

JUSTICE V. R. KRISHNA IYER CHAIR ON HUMAN RIGHTS
SCHOOL OF LEGAL STUDIES,
COCHIN UNIVERSITY OF SCIENCE & TECHNOLOGY, KOCHI-22

National Conference on
Health Care System in India and Human Rights Concerns

05-09 December, 2016

About the School of Legal Studies

The School of Legal Studies, one of the oldest Law Schools in India was initially started under the Kerala University in the year 1962 as the Post Graduate Department of Law and became part of the Cochin University in the year 1971 under the leadership and guidance of the late Prof.(Dr.)A.T.Markose, an internationally acclaimed jurist and academician. The pioneering effort of the Law School in encouraging Post Graduate studies and research in vital areas of social significance led to the introduction of LL.M courses in Administrative Law, Labour Law, Criminal Law, Constitutional Law, Human Rights Law, Environmental Law, Commercial Law, Intellectual Property Law, Maritime Law, Consumer Law and Corporate Governance and Securities Law. The most important features of LL.M. programme include Wednesday seminars, legal aid outreach programmes and student involvement in the publication of law journal.

The Continuing dedication and scholarship at the School of Legal Studies attracted the attention of the Govt. of India, U.G.C.and the Govt.of Kerala. Post Graduate Courses in Intellectual Property and Human Rights are being substantially funded by these agencies. Post Graduate course in Corporate Governance and Securities Law is being offered under the UGC Special Assistance Programme (SAP). In search of innovative techniques which facilitate better dissemination of advances in legal knowledge, the School adopts methods like discussion, seminars, tutorials etc. Legal and clinical legal training provides opportunities for extension activities and community outreach. The faculty of the law School has earned repute in their respective areas of scholarship and is consulted by various agencies including the Government of India on Law Reforms. The Public Law Lecture Series established by the School has already produced commendable works in law and has received tremendous appreciation and applause. The School offers a full-fledged BBA; LL.B (Hons.) and B.Com LL.B (Hons.) integrated Course along with the Post Graduate Course which is designed to give students a thorough grounding in both traditional and emerging areas of law,

businessadministration and commerce.The Law School from its very inception has been promoting legal research in frontier areas of law. The ongoing research programmes include Criminal Liability of Corporations, Trans-boundary movement of hazardous goods, Law on securities intermediaries etc.

About the Chair

The V.R. Krishna Iyer Chair on Human Rights sanctioned by the Govt. of Kerala was instituted in the School of Legal Studies in the year 2012, in honour of the Late Justice V.R.Krishna Iyer, the ardent champion of Human Rights who through his various landmark judgments has espoused the cause of Human Rights. Since its establishment, many Seminars, Conferences and Workshops have been organized under the auspices of the Chair in the Human Rights arena which include National Seminars on Socio-Economic Rights, Freedom of Speech and Expression. The Chair has also initiated Freedom Lectures in connection with Independence Day Celebrations in 2016.

Aims and Objectives of the Conference

The National Conference is intended to provide a forum for a meaningful discourse on the legal and ethical aspects pertaining to health care system and human rights concerns from a legal and medical perspective through a participatory approach of all stake holders in the legal, medical and other social sciences field acknowledging the values inherent in the dissemination of information. It also aims to bring together public health and human rights with a view to exchange ideas, air differences, learn from one another and identify issues for future research and to facilitate communication across disciplines.

The goals of the conference include illustrating, catalysing and expanding understanding of the complex interactions between health and human rights in the modern world so as to stimulate creative and collaborative work in health and human rights advocacy, education and research. A discussion on the impact of health policies, programmes and practices on human rights would thereby enable to discern the fundamental connection between realisation of human rights and health promotion and protection. Such an approach would provide deeper insights through deliberations on the right to health and health care, the relation between access to health care and human rights, the relationship of poverty to health and human rights and the impact of human rights violations on health. The conference is mainly intended to achieve exchange of information, enhancement of knowledge through discussing core concepts and institutions of human rights and promote bridge building.

The different themes spread over the various sessions seeks to navigate and map the goals of health and human rights, to determine the various approaches, opportunities and challenges in the health and human rights arena. The conference aims at exchanging views and ideas to strengthen health and human rights, to address health and human rights issues from the perspectives of law, medicine, and public health and other allied health and social sciences and to explore methods and tools facilitating the translation of health and human rights concepts into processes of change. This Conference is expected to revitalize the health field, contribute to enriching human rights thinking and practice and offer new avenues for understanding and advancing human wellbeing in the modern world.

Significance of Human Rights in Health Care System

Relation between health care system and human rights has acquired new dimensions in the human rights arena. Goals of both health and human rights are complimentary. Health and human rights represent global, National, Community and personal issues necessitating genuine and active participation in the investigation of relationship between health and human rights. Promotion and protection of health are inextricably linked to promotion and protection of human rights and dignity. The interdependence of health and human rights has substantial, conceptual and practical implications. Health problems disproportionately affect people in vulnerable and marginalized social groups. Thus, it is essential to identify the link between health and human rights in education, research and practice and to facilitate one domain in contributing to advance knowledge and improve efficiency in the others. Relation between health and human rights connotes that everyone has the inherent fundamental right to the highest attainable standard of physical and mental health. This includes access to hospitals, clinics, medicines and doctors' services which is acceptable and of good quality on an equitable basis where and when needed.

A health care system must be guided and designed by certain key human rights standards such as universal access, availability, acceptability, accountability, quality, dignity, transparency, participation etc. Access to health care must be universal, guaranteed for all, affordable and comprehensible for everyone whenever and wherever needed. Adequate health care infrastructure must be available to all communities. It must conform to principles like acceptability and dignity which means that health care institutions must respect dignity and provide culturally appropriate care and be responsive to the needs based on gender, age, culture etc. respecting medical ethics and protecting confidentiality. A health care system must adhere to quality, providing medically appropriate and good health care guided by

quality standards and control mechanisms in a safe and patient- centred manner.Principle of non-discrimination in health care means that health must be accessible and provided without discrimination on the basis of religion, race, caste, gender, nationality, social status etc. Another important principle in a health care system based on human rights relate to transparency which implies that information relating to health needs to be easily accessible to all enabling people to protect their health and claim quality health services. Institutions that deliver health care must operate in a transparent way assuring patient rights at the same time protecting privacy claims.Principle of Participation in Health Care system envisages active role of individuals and communities in decisions that affect their health including organization and implementation of health care services. Last of all, the health care system must be accountable to the people it serves, both public and private sectors, through enforceable standards, regulations and independent compliance monitoring.