

## TECHNICAL BRIEF

# Formalizing political commitment by making effective laws for universal health coverage

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The United Nations General Assembly has underscored the crucial importance of legislative and regulatory frameworks for universal health coverage (UHC). Such laws have the potential to advance UHC by institutionalizing and giving binding force to arrangements, enabling everyone to access quality and affordable health services.

However, as much as good laws enable progress towards UHC, bad laws will hamper countries' progress by including discriminatory provisions, or by failing to install effective mechanisms to monitor performance and ensure accountability. To deliver on their commitment for UHC, countries must therefore assess the quality of their laws for UHC and, where needed, undertake relevant legal reforms.

## Key messages

- **The quality of legislative and regulatory frameworks greatly influences the realization of UHC (1).** When such laws are properly designed, they have the potential to advance UHC by institutionalizing and giving binding force to arrangements supportive of UHC. These good laws for UHC take many forms and address several areas, including not only the strength of health systems and the quality, affordability and accessibility of health care (2), but other determinants of health such as poverty, housing and sanitation.
- **Good laws play a key role in operationalizing UHC commitments.** They do so, for example, by enshrining rights to access health care, raising and distributing resources effectively and equitably, and defining standards for quality of care. Laws also play a key role in designing strong foundations and fostering a whole-of-society approach for UHC.
- **Conversely, bad laws can significantly hamper progress towards UHC.** Such laws may discriminate against some groups, fail to adequately provide for financing or accountability mechanisms, build bureaucratic processes that reduce efficiency, or promote solutions that are too complex or resource-heavy to be implemented. In practice, these laws will have little or no effect on improving quality, service coverage or financial protection.
- **It is essential for countries to harness the power of laws to realize UHC.** This involves understanding how existing laws positively or negatively influence progress towards UHC, integrating legal reforms into national health plans and identifying and enacting relevant legal interventions.
- **As a multifaceted aspiration, UHC requires a comprehensive legal architecture** that supports its objectives of achieving affordable, accessible and quality health care, building strong health systems and tackling the social determinants of health (3).

## Background and challenges

The importance of laws for UHC has been highlighted in several policy instruments. Notably, the 2019 political declaration on UHC adopted by the General Assembly (A/Res/74/2) underscored the crucial importance of laws for health systems strengthening, healthy lifestyles and environments, and UHC (4, 5). However, little is known about how well countries have harnessed the power of laws to progress towards UHC. While some studies suggest that many countries are lacking supportive laws to deliver on their UHC ambition (6), much more investment is needed to fully understand the strengths and weaknesses of countries' laws for UHC.

Making laws for UHC is an iterative task. Once countries have enacted such laws, they should regularly assess and monitor their implementation and effectiveness in realizing UHC. This will allow countries to keep track of the viability of the legal system, identify legal gaps and challenges, and consequently determine the need for the revision of the existing legislation. Designing effective and efficient laws for UHC means being able to create or adapt the country's laws based on their performance while responding to the needs of the population and the capacity of the system.

Monitoring laws for UHC is key to measuring how countries have translated their global commitment to UHC (SDG target 3.8) into their national context. Using a set of common indicators to measure the quality of laws provides a global or regional overview of institutional arrangements established by countries. This can raise awareness of the importance of laws for UHC and incentivize action. The existing indicators used at the global level to monitor the UHC progress look at outcomes – the level of service coverage (SDG 3.8.1) and financial protection (3.8.2). In addition to these, it is essential to look at the actual steps taken by countries to influence these outcomes – this can notably be done using legal indicators which inform how over time, countries provide legal arrangements to operationalize their commitments for UHC. The Thirteenth General Programme of Work 2019–2023 identifies strengthening data and information systems as a core requirement for delivering health outcomes (7).

## Key actions and policy recommendations

The diversity of national contexts means there are many ways to harness the power of laws for UHC (8). Some countries may invest in broad national reforms – for example, at the constitutional level – whereas other countries may adopt an incremental approach or tackle specific or regional issues (9). Despite these differences, all countries undertaking legal reform can be guided in their efforts by the following fundamental considerations.

### **Understand how existing laws affect the ability to progress towards UHC**

This involves identifying which issues the country faces, how existing laws address these issues, and how effective or ineffective these laws are in responding to the issues identified.

### **Identify and prioritize laws that are evidence-informed and responsive**

This requires an understanding of the health needs of the population and the barriers faced in accessing quality and affordable health care. Any legal solutions identified should be responsive to those needs and barriers and be backed up by evidence.

### **Identify solutions that can be implemented in the context of the country**

Only laws that are implemented will contribute to progress towards UHC. Countries involved in legal reforms should therefore ensure that the proposed legal solutions are implementable. This requires countries to look at the national capacity to implement identified solutions given the level of financial and human resources available; for example, whether there are enough health professionals or medicines, or enough money to pay for the services included in the proposed solution.



## **Ensure that all steps to make legal reforms are implemented in line with good governance principles**

This means ensuring that all laws proposed align with the policy vision of the country. It implies the involvement of a broad range of stakeholders, both civil society and the private sector, to ensure that the solutions proposed meet the needs of the population and the capacity of the health system. Good governance also implies the construction of transparency and accountability mechanisms to ensure laws are actually implemented.

## **Recognize that realizing UHC is a gradual process**

The progressive realization of UHC can be supported by countries periodically reviewing, adjusting and improving their laws to adapt to new health needs, new challenges and evolving circumstances.

## **References and resources**

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