Course Syllabus

Health and Human Rights
LAW H540ABC / G H 516A
Winter Quarter, 2016: 3 Credits
Tuesdays and Thursdays 3:30-4:50 PM
William H. Gates Hall, Room

Instructor:
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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), mental illness, humanitarian disasters and climate change. We will cover newer international treaty law, including the Convention on the Rights of Persons with Disabilities. 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

Text: *Realizing the Right to Health: Swiss Human Rights Book Vol. 3* by Andrew Clapham, Mary Robinson, Claire Mahon & Scott Jerbi (Ruffer & Rub 2009) [hereinafter “Clapham”], available here:

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. Topics for research projects can be found in the course presentations and reading assignments. 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 18, 2015 at noon on CANVAS. The paper should be 10-15 pages excluding endnotes, double-spaced, 12 point Times New Roman font.

**Guidelines for Final Presentation & Paper (to be posted)**

**Access and Accommodations**

Your experience in this class is important to me. If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me at your earliest convenience so we can discuss your needs. If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations (conditions include but not limited to; mental health, attention-related, learning, vision, hearing, physical or health impacts), you are welcome to contact DRS at 011 Mary Gates Hall or 206-543-8924 or uwdrs@uw.edu or disability.uw.edu. DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions. Reasonable accommodations are established through an interactive process between you, your instructor(s) and DRS. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.
Syllabus
(Tentative and subject to change)

January 5

I. Introduction to Health and Human Rights [PPT]

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

Universal Declaration of Human Rights (Links to an external site.) (Links to an external site.)

Constitution of the World Health Organization (Links to an external site.) (Links to an external site.)

International Covenant on Economic, Social and Cultural Rights (Links to an external site.) (Links to an external site.)

International Covenant on Civil and Political Rights (Links to an external site.) (Links to an external site.)

January 7 BLOG POST ASSIGNMENT OPPORTUNITY. See discussion page on CANVAS. The response blog to the question for this class is due Wednesday, 8 pm January 6, 2016 (worth 2 points). The peer comment blog posting is due at 2:30pm on the day of class (1 point).

II. The Right to Health [PPT]

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:
Clapham pages 21-39

Declaration of Alma Ata (Links to an external site.) (Links to an external site.)

The Millennium Development Goals Report, 2015 (Skim “Overview” and “Measure What we Treasure”)
United Nations Sustainable Development Goals (Links to an external site.) (Links to an external Site.)

UN Economic & Social Council, Comment 14 (Links to an external site.) (Links to an external site.)

January 12

III. International Bioethics and Human Rights [PPT][Pfizer Kano Trial]

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 (Links to an external site.), Directives for Human Experimentation (skim)

World Medical Association Declaration of Helsinki, Ethical Principles for Medical Research Involving Human Subjects (Links to an external site.) (Links to an external site.) (skim).

UNESCO Declaration of Bioethics and Human Rights. (Links to an external site.)


Optional:


January 14

IV. Are Human Rights Universal?
Guest Lecturer: Bill Talbott [PPT]

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](http://www1.umn.edu/humanrts/instree/cairodeclaration.html)


January 19

V. CEDAW and the Right to Health for Women [PPT]

1. CEDAW and its importance as a human rights treaty
2. The important role that the CEDAW Committee plays in the interpretation of CEDAW
3. How do human rights define women’s health?
4. Where does Violence Against Women fit in?
5. Is “health” a culturally relative concept or an absolute?
6. Small group activity: VAW as a women’s health and human rights issue

Reading Assignment:


(Skim) C.C. Pallitto et al., *Intimate partner violence, abortion, and unintended pregnancy: Results from the WHO Multi-country Study on Women's Health and Domestic Violence*,


January 21

**VI. Maternal and Reproductive Health** [PPT]

**Case Study: Case Study East Timor**

**Guest Lecturer: Mary Anne Mercer**

1. Overview of global maternal and reproductive health
2. Factors influencing improvement in maternal and reproductive health
3. Research in Timor Leste

**Reading Assignment:**

Clapham, pages 111-119


Optional:


United Nations Secretary-General, The Partnership for Maternal, Newborn and Child Health, *Global Strategy for Women’s and Children’s Health* (Links to an external site.) (Links to an external site.) (New York: 2010)

January 26

**VII. Accountability for Access to Maternal and Reproductive Health Services**

1. Review Accountability Mechanisms for CEDAW
2. Examine recent human rights court decisions regarding the right to maternal and reproductive health services
3. 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


Center for Reproductive Justice, Peru the Long March to Justice, http://www.reproductiverights.org/en/feature/peru-the-long-march-to-justice (Links to an external site.)


Optional:


Laxmi Mandal v. Deen Dayal Harinagar Hospital (Judgment of the High Court of Delhi, W.P. (C), No. 8853, April 6, 2008), available at http://lobis.nic.in/dhc/SMD/judgement/04-06-2010/SMD04062010CW88532008.pdf (Links to an external site.)


(SKIM) World Health Organization (WHO), Commission on information and accountability for Women’s and Children’s Health, Keeping Promises, Measuring Results (Links to an external site.) (New York: 2011)
January 28

VIII. Library Research Session: Global Health and Human Rights Research

Guest speaker: Librarian Mary Whisner

February 2


Guest Lecturer: Sherrie Brown

1. Overview of the CRC & CRPD
2. What specific articles relate to the right to health for children with disabilities?
3. Discuss promotion of the rights of the child in Cambodia
4. Why are the U.S. and Somalia the only countries that have not ratified this Convention?

Reading Assignment:

Convention on the Rights of the Child (Links to an external site.) (Links to an external site.) (Links to an external site.), 2 September 1990.

The Convention on the Rights of Persons with Disabilities (Links to an external site.) (Links to an external site.) (Links to an external site.)


February 4

X. Global Mental Health: Case Study Mozambique

Guest Lecturer: Brad Wagenaar
1. Overview of the problem
2. Underlying causes of lack of treatment
3. Research to improve health and rights of mentally ill

**Reading Assignment:**


**February 9**

**XI. The Human Rights Approach to Health Systems**

1. Introduction to Methodology
2. Components of Human Rights Analysis
3. Significance of Analysis in Health Sector

**Reading Assignment:**

Clapham, pages 40-59


**February 11**

**XII. Global Burden of Malaria**

**Guest Lecturer: Paula Brentlinger**

1. Malaria: Scope of the epidemic, key interventions in prevention and treatment
2. Malaria and war
3. Malaria and research ethics
4. Malaria and current world initiatives for malaria control, in the context of ICESCR
February 16

XIII. HIV and Human Rights

1. Global HIV disparities in access to care and treatment
2. Measuring access and its relationship to stigmatization and discrimination
3. 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 18

XIV. Intellectual Property, Access to Medication and the Right to Health

1. WTO Agreements Relevant to Trade and Health
2. International Law Supporting the Right to Access Medications
3. Local Law and Public Health Action

Reading Assignment:

Clapham, pages 80-99

WTO General Council, Implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and public health, Decision of the General Council of 30 August 2003, Available at: [http://www.wto.org/english/tratop_e/trips_e/implem_para6_e.htm](http://www.wto.org/english/tratop_e/trips_e/implem_para6_e.htm) (Links to an external site.)

WTO General Council, Amendment of the TRIPS Agreement, Decision of 6 December 2005, Available at: [http://www.wto.org/english/tratop_e/trips_e/wtl641_e.htm](http://www.wto.org/english/tratop_e/trips_e/wtl641_e.htm) (Links to an external site.)

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](http://www1.umn.edu/humanrts/gencomm/escgencom17.html) (Links to an external site.)


Optional:


February 23

**XV. The Right to Emergency Relief and Humanitarian Aid**

1. Historical Overview
2. Is there a right to access aid?
3. An obligation to give aid?
4. Medical Neutrality

**Reading Assignment:**

Clapham, pages 173-184


The Sphere Project, Core Humanitarian Standard, Available at: [www.sphereproject.org](http://www.sphereproject.org) (Links to an external site.) (Links to an external site.)

Optional:


**Feb 25**

**XVI. Climate Change, Human Rights and Health**

1. Relationship between Climate Change, Human Rights and Health
2. Migration and Climate Change
3. Violence and Climate Change
4. Population Vulnerabilities to Climate Change

**Reading Assignment:**


Optional:


**March 1**

**XVII. Final Project Presentations**

**March 3**
XVIII. Final Project Presentations

March 8

XIX. Final Project Presentations