Health and Human Rights
LAW H540ABC / G H 516A / JSIS 578B
Winter Quarter, 2015: 3 Credits
Tuesdays and Thursdays 3:30-4:50 PM
William H. Gates Hall, Room 118

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Summary of Course
The "Health and Human Rights" course addresses the leading issues in global health and international human rights through case-based teaching and active student participation. The course approaches global health and justice from a variety of perspectives, including human rights doctrine, global bioethics, public health policy, and international law. Classes examine the linkage between health and human rights by analyzing the meaning of the right to health, vis-à-vis other human rights. The right to health as framed by international treaties and covenants will be considered in light of the historical, theoretical, philosophical and political realities. The course considers a variety of current global issues, focusing on vulnerable populations (children, adolescents, women, PLH, the physically and mentally disabled, the poor) and specific population health threats, such as communicable diseases (HIV, malaria, TB) and environmental health threats (water and sanitation). We will cover newer international treaty law, the Convention on the Rights of Persons with Disabilities and discuss the 2010 UN Vote on the Right to Clean Water and Sanitation. The course will also include videos and discussions on the human right to water and climate change impact on human rights. Other topics of study include international bioethics and the relation to human rights; the public health and human rights aspects of international trade law, with particular focus on the right to access medicines; defining and measuring access to health information and services; measuring accountability for the right to health at the country level, the role of humanitarian aid, NGOs, medical neutrality; human rights analysis of public health policy/programs.

Course Objectives
- By the end of the course, the student will be able to describe the health and human rights framework and use it to analyze major public health problems.
- By the end of the course, the student will be able to list and explain the major international human rights conventions and treaties and describe how they can be used to further population health and social justice simultaneously.
By the end of the course, the student will be able to explain international, regional, national and local legal mechanisms, with case examples, to promote the right to health.

By the end of the course, the student will be able to identify health, legal and social factors that contribute to individual and population vulnerability.

By the end of the course, the student will be able to describe the concepts and theory behind bioethics and human rights law, explain the overlap between these two fields and the leading international documents that describe the linkages.

By the end of the course, the student will be able to identify the theoretical and practical tensions between the goals of human rights protection and public health programs and suggest strategies to strike a balance between them to effect improved individual and population health outcomes.

By the end of the course, the student will be able to examine ways in which human rights lawyers and health professionals can work together to achieve the goals of improving population health and promoting human rights protection.

By the end of the course, the student will be able to identify methods of advocacy that have been used by NGOs to promote population health and social justice.

By the end of the course, the student will be able to analyze a public health problem from the human rights perspective, present the analysis to the class and write a paper describing the analysis.

Required Texts


There will also be a variety of supplementary articles, cases and materials for the course that will be available on the course website or through links to Lexis-Nexis Universe.

Course Grade

The course grade will be based on class participation (15%), 10 blog posting assignments (30%), a final research project presentation (20%) and a final paper (35%). There is no mid-term or final exam.

1. Class participation: It is expected that students will attend all classes and participate in class discussions, having read all the readings assigned for the class.

2. Blog posting assignments: Each student is required to post a total of 10 out of 14 possible blogging assignments on the course blog, which can be found on the CANVAS Discussion Page. Each blogging assignment consists of an entry in response to the question(s) posed by the instructor for the related class readings. In addition, each blog assignment requires a comment to a peer’s response on the course blog. In total, each student will be required to post 20 individual blogs, which includes 10 responses to class reading questions and 10 peer comment blogs.

Blog posts will facilitate preparation for each class and foster robust class discussion. The responses to the question(s) related to class readings are due at 8pm the night before the
designated class session. The blog postings in response to at least one peer comment is
due at 2:30pm on the day of the class.

3. Final research project presentation and paper: The final research project, consisting of
the presentation and paper will focus on an acknowledged health and human rights
problem. Students are encouraged to work in groups to share their research and resources
in exploring the context, underlying causes and possible solutions to the health and human
rights problem. Groups should consist, insofar as possible, of students from different
graduate schools, so as to benefit fully from the interdisciplinary collaboration that is at the
heart of the course. Suggestions for research projects are detailed in the reading
assignments below. Students are welcome to suggest an alternative area of interest,
provided that the instructor approves the topic.

The final research project presentation and paper will be individually graded. The
presentations will be conducted during the last two class sessions. Final paper submissions
are due on March 20, 2015 at noon on CANVAS. The paper should be 10-15 pages
excluding endnotes, double-spaced, 12 point Times New Roman font.

Disability-Related Needs

To request academic accommodations due to a disability, please contact Disabled Resources
for Students, 448 Schmitz, (206) 543-8924 (V/TTY).

Syllabus
(Tentative and subject to change)

January 6  BLOG POST ASSIGNMENT OPPORTUNITY. See discussion page on
CANVAS. Response to question for this class due Monday, 8 pm January 5, 2014.
I. Introduction to Health and Human Rights
A. Overview of course and assignments
B. Health and human rights as a discipline
C. History of the right to health movement
D. Foundational international law
E. Goals of human rights protection
Reading Assignment:
Clapham, pages 13-15, 16-19, 21-39
Universal Declaration of Human Rights
Constitution of the World Health Organization
International Covenant on Economic, Social and Cultural Rights
International Covenant on Civil and Political Rights

January 8
II. Analyzing The Right to Health
A. The right to the highest attainable standard of health
B. Components of analysis for the right to health
C. The health system for structural analysis of the right to health
Reading Assignment:
(Don’t need to read until 2/10 class) Clapham, pages 40-59
Review Clapham pages 21-39
Declaration of Alma Ata
The Millennium Development Goals Report, 2014 (review overview, goals & quick facts)
UN Economic & Social Council, Comment 14
January 13

III. International Bioethics and Human Rights
A. Historical and current linkages between bioethics and human rights law
B. International Declaration of Bioethics and Human Rights
C. Leading ethical issues in international biomedical research
Reading Assignment:
The Nuremberg Code, Directives for Human Experimentation (skim)
World Medical Association Declaration of Helsinki, Ethical Principles for Medical Research Involving Human Subjects (skim).
UNESCO Declaration of Bioethics and Human Rights.

January 15

IV. Are Human Rights Universal?
Guest Lecturer: Bill Talbott
A. Exploration of philosophical basis for universality
B. Cultural relativism and universality of human rights
Reading Assignment:
Mary Ann Glendon, Ch. 12 In A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights (2001)
Cairo Declaration on Human Rights in Islam, at http://www1.umn.edu/humanrts/instree/cairodeclaration.html

January 20

V. CEDAW and the Right to Health for Women
A. CEDAW and its importance as a human rights treaty
B. The important role that the CEDAW Committee plays in the interpretation of CEDAW
C. How do human rights define women’s health?
D. Where does Violence Against Women fit in?
E. Is “health” a culturally relative concept or an absolute?
F. Small group activity: VAW as a women’s health and human rights issue
Reading Assignment:
January 22
VI. Library Research Session: Global Health and Human Rights Research

January 27
VII. Maternal and Reproductive Health
Case Study: Case Study East Timor
Guest Lecturer: Mary Anne Mercer
A. Overview of global maternal and reproductive health
B. Factors influencing improvement in maternal and reproductive health
C. Research in Timor Leste
Reading Assignment:
Clapham, pages 111-119
Optional:

January 29
VIII. Accountability for Access to Maternal and Reproductive Health Services
A. Review Accountability Mechanisms for CEDAW
B. Examine recent human rights court decisions regarding the right to maternal health services
C. Discuss project on local accountability for women’s health
Reading Assignment:
Clapham, pages 120-138
Jane Cottingham et al, Use of human rights to meet the unmet need for family planning, The Lancet, Volume 380, Issue 9837, Pages 172 - 180, 14 July 2012

(SKIM) World Health Organization (WHO), Commission on information and accountability for Women’s and Children’s Health, Keeping Promises, Measuring Results (New York: 2011)


Optional:


(SKIM) World Health Organization (WHO), Commission on information and accountability for Women’s and Children’s Health, Keeping Promises, Measuring Results (New York: 2011)

February 3


Guest Lecturer: Sherrie Brown

A. Overview of the CRC
B. What specific articles relate to the right to health for children with disabilities?
C. Discuss promotion of the rights of the child in Cambodia
D. Why are the U.S. and Somalia the only countries that have not ratified this Convention?

Reading Assignment:
The Convention on the Rights of Persons with Disabilities


February 5

X. Global Mental Health

Guest Lecturer: Cecilia Breinbauer

A. Overview of the problem
B. Underlying causes of lack of treatment
C. Research to improve health and rights of mentally ill

Reading Assignment:
Graham Thornicroft and Vikram Patel, Including mental health among the new sustainable development goals, The case is compelling, BMJ, (2014);349:g5189.

February 10
XI. The Human Rights Approach to Health Systems
A. Introduction to Methodology
B. Components of Human Rights Analysis
C. Significance of Analysis in Health Sector
Reading Assignment:
Clapham, pages 40-59

February 12
XII. HIV and Human Rights
A. Global HIV disparities in access to care and treatment
B. Measuring access and its relationship to stigmatization and discrimination
C. Criminalization of HIV and populations at risk
Reading Assignment:
Clapham, pages 277-286
10 Reasons to Oppose the Criminalization of HIV Exposure or Transmission
Optional:

February 17
XIII. Intellectual Property, Access to Medication and the Right to Health
A. WTO Agreements Relevant to Trade and Health
B. International Law Supporting the Right to Access Medications
C. Local Law and Public Health Action
Reading Assignment:
Clapham, pages 80-99
WTO General Council, Amendment of the TRIPS Agreement, Decision of 6 December 2005, Available at: http://www.wto.org/english/tratop_e/trips_e/wt641_e.htm
UN ESCR Committee General Comment No. 17, The right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author, http://www1.umn.edu/humanrts/gencomm/escgencom17.html


Optional:

February 19
XIV. The Human Right to Clean Water
Videos about the right to water (and sanitation)

Reading Assignment:
UN, The human right to water and sanitation, 26 July 2010
UN, End of Mission Statement, March 2010
Optional:

February 24
XV. The Right to Emergency Relief and Humanitarian Aid
A. Historical Overview
B. Is there a right to access aid?
C. An obligation to give aid?
D. Medical Neutrality

Reading Assignment:
Clapham, pages 173-184
The Sphere Project, Core Humanitarian Standard, Available at: www.sphereproject.org
Optional:

February 26
XVI. Climate Change, Human Rights and Health
A. Relationship between Climate Change, Human Rights and Health
B. Migration and Climate Change
C. Violence and Climate Change
D. Population Vulnerabilities to Climate Change

Reading Assignment:
Optional:

March 3
XVII. Final Project Presentations

March 5
XVIII. Final Project Presentations

March 10
XIX. Final Project Presentations