



Bergen Summer Research School

› Global Development Challenges

Global Health in Bio-medical, Social and Cultural perspectives
Bergen, 21 June - 2 July 2010

PhD-Research Course: The Rights to Health in Resource
Constrained Settings: Right, Litigation, and Social Justice

Course leaders/lecturers:

- [Siri Gloppen](#), Professor, Chr. Michelsen Institute /Department of Comparative Politics UiB
- [Ole Frithjof Norheim](#), Professor, Department of Public Health and Primary Health, UiB
- [Henriette Sinding Aasen](#), Professor, Faculty of Law, UiB

Invited course leader:

- [Alicia Yamin](#), Research Fellow, Harvard Law School, USA

Course description, goals and objectives

Course description:

International human rights documents establishes “the right to the highest attainable standards of mental and physical health” but there are questions both as to what this entails in practice – what it requires in terms of the allocation of health care resources, particularly in resource constrained settings – and how accountability can be established to ensure that the right to health is respected, protected and promoted.

The course will approach the challenges of advancing the right to health in resource constrained settings from different perspectives. It is developed in collaboration between the *Chr. Michelsen Institute*; the *Section for Medical Ethics, Department of Public Health and Primary Health Care* and the *Faculty of Law, University of Bergen*. It is linked to ongoing international research projects on “Litigating the right to health” and “The ethics of priority setting in global health”.

Part 1 “The human right to health”

The first lectures will approach the right to health from a legal perspective: the status of the right to health in international human rights law; content of the right and how the right is given effect at the national level; and what obligations it places on various actors, for example with regard to access to essential medicines.

Part 2 “Justice in health – allocation of health care in resource constrained settings”

The second part of the course will look at the challenges of institutionalizing the right to health in settings where resource constraints militate against the realization of the right to health for all. How, in such contexts should priorities in health be set fairly? Norman Daniels answer is a theory of “accountability for reasonableness”, a participatory methodology for setting priorities justly in health care. This section of the course will draw on the considerable research done by Ole Frithjof Norheim and his colleagues in the group on priority setting in health at the University of Bergen (empirically spanning Norway as well as Tanzania, Uganda, Thailand and India).

Part 3: “Litigating the right to health”

Court cases are increasingly used as a route to advance the right to health, also in resource poor societies. The third part of the course will look at the role of litigation in advancing the right to health. While we find cases where litigation seems to advance the right to health of particular individuals and groups of patients, it is not clear to what extent such decisions are implemented, and whether they have effect at the policy level. An even bigger question is whether such court centered strategies are beneficial from the perspective of the general right to health in the population (and in particular for vulnerable groups, for example through measures reducing maternal mortality) – or rather skew resources towards expensive treatments benefiting relatively few patients and/or resource rich groups. This part of the course will look at various ways in which court cases have sought to advance the right to health; under which circumstances litigants succeed. This part of the course will draw on research done as part of an international research project on “Litigating the right to health” and will draw guest lectures from among the collaborators in the project.

Part 4: “Assessing impact on the right to health”

In order to assess the role of litigation it is necessary to study the impacts – on health policies as well as on the actual provision of health care resources. The last part of the course will look at different approaches to measuring the impact of litigation on the right to health. Again we will draw on ongoing research done by researchers at the CMI and UiB in collaboration with international colleagues in relation to the research project on “Litigating the right to health”.

Targeted students, Prerequisites and ECTS

The course welcomes PhD students from different professional backgrounds within human rights and health.

Course literature, which will be ready by May 1st 2010, must be read prior to the course. Group work and presentations will be set during the course. After the course the students are expected to present a written assignment. Deadline for delivery will be specified by the course leaders, and the papers will be graded according to pass/not pass.

Students are required to attend all the sessions of the course and participation is also mandatory in the plenary events of the overall programme of the Bergen

Summer Research School 2010 (the programme will be published on the web in June 2010).

10 ECTS will be awarded upon successful participation and completion of the full programme, including the delivery of a research paper which is approved by the course leaders.

Reading list:

Will be ready by May 1st 2010