

PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA

(RUDN University)

Law Institute

Department of International Law

Recommended by methodological council

COURSE PROGRAMME

**THE RIGHT TO HEALTH IN INTERNATIONAL LAW**

Specialty "Jurisprudence"

40.04.01, Master Degree

"International Protection of Human Rights"

## **Goals and objectives of course**

The main purpose of the present course is to acquaint the students with the categorical apparatus that allows describing the current theoretical and practical problems of an international right to health, to introduce different normative and doctrinal sources of the right to health, to give the conception of the various control procedures about protection of the right to health. Disciplines are used to present the basic concepts of the course of public international law.

The main objectives of the course are: to inculcate skills of independent content analysis of applicable international legal sources; to reveal the meaning and content of the "international healthcare law" as a new complex area of international public law; to highlight the main issues in contemporary international legal regulation of cooperation in the field of health protection; to consider the main factors that dictate the need for international cooperation in health protection; to familiarize the students with the concepts of international healthcare law; to review the procedures for individual complaints to international human rights bodies and the use of extrajudicial procedures for the implementation of the international right to health; to form a system of knowledge among students about the main directions of the legal regulation of the right to health; to familiarize students with current issues of international law as a new healthcare sector of public international law, and to analyze trends and prospects for its development.

## **Position of course in *curriculum***

The course aims to build the students' skills of independent, legally competent, evidence-based approach to the analysis of theoretical and practical issues arising in connection with the international legal regulation of the right to health, to teach them to operate freely with appropriate legal concepts and categories, as well as the applicable rules of existing international law. The course is designed to reflect the latest achievements of science and practice in this area of expertise. The knowledge gained from students in this course may be used in the study of the following disciplines: «International Protection of Human Rights», «The law of international organizations», «EU Law», «The right of the Council of Europe», «Law of the World Trade Organization», «Law of Treaties», «Private International Law».

The course is delivered as subject to be selected in second semester. The volume of the course is 5 ESTC credits.

## **Requirements for the results of the course**

The graduate should have the following professional competences (PC):

the ability to skillfully apply normative legal acts in specific areas of legal activity, to implement the norms of substantive and procedural law in professional activities (PC-2); is able to carry out a comprehensive legal analysis of legally significant situations of varying degrees of complexity with the development of independent conclusions and practical proposals (PC-3); is able to draw

up an expert opinion, reflecting the course and results of the study on the issues raised by the initiator of the expert assignment (PC-4); able to provide qualified legal opinions and advice in specific areas of legal activity within the profile of the educational program (PC-5).

**As a result, student must:**

**To know:**

- The degree of negative impact of globalization on the international legal order;
- The benefits of globalization in the world of unity, interrelatedness and interdependence of nations;
- The basic theoretical problems of the right to health;
- The basic doctrinal approaches to various theoretical problems of the right to health.

**To be able to:**

- Free to operate the basic categorial apparatus;
- Assess the effectiveness of the UN chief to address the problems within their competence;
- Predicting the UNEP to further the progressive development of international environmental law;
- To propose concrete steps for the application of regulatory and institutional capacity of the UN system to resolve global problems;
- Specify the path to improve the national legal resources on the implementation of international commitments of the national legal system.

**Be skilled in:**

- Work with the system of websites UN, the UN Library, UN University, UN specialized agencies, regional intergovernmental organizations;
- Work with international legal acts adopted on important aspects of maintaining international peace and security;
- Analysis of recent court decisions and the International Court of Justice of the European Court of Human Rights, the legal community perceived ambiguously.

**The volume of course and types of activities**

Type	Total hours	Semesters	
			II
Total classes workload	36		36
Lectures			
Classes	36		36
Independent work	36		36
Volume, hours	72		72

Volume, credits	2		2
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## **Contents of course**

### **Part I. THE CONCEPTUAL FRAMEWORK OF THE RIGHT TO HEALTH IN INTERNATIONAL LAW**

The origins of the emergence and development of international human rights law and the right to health. Strengthening the human right to health at the national level. The history of the emergence of social human rights, including individual components of the right to health. Background, which served as a historical basis for the recognition of the human right to health in the framework of international human rights law.

Allocation of the right to health as a separate category of human rights. Discussion of scientists on the conceptual basis of the right to health. The concept of «social interest». Theory of relativism and the right to health.

Realization of the right to health by women. Realization of the right to health by children. Realization of the right to health of the elderly. Realization of the right to health by migrants and members of their families.

### **PART II. INTERNATIONAL AND LEGAL CONSOLIDATION OF THE RIGHT TO HEALTH AT THE UNIVERSAL, REGIONAL AND NATIONAL LEVEL**

Discussion in the UN Commission on Human Rights (HRC) on the formulation of the right to health. Discussion of the draft ICESCR and art. 12 concerning the right to health. The concept of «health». International legal recognition and consolidation of the right of every person to health. International legal acts that establish the human right to health.

Strengthening the right to health in the constitutions of states. National legislation of states in the field of public health. Legislation of the Russian Federation in the field of public health.

### **PART III. INTERNATIONAL COOPERATION OF STATES IN THE FIELD OF ENSURING THE RIGHT TO HEALTH**

Obligations of States in the field of ensuring the right to health and cooperation within the framework of WHO, WTO, ILO, UNDP, UNICEF.

WHO Constitution. WHO structure. Directions of WHO. WHO's specific strategies and achievements in the area of ensuring the right to health. WHO's cooperation with States.

### **PART IV. INTERNATIONAL MECHANISMS FOR THE PROTECTION OF THE RIGHT TO HEALTH**

International extrajudicial procedures for the implementation of the right to health. Submission of reports by States: UPR and treaty bodies. Procedures for individual complaints to international human rights bodies.

Violations of the constitutional provisions of the right to health. Violations of the right to health as a result of acts or omissions by the state. Violations of obligations under Art. 12 ICESCR. Non-acceptance by states of the necessary measures to ensure the realization of the right to health.

General issues of admissibility of complaints concerning the right to health. Decisions of the European Court of Human Rights (ECHR) affecting the right to health. Application of the European Convention on Fundamental Human Rights and Liberties of 1950 to ensure the right to health.

## **PART V. ACTUAL PROBLEMS IN THE FIELD OF ENSURING THE RIGHT TO HEALTH**

Ensuring the principles of non-discrimination and equality in the implementation of the right to health. Discrimination of the poor. CESCR General Comments No. 3. Biomedicine and the right to health. The main international documents in the field of biomedicine. The attitude of the world community to the problem of cloning. Reproductive and somatic human rights. Transplantation of human organs. Elimination of discrimination against women. Problems related to the health of children and adolescents. Realization of the right of the elderly to health. The concept of «progressive implementation». Elements of the right to health. Watching the film about the latest threats to human health, its discussion and analysis.

### **Sections of Course and Education forms**

Sections	Lectures	Classes	Independent work	Total hours
1		8	6	14
2		6	6	12
3		6	6	12
4		8	6	14
5		8	6	14

### **Technical equipment**

Inter-University Resource Center for Human Rights Master Studies (office 365), OHCHR database, Oxford Journals database, desktop computers, laptop PCs, a bookbinding machine, a projector with a screen, a magnetic board, a flip chart, a laminating machine and a multifunction device.

### **Additional resources**

UN Audiovisual Library of International Law (<http://legal.un.org/avl/>), The Dag Hammarskjöld Library (<http://digitallibrary.un.org/>), Springer (<https://rd.springer.com/>).

### **Bibliography**

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4. Den Exter A., Hermans H. The Right to Health Care: A Changing Concept? In: The Right to Health Care in Several European Countries. A. Den Exter and H. Hermans (eds.). 1999. P. 11
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6. Fiedler D. The globalization of public health: the first 100 years of international health diplomacy//Bulletin of the World Health Organization, 2001, 79(9). P. 842-9.
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8. Dyer KA. Ethical Challenges of Medicine and Health on the Internet: A Review. J. Med. Internet Res. 2001. 3(2), P. 23.
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#### **Guidelines on the organization of the course:**

Lectures. Oral systematic and coherent presentation of the material by section discipline. Lectures are held with the support of multimedia and audiovisual and presentation. Classes. The form of training workshops in which students with the assistance of a teacher discussing the reports, reports, essays and other forms of independent work. Seminars are held in the following forms: discussion of lecture material and questions for practical training, analysis and discussion of scientific papers, a list which is contained in this program, and performance with an analytical report on them. Methodological model of the learning process. In framework of classes the following techniques and methods: survey, discussion, interactive. Independent work. In a broad sense, the independent work of master should be understood as the set of all self-employment in

the absence of trained teachers and in contact with him in the classroom and beyond (including during the training sessions). Here and also include working with primary sources: note taking, oral presentation with an analysis of the source. Forms of control. Under the two forms of control means in the form of certification testing, writing essays.

**Fund of assessment tools for intermediate certification of students by discipline (module)**

Materials for assessing the level of the educational materials of the course (evaluation materials), including questions on the topics of the course, concepts, roles and expected result for each task, examples of test tasks, an example of a hypothetical case, topics of reports / abstracts / term papers are developed in full and are available to students on the course page on esystem.rudn.ru.

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