



GLOBAL SCHOOL ON JUDICIAL ENFORCEMENT OF ESC RIGHTS COURSE ON HEALTH RIGHTS LITIGATION

COURSE DESCRIPTION

This one-week intensive course is offered as part of the Global School on the Enforcement of Economic, Social and Cultural Rights (Global School). The course offers participants an opportunity to develop specialist-level knowledge in relation to litigating health-related rights at the national, regional and international level. Topics the course will cover include: reproductive and sexual health; rights issues arising in health care settings; abuses in institutional settings; palliative care; access to medicines and approaches to health-care rationing; structuring remedies to facilitate democratic deliberation; strategies with respect to implementation of structural judgments; and factors to consider in assessing the equity impacts of judgments.

Lecturers are leading experts in the field and come from Harvard University (USA); the University of Oslo and the Christian Michelsen Institute (Norway); the University of the Andes (Colombia); Human Rights Watch; and the Center for Reproductive Rights. The course is conducted in English, and is composed of seminars and a group exercise. It is highly participatory and uses case studies extensively. The course is designed for PhD students, scholars, practitioners (e.g., law, public health, human rights or development), policy-makers and advanced master's students. The number of participants is restricted.

BACKGROUND ON THE PROGRAM ON THE HEALTH RIGHTS OF WOMEN AND CHILDREN

Part of the Francois-Xavier Bagnoud Center for Human Rights at Harvard University, the Health Rights of Women and Children (HRWC) Program aims to promote equitable and sustained progress on women's and children's health and human rights at international and national levels. In addition to conducting original policy-oriented research and advocacy for increasing the incorporation and implementation of rights-based approaches in international development processes, the HRWC Program carries out research, training and advocacy to enhance the legal enforcement of health rights, in particular in relation to women and children.

BACKGROUND ON THE GLOBAL SCHOOL

The Global School is a consortium of institutions that provide international, regional and national training to practitioners, policy-makers, scholars and students on litigation of economic, social and cultural rights as well as spaces for cutting-edge research in theory and practice. In 2012, the Global School will provide five courses: Africa (Pretoria), Latin America (Bogota), Health Rights (Cambridge), Vietnam (Hanoi) and Advanced International Course (Åbo). The Global School is coordinated from the University of Oslo and the partners currently include University of Åbo, University of Stellenbosch, University of Pretoria, University of Los Andes, University of Lanus, Nepal National Judicial Academy and UNESCO.

COURSE DATES: JUNE 18-22, 2012

COURSE FEES (TO COVER INSTRUCTORS' FEES AND MATERIALS): USD 1000

ROOM AND BOARD (IF ARRANGED THROUGH HARVARD): USD 1500

TENTATIVE PROGRAM

DAY 1

Theme 1: Introductions and overview of the right to health and related rights

- International and regional standards and mechanisms
- Interdependence and indivisibility
- Issues arising in the context of litigation relating to health rights and human rights in health-care settings

Theme 2: Overview of litigation relating to health rights

- Social contexts and health systems
- Legal opportunity structures
- Individual v. structural cases

Theme 3: Conceptual and practical issues relating to litigating health rights and judging impact

- Selecting strategic cases
- Considering effective judicial roles
- Promoting implementation
- Measuring impact

DAY 2

Theme 4: Construing violations as torture and cruel, inhuman and degrading treatment

Theme 5: Access to medicines and priority-setting in health systems

- Issues arising in access to medicines
- Principles and criteria for priority-setting

DAY 3

Theme 6: Reproductive and sexual rights litigation (national, regional and international examples)

- Access to care (e.g., maternal health)
- Refusal to regulate laws in effect and denial of key services (e.g., abortion)
- Challenges to restrictive laws
- Coercion in reproductive health (e.g. forced sterilization)

DAY 4

Theme 7: Abuses in institutional settings

- E.g.: Mental disabilities; Children in adult facilities; Prisoners with HIV/AIDS

Theme 8: Lessons learned from litigation on preconditions to health

- E.g.: Water/Sanitation ; pollution; right-to-food litigation

DAY 5

Theme 9: Litigation in a Broader Context: Legitimacy, Effectiveness and Strategy

- Working with social movements
- Implementation of structural judgments
- Roles of non-state actors (including pharmaceutical companies)
- Health rights and investment and trade law: competing or overlapping forums?

Group Exercise and Wrap-Up