SYLLABUS

REALISING THE INTERNATIONAL RIGHT TO HEALTH

Course Description and Purpose

Taught by the former UN Special Rapporteur on Health and a practising Senior Counsel in the Supreme Court of India, Anand Grover, the practical challenges and experiences to realising the right to health will be delved into. Mr Grover will also discuss specific areas concerning access to the right to health upon which he has worked on extensively, in his Reports as the UN Special Rapporteur and his work as a lawyer-activist. The course will be taught in three modules-

1. **Introduction to the “Right of all persons to highest attainable standard of physical and mental health”** as enshrined in Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the duties of State parties thereunder. The right to health framework as interpreted by the Committee for Economic Social and Cultural Rights in General Comment No.14 will be the primary focus of this module.

2. **The HIV/AIDS campaign and Vulnerable groups**— Through the lens of the HIV/AIDS epidemic and the historic campaign to secure rights for persons living with HIV, Mr. Grover will look at the application of the right to health framework vs. the public health approach. The stigma attached to the disease had led to the creation and reinforcement of vulnerable and marginalised groups, including those who were often criminalised, such as sex workers, the LGBT population and injecting drug users. Mr. Grover argues for the recognition of vulnerable groups and tailored policy approaches to fulfilling their right to health.

3. **The impact of intellectual property rights on access to medicines, with a focus on new barriers being created through free trade agreements** – The attempted harmonization of IPRs through the Trade Related Aspects of Intellectual Property Rights Agreement (TRIPS) had enormous consequences on access to affordable medicines, particularly in the developing world. The legally sanctioned monopolies conferred by patent rights on drugs allow patentees to monopolistic prices. Mr. Grover argues that increased competition with generic pharmaceuticals is the only sustainable way to guarantee affordable medicines. Recently, new IP barriers have been sought to be included in Free Trade Agreements and Bilateral Investment Treaties, which seek to undermine the flexibilities available under TRIPS and further hamper access to affordable medicines, thereby infringing on the right to health.
Class engagement, debate and discussion will be encouraged throughout the course. Students will be asked to examine, reflect on, and critique public health and economic strategies through the right based approach to health.

Course No.-

Total Credits – 12 credit hours

Instructor – Anand Grover,
Former UN Special Rapporteur on the right of all persons to the highest attainable standard of physical and mental health,
Senior Advocate, Supreme Court of India,
Director, Lawyers Collective (HIV/AIDS Unit)

Semester – Fall 2015
Day and Time – Saturday, 7th November, 10:00 am – 3:30 pm; Sunday, 8th November, 10:00 am – 3:30 pm; Saturday, 14th November, 10:00 am – 3:30 pm.

Classroom -

Class Attendance- Pursuant to the 201-2015 Georgetown Law Student Handbook of Academic Policies, “[r]egular and punctual attendance at all class sessions is required of each student...A student who, even though registered for a course, has not regularly attended, participated, or otherwise met class requirements may, at the professor’s option, be withdrawn, excluded from attending class sessions, excluded from sitting for a final examination or submitting a final paper (with the same consequences as a voluntary failure to appear for a final examination or submit a final paper), or receive a lowered grade in the course. Even if a student has passed all examinations, academic credit will not be awarded and no student will be advanced, nor will a degree be conferred, if attendance or participation is unsatisfactory.”

Specifically, barring extraordinary circumstances, attendance for all classes is mandatory.

Grade - Final grades will be awarded on the basis of a take-home essay of 2000-2500 words. No marks for class participation will be awarded for this course.

Office Hours and Email – Since Mr. Grover does not have any office on campus, he will be unable to keep office hours. Students will be welcome to contact him over the duration of the course via email on [email protected], if they have questions.
Day 1     November 7, 2015     The Right to Health Framework

Reading Assignment

Compulsory

2. UN Committee on Economic, Social and Cultural Rights, General Comment No. 14 on the Right to the Highest Attainable Standard of Health (2000). (skim)

Optional

2. Summaries of the following cases may be read from any source, summaries provided are suggestive:

Day 2     November 8, 2015     The HIV campaign and Vulnerable Groups
Reading Assignment

Compulsory

1. Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2010) [A/HRC/14/20], pp. 4-22.

Optional

1. Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2011) [A/66/254].
2. Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2010) [A/65/255], pp. 8-16.
3. Summaries of the following cases may be read from any source, those provided in the course materials are suggestive:

Day 3  November 14, 2015  Intellectual Property and the Right to Health

Reading Assignment

Compulsory
1. Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2009) [A/HRC/11/12].