Health and Human Rights LAW H540 / HSERV 590K / PB AF 537A / SIS 590E
Winter 2007

Syllabus

Health and Human Rights
HSERV 590K/LAW H540/PB AF 537A/SIS 590 E
Winter Quarter, 2007: 3 Credits
Tuesdays & Thursdays, 4:00-5:20
William H. Gates Hall, Room 133

Instructors:

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Office Hours: By appointment

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Office Hours: By appointment

Summary of Course

Our newly revised “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 and national 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 three main regional legal enforcement mechanisms and through cases exemplifying enforcement of the right to health in each. The course considers a variety of case studies and issues, focusing on vulnerable populations (children, women, PLWA, IV drug abuse, the disabled, the poor) and specific population health threats (HIV/AIDS, Malaria, environmental hazards, access & barriers to drugs and pharmaceuticals). Other topics of study include the public health and human rights aspects of Hurricane Katrina, PTSD in asylum seekers, the role of humanitarian aid, NGOs, medical neutrality, and truth and reconciliation commissions in furthering the right to health and enhancement of human rights.

Course Objectives

- To give students a thorough introduction to the substance and theory of the fields of public health and human rights law;
• To identify the theoretical and practical tensions between the goals of human rights protection and public health programs, and to suggest strategies to strike a balance between them to effect improved individual and public health outcomes;
• To examine ways in which human rights lawyers and public health officials can work together to achieve the goals of improving public health and promoting human rights protection; and
• To enable law students, public health students, public affairs students and others to work together in evaluating and analyzing a health and human rights issue.

Required Texts

Text: Sofia Gruskin, Michael A. Grodin, George J. Annas, Stephen P. Marks, Perspectives on Health and Human Rights (Routledge 2005) [hereinafter "Gruskin"]. 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

Your course grade will be based on class participation (25%), a short writing assignment (written answers to study questions, 25%), a final case study presentation (25%) and a final paper (25%). There is no final exam.

With respect to class participation, the expectation for each class will be that the student arrives prepared and ready to engage in discussion, having previously briefed the assigned reading and discussion questions. Discussion will be lead by a group of student experts who will also be graded on their written answers to the study questions. This writing assignment will allow students to receive feedback on their work before the final case study. The final, group case study and presentation will focus on an acknowledged health and human rights problem and explore the population health, human rights principles, applicable international law and opportunities for legal redress that could be used to remedy the problem. Students will work in groups of 5 with each researching, writing and presenting one aspect of the case study. The final assignment will be graded on a group in-class presentation lasting approximately 30 minutes and a five- to ten-page double-spaced individual or group paper further examining the issue. Suggestions for research and case studies are detailed in the reading assignments below. Students are welcome to suggest an alternative area of interest, provided that one of the instructors approves the topic before it is presented. Case study groups will 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.

Syllabus

(Tentative and subject to change)

<table>
<thead>
<tr>
<th>January 4</th>
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<tbody>
<tr>
<td><strong>I. Introduction to Health and Human Rights – Rivin</strong></td>
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<tr>
<td>A. Overview of health and human rights: The health and human rights dialogue</td>
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<tr>
<td>B. Why is there a need for collaboration between the legal, human rights, public health and medical professions?</td>
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<tr>
<td>C. What kind of perspectives can these disciplines offer one another?</td>
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<tr>
<td>D. Analyze case study #1 to be distributed in class</td>
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### January 9

**II. The Right to Health - Rivin**

- A. Overview of public health, history and foundational concepts
- B. Overview of international human rights
- C. Goals of human rights protection
- D. Placing the right to health in a human rights context

Reading Assignment:

- Gruskin: Intro, 1-8 (top), 59-70.
- Universal Declaration of Human Rights
- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights

### January 11

**III. International Bioethics and Human Rights - Kuzsler**

Reading Assignment:

- Gruskin: 25-42, 8-16, 469-516.
- Declaration of Alma Ata.
- Constitution of the World Health Organization.
- Review ICESCR

### January 16

**IV. Collateral Enforcement of the Right to Health by Appeal to the Mechanisms Set Up to Enforce Civil and Political Rights**

**Guest Lecturer: Diane Atkinson-Sanford**

Reading Assignment:


### January 18
### V. International and Regional Human Rights Mechanisms
**Guest Lecturer: Diane Atkinson-Sanford**

<table>
<thead>
<tr>
<th>To be distributed in class:</th>
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<tr>
<td>Chart - International human rights mechanisms</td>
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<tr>
<td>Chart - Regional human rights mechanisms</td>
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**Reading Assignment:**

- TBA

**January 23**

### VI. The Right to Health in New Orleans During and After Hurricane Katrina: A Panel Discussion
**Panelists: Andrew Stevermer, Chris Sanford, Jean Carmalt**

**Reading Assignment:**

- Crystal Franco, Eric Toner, Richard Waldhorn, Beth Maldin, Tara O'Toole and Thomas V. Inglesby, Systemic Collapse: Medical Care in the Aftermath of Hurricane Katrina
- Center for Economic and Social Rights, http://www.ushrnetwork.org/pubs/Final%20report%20Katrina%20ICCPR.doc
- US Human Rights Network, Hurricane Katrina and Violations of International Covenant on Civil and Political Rights Article 6

**January 25**

### VII. Human Rights Conventions; Are They Universal: Case Study from the Middle East
**Guest Lecturer: Kristen Stilt**

**Reading Assignment:**

- Cairo Declaration on Human Rights in Islam (7 pages), at http://www1.umn.edu/humanrts/instree/cairodeclaration.html

**January 30**

### VIII. Reproductive and Sexual Rights – Rivin
**Guest Lecturer: Joel Ngugi**

| A. Charting the history of women’s rights as part of human rights |
| B. What challenges face women particularly in gaining access to health care and the conditions necessary for a healthy existence? |
| C. What are reproductive and sexual rights? |
| D. Once identified as a vulnerable population, how in practice can these challenges be met when providing treatment or access to healthcare? |
| E. Is “health” a culturally relative concept or an absolute? |
| F. Case Study: Female Genital Mutilation |

**Reading Assignment:**
| Gruskin: 247-292.  
| Carla Obermeyer, *Female Genitalia Surgeries: The Known, the Unknown and the Unknowable*, 13 Medical Anthropology Quarterly 79-106 (1999). |

### February 1

**IX. Convention on the Rights of the Child: Case Study Cambodia**  
**Guest Lecturer: Sherrie Brown**

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

**Reading Assignment:**  

### February 6

**X. HIV/AIDS - Rivin**

| A. What kind of problems do IV drug users face in relation to HIV/AIDS?  
| B. How do these problems affect the HIV transmission rate?  
| C. Is criminal legislation a panacea or part of the problem?  
| D. What questions are raised and solutions offered by a health and human rights approach? |

**Reading Assignment:**  
UNAIDS *AIDS Epidemic Update*, December 2006 excerpts.  
**February 8**

**XI. Malaria**  
**Guest Lecturer: Paula Brentlinger**

Reading Assignment:


**February 13**

**XII. Intellectual Property and Access to Medications and the Right to Health – Kuszler**

A. Emerging Infections: A Global Perspective  
B. International Health Regulations  
C. WTO Agreements Relevant to Trade and Health  
D. Access to Medications: Intellectual Property, TRIPS and the Doha Declaration?  
E. What other practical problems face developing countries in accessing and distributing medication?

Reading Assignment:

- Gruskin: 179-222.  
- InterPress Service, *WTO-Cancun: Cambodia’s Entry could be Panacea – or a Bitter Pill* September 15, 2003.

**February 15**

**XIII. The physician as an expert witness for human rights abuses: Case studies in Central and South America**  
**Guest Lecturer: Carlos Martin Beristain**

Reading Assignment:

February 20

XIV. **South African Truth and Reconciliation Commission**

*Long Night's Journey Into Day:* Film about TRC shown after class

**Guest Lecturer:** Ron Slye

A. An introduction to the Truth and Reconciliation Commission of South Africa
B. The health impacts of social trauma and social reconstruction
C. The psychological effects of testifying before the Commission
D. How to assess the success, from a health perspective, of the Truth and Reconciliation Commission versus an international criminal tribunal – an interdisciplinary inquiry

**Reading Assignment:**
- Mary P. Koss, *Rape and the Justice System: The Grand Illusion*.

February 22

XV. **Global Issues in Environmental and Occupational Health in Vietnam and a Case Study in Brazil: A Case of Violations of International Environmental Law**

**Guest Lecturers:** Matt Keifer and Ana Martins

**Reading Assignment:**
<table>
<thead>
<tr>
<th>XVI.</th>
<th>The Right to Emergency Relief and Humanitarian Aid - Rivin</th>
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<tbody>
<tr>
<td>A.</td>
<td>Introduction to international humanitarian law, policy and strategies</td>
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<tr>
<td>B.</td>
<td>Role of physicians and public health officials in investigations, crime definition and harm assessment</td>
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<td>C.</td>
<td>An obligation to give aid?</td>
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<td>D.</td>
<td>Medical Neutrality: Evaluating the work of the International Committee of the Red Cross and Physicians for Human Rights</td>
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<td>E.</td>
<td>Humanitarian aid and cultural sensitivity</td>
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Reading Assignment:

- Appendices: International guidelines on medical neutrality.

March 1

| XVII. | Group Presentations |

March 6

| XVIII. | Group Presentations |

March 8

| XIX. | Group Presentations |

Last Updated 01/04/2007