A Conversation with Anand Grover, United Nations Special Rapporteur on the Right to Health

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On October 28, 2010, Natassia Rozario, a 2L at American University Washington College of Law, interviewed the Honorable Anand Grover, United Nations (UN) Special Rapporteur on the rights of individuals to the enjoyment of the highest attainable standard of physical and mental health. Grover has devoted his legal career to tirelessly and effectively advocating on behalf of marginalized populations, including women, persons infected with HIV/AIDS, pavement dwellers, and sexual minorities. In 1981, Grover co-founded the Lawyers Collective, one of India’s leading public legal service providers. Most recently, Grover successfully argued Naz Foundation Trust v. Government of NCT, Delhi and Others, in which the Delhi High Court invalidated the criminal prohibitions against sodomy in the Indian Penal Code.

Grover has also served as a member of several prestigious health boards, including the International AIDS Vaccine Initiative (IAVI), the World Care Council, the International Council of AIDS Service Organizations (ICASO), the Core Group of NGOs representatives in the National Human Rights Commission of India, the National Advisory Board on HIV and AIDS set up by the Prime Minister of India, and the drafting group of the International Guidelines on Human Rights & HIV/AIDS.

What made you interested in health and human rights issues? Tell us a little bit about your background.

GROVER: That’s a long story! My father migrated from what is now Pakistan to Kenya, [where I was born]. He was an insurance investigator and thought that because he was a good accountant, he would be a good business man. He failed miserably as a business man in Kenya. In the 1960s, there were troubles in Kenya, especially for Indians, so we had to [leave]. Ultimately, we landed up in England. In England, my father could not get a job for three years because there was a lot of racism. Fortunately, my father was also an educator. My love for history, geography, and all of that came from my father. Because of him, my siblings and I all went to grammar school and then to university. I will never forget how my teachers taught me — they were all so passionate about everything they did . . . my biology teacher, my English teacher, my math teacher, and my physical education teacher were all so good. Though there was racism in England, the teachers were out of this world. I was so lucky. When I went to university, it was 1969 — the heart of the left wing movement. Vietnam was during that time; I demonstrated outside the American Embassy.

Is that what sparked your activist side?

GROVER: No, it started before university. We saw Che Guevara die on television. All of my brothers and I were big supporters of Che Guevara; it was a big shock to us. We used to wear berets as kids, and when the principal saw this, he said, “If you ever wear [those] beret[s] again, you will be out of this school.” So, that started it. When I went to university, I immediately [became an activist]. I became the deputy president and started a sit-in. A sit-in is not like what it is now. At that time, we got people from all over the place [to sit in], and they would teach us different subjects, such as Chinese history and Vietnam history. At university, I had friends from all over the [world, including] Latin America, and we follow[ed] what was going on in Argentina and Chile. I had never been to those places, [so] it was great meeting people and learning a lot. But then I realized that society is very racist. College and university are different worlds, and when you go into the real world, it is very different.

What brought you to the law?

GROVER: After university, I was trained as a biochemist and was very interested in basic research. My professor said, “You have to do toxicology with me.” But I said, “No, I want to go out and see the world a bit more. I am not happy with this thing.” I was recruited by UK’s National Health Service, but I was not interested. Then I went to Chelsea College at London University for my post graduate work, but I was very disillusioned with the way things were at this point. At that time, I was sharing the residence hall with friends from Pakistan and Mauritius [who] were lawyers. In England, the law is a very different thing and not like here; it is very hierarchical and class oriented. So, if you wanted to be a barrister in England in those days ([the] 1970’s), there was really nothing you had to do in terms of education. You [studied for] a degree in law, but then you had to . . . have dinner with
the lords and ladies of the Court to become a barrister! That was my vision of lawyers, [so] I never wanted to be one.

Then, I decided to leave England. My father was very unhappy with that decision. [He] brought us to England and thought that this would be our life, but I went the other way. I roamed around for one year in Kuala Lumpur and Singapore... things were very oppressive there, and then landed up in India and fell ill. Things were very difficult for me as I didn’t have anybody. But I just stuck it out. At that time, India had a national political emergency from 1975-1977. During the emergency, every political party was driven underground. So, I had to work underground... I was working with political prisoners... trying to get them out and getting them food... that sort of thing. At that time, I met my partner, Indira, whose office was raided. She was the lawyer for the Democratic Union of Workers. We became friends and were working together. To make a long story short, after the emergency lifted, I became interested in the law.

How was the Lawyers Collective established?

GROVER: In 1981, my partner and I started the Lawyers Collective after we had worked together during the emergency period [in India] and after we had studied the law centers in England. We decided to set up the Lawyers Collective with the idea that it would act as a law center. But actually that did not work out because we had no money. So we decided that we would put aside twenty percent of whatever we earned to provide free work to poor people on our own. That’s what we did from 1981-1998. At the Lawyers Collective, we did very important cases on pavement dwellers, sexual harassment, anti-discrimination cases against women, environmental cases, and the famous Mary Roy case.

We wanted to use the law to change things and basically train people to do that. That is the ongoing process. I think we’ve made a big dent. We brought about the domestic violence act in India—we are the authors of that. We are working towards the HIV/AIDS bill. We’ve been able to change the jurisprudence in India. We’ve also been able to change the HIV/AIDS epidemic [and bring about] the rights-based approach to HIV/AIDS in India. We’ve accomplished a bit, but not a lot.

How has your work from the Lawyers Collective influenced your work as Special Rapporteur?

GROVER: My work at the Lawyers Collective was the basis for my nomination for Special Rapporteur. They decided to nominate me because I became very active with HIV/AIDS in India, then all over Asia, and then internationally. They thought that I would be a good candidate for the job without my realizing it.

What has been the most rewarding part of your career?

GROVER: The cases, which I fought, such as the HIV/AIDS cases. When things were really down, I took up these cases as a challenge. I really believe that if you believe in the justice in your case, you have to win. I never gave up hope on that. I am an eternal optimist. I don’t have this belief that you will not win. I’m also proud of the anti-sodomy cases that we fought, which took nine years to win. I never believed that we would lose and we had lots of sets backs. And now I’m working on some death penalty cases. I cherish all of these cases because they are tough. And you’re up against the wall. Very few people will support you. They will all castigate you for being a person who doesn’t deserve to win. Our office, however, has always been the bedrock of support. We have not given up our thinking. From the day we started till today, we haven’t compromised. I guess that’s been the most rewarding thing: I have stuck with whatever I’ve believed in and not changed, rather than giving in and doing it [just] for money. And despite all of that, we’ve gotten things done.

What has been the most challenging part of your career?

GROVER: The anti-sodomy case in India was the most challenging. I had a lot of attacks from gay groups and from lawyers... they were really quite hostile and it was very tough. I will never forget this case. It literally made us cry sometimes. We’d ask, “Why are we doing this?” But I told my staff, “It’s the only just cause. If you don’t pursue it, you’re nowhere. You won’t be able to sleep at night with your own conscience. You must pursue what you think is right.” That belief has been instilled in my staff and keeps them together.

Many people, like you, who have really interesting careers and have followed their passions, always have mentors or people they have looked up to. Has there been anyone in life who served as your mentor?

GROVER: My mentors are dead... they are people who lived in history who I claim as heroes, like Leon Trotsky and Che Guevara... Even in America, I talk about Marx — I don’t agree with [him or] Lenin, but these
men taught us something... They have an association with the left and for being anti-democratic, but that’s completely [inaccurate]. It depends on how you think about it. My point is that you have to be very democratic. I truly believe in democracy and listening to everybody. That’s part of political thinking for me.

What are your next steps? In five years, where do you see yourself?

GROVER: I don’t think like that. Most of my life’s twists and turns have come from spontaneously taking up things. It energizes me. My passion takes me to everything. And every time I do it, [my partner] Indira, curses me. “What new thing have you taken up now?” And she does the same thing, but that’s part of us.

How do you see your role as Special Rapporteur?

GROVER: UN Special Rapporteur is a transient [position]. Whatever I’ve learned from the Lawyers Collective, I’m trying to put on paper and convince others. It’s the projection of the work we’ve done at the Lawyers Collective, while also listening to other people. And if others have issues, we try to put it on the table. I see myself as an agent for other people to transmit things.

For students who are interested in pursuing health and human rights issues, do you have any advice?

GROVER: The [students] must believe in what they do; then their heads will help them to go. If they don’t believe in it, then don’t do it. Only the belief will give them the passion to continue against all adversity. Adversity is very common. You will face adversity, which will bring you down. So if you have a belief in health and human rights... then the training will give a method of going about it. But the belief will keep you going. It’s true of everything. If you are a mountain trekker, it’s your belief... your mental strength that will keep you going. If you are a runner and you have to do the last lap, then it’s your mental strength that will keep you going. It has to do with your passion. If you don’t have passion, then you can’t do anything. But if you have passion, you enjoy your work, and you’re having fun, then you can do anything. This is my belief. I believe you have to be optimistic. There’s no such thing as “I can’t do it.”

1 Edited and not reviewed by interviewee.