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**Federal State Autonomous Educational Institution of Higher Education  
PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA NAMED AFTER PATRICE  
LUMUMBA  
RUDN University**

**Law Institute, International Law Department**

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educational division (faculty/institute/academy) as higher education programme developer

**COURSE SYLLABUS**

**THE RIGHT TO HEALTH IN INTERNATIONAL LAW**

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course title

**Recommended by the Didactic Council for the Education Field of:**

**40.04.01 Jurisprudence**

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field of studies / speciality code and title

**The course instruction is implemented within the professional education programme of higher education:**

**International Protection of Human Rights**

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higher education programme profile/specialisation title

## 1. COURSE GOAL(s)

The main purpose is the discipline «The Right to Health in International Law» is to familiarize students with the categorical apparatus, which allows describing modern theoretical and practical problems of international legal support of the right to health; to acquaint students with various sources of normative and doctrinal nature in the field of ensuring the right to health; give an idea of the various control procedures in relation to the human right to health care; consider general theoretical issues and legal regulation of the implementation of the right to health; study the significance of the work and contribution to the development of the right to health of various international organizations, including the World Health Organization.

The main objectives of the course include: to instill the skills of independent analysis of the content of applicable international legal sources; to reveal the meaning and content of the "international legal foundations of the right to health" as a new complex branch of MT; highlight the main modern problems in the field of international legal regulation of cooperation between states in the field of health protection; consider the main factors dictating the need for international cooperation in the field of health protection; to acquaint students with the concepts of the international legal framework of the right to health; consider the procedures for filing individual complaints with international human rights bodies and the application of international out-of-court procedures for the implementation of the right to health; to form a system of knowledge among students about the main directions of legal regulation of the right to health; to acquaint listeners with topical issues of the right to health, as well as to analyze trends and prospects for its development.

## 2. REQUIREMENTS FOR LEARNING OUTCOMES

Mastering the course is aimed at the Master's students' formation of the following competencies (part of competencies):

*Table 2.1. List of competences that students acquire through the course study*

<b>Competence code</b>	<b>Competence descriptor</b>	<b>Competence formation indicators (within this course)</b>
PC-4	Able skillfully to apply the sources of international law in specific areas of professional activity, apply universally recognized principles and norms of international law, treaty and customary rules, other sources of international legal obligations, as well as international legal means of procedure in his/her professional activity.	international law enforcement practice in specific areas of professional activity; PC-4.2. Applies international legal acts in specific areas of professional activity.

### 3. COURSE IN HIGHER EDUCATION PROGRAMME STRUCTURE

The course refers to the elective\* component of (B1) block of the higher educational programme curriculum.

\* - Underline whatever applicable.

Within the higher education programme students also master other (modules) and / or internships that contribute to the achievement of the expected learning outcomes as results of the course study.

*Table 3.1. The list of the higher education programme components/disciplines that contribute to the achievement of the expected learning outcomes as the course study results*

Competence code	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
PC-4	Able skillfully to apply the sources of international law in specific areas of professional activity, apply universally recognised principles and norms of international law, treaty and customary rules, other sources of international legal obligations, as well as international legal means of procedure in his/her professional activity.	International Law: Issues of Migration and Asylum / Международное право: вопросы миграции и убежища African System of Human Rights / Африканская система защиты прав человека	Inter-American System of Human Rights / Межамериканская система защиты прав человека Externship and Pre-Degree Internship / Производственная практика, в т.ч. преддипломная

\* To be filled in according to the competence matrix of the higher education programme.

### 4. COURSE WORKLOAD AND ACADEMIC ACTIVITIES

The total workload of the course «The Right to Health in International Law» is 2 credits (72 academic hours).

*Table 4.1. Types of academic activities during the periods of higher education*

programme mastering (**full-time training**) \*

Type of academic activities		Total academic hours	Semesters/training modules			
			1	2	3	4
<i>Contact academic hours</i>		16	-	16	-	-
Seminars (workshops/tutorials) (S)		16	-	16	-	-
<i>Self-studies</i>		38	-	38	-	-
<i>Evaluation and assessment (exam/passing/failing grade)</i>		18	-	18	-	-
<b>Course workload</b>	academic hours	<b>72</b>	-	<b>72</b>	-	-
	credits	<b>2</b>	-	<b>2</b>	-	-

## 5. COURSE UNITS AND CONTENTS

*Table 5.1. Course contents and academic activity types*

Course module title	Course module contents (topics)	Content of the topic	Academic activity types
Section 1. International legal consolidation of the right to health	Topic 1.1. Peculiarities of international legal consolidation of the right to health in international human rights law	Analysis of the process of forming the right to health as a universal international standard. Historical stages: from early 19th-century sanitary conventions to combat epidemics and the creation of the Red Cross to the establishment of the WHO in 1948. The influence of the consequences of World War II on the inclusion of the right to health in the Universal Declaration of Human Rights of 1948. The transformation of healthcare from an act of charity and domestic policy of states into a legal obligation enshrined in UN covenants and bioethical declarations.	S
	Topic 1.2. The practice of the human rights treaty bodies in the field of protection of the right to health	Definition of the right to health as a fundamental socio-economic right enshrined in the 1966 UN Covenant. The content of the category: the right to the highest attainable standard of physical and mental health, not the right to be healthy. Key elements: the availability of medical infrastructure, physical and economic accessibility, ethical acceptability, and scientific and technical quality of services. State obligations to ensure sanitary well-being, prevent diseases, and create conditions for providing healthcare to all segments of the population without discrimination.	S
	Topic 1.3. Protection of the right to health in the European Court of Human Rights	A differentiated approach to ensuring the right to health for population groups in need of enhanced legal protection. Specifics of the implementation of the rights of women (reproductive care), children (priority reduction of mortality), and persons with disabilities (inclusion and rehabilitation). Legal guarantees for vulnerable categories under special conditions: healthcare for migrants, refugees, and persons in detention. Implementation of the principle of non-discrimination and the creation of special international monitoring mechanisms for the accessibility and quality of care for these individuals.	S
	Topic 2.1. The practice of the human rights treaty	Interpretation of the right to health within the UN system as the right to the highest attainable standard of physical and mental	S

<p>Section 2. Protection of the right to health</p>	<p>bodies in the field of protection of the right to health</p>	<p>condition. Legal enshrinement of the category in the WHO Constitution, the Universal Declaration, and the 1966 International Covenant on Economic, Social and Cultural Rights. The content of the right articulated through four criteria (the AAAQ model): availability of infrastructure, physical and economic accessibility, ethical acceptability, and adequate quality. State obligations to create conditions for the prevention and treatment of diseases, as well as to ensure the fundamental determinants of health (water, nutrition, hygiene).</p>	
	<p>Topic 2.2. Protection of the right to health in the European Court of Human Rights</p>	<p>Entrenchment of the right to health as a fundamental element of the human rights system in UN instruments. Legal nature of the category: the right to the 'highest attainable standard,' not to a 'state of health.' Sources: the WHO Constitution, the Universal Declaration of Human Rights, the 1966 Covenant on Socio-Economic Rights. Content of the right through mandatory criteria (AAAQ): availability, accessibility, acceptability, and quality of healthcare services. State obligations to ensure sanitary well-being, prevent epidemics, and create conditions for providing care without discrimination.</p>	<p>S</p>
	<p>Topic 2.3. The right to health and scientific and technological progress</p>	<p>The role of national legislation as the primary mechanism for implementing international standards of the right to health. Entrenchment of the foundations of healthcare in constitutions and special laws of states. Legal regulation of healthcare systems: public, insurance-based, and private models of care provision. Ensuring state guarantees of accessibility and quality of medical services, licensing of professional activities, and protection of patients' rights. Mechanisms of legal liability for violations of sanitary-epidemiological norms and inadequate provision of medical care at the domestic level.</p>	<p>S</p>
	<p>Topic 2.4. WHO's contribution to the development of health policies and action programs</p>	<p>The legal nature and parameters of the implementation of states' obligations to ensure the right to health. Distinction between obligations: immediate (prohibition of discrimination, ensuring a minimum level of assistance) and progressive (continuous improvement of standards to the extent of</p>	<p>S</p>

	available resources).	
Topic 2.5. The nature of international obligations and international legal criteria for the realization of the right to health	The role of WHO as the main coordinator of global health policy. Development and implementation of long-term strategies ('Health for All,' Sustainable Development Goals) and binding health regulations. Formulation of programs for combating epidemics, non-communicable diseases, and strengthening national healthcare systems. Establishment of international standards for drug quality, treatment protocols, and ethical norms of medical practice. Mechanisms for technical assistance to states and monitoring the implementation of global action plans at the national level.	S

\* - to be filled in only for **full**-time training: *LC* - lectures; *LW* - lab work; *S* - seminars.

## 6. CLASSROOM EQUIPMENT AND TECHNOLOGY SUPPORT REQUIREMENTS

*Table 6.1. Classroom equipment and technology support requirements*

Type of academic activities	Type of academic activities	Specialised educational / laboratory equipment, software, and materials for course study (if necessary)
Lecture	A lecture hall for lecture-type classes, equipped with a set of specialised furniture; board (screen) and technical means of multimedia presentations.	
Seminars	Classroom for seminars, group and individual consultations, evaluation and assessment, equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection.	List of specialized equipment, stands, visual posters, etc.
Computer Lab	A classroom for conducting classes, group and individual consultations, current and mid-term assessment, equipped with personal computers (in the amount of 30 pcs), a board (screen) and technical means	List of specialized software installed on computers for mastering the discipline (module)

Type of academic activities	Type of academic activities	Specialised educational / laboratory equipment, software, and materials for course study (if necessary)
	of multimedia presentations.	

Self-studies	Aclassroom for independent work of students (can be used for seminars and consultations), equipped with a set of specialised furniture and computers with access to the electronic information and educational environment.	
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\* The premises for students' self-studies are subject to **MANDATORY** mention

## 7. RECOMMENDED SOURCES FOR COURSE STUDIES

### *Main readings:*

1. Aginam O. International law and communicable diseases. Bulletin of the World Health Organization 2002, 80 (12). Donald K. Anton, Dinah L. Shelton. Environmental Protection and Human Rights. Cambridge University Press, 2011.
2. Chapman A.R. Violations of the Right to Health//The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights. Proceedings of the workshop of experts. SIM Special No. 20. Utrecht, 1998, 87-112.
3. Craven M. The UN Committee on Economic, Social and Cultural Rights. In: Economic, Social and Cultural Rights: A Textbook. 2nd rev. edition. A. Eide, C. Krause, A. Rosas (eds.). Dordrecht/Boston/London, 2001. P. 455-477.
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.

### *Additional readings:*

1. Fiedler D. The future of the World Health Organization: What role for international law. Vand. J. Transn. Law. V. 31 (1998). No. 5. P. 1079-1126.
2. 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.
3. Fluss S. International health law: an overview. In.: Oxford Textbook of Public Health. New York. 1997. V. 1. P. 371-390.
4. Dyer KA. Ethical Challenges of Medicine and Health on the Internet: A Review. J. Med. Internet Res. 2001. 3(2), P. 23.
5. Eide A. Economic, Social and Cultural Rights as Human Rights. In: Economic, Social and Cultural Rights: A Textbook. 2nd rev. edition. A. Eide, C. Krause, A. Rosas (eds.). Dordrecht/Boston/London, 2001. P. 9-2.
6. Eysenbach G. What is e-health? J. Med. Internet Res. 2001. 3(2). P. 20.
7. Feldman E. Oikeus terveyspalveluihin suomen hallitusmuodossa. Helsinki. 1996.

### *Internet sources*

1. Electronic libraries (EL) of RUDN University and other institutions, to which university students have access on the basis of concluded agreements:

- RUDN Electronic Library System (RUDN ELS) <http://lib.rudn.ru/MegaPro/Web>
- EL "University Library Online" <http://www.biblioclub.ru>
- EL "Yurayt" <http://www.biblio-online.ru>
- EL "Student Consultant" [www.studentlibrary.ru](http://www.studentlibrary.ru)

- EL "Lan" <http://e.lanbook.com/>  
- EL "Trinity Bridge"  
- Academic Writing – URL: [http://www.hectorortiz.cl/articulos/academic\\_writing\\_2008.swf](http://www.hectorortiz.cl/articulos/academic_writing_2008.swf)

- Academese. – URL: <http://grammar.about.com/od/ab/g/Academese.htm>
- Documentation. – URL: <http://grammar.about.com/od/d/g/Documentation.htm>
- Plagiarism. – URL: <http://grammar.about.com/od/pq/g/plagiarismterm.htm>

2. Databases and search engines:

- electronic foundation of legal and normative-technical documentation  
<http://docs.cntd.ru/>

- Yandex search engine <https://www.yandex.ru/>
- Google search engine <https://www.google.ru/>
- Scopus abstract database <http://www.elsevierscience.ru/products/scopus/>

*Training toolkit for self- studies to master the course* \*:

\* The training toolkit for self- studies to master the course is placed on the course page in the university telecommunication training and information system under the set procedure.

## **8. ASSESSMENT TOOLKIT AND GRADING SYSTEM\* FOR EVALUATION OF STUDENTS' COMPETENCES LEVEL UPON COURSE COMPLETION**

The assessment toolkit and the grading system\* to evaluate the competences formation level (competences in part) upon the course study completion are specified in the Appendix to the course syllabus.

\* The assessment toolkit and the grading system are formed on the basis of the requirements of the relevant local normative act of RUDN University (regulations / order).

### **DEVELOPERS:**

Associate Professor of the  
Department of International Law,  
Candidate of Legal Sciences

Position, Name of the Department

Signature

A. A. Belousova

Full name

### **HEAD OF THE DEPARTMENT**

Head of the Department of  
of International Law,  
Full Professor

Position, Name of the Department

Signature

A.Kh. Abashidze

Full name

### **HEAD OF THE HIGHER EDUCATION PROGRAM**

Associate Professor of the  
Department of International Law,  
Candidate of Legal Sciences

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Position, Name of the Department

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Signature

S.M. Kopylov

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Full name