



LEARNING NETWORK

## SEMINAR



### **Invitation: The right to health in light of concepts of individual and collective human rights: What contribution can African theories and philosophies make?**

The Health and Human Rights programme in the School of Public Health and Family Medicine at UCT, in conjunction with its partners in a Learning Network for Health and Human Rights<sup>1</sup> invites you to participate in a Seminar to explore the contribution of African theories and philosophies to better understanding the right to health – particularly the potential tension between concepts of individual and collective human rights.

The Seminar is being organised as part of a grant in terms of the African Knowledge Project under UCT's Programme for Enhancing Research Capacity (PERC). Further details are provided in the abstract overleaf.

Guest Speaker: Mr Moses Mulumba, human rights lawyer with HEPS-Uganda

Research paper: Ms Kezziah Mestry, Health and Human Rights programme, UCT

Respondents:

- Professor Nomafrench Mbombo, Division of Nursing, University of W Cape
- Civil society participants in the Learning Network

Venue: Level 2 Seminar Room, UCT Research & Innovation, 2 Rhodes Avenue, Mowbray, Cape Town (for a map, go to <http://www.researchoffice.uct.ac.za/usr/researchoffice/contacts/ROdirections.pdf>)

Date: Friday 19<sup>th</sup> March

Time: 9am to 1pm (lunch served at 1pm)

Places are limited so please RSVP to Ms Sharon Ferguson at [Sharon.ferguson@uct.ac.za](mailto:Sharon.ferguson@uct.ac.za) or phone 021 406 6719.

For further information, please contact Ms Gabriela Glattstein-Young at [Gabriela.Glattstein-young@uct.ac.za](mailto:Gabriela.Glattstein-young@uct.ac.za) or phone 021 406 6978.

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<sup>1</sup> The Learning Network for Health and Human Rights includes the following partners: The Health and Human Rights Programme in the School of Public Health and Family Medicine, and the Department of Private Law in the Faculty of Law, UCT; The Division of Nursing at the University of the Western Cape; The Centre for Human Rights, University of Maastricht; The Institute for Health, University of Warwick, Epilepsy South Africa (W Cape); Ikamva Labantu, Ikhaya Labantu, the Metropolitan Health Care Forum, The Women's Circle (TWC) and Women on Farms Project (WFP).

**Seminar: *The right to health in light of concepts of individual and collective human rights: What contribution can African theories and philosophies make?***

The right to health is increasingly recognised in national and international human rights law as one of a range of socio-economic entitlements. South Africa, in particular, has been the site of spectacular advances in operationalising the right to health, given the high standing afforded to socio-economic rights in its Constitution and a very vibrant and active civil society movement pushing rights of access to treatment for HIV.

However, health, like many socio-economic claims, remains a right challenged on the basis that it pits the public good and societal benefits against individualist claims to health care. For example, the right to health has been dismissed as "...creating an intolerable burden on the judicial system ... benefiting those who can afford judicial review ..." but, by implication, draining resources from those really in need. In other words, this logic argues that promoting a rights-based approach to health may, ironically, disadvantage the poorest of the poor and worsen health inequities because those who shout loudest, are advantaged by rights mechanisms and gain preference over those with greater need or disadvantage. Is this contradiction a matter of substance, or is it merely the result of a poor understanding of what human rights are and what the right to health entails? This is critically important because of the policy, programmatic and advocacy implications of how this question is answered.

In this context, is there a body of knowledge located in non-Western scholarly traditions that can provide us with new insights into this issue and potentially resolve this seeming contradiction through creating new understanding of human rights and its relationship to health? In particular, do the philosophies and traditions of indigenous communities in African settings, rooted in communitarian models of social relationships, offer useful alternative approaches to resolving this dilemma of individual rights being pitted against the public good in the health context?

The Learning Network on Health and Human Rights is a forum of 6 Civil Society Organisations in the Western Cape engaging with four Universities to explore best practices for operationalising the Right to Health at community level. As part of the Network's efforts to expand our knowledge and understanding of how to further the right to health, the project will be convening two seminars in the course of 2010 to explore

these dilemmas relating to individual and collective conceptions of rights. The seminars form part of a broader project at the University of Cape Town set up as a Programme to Enhance Research Capacity (PERC) with a particular focus on indigenous knowledge creation.

The first seminar, scheduled for March 19<sup>th</sup>, will present the results of a review of the literature, both published and unpublished, with a particular focus on regional African contributions. Through reviewing the contribution of intellectuals from Africa, drawing on traditions more rooted in collective social identities, we hope to explore and develop new understandings that can help resolve the seeming contradiction between individual claims to health rights and the evident importance of measures to protect and enhance the public good. The presentations and discussion at the workshop will form the basis for ongoing work in developing this field further. Through the discussions and subsequent research, we hope to refine our understanding of health rights and how indigenous communitarian traditions and their associated intellectual discourse can inform a better understanding of the place of individualism and collectivism in the conception and operationalisation of the right to health. A second seminar in September 2010 will provide a forum for presenting, discussing and debating the research flowing out of the initial engagements and will contribute to finalising a number of research, teaching and advocacy outputs planned by the project.