governments and states. This corruption has undermined their ability to provide a package of services that are imposed rights for citizens, such as the right to health. The extent of corruption in the health sector has expanded, with its mechanisms becoming intertwined and its causes and manifestations multiplying, affecting various aspects of this sector. This situation has necessitated intensified efforts to contain and eradicate corruption by all means and methods.

Therefore, this research paper aims to address the following problem:

To what extent does the phenomenon of widespread corruption in the health sector undermine the human right to enjoy a corruption-free health system?

SECTION I : INTERNATIONAL AND NATIONAL LEGAL REFERENCES REGULATING THE RIGHT TO HEALTH

Health is a fundamental human right that cannot be separated from other human rights. It is a right that every individual should enjoy, regardless of gender, colour, or religion. International covenants have indicated that these rights stem from the inherent dignity of the human personality (Atiya, 2020, p. 58). Hence, domestic legislations of countries have enshrined this right. The Algerian Constitution, in its general framework, includes this right, which is also articulated in the health-related law.

First: The International Legal Reference for the Right to Health:

The right to health is inherent to humans from birth until death. As soon as a person is born, they are entitled to this right. This is affirmed by the United Nations Convention on the Rights of the Child in Articles (24, 25, 26). Furthermore, the Constitution of the World Health Organization defines health in Article 12 as "a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity"(Wahshi, 2021, p. 29).

As it is known, the right to health is classified within economic and social rights. Accordingly, it is stipulated in the 1966 International Covenant on Economic, Social and Cultural Rights in its Article 12, which states, "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."(ICECSCR, Article 12).

Moreover, the 1948 Universal Declaration of Human Rights in its Article 25 states, "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 necessary social services..."(UDHR, Article 25).

Although the Universal Declaration of Human Rights is not a treaty, most of its provisions are considered by legal scholars to be quasi-binding guidelines and even form the basis for customary international law. Therefore, the recognition of the right to health as a fundamental human right has been confirmed through a significant journey of declarations, covenants, and international agreements.

Second: National Legal Framework for the Right to Health

It is noteworthy that the right to health was gradually incorporated into local legislation starting from the first half of the twentieth century. The World Health Organization noted in one of its reports that the right to health or healthcare is recognized by at least 115 constitutions. At least six other constitutions include duties related to health, such as the state's obligation to develop health services or allocate a specific budget for these services. It is worth mentioning that guarantees related to the right to health vary from one constitution to another, with some explicitly mentioning the right to health and others addressing it within a broader context(Mishal, n.d., p. 2823).

Title : ENHANCING THE RIGHT TO HEALTH THROUGH THE ESTABLISHMENT OF A CORRUPTION-FREE HEALTH SYSTEM

For instance, the Algerian Constitution of 2020, through Articles 62 and 63, stipulates healthcare as a right for citizens, which includes the right to free treatment, social insurance for medications and special treatments, and the provision of medical means, equipment, and health facilities. The state is also responsible for preventing infectious epidemic diseases (Constitution of 2020, Articles 62-63).

Regarding the legislative movement in the field of health-related laws, it began with Health Law 85-05, which includes the protection and promotion of health. This was followed by the Medical Ethics Code, Law 92/276. Several amendments were made to the Health Law, the latest being in 2008. However, these amendments did not keep pace with developments in the medical field, such as medically justified abortion, stem cell therapy, etc.

The Algerian legislature introduced the Health Law 18-11 on July 2, 2018, which included regulations not addressed in previous laws and permitted some innovative treatment methods. All of this was to keep up with legislative movements around the world and to provide more protection for the patient's right to health (Makhlouf, 2021).

SECTION II : LEGAL REFERENCES FOR THE TERM CORRUPTION AND ITS DIRECT RELATIONSHIP WITH THE HEALTH SYSTEM

Corruption is a serious threat to human rights, stripping victims of their legally guaranteed rights. It manifests in various forms, prompting several international documents endorsed by the United Nations and regional organizations in recent years to shed light on the phenomenon of corruption. This will be discussed in the first part.

First: Legal Reference for the Term Corruption

There is no specific definition of corruption; instead, various perspectives exist to define it (Transparency International, 1993). Transparency International defines corruption as "the misuse of power for private gain." (Transparency International, 1993).

The United Nations Convention against Corruption did not establish a single definition for corruption. Instead, the participating delegations focused on specifying criminal acts of corruption. This approach is due to the diverse forms and manifestations of corruption and the emergence of

new types. Moreover, the wide range of human activities affected by corruption has led to significant differences in providing a comprehensive definition of the phenomenon(Al-Hawari, 2020, p. 33).

The World Bank defines corruption as "any act that leads to the misuse and exploitation of power or public office for private benefit."(Adrian et al., 2022, pp. 67-76).

Other international regional agreements have also not adopted a unified, precise definition of corruption. They followed the United Nations' approach in calling on member states to criminalize deviations by public officials, whether through accepting bribes, abusing their positions, obstructing justice, or other criminal acts(Al-Hawari, 2020, p. 37).

Regarding the Algerian legislator, Article 2 of Law 01-06 dated February 20, 2006, on the prevention and fight against corruption, states that corruption refers to the crimes specified in the fourth chapter of this law.

This means that, similar to international legislators, the Algerian legislator did not provide a definition for corruption but referred to it exclusively through certain criminal acts mentioned in the aforementioned law. Previously, these crimes were scattered and distributed in the Algerian Penal Code between Articles 119 and 134, which were repealed by Article 71 of Law 06-01 on the prevention and fight against corruption(Boujadi, 2024, p. 43).

It is worth noting that corruption takes many forms that cannot be exhaustively listed and is constantly evolving. This variability is because corruption is a complex and multifaceted phenomenon.

Second: The Relationship between Corruption and Human Rights and the Decline in Healthcare Quality

Corruption is a serious threat to human rights, stripping victims of their legally guaranteed rights. It manifests in various forms, prompting several international documents endorsed by the United Nations and regional organizations in recent years to shed light on the phenomenon of corruption. This will be discussed in the first part. The relationship between corruption and the individual's right to health is inverse, with one affecting the other, which will be clarified in the second part.

First: The International Legal Reference for the Right to Health

The right to health is inherent to humans from birth until death. As soon as a person is born, they are entitled to this right. This is affirmed by the United Nations Convention on the Rights of the Child in Articles (24, 25, 26). Furthermore, the Constitution of the World Health Organization defines health in Article 12 as "a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity." (Wahshi, 2021, p. 29).

As it is known, the right to health is classified within economic and social rights. Accordingly, it is stipulated in the 1966 International Covenant on Economic, Social and Cultural Rights in its Article 12, which states, "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health." (ICESCR, Article 12).

Moreover, the 1948 Universal Declaration of Human Rights in its Article 25 states, "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 necessary social services..." (UDHR, Article 25)

Although the Universal Declaration of Human Rights is not a treaty, most of its provisions are considered by legal scholars to be quasi-binding guidelines and even form the basis for customary international law. Therefore, the recognition of the right to health as a fundamental human right has been confirmed.

Second: National Legal Framework for the Right to Health

It is noteworthy that the right to health was gradually incorporated into local legislation starting from the first half of the twentieth century. The World Health Organization noted in one of its reports that the right to health or healthcare is recognized by at least 115 constitutions. At least six other constitutions include duties related to health, such as the state's obligation to develop health services or allocate a specific budget for these services. It is worth mentioning that guarantees related to the right to health vary from one constitution to another, with some explicitly mentioning the right to health and others addressing it within a broader context (Mishal, n.d., p. 2823).

For instance, the Algerian Constitution of 2020, through Articles 62 and 63, stipulates healthcare as a right for citizens, which includes the right to free treatment, social insurance for medications and special treatments, and the provision of medical means, equipment, and health facilities. The

state is also responsible for preventing infectious epidemic diseases(Constitution of 2020, Articles 62-63).

Regarding the legislative movement in the field of health-related laws, it began with Health Law 85-05, which includes the protection and promotion of health. This was followed by the Medical Ethics Code, Law 92/276. Several amendments were made to the Health Law, the latest being in 2008. However, these amendments did not keep pace with developments in the medical field, such as medically justified abortion, stem cell therapy, etc.

The Algerian legislature introduced Health Law 18-11 on July 2, 2018, which included regulations not addressed in previous laws and permitted some innovative treatment methods. All of this was to keep up with legislative movements around the world and to provide more protection for the patient's right to health(Makhlouf, 2021).

Third Requirement: Legal Reference for the Term Corruption and Its Direct Relationship with the Health System

Corruption is a serious threat to human rights, stripping victims of their legally guaranteed rights. It manifests in various forms, prompting several international documents endorsed by the United Nations and regional organizations in recent years to shed light on the phenomenon of corruption. This will be discussed in the first part. The relationship between corruption and the individual's right to health is inverse, with one affecting the other, which will be clarified in the second part.

First: Legal Reference for the Term Corruption

There is no specific definition of corruption; instead, various perspectives exist to define it (Transparency International, 1993).Transparency International defines corruption as "the misuse of power for private gain."(Transparency International, n.d.).The United Nations Convention against Corruption did not establish a single definition for corruption. Instead, the participating delegations focused on specifying criminal acts of corruption. This approach is due to the diverse forms and manifestations of corruption and the emergence of new types. Moreover, the wide range of human activities affected by corruption has led to significant differences in providing a comprehensive definition of the phenomenon(Al-Hawari, 2020, p. 33).

The World Bank defines corruption as "any act that leads to the misuse and exploitation of power or public office for private benefit"(Adrian et al., 2022, pp. 67-76). Other international regional agreements have also not adopted a unified, precise definition of corruption. They followed the United Nations' approach in calling on member states to criminalize deviations by public officials, whether through accepting bribes, abusing their positions, obstructing justice, or other criminal acts(Al-Hawari, 2020, p. 37).

Regarding the Algerian legislator, Article 2 of Law 01-06 dated February 20, 2006, on the prevention and fight against corruption, states that corruption refers to the crimes specified in the fourth chapter of this law.

This means that, similar to international legislators, the Algerian legislator did not provide a definition for corruption but referred to it exclusively through certain criminal acts mentioned in the aforementioned law. Previously, these crimes were scattered and distributed in the Algerian Penal Code between Articles 119 and 134, which were repealed by Article 71 of Law 06-01 on the prevention and fight against corruption(Boujadi, 2024, p. 43). It is worth noting that corruption takes many forms that cannot be exhaustively listed and is constantly evolving. This variability is because corruption is a complex and multifaceted phenomenon.

Second: The Relationship between Corruption and Human Rights and the Decline in Healthcare Quality

The connection between human rights violations and corruption was not previously recognized in the culture and work of international and national institutions. The World Bank did not link good governance and corruption until the early twenty-first century when corruption reached unprecedented levels. This perspective emerged clearly in civil society for the first time at the large international conference of civil society organizations working in the field of anti-corruption held in October 2008. The international community's efforts to link human rights and corruption continued until 2015, when the Human Rights Council issued a final report on the negative impacts of corruption on the enjoyment of human rights. Corruption is not limited to one sector alone.

Corruption has affected the right to health by infiltrating the expansive corridors of the health sector, including decision-makers, legislators, administrators, doctors, and health insurance providers. This exacerbates difficulties in promoting transparency and uncovering sources of corruption. Corruption can also lead to the provision of incorrect or deadly treatment,

and no citizen is immune from becoming a victim of this type of corruption. However, the poor are more affected by corruption in the health sector as they directly rely on the nearly free services provided by the public sector, which is weakened by corruption. This deepens the gap between social groups who can afford private sector healthcare and those forced to rely on public hospitals. Corruption negatively impacts the right to healthcare by increasing its cost, thus preventing the poorest and most vulnerable groups from benefiting from their right to health.

SECTION III: ATTEMPT TO BUILD A CORRUPTION-FREE HEALTH CARE SYSTEM

The prevalence of corruption reflects a negative culture prevalent in the environment served by the health sector. Studies have shown that corruption is less widespread in societies that respect the law and are characterized by transparency and trust in others (Al-Eid, 2018). To determine the extent of its spread in the health environment and its violation of the human right to health, it is necessary to address its causes and manifestations (First).

Since health is a universal human right, corruption undermines an individual's right to enjoy a corruption-free health system. Addressing corruption in healthcare is critically important as it directly affects the human psyche and body. The health sector is extremely sensitive and complex, encompassing both human and material elements (Khaira, 2022, p. 452).

To contain and address the problem through a clear and specific strategy aimed at achieving a corruption-free health system, the primary goal should be to solve the problems that hinder human health (Second).

First: Causes and Manifestations of Corruption in the Health Sector

The global estimate of corruption and mismanagement in the health sector amounts to 5.59% of worldwide health expenditure. According to the World Health Organization, healthcare spending was approximately \$8.3 trillion in 2020, translating to a loss of around \$64 billion due to corruption and mismanagement. What are the causes and manifestations of corruption in the health sector?

1. Causes of Corruption in the Health Sector:

Various factors contribute to making the health sector susceptible to corruption, including:

- **Corruption in Public Procurement:**

Corruption disrupts the construction, development, and upgrading of health facilities when manifestations of influence peddling and bribery occur during the contracting process between health sector administrators and economic operators such as contractors, suppliers, and service providers. This often results in delays in the delivery of many projects funded heavily by the state, the failure of contractors to complete assigned projects, or their failure to meet the agreed-upon standards(Al-Ya'qubi, p. 94).

- **Impunity:**

Despite the explosion of many corruption cases in the health sector, such as the 240-bed hospital case in Béchar (Al-Shorouk, 2009).there is a general sense of impunity and an inability to dismantle entrenched corruption systems. Lengthy investigations, lack of information, numerous pressures to bury cases, and attempts to influence outcomes all contribute to corruption eroding the health sector's infrastructure, thus undermining individuals' right to health(Al-Ya'qubi,p. 21).

- **Absence of Civil Society's Role:**

Health associations and civil society institutions have not reached the required level of oversight over the health sector or exerted enough pressure to amend necessary health laws or enforce existing laws. This has led to a weakened culture of accountability and advocacy for rights and positive change, which is a prominent cause of the persistence of corruption.

- **Other Various Reasons:**

- The enormous financial amounts funnelled into the health sector, as one of the sectors the state aims to fund adequately, expose it to the risks of various forms of corruption.
- The decline in purchasing power for health professionals is due to stagnant policies related to revising salaries and wages to match economic and social conditions. This acts as a barrier to upholding the honour and integrity of the profession, leading doctors and healthcare workers to seek alternative, often illegal, ways to supplement their insufficient purchasing power(Shahada, n.d.).
- The ambiguity and inadequacy of legal texts, their inflexibility in adapting to new developments, and the obstacles to their implementation, alongside the judiciary's weakness and lack of independence(Khaira, 2022).

2. Manifestations of Corruption in the Health Sector

Corruption manifests in several forms, often not limited to a single country but occurring in most parts of the world where corruption is prevalent. These manifestations include:

- **Embezzlement:** Embezzlement in its various forms is a serious manifestation of corruption prevalent in health structures, similar to other sectors. This crime is evident in the misuse and misallocation of drugs and medical equipment and the failure to provide services due to the theft of medical supplies for personal gain. The spread of this crime is due to the inadequate financial compensation for health sector employees across all categories(Jahshan, 2024).
- **Fraud by Patients:** Often, patients claim poverty to obtain free health insurance or engage in corrupt activities such as using someone else's health insurance card, including friends and relatives. Doctors may also be involved by providing false medical reports that allow patients to bypass the law, such as obtaining a driver's license or exemption from national service(Mahmoudi & Hamrit, 2021).
- **Health Insurance Fraud:** Corruption in health insurance can occur through system manipulation, providing insurance services to ineligible individuals(Jahshan, 2024).
- **Brain Drain:** The migration of skilled professionals abroad in search of a corruption-free environment hampers the provision of quality healthcare, one of the crucial indicators of the social dimension of sustainable development. Consequently, millions of people are deprived of their right to healthcare.
- **Corruption in Health Education and Scientific Research:** This includes bribery to gain admission into health education programs, bribing for passing grades, and corruption in medical research, such as altering research results for promotion and personal gain, particularly in pharmaceutical research(Khaira, 2022).
- **Wasting Resources:** Corruption in the health system not only leads to the squandering of financial resources allocated to this sector but also negatively impacts the right to healthcare. It undermines citizens' trust in public health services, exacerbates the social gap, and prevents the poorest groups from benefiting from their right to health.

Second: Strategy to Build a Corruption-Free Health System

Given that the right to health is directly impacted by corruption, it has become imperative to combat this phenomenon within the healthcare system. The Algerian legislator has not limited anti-corruption laws to a specific sector but has enacted general laws that cover all sectors of the state through a comprehensive strategy. Here are some key elements of this strategy:

1. Digitization of the Health Sector

Digitization in managing the health sector is no longer a luxury but an urgent necessity to eliminate corruption. Recognizing the importance of this matter, Algeria established the National Agency for Digitization in Health by Executive Decree No. 22-251 dated July 11, 2022 (Executive Decree No. 22/251, 2022) This has helped to:

- Achieve speed and accuracy in identifying deviations through rapid information flow, reducing the time gap between the deviation occurrence and its correction.
- Improve the effectiveness of oversight processes.
- More effectively implement the principle of transparency in administrative transactions.

2. Electronic Signature

The legislator introduced the mechanism of electronic signatures through Law 15-03 related to the modernization of justice. Unlike traditional signatures, electronic signatures consist of unique elements and characteristics specific to the signer, taking the form of numbers, symbols, or even letters. Types of electronic signatures include digital signatures, biometric signatures, and electronic pen signatures. The adoption of electronic signatures is crucial in various administrative transactions as it reduces various forms of administrative corruption due to the difficulty of forgery or tampering (Raqab & Makhtari, 2023, pp. 41-42).

3. The High Authority for Transparency, Prevention, and Combat of Corruption

In the journey to combat corruption, countries have developed strategies to limit its spread. In this context, Algeria sought to strengthen its legal framework with Law 06-01 on the prevention and combat of corruption. The 2020 constitutional amendment established the High Authority for

Transparency, Prevention, and Combat of Corruption under Article 204. According to Law 22-08,(Law 22/08, 2022)the authority's powers include:

- The High Authority is tasked with investigating manifestations of illicit enrichment among public officials. It can request written or oral clarifications from public officials or legal persons, and professional secrecy cannot be invoked against the Authority. If there are substantial elements indicating unexplained wealth, the Authority can submit a report to the Public Prosecutor at the Sidi M'Hamed Court to issue precautionary measures to freeze banking operations or seize assets for three months through a court order(Law 22/08, Articles 05 & 11).
- The Authority monitors the compliance of public administrations, local communities, public institutions, economic enterprises, associations, and other institutions with transparency and anti-corruption systems. It also conducts periodic assessments of legal tools related to transparency and anti-corruption efforts(Law 22/08, Articles 05 & 07).
- The High Authority can be notified by legal or natural persons of acts of corruption. If the Authority identifies facts that could constitute a criminal offense, it informs the competent Public Prosecutor and notifies the Court of Auditors if the acts fall within its jurisdiction(Law 22/08, Article 06).

4. Civil Society

Guarantees for the realization of human rights in all sectors, particularly in the health sector, can only be achieved with the presence of active and influential civil society organizations and institutions defending these rights.

Civil society plays a complementary role in reducing corruption, as corruption crimes cannot be confined and combated without the combined efforts of the government and society(Ivypanda, n.d.).

Fighting corruption is a common interest that should involve civil society institutions such as unions, parties, and associations. The involvement of civil society has both an international legal framework and national legal foundations.

Title : ENHANCING THE RIGHT TO HEALTH THROUGH THE ESTABLISHMENT OF A CORRUPTION-FREE HEALTH SYSTEM

The United Nations Convention (UNCAC, 2005) against Corruption highlighted the importance of civil society's role in combating corruption in Article 13. The convention urged member states to take appropriate measures within their capabilities to encourage individuals and groups not affiliated with the public sector, such as NGOs and community organizations, to participate in promoting a culture and awareness of the causes and severity of corruption (Bouhantala & Fougali, 2021, p. 333).

In its fight against corruption, Algeria has sought to enhance trust in civil society institutions and activate their role, as clearly and explicitly granted by the 2020 Constitution. Article 213 of the Constitution institutionalized the National Observatory for Civil Society as an advisory body to the President of the Republic, reflecting the significant role of civil society in empowering citizenship rights (Ben Othman, 2023, p. 170).

The Algerian legislator has also emphasized the role of civil society in combating corruption, especially in Law 06-01 on the prevention and fight against corruption. Article 15 of this law highlights the necessity of encouraging civil society participation in anti-corruption efforts (Law 06/01, Article 15).

Civil society organizations and institutions have adopted various methods and means to combat this phenomenon:

- These campaigns focus on promoting the goals and objectives of combating corruption, highlighting the causes and motivations of corruption such as bureaucracy, overlapping responsibilities, and wage levels. They also study legislation and regulations to make them more effective in reducing corruption.
- Civil society works to expose individuals involved in corruption and the collusion of some state apparatuses, as seen in cases like the National Bank of Algeria and the infamous Khalifa Bank scandal (Bouhantala & Fougali, 2021, pp. 336, 340).
- Civil society raises lawsuits against corruption and corrupt individuals, acting as an entity concerned with protecting societal rights and interests. This can involve providing legal consultations, representing court cases, and even participating in international litigation to recover stolen funds and freeze the assets of those proven guilty of corruption. (Amrawi, 2022, p. 63)

Focusing on the role of civil society in combating corruption in the health sector specifically, it serves as an effective tool in overseeing administrative actions. Civil society can participate in local health councils, hospital boards, or even national health councils, monitoring health services to ensure quality and uphold the individual's right to health. They can also investigate instances of absenteeism or maltreatment and monitor the prices of equipment and medications purchased by healthcare institutions to prevent manipulation in procurement deals. Professional associations in the health sector can play a significant role in exposing violations that compromise individuals' health rights within the sector.(Al-Eid, 2018)

Conclusion:

In conclusion, our research has established that health is a universal human right, and corruption denies many citizens easy and equitable access to healthcare. This results in human suffering, which is the true and high price of corruption in the health sector. Therefore, it is imperative for every state to align its legal system with the seriousness of corruption and its effects on the enjoyment of the right to health within a corruption-free health system. As a general outcome on the subject, it can be said that the authorities have established the legislative and institutional framework to combat corruption across all sectors, including the health sector. However, the effectiveness of these laws and institutions remains dependent on the collective efforts of all stakeholders in the health sector to eradicate this phenomenon, ensuring that individuals can enjoy a corruption-free health system.

Findings from This Research Study:

- The effectiveness of the strategy to build a corruption-free health system is a long-term process that requires profound changes based on the fundamental principles of human rights.
- The most violated right due to corruption is the right to health, given that the health sector is one of the most vital and sensitive sectors.
- Success in building a corruption-free health system is contingent upon addressing corruption in other governmental sectors.
- Civil society plays a crucial role in providing greater protection for the right to a corruption-free health system.

Recommendations:

- Efforts to combat corruption in the health sector must align with the standards of the right to health.

Title : ENHANCING THE RIGHT TO HEALTH THROUGH THE ESTABLISHMENT OF A CORRUPTION-FREE HEALTH SYSTEM

- Civil society organizations should fulfill their role in building public oversight and advocating for health service consumers' rights to receive quality care, in a timely manner, at an affordable cost.
- The government and the Ministry of Health must issue information about the health sector to ensure transparency and establish a corruption-free health system.
- Improve the living standards of health sector workers and incorporate training programs to enhance medical work, aiming to provide broad protection for the individual's right to health.

References list

1. Makhoulf, H. (2021). Reading Law 18/11 Concerning Health: Innovations and Deficiencies. *Annals of the University of Algiers* 1, 35(01), 67.
2. Atiya, D. A. S. A. A. (2020). *The Criminal Protection of the Human Right to Health*. Dar Al-Nahda Al-Arabiya Publishing and Distribution.
3. Wahshi, J. (n.d.). Legal Protection of the Right to Health through International and Regional Obligations. *Journal of Human Rights Generation*, 43, 29.
4. Refer to Article 12 of the International Covenant on Economic, Social and Cultural Rights.
5. Refer to Article 25 of the Universal Declaration of Human Rights.
6. Mishal, D. M. A. S. (n.d.). Constitutional Guarantees of the Right to Health (A Comparative Analytical Study). *The Legal Journal (A Specialized Journal in Legal Studies and Research)*, 2823.
7. Refer to Articles 62 and 63 of the 2020 Constitution.
8. Makhoulf, H. (2021). Previously cited.
9. Gutterman, E. (n.d.). TI's presence in Germany, and indeed its organizational development and rise from a small operation to a prominent international TNGO, benefited from the activities and personal connections of at least three key German individuals: Peter Eigen, Hansjoerg Elshorst, and Michael Wiehen.
10. Refer to the official website of Transparency International.
11. Al-Hawari, D. A. M. (2020). *Corruption and International Law*. Center for Arab Studies for Publishing and Distribution.
12. Adrian, G. I., Cristina, Ș. M., Andreea, A. V., & Georgiana, S. (2022). The Management of the Corruption Phenomenon and its Approaches. *Valahian Journal of Economic Studies, Sciendo*, 13(2), 67-76.
13. Al-Hawari, D. A. M. (2020). Previously cited, page 37.
14. Boujadi, D. S. (2024). *Financial and Administrative Corruption and Mechanisms to Combat Them (A Comparative Study between Algerian Law and Islamic Jurisprudence)*. Al-Wafaa Legal Library, Arab Republic of Egypt, First Edition.

15. Daes, M. S. (2016). The Relationship between Human Rights and Corruption. Legal Reports Series No. 85, The Independent Commission for Human Rights, Diwan Al-Mazalem.
16. Al-Ya'qubi, S. A. (n.d.). The Right to Health During the COVID-19 Pandemic. Tunisian Forum for Economic and Social Rights, 111.
17. Al-Eid, H. M. (2018). Preventing the Risks of Corruption in the Health Sector in Algeria and Its Impact on the Quality of Health Services. Journal of Politics and Law Notebooks, Issue 18, January, Mohamed Khider University, Biskra.
18. Khaira, B. (2022). Corruption Crimes in Health Structures and Mechanisms to Combat Them. Journal of Law and Political Science, Issue 02, 452.
19. Al-Ya'qubi, S. A. (n.d.). Previously cited, page 94.
20. Al-Shorouk Daily Newspaper. (2009, May 15). Suspicious Deals and Embezzlement of Public Funds in a Corruption Scandal Shaking Bashar Hospital. Al-Shorouk. Available at: [Al-Shorouk Daily Newspaper website].
21. Al-Ya'qubi, S. A. (n.d.). Previously cited, page 21.
22. Daes, M. S. (2016). Previously cited.
23. Khaira, B. (2022). Previously cited.
24. Jahshan, H. (n.d.). Corruption in the Health Sector is a Violation of the Human Right to Health and Life. Article published online. Accessed on 04/04/2024.
25. Mahmoudi, S., & Hamrit, A. (2021). Manifestations of Corruption in the Health Sector and Mechanisms to Combat It. The Professor Researcher Journal of Legal and Political Studies, 6(2), December.
26. Jahshan, H. (n.d.). Previously cited.
27. Khaira, B. (2022). Previously cited.
28. Refer to Executive Decree No. 22/251.
29. Raqab, M., & Makhtari, H. (2023). Digitization of the Administration Sector and Its Role in Reducing Administrative Corruption. Journal of Legal and Economic Research, 6(Special Issue), 41-42.
30. Law 22/08 dated 04 Shawwal 1443 corresponding to May 5, 2022, determines the organization of the Supreme Authority for Transparency, Prevention and Combat of Corruption, its composition, and its powers. Official Gazette of the People's Democratic Republic of Algeria, Issue 32, May 14, 2022.
31. Refer to Articles 05 and 11 of Law 22/08.
32. Refer to Articles 05 and 07 of Law 22/08.
33. Refer to Article 06 of Law 22/08.
34. IvyPanda. (n.d.). Civil Society Role in Combating Corruption Essay. Available at: ivypanda.com.
35. United Nations Office on Drugs and Crime (UNODC). (2003). United Nations Convention Against Corruption (UNCAC). Retrieved from [UNODC website].
36. Bouhantala, F., & Fougali, B. (2021). The Role of Civil Society Organizations in Combating the Phenomenon of Corruption. The Researcher Journal of Academic Studies, 8(2), 333.

**Title : ENHANCING THE RIGHT TO HEALTH THROUGH THE
ESTABLISHMENT OF A CORRUPTION-FREE HEALTH SYSTEM**

37. Ben Othman, F. (2023). The Constitutional Enshrinement of the Participatory Role of Civil Society (Mechanisms and Fields). *Journal of Human Rights and Public Freedoms*, 8(1), 170.
38. Refer to Article 15 of Law 06/01 concerning the prevention and combating of corruption.
39. Bouhantala, F., & Fougali, B. (2021). Previously cited, 336, 340.
40. Amrawi, H. (2022). The Role of Civil Society in Combating Corruption. *Journal of Rights and Political Sciences*, Khenchela University, 9(2), 63.
41. Al-Eid, H. M. (2018). Previously cited.