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HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

REFERENCE: AL Health (2002-7)
IND 4/2012

20 March 2012

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 15/22.

In this connection, I would like to bring to your Excellency's Government's attention information I have received concerning **limited access to health facilities, goods and services related to the prevention and control of Hepatitis C virus (HCV) in the state of Manipur, India.**

According to the information received:

It is alleged that people living with Hepatitis C, who are also injecting drug users (IDUs) and often co-infected with HIV, have limited access to health facilities and services for HCV testing, diagnosis and treatment in Manipur, India. It is also alleged that, due to unaffordable costs, these and other vulnerable populations are denied access to HCV medicines, such as pegylated interferon and ribavirin.

It is also alleged that prevention activities such as professional and public education, counseling and regular screening programmes are not available to the vulnerable groups, including IDUs and people living with HIV. Furthermore, the lack of accurate data on HCV incidence and prevalence allegedly impedes an effective epidemiological surveillance of HCV in Manipur.

While I do not wish to prejudge the accuracy of the information received, I would appreciate information from your Excellency's Government on the steps taken by the competent authorities with a view to ensuring the right to the highest attainable standard of health of people living with Hepatitis C and injecting drug users. The right of everyone

to the enjoyment of the highest attainable standard of physical and mental health is reflected, inter alia, in article 12 of the International Covenant of Economic, Social and Cultural Rights, which your country acceded on 10 April 1979. This includes an obligation on the part of all State Parties to ensure that health facilities, goods and services are accessible to everyone, especially the most vulnerable or marginalized sections of the populations, without discrimination. Moreover, article 2(2) holds that the States Parties undertake to guarantee that the rights enunciated in the Covenant will be exercised without discrimination of any kind.

I would also like to refer your Excellency's Government to article 12.2 (c) of the Covenant that requires States Parties to take steps to prevent, treat and control epidemic and endemic diseases. In that context, General Comment No.14 of the Committee on Economic, Social and Cultural Rights holds that the State's obligations in that regard include, inter alia, the establishment of prevention and education programmes; the use and improvement of epidemiological surveillance and data collection on a disaggregated basis; and the implementation or enhancement of immunization programmes and other strategies of infectious disease control (para. 16). According to General Comment No. 14, the creation of conditions which would assure to all medical service and medical attention in the event of sickness, both physical and mental, includes the provision of equal and timely access to basic preventive, curative and rehabilitative health services (para.17). With regard to economic accessibility, the Committee holds that health facilities, goods and services must be affordable for all, including socially disadvantaged groups and regardless if they are provided privately or publicly (para. 12(b)).

I urge your Excellency's Government to take all necessary measures to guarantee the right to health of people living with Hepatitis C and injecting drug users.

It is my responsibility under the mandate provided by the Human Rights Council, to seek to clarify all cases brought to my attention. Since I am expected to report on these cases to the Council, I would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide details of any measures taken in Manipur to ensure access to HCV preventive services, including professional and public education, counselling and regular screening programmes.
3. Please provide details of any measures taken in Manipur to ensure access to appropriate HCV healthcare services, including equal and timely access to HCV testing, diagnosis and treatment.

4. Please provide details of any measures taken in Manipur to ensure access to quality medicines for HCV treatment, such as pegylated interferon and ribavirin.
5. Please provide details of any actions taken to ensure the enjoyment of the right to physical and mental health of injecting drug users, people living with Hepatitis C and HIV.

I would appreciate a response within sixty days. I undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports I will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Anand Grover
Special Rapporteur on the right of everyone to the enjoyment of the
highest attainable standard of physical and mental health