

Chetan Muram
2015 IHRP Internship Final Report
Lawyers Collective

The summer of 2015 I worked with Lawyers Collective, a public interest litigation group based in New Delhi, India. Lawyers Collective consists of two divisions, the Women's Rights Initiative unit and the HIV/AIDS unit. I worked in the HIV/AIDS unit, which broadly focuses on issues of health and human rights.

My primary project was working on the Global Health and Human Rights Database, developed by Lawyers Collective and the O'Neill Institute for National and Global Health Law at Georgetown University. It is a free online database of law from around the world relating to health and human rights. It offers an interactive, searchable, and fully indexed website of case law, national constitutions and international instruments and is the first attempt to comprehensively make available health and human rights law from both common and civil law jurisdictions. The purpose of the Database is to make health rights litigation from around the world universally accessible for NGOs, lawyers, activists and governments seeking to promote legal accountability for the right to health.

Lawyers Collective had a number of French-language cases that needed processing for the Database. Avoiding the costly expense of hiring a translator, I translated and summarized a number of these cases, and uploaded them to the Database. Through this project, I gained substantial experience in legal writing and an understanding of the constitutional recognition of the right to health in France, Belgium and other French-language countries.

While the Database work occupied much of my time, I was also regularly assigned projects from Anand Grover, the co-director of Lawyers Collective. Mr. Grover was the former UN Special Rapporteur on the Right to Health and is arguably the world's leading authority in the field of health and human rights. Given his prominence in this field, Mr. Grover was often invited to speak at international conferences and deliver lectures on topics in global health rights.

For example, Mr. Grover was asked to be the keynote speaker at a conference organized by the NYU Global Institute for Public Health, speaking on the history, development and critiques of the Right to Health Framework for targeting global health rights issues. Working with others to prepare this presentation involved extensive academic and constitutional research, and gave me a much deeper understanding of the right to health and what exactly it entails.

In particular, working on this presentation gave me valuable insight into the distinction between tackling health issues from a right to health perspective versus a public health perspective. In the right to health perspective, protecting individual rights is paramount, whereas the public health perspective emphasizes protecting the health interests of the majority. The right to health approach values individual autonomy and consent, and necessitates that infringements on individual rights should be proportional to societal

need and be the least restrictive alternative. A case study I researched was the HIV crisis in the 1980s. The rapid spread of HIV at this time led to increased criminalization of associated behaviours in certain jurisdictions, such as HIV transmission, intravenous drug use and homosexual activity. This could be seen as neglecting the rights of the individual in the hopes of protecting the majority. Research revealed that such initiatives perpetuated stigma and discrimination against people engaging in this behaviour and disproportionately impacted vulnerable communities. By creating significant barriers to testing and treatment, these initiatives not only dismissed the right to health, but also undermined public health goals of protecting the wider population from the spread of HIV. Much of Lawyers Collective work stresses that successful interventions require promoting both the public health and right to health approaches.

Lastly, the third aspect of my internship involved research for litigation in which Lawyers Collective was involved. Mr. Grover, along with the other senior lawyers, regularly argued health rights cases before the Delhi High Court and the Supreme Court of India. Oftentimes, I was called upon to do both domestic and international research, assisting the senior lawyers in formulating their arguments. For example, Lawyers Collective brought forth a plea challenging the legality of a conference organized by the Indian federal government that was sponsored by a tobacco company. Lawyers Collective was looking to argue that this conference sponsorship violated India's obligations as per the WHO Framework Convention on Tobacco Control (FCTC). In order to help build the case, I researched how courts in India had traditionally interpreted international obligations, and looked at how FCTC obligations specifically had been interpreted in different jurisdictions.

Working at Lawyers Collective was a tremendously rewarding experience. Despite being a small organization, Lawyers Collective punches well above its weight in the field of health rights, both inside and outside the courtroom. Having the opportunity to do hands-on work with some of the brightest minds in the field equipped me with knowledge and skills that I will continue to draw upon going forward in my legal career.