



GHP 288: ISSUES IN HEALTH AND HUMAN RIGHTS
Fall 2 (October 29, 2019 to December 19, 2019)
Tuesday and Thursday 3:45 pm - 5:15 pm, Kresge 200

Instructor Information
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Credits

2.5 credits

Purpose of This Course

This course is designed to provide an overview of the nature and role of international norms, processes and actors, and their relations to health and human rights issues, focusing on the responses of the international political and legal order to some of these issues and their ethical implications. It is designed to introduce students to the human rights component of the concentration on Humanitarian Studies, Ethics and Human Rights (HuSEHR)

Course Description

The aim of this course is to introduce students to the application of the human rights framework to a wide range of critical areas of public health. The focus will be the human rights perspectives as applied to selected public health policies, programs and interventions. It ranges broadly over theoretical approaches and concrete issues relating to the realization of internationally recognized human rights in the context of domestic and international policies of public health. While public health addresses issues of equity, marginalization, empowerment and social justice, this course will explore whether and to what extent human rights perspectives complement, duplicate or impinge upon such concerns. Our aim is to acquire insights and understanding of social, economic, cultural, legal, and political processes by which human rights advance public health objectives.



The unifying thread in the course is the set of rights defined in the international documents. Much of our discussion involves analysis of the meaning and reality of these rights in the face of a broad set of variables and determinants of public health. The course will take into account normative statements and practices of United Nations bodies, including the World Health Organization, and other international institutions, as well as the role of political forces, transnational corporations and nongovernmental groups.

Pre-Requisites

None

Course Objectives

At the conclusion of this course, students will be able to:

1. Critically evaluate the literature on health and human rights;
2. Develop proficiency in examining critically the basic vocabulary and concepts of human rights and their relation to moral philosophy in public health contexts;
3. Develop and apply human rights arguments to practical problems that arise in international settings and involve public health problems;
4. Develop competency in criticizing and defending human rights arguments that are applied to public health problems;
5. Develop, through cases and simulation exercises, an understanding of how arguments and defenses of them may change in light of new evidence, circumstances, or assumptions;
6. Apply international relations theory to understanding the behavior of the principal actors in world politics with respect to health and human rights;
7. Understand and apply the basic concepts of public international law to the process of standard-setting and interpretation of documents relating to human rights from a public health perspective;
8. Understand the overlaps and distinctions between ethics and human rights;
9. Understand and apply the distinctions and overlap between international human rights, on the one hand, and international humanitarian law, international refugee law and international criminal law, on the other;
10. Understand how to interact professionally with governmental, intergovernmental (regional and global), and nongovernmental institutions and processes dealing with issues of health and human rights.

Course Readings:

The required books for this course are available on reserve at the library.

- Benjamin Mason Meier and Lawrence O. Gostin (eds.), *Human Rights in Global Health: Rights-Based Governance for a Globalizing World*, Oxford University Press, 2018]
- José M. Zuniga, Stephen P. Marks, and Lawrence O. Gostin, *Advancing the Human Right to Health* (Oxford, UK: Oxford University Press, 2013), referred to below as “*Advancing the Human Right to Health*.”

All other readings for this course will be available on the Canvas and additional readings may be handed out for each session, mainly for more in-depth preparation for the simulations and to deepen the understanding of the complex issues involved.



Course Structure

Classroom Participation:

*This course will stress active participation of students in a critical discussion of the literature assigned for each session. For most sessions, individual students or teams will prepare for an interactive discussion of a case, which will launch the discussion. Occasionally, guests will join us, especially when the guest has been a key actor in the problem area under discussion. **Please see the case guidelines document for more information.***

Grading, Progress and Performance

Final Paper (40%)

The principal requirement will be a term paper (approximately 3,000 words, plus a table of contents and a list of references), which will count for 40% of the final grade. A final paper proposal in the form of an outline and preliminary bibliography will be due on February 14th, 2018. The final paper will be due on Canvas by midnight on the last day of class, May 8, 2018.

Your paper should focus on the application of human rights to a specific issue within the field of public health. It should identify the principal public health challenges of the issue and assess whether and to what extent a human rights framework would be relevant to improving the response to the problem.

Please see the guidelines for term papers for more information.

Oral presentation of paper (10%)

On the final day of class, each student will make a five-to-ten-minute presentation, followed by two minutes of questions and answers.

Brief reading memos (30%)

In order to stimulate thinking based on the readings, you will submit on the course site by 12 pm on the day of each class beginning with session 2, 5-8 bullet points highlighting

- (a) major new concepts you found in the readings that were fascinating/intriguing/irritating*
- (b) key questions on the material that can enrich class discussion and clarify the topic at hand*
- (c) ideas and concepts from the reading that can be applied to the case*
- (d) critical language from human rights reference that are relevant to the case*

This preparation is meant to be a tool for you to feel better prepared for class. The brief reading memos will not be graded as long as they met a minimum standard of quality. You will receive 5 points for timely submission = 30 points. The aim is to stimulate your thinking based on the readings without creating an excessive writing burden.

Class participation (20%)

There is a total of the 30 points for participation (consisting of 20 points for class discussion and 10 points for the oral presentation of your final paper).

Canvas Course Website: *The Canvas site is an important learning tool for this course where students will access required articles, submit course assignments and share other resources with the class. Course announcements will be posted on the site and students will be required to check the course website on a weekly basis.*

Harvard Chan Policies and Expectations

Inclusivity Statement

Diversity and inclusiveness are fundamental to public health education and practice. It is a requirement that you have an open mind and respect differences of all kinds. I share responsibility with you for creating a learning climate that is hospitable to all perspectives and cultures; please contact me if you have any concerns or suggestions. **Sample cross-cultural norms you may want to refer to during your class.*

Academic Integrity

Each student in this course is expected to abide by the Harvard University and the Harvard T.H. Chan School of Public Health Codes of Academic Integrity. All work submitted to meet course requirements is expected to be a student's own work. In the preparation of work submitted to meet course requirements, students should always take great care to distinguish their own ideas and knowledge from information derived from sources.

Students must assume that collaboration in the completion of assignments is prohibited unless explicitly specified. Students must acknowledge any collaboration and its extent in all submitted work. This requirement applies to collaboration on editing as well as collaboration on substance. For this course, collaboration is allowed in the media presentations

Should academic misconduct occur, the student(s) may be subject to disciplinary action as outlined in the Student Handbook. See the [Student Handbook](#) for additional policies related to academic integrity and disciplinary actions.

Accommodations for Students with Disabilities

Harvard University provides academic accommodations to students with disabilities. Any requests for academic accommodations should ideally be made before the first week of the semester, except for unusual circumstances, so arrangements can be made. Students must register with the Local Disability Coordinator in the Office for Student Affairs to verify their eligibility for appropriate accommodations. Contact the OSA studentaffairs@hsph.harvard.edu in all cases, including temporary disabilities.

Course Evaluations

Constructive feedback from students is a valuable resource for improving teaching. The feedback should be specific, focused and respectful. It should also address aspects of the course and teaching that are positive as well as those which need improvement.

Completion of the evaluation is a requirement for each course. Your grade will not be available until you submit the evaluation. In addition, registration for future terms will be blocked until you have completed evaluations for courses in prior terms.

Course Schedule & Assessment of Student Learning

WEEK 1: COURSE OVERVIEW AND RELATING HUMAN RIGHTS TO HEALTH SYSTEMS

..... **Error! Bookmark not defined.**
Session 1: Tuesday, March 26, 2019– Health systems and financingError! Bookmark not defined.

Session 2: Thursday, March 28, 2019– Health ethics..... Error! Bookmark not defined.

WEEK 2: HUMAN RIGHTS AND THE GLOBAL ECOLOGY 5

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<i>Session 13: Tuesday, May 7, 2019–Vulnerability and mental health (Caging of children with mental disabilities in Mexico)</i>	<i>16</i>
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WEEK 1: COURSE OVERVIEW, HUMAN RIGHTS AND THE GLOBAL ECOLOGY

Session 1: Tuesday, October 29, 2019 – Human rights basics

Learning objectives:

- Become familiar with the most widely accepted definition of the right to health and variations on that definition.
- Identify the applications of the right to health in institutional settings at the national level, regional and global levels.
- Explore the normative expansion of the right to health and reflect critically on its implications.
- Reflect on what the human rights framework means concretely in relation to the challenges of climate change

Required Reading:

- Universal Declaration of Human Rights (UDHR), International Covenant on Economic,



Social and Cultural Rights (ICESCR) and International covenant on Civil and Political Rights ICCPR) Peruse only

- Stephen P. Marks, “Human Rights: A Brief Introduction,” 2019.
- Stephen P. Marks, “Normative Expansion of the Right to Health and the Proliferation of Human Rights,” *George Washington International Law Review*, vol. 16 (2016), pp. 101-144. <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/580/2016/09/Marks-Normative-Expansion-of-RTH-GWILR-2016.pdf>. (focus on conclusion)

Supplemental Readings:

- Stephen P. Marks, “Emergence and Scope of the Right to Health,” in José M. Zuniga, in Stephen P. Marks and Lawrence O. Gostin (eds.), *Advancing the Human Right to Health*, Oxford University Press, 2013, pp. 3-23. <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/580/2016/10/Ch-1-Marks-Emergence-and-Scope-of-the-RTH-Final-rev.pdf> (focus on obligations of the health system and means and methods of implementing)
- Ariel Pablos-Mendéz and Lesley Stone, “Health Development as Nation Strengthening,” *Advancing the Human Right to Health*, pp. 55-68.

Questions for discussion:

1. What is the normative content of the right to health?
2. What lessons can we learn from the normative expansion of the right to health?
3. How does the right to health relate to other human rights?
4. How does the right to health figure in the functioning of national health systems?
5. How is this right monitored internationally?

Session 2: Thursday, October 31, 2019 – International migration and climate change from a human rights perspective

Learning objectives:

- To explore the human rights implications of mass movements of populations across borders and the balancing of economic opportunity with the protection of human rights.
- To develop awareness of the place of human rights and health in various scenarios of climate change.
- To be aware of the dilemmas facing health systems and health focused humanitarian operations in a particularly complex political context.

Required Readings:

- UNEP, Climate Change and Human Rights
- Background note: International migration and climate change from a human rights perspective

Questions for discussion:

1. To what extent have the distinctions between asylum seekers, refugees and IDPs, mentioned above, lost their relevance in light of more recent migration flows and political responses? In this regard, what do you think of this statement by Prof. Bhabha: “We need a new paradigm for thinking about twenty-first century “distress migration,” because the post-World War II

framework that still governs our laws and procedures is, in practice, defunct.”? Do you agree and what would such a new paradigm involve?

2. The Global Compact on Refugees “intends to provide a basis for predictable and equitable burden and responsibility-sharing among all United Nations Member States, together with other relevant stakeholders as appropriate”⁴⁰ and formulates “arrangements seek to achieve more equitable and predictable burden- and responsibility-sharing with host countries and communities, and to support the search for solutions, including, where appropriate, through assistance to countries of origin.”

What do you think of the concept of burden- and responsibility-sharing and its potential to respond to current and projected needs of migrants from Syria, Afghanistan, and Central America? How realistic is this Global Refugee Forum, and what health dimensions would you recommend?

3. Although there is no consensus on the data regarding the scale and scope of the projected social changes and migration flows associated with climate change, it is clear that drought, rising sea level and storm surges will cause people to leave in large numbers. What do you see as the greatest challenges to health and human rights from significant increases in climate migration?

WEEK 2: GENDER EQUITY AND REPRODUCTIVE HEALTH

Session 3: Tuesday, November 5, 2019 – Violence against women and girls

Learning objectives:

- Examine violence against women and girls (VAWG) as both a public health issue and as a human rights issue.
- Explore the ramifications of VAWG in the broader context of how women’s rights are dealt with as part of human rights and the role of feminist theories in identifying the role of patriarchy in setting values regarding treatment of women and girls.
- Learn about the strengths and weaknesses of the complaints procedure of the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women

Required Readings:

- *Session 5: The Case of Ms. A. T., Part A*
- Dubravka Šimonovic, [Global and Regional Standards on Violence Against Women: The Evolution and Synergy of the CEDAW and Istanbul Conventions](#), HRQ 2014

Additional reading:

- Yamin AE, "[Women's health and human rights: struggles to engender social transformation](#)", in *Advancing the Human Right to Health*, pp. 275-290.



- Watch: <https://youtu.be/2Num0P3H7IU>

Questions for discussion in class:

1. Does A.T. have a case that can be brought to the Committee on the Elimination of Discrimination against Women? What would be the basis for bringing such a case? Has she exhausted domestic remedies as required by article 4 of the OP?
2. What articles of CEDAW could A.T. claim were violated by Hungary?
3. What remedies should the Committee consider if it finds Hungary to be in violation of CEDAW?

In order to examine this case you will need to consult both the [Convention on the Elimination of All Forms of Discrimination against Women](#) and the [Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women](#).

If interested (though not necessary for the case we will discuss), you might look at [Council of Europe Convention on preventing and combating violence against women and domestic violence](#).

Session 4: Thursday, November 7, 2019 – Reproductive Health and harmful traditional practices (FGC in Mali)

Learning objectives:

- Examine the traditional practice of female genital cutting from the perspective of the human rights approaches to reproductive and sexual health.
- Consider the philosophical, cultural, political and legal implications of challenging a deeply entrenched cultural practices.
- Engage in a critical reflection on universality and cultural relativism in the values at the heart of ethics and human rights.
- Explore the efforts by international human rights organizations to address harmful traditional practices.

Required Readings:

- *Session 6-Mali Case-Part A*
- WHO, [FGM/C Fact Sheet](#). January 2018
- [Human Rights Council Resolution 38/6. Elimination of female genital mutilation](#), adopted by the on 5 July 2018

Additional sources on FGC:

- Althaus, F. A. (1997) Female Circumcision: Rite of Passage or Violation of Rights? *International Family Planning Perspectives*. Guttmacher Institute. Vol. 23 (3), September 1997. Available at: <http://www.guttmacher.org/pubs/journals/2313097.html>
- WHO, Female Genital Mutilation and Obstetric Outcomes: WHO Collaborative Prospective Study in Six African Countries. *The Lancet*. Vol. 367 (2006), pp. 1835-41.

- Yael Tamir, “Hands Off Clitoridectomy: What our revulsion reveals about ourselves.” Boston Review, Summer 1996 Vol. XXI No. 3. Available at <http://bostonreview.net/BR21.3/Tamir.html>
- Allotey P, Delvaux T, Diniz S, DeJong J, Fonn S, Gruskin S. 'Sexual and Reproductive Health and Rights in Public Health Education: A Political Minefield,' Reproductive Health Matters, accepted, (2011).
- Jones H, Diop N, Askew I, et al. Female genital cutting practices in Burkina Faso and Mali and their negative health outcomes. Stud Fam Plann. 1999;30:219–230.
- Manual on Social Norms and Change, UNFPA and UNICEF, 2016
- B.M. Dickens and R.J. Cook, Reproductive health and public health ethics, International Journal of Gynecology and Obstetrics (2007) 99, 75–79 (see document below)
- Carmel Shalev, Rights to Sexual and Reproductive Health: The ICPD and the Convention on the elimination of All Forms of Discrimination Against Women, Health and Human Rights 4:2, 39-66. (For reference to case)
- Ayesha Imam, “ Women’s Reproductive and Sexual Rights and the Offense of Zina under Muslim Laws in Nigeria,” in Wendy Chavkin and Ellen Chesler, eds., Where Human Rights Begin (Piscataway, NJ: Rutgers University Press, 2005) pp. 65-94. (for reference to case)
- Jessica Horn, “Not Culture but Gender: Reconceptualizing Female Genital Mutilation/ Cutting,” in Wendy Chavkin and Ellen Chesler, eds., Where Human Rights Begin (Piscataway, NJ: Rutgers University Press, 2005), pp. 35-63.

Questions for discussion in class:

1. *As advisor on health and human rights, what advice do you provide?*
2. *Is France obliged to accept Fatima?*
3. *Are there any international human rights mechanisms which the NGOs might use on Fatima’s behalf?*
4. *Have any human rights been violated?*

WEEK 3: SELF-DIRECTED, INTERPERSONAL AND COLLECTIVE VIOLENCE

Session 5: Tuesday, November 12, 2019 – Self-directed and interpersonal violence (Gun violence as a human rights issue)

Learning objectives:

- Reflect on the differences and similarities in method and outcome of a public health approach and a human rights approach to gun violence.
- Reflect on the nature of the claim of a human right to bear weapons.
- Learn how the Human Rights Council has addressed firearms as a human rights issue.
- Compare responses to gun violence in different settings.
- Apply a human rights approach to gun violence.

Required Readings:

- *Background Note for Session 5*
- David Hemenway, *Private Guns, Public Health*, New Ed., 2017, chapt. 2 and Conclusion.



- Christopher J. Schmidt, An International Human Right to Keep and Bear Arms, 15 *Wm. & Mary Bill Rts. J.* 983 (2007), <http://scholarship.law.wm.edu/wmborj/vol15/iss3/8>
- UN, *Human rights and the regulation of civilian acquisition, possession and use of firearms. Report of the United Nations High Commissioner for Human Rights*, UN Doc. A/HRC/32/21, 15 April 2016.

Suggested additional readings:

- Sanford Levinson, The Embarrassing Second Amendment, 99 *Yale L.J.* 637 (1989)
- WHO, *Small Arms and Global Health. WHO Contribution to the UN Conference on Illicit Trade in Small Arms and Light Weapons July 9–20, 2001*, 2001.

Questions for discussion:

1. The Second Amendment to the US Constitution is part of the bill of rights. Does this status mean that the right to bear arms is a human right?
2. What are the essential components of the public health approach to gun violence?
3. What are the arguments in favor of a right to bear arms as a necessary protection from tyrannical government?
4. What are the essential elements of a human rights approach to gun violence?
5. What would be the implications of the US government embracing a human rights approach as outlined in the report on the subject by the High Commissioner for Human Rights?
6. What are the features of the responses to the Parkland and Christchurch shootings that are similar and different?

Session 6: Thursday, November 14, 2019 – Political Violence and Massive Human Rights Violations (Transition in Sudan)

Learning objectives:

- *Background Note for Session 8*
- Explore the health and human rights issues of political violence resulting in mass atrocities
- Study the implications of the concept of impunity and human rights responses to it
- Examine the use of coercive means to halt and prevent mass atrocities through the doctrine of the Responsibility to Protect

Required Readings:

- UN. Responsibility to Protect: From Early Warning to Early Action. Report of the Secretary-General, available at <https://www.un.org/en/genocideprevention/documents/1808811E.pdf>
- Trial International 2019 Review *AlJazeeraEnglish #InsideStory Why can war criminals escape justice? | Inside Story*, view at <https://youtu.be/Y66mCgKZ2ig>

Additional readings:

- Victoria Sutton “Emergencies, disasters, conflicts, and human rights,” *Advancing the Human Right to Health*, pp. 379-390.
- Responsibility to protect: Stephen P. Marks and Nicholas Cooper, The Responsibility to Protect: Watershed, or Old Wine in a New Bottle, *Jindal Global Law Review* (India), Volume 2, Issue 1, September 2010, p.86-130.

Questions for discussion:

Recent events have placed in doubt that Sudanese ex-president Hassan Omar al-Bashir will be held accountable even though he was indicted by the ICC in 2009 and 2010 for genocide, crimes against humanity and war crimes. Warrants for his arrest were issued on the basis of his “individual criminal responsibility” for those alleged crimes during the conflict that began in Darfur in 2003. As pointed out in a press report, “despite these warrants, in the last decade he has made 150 trips to countries including China, South Africa, Saudi Arabia, Egypt, Jordan and Kenya, with many of these party to the statute that set up the ICC.”

On April 11, 2019, he was overthrown by a military coup amid widespread popular protests. The associate Africa director at Human Rights Watch said “The release of detainees in Khartoum is a necessary start, but Sudan’s leaders... should also hand al-Bashir and the others facing ICC international arrest warrants over to the court at once as victims of the gravest crimes in Darfur should not have to wait any longer for justice.”

1. What are the reasons the current authorities are not interested in sending al-Bashir to the ICC for trial?
2. Is this case a further example of the “anti-African bias” of the ICC?
3. Among the non-African cases that have been proposed for action by the ICC is that of the role of the CIA in Afghanistan. The Office the Prosecutor has determined that “there is a reasonable basis to believe that, at a minimum, the following crimes within the Court’s jurisdiction have occurred: ... War crimes of torture and related ill-treatment, by US military forces deployed to Afghanistan and in secret detention facilities operated by the Central Intelligence Agency.” On 20 November 2017, the Prosecutor requested the Pre-Trial Chamber to authorize the commencement of an investigation into the situation in Afghanistan. National Security Advisor John Bolton has stated, “This president will not allow American citizens to be prosecuted by foreign bureaucrats, and he will not allow other nations to dictate our means of self-defense.” Would such an investigation contribute to the credibility of the ICC in light of the accusation of anti-Africa bias or would it contribute to the problem?
4. On April 12, 2019, the Pre-Trial Chamber of the ICC rejected the request for an investigation because it “would result in creating frustration and possibly hostility vis-a-vis the Court and therefore negatively impact its very ability to pursue credibly the objectives it was created to serve.” The claim has been made that “the Court caved to U.S. pressure.” ([Just Security](#), 12 April 2019.) What do you think of the claim? Would justice be served if the ICC pursued the investigation of CIA activity in Afghanistan? What would be the US reaction?
5. What has prevented the use of R2P to protect lives in Syria, Libya, Myanmar, the DRC, and other locations where the world has stood by while thousands of innocent victims suffer atrocities?
6. Considering the extremely harmful impact of terrorism on health and human rights, to what extent to you think human rights can or should be limited or derogated from in order to take effective measures to combat terrorism? Would R2F be useful against terrorist organizations?

WEEK 4: CRITICAL ECONOMIC, SOCIAL AND CULTURAL RIGHTS**Session 7: Tuesday, November 19, 2019 – Right to food and nutrition***Learning objectives:*

- Become familiar with the normative framework of the right to adequate food and its relation to the right to health.
- Understand the impact of the private sector investment on agricultural development and the role international financial institutions.
- Be able to relate development in one sector to planning for integrated development and, specifically, the place of nutrition and health in the process.
- Understand the basic operation of the special procedures of the Human Rights Council.

Required Readings:

- *Background note for Session 7*
- CESCR, *General Comment 12. The right to adequate food (art. 11)*, UN Doc. E/C.12/1999/5, 12 May 1999
- Jesse B Bump, *Undernutrition, obesity and governance: a unified framework for upholding the right to food*, *BMJ Glob Health* 2018;3: e000886. doi:10.1136/bmjgh-2018-000886

Additional readings:

- Martin W. Bloem and Saskia de Pee, *Nutrition and human rights: why meeting nutrient needs should be a human right*, in Ziinuga, Gostin and Marks, *Advancing the Human Right to Health*, pp. 325-333.
- Ana Ayala and Benjamin Mason Meier, “A human rights approach to the health implications of food and nutrition Insecurity,” *Public Health Reviews* (2017) 38:10, DOI 10.1186/s40985-017-0056-5
- UN, *Report of the Special Rapporteur on the right to food, Olivier De Schutter. Final report: The transformative potential of the right to food*, UN Doc. A/HRC/25/57, 24 January 2014.
- UN, *Interim report of the Special Rapporteur on the right to food*, A/73/164, 16 July 2018.

Questions for discussion:

1. Professor Bump argues: “The vast prevalence of obesity and undernutrition shows that governments, international agencies and other actors have failed to uphold the right to food and optimal nutrition for most of the world’s citizens.” Do you agree or disagree? Why?
2. Ayala and Meier conclude: “As climate change exacerbates food and nutrition insecurity, negatively impacting the health of the most vulnerable, climate change adaptation strategies must address the rights to food and health, protecting the well-being of disproportionately affected populations by adopting a human rights-based approach to food and nutrition security.” How can a “human rights-based approach” make a difference? What does it mean in practice for climate change adaptation strategies to adopt a human rights-based approach?

3. A previous Special Rapporteur on the Right to Food, Olivier de Schutter, proposed “A new paradigm focused on well-being, resilience and sustainability ... to replace the productivist paradigm and thus better support the full realization of the right to adequate food.” To do so, he proposed that “certain types of agricultural development can combine increased production, a concern for sustainability, the adoption of robust measures to tackle unsustainable consumption patterns, and strong poverty-reducing impacts.” How realistic is this new paradigm? What would it entail in practice?
4. Bloem & de Pee argue that the right to food as currently formulated inadequately addresses the required nutrients during the first 1,000 days of life to prevent chronic undernutrition and, therefore, “the right to nutrients and the prevention of chronic undernutrition, or stunting” should be recognized as a human right.” How do you think, as a matter of international human rights, their concern should be addressed?
5. The current Special Rapporteur on the Right to Food, Hilal Elver, stated in her latest report: “In the United States, where many farmworkers are undocumented, there is no effective government remedy for most human rights violations. Undocumented workers fear coming forward, as the threat of deportation surpasses concerns about fundamental rights. Yet, even with legal status, many workers participating in temporary or seasonal migration lack the opportunity to exercise their rights to assembly and association and are dependent upon employers to protect and promote their basic rights. (Interim report of the Special Rapporteur on the right to food, A/73/164, 16 July 2018, para. 57)

Session 8: Thursday, November 21, 2019: Housing and Evictions (Displacement in Boston’s Chinatown)

Learning objectives:

- Become familiar with the normative framework of the right to adequate housing and its relation to the right to health.
- Understand the impact of the private sector investment on evictions and the role of civil society organizations, financial institutions and local government.
- Become aware of the methodology of Displacement Impact Assessments (DIA)
- Be able to relate the right to housing to broader issues, such as cultural bias, gentrification and health.
- Understand the basic methodology of the local application of international human rights norms.

Required Readings:

- *Background Note for Session 8*
- Committee on Economic, Social and Cultural Rights, General Comment No. 4: The Right to Adequate Housing, (Art.11 (1)), UN Doc. E/1992/23, 13 December 1991.
- Committee on Economic, Social and Cultural Rights, General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, UN Doc E/1998/22, 20 May 1997. CESCR (General Comments)
- MIT Displacement Research + Action Network (DRAN) and Chinese Progressive Association (CPA), Forced from Home: A Human Rights Assessment of Displacement and Evictions in Boston’s Chinatown, 2019.

Additional reading:

- Basic Principles and Guidelines on Development-Based Evictions and Displacement. Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, UN Doc. A/HRC/4/18, 5 February 2007.
- Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, on her mission to India, A/HRC/34/51/Add.1, 10 January 2017
- End of Mission Statement by The Special Rapporteur on the right to adequate housing presents her preliminary findings after her visit to the Republic of France, conducted on 2 – 11 April 2019.
- Miloon Kothari, The Global Crisis of Displacement and Evictions. A Housing and Land Rights Response, New York: Rosa Luxemburg Foundation, 2015.

Questions for discussion:

7. Since the United States is not a party to the ICESCR, does it make sense for this study to interpret the results “benchmarked to international human rights standards”?
8. What importance do you attach to the fact that the affected community is minority community which is described as historically disadvantaged and what difference does that make?
9. What are the advantages of the Displacement Impact Assessment (DIA) as developed by DRAN, over the Eviction Impact Assessments (EiA), which is based on United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement?
10. What are the principal health impacts of the evictions affecting this population?
11. The study concludes that displacement due to rent increase or poor housing conditions constitutes “a human rights crisis that deserves immediate attention from the city of Boston.” Is this conclusion justified?
12. How realistic are the policy recommendations such as “inclusionary development policies, eviction protection policies, policies aimed at curbing speculation, community land trusts, regulations on commercial rentals, policies expanding and deepening affordability of subsidized housing programs, deep democratic reforms to planning processes, tenants ‘right to purchase’ policies, broader demands on city planning agencies to be more accountable, and beyond”?

NOTE: Final paper proposal/outline must be submitted on Canvas by 11:59 on November 21, 2019.

WEEK 4: INFECTIOUS AND NONCOMMUNICABLE DISEASES

Session 9: Tuesday, November 26, 2019 –Infectious disease and human rights (Ebola and conflict in the DRC)

Learning objectives:

- Become familiar with the processes and functions of the Security Council, of the UN Joint Human Rights Office in the context of a Peacekeeping Operation.



- Develop the capacity to apply a human rights framework to the implementation of the International Health Regulations (IHR) with respect to Ebola virus disease (EVD).
- Develop an awareness of the structures that maintain and hinder accountability in the international system
- Become familiar with the process of declaring a Public Health Emergency of International Concern (PHEIC).
- Apply international human rights standards to issues of a contested election in a setting of armed conflict.

Readings:

- *Background note for Session 9*
- WHO, Ebola Virus Disease. Democratic Republic of the Congo. External Situation Report 38 Date of issue: 24 April 2019, Data as reported by: 22 April 2019
- Lawrence Gostin, et al., “[Ebola in the Democratic Republic of the Congo: time to sound a global alert?](#),” *The Lancet*, Comment, Published online February 4, 2019 [http://dx.doi.org/10.1016/S0140-6736\(19\)30243-0](http://dx.doi.org/10.1016/S0140-6736(19)30243-0).
- Human Rights Watch, [DR Congo: Make Rights a Priority](#) President Tshisekedi Takes Good Initial Steps, but Systemic Changes Needed, April 11, 2019

Supplemental readings:

- Suerie Moon et al, “[Will Ebola change the game?](#) Ten essential reforms before the next pandemic. The report of the Harvard-LSHTM Independent Panel on the Global Response to Ebola,” *Lancet* 2015; 386: 2204–21
- Laurie Garrett, “[Ebola Has Gotten So Bad, It’s Normal. Africa isn’t just dealing with an outbreak anymore—and that’s bad news for everyone.](#)” *Foreign Policy*, January 15, 2019.
- Laurie Garrett, “Ebola’s Lessons: How the WHO Mishandled the Crisis,” *Foreign Affairs*; New York, Vol. 94, Iss. 5, (Sep/Oct 2015), pp. 80-107.
- Paul Hunt, *Neglected Diseases, Social Justice and Human Rights: Some Preliminary Observations*, WHO Health and Human Rights Working Paper Series No 4 , 2003
- Andraž Zidar (2015) [WHO International Health Regulations and human rights: from allusions to inclusion](#), *The International Journal of Human Rights*, 19:4, 505-526, DOI: 10.1080/13642987.2015.1045340

Questions for discussion:

1. Freedom of movement and residence are guaranteed by article 12.1 of the ICCPR and article 12.1 of the African Charter on Human and Peoples Rights. Does that mean that States Parties to either of those treaties cannot take measures, such as quarantines and travel restrictions, in order to protect the population from a threat to public health from an infectious disease, such as Ebola?
2. What are the main concerns of human rights bodies, such as the UN Joint Human Rights Office of MONUSCO and Human Rights Watch, regarding the current situation in the DRC?
3. What advice would you give to Dr. Tedros if you were the WHO Assistant Director-General for Emergency Preparedness and Response, drawing attention to what can and

cannot be done to fully implement the IHR (2005) and WHO's approach reflected in [Strengthening health security by implementing the International Health Regulations \(2005\)](#)?

4. The Harvard Global Health Institute and London School of Hygiene & Tropical Medicine Independent Panel on the Global Response to Ebola made ten recommendations in [Will Ebola change the game?](#) One of those recommendations was the creation of a Global Health Committee as part of the UN Security Council. Will that help? How would that be justified in light of the Security Council's mandate to deal with "threat to the peace, breach of the peace, or act of aggression"?

Thursday, November 28, 2019: No Class- Thanksgiving Break.

WEEK 6: VULNERABLE POPULATIONS

Session 11: Tuesday, December 3, 2019—Vulnerability and mental health (Caging of children with mental disabilities in Mexico)

Learning objectives:

- Become familiar with the role of regional human rights procedures in addressing human rights of persons with disabilities.
- Understand the evolution of attitudes and formal pronouncements of international bodies regarding human rights and mental health.
- Apply this learning to the policies and practices of institutionalization of persons with mental disabilities.
- Develop an awareness of the functioning of the National Human Rights Institutions (NHRIs) and of specialized NGOs, such as Disability Rights International.
- Understand the issues faced by resource-poor countries in coping with persons with disabilities and how their practices have been interpreted in the international system.

Required readings:

- *Background note and case on Caging of children with mental disabilities in Mexico* Disability Rights International (DRI), *No Justice: Torture Trafficking and Segregation in Mexico*, July 22, 2015
- [Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health](#). UN Doc. A/HRC/35/21. 28 March 2017.

Supplemental Readings:

- Mental Disability Rights International, *Human Rights and Mental Health, Mexico*, September 2000.
- WHO, Mental Health, Human Rights and Legislation. https://www.who.int/mental_health/policy/legislation/en/
- Mann SP, Bradley V, Sahakian B. (2016) Human-Rights based approach to Mental Health programs, *Health and Human Rights Journal* <https://www.hhrjournal.org/2016/05/human-rights-based-approaches-to-mental-health->

[a-review-of-programs/](#)

- [Poreddi, V., Ramachandra, Reddemma, K., & Math, S. B. \(2013\). People with mental illness and human rights: A developing countries perspective. *Indian journal of psychiatry*, 55\(2\), 117-24.](#)

Questions for discussion:

1. Would a case to the Inter-American Commission on Human Rights claiming Mexico violated the American Convention on Human Rights (ACHR) be admissible? In preparing your answer, consult Articles 46 and 47 of the [American Convention on Human Rights \(ACHR\)](#).
2. What arguments can Rocío Aguirre, Director, Casa Hogar Esperanza, advance to make the case that her establishment has addressed abuses of the past and the current approach to treating patients, consistent with its religious vocation? In preparing your answer, consult the website of Casa Esperanza [here](#) and the film showing the inside can be viewed [here](#).
3. What arguments could Oliva Lopez Arellano, Secretary of Health, Government of Mexico, raise to dispute the allegations made by DRI regarding the responsibilities of the government?
4. What observations would you make regarding the conditions at the Casa Esperanza in the broader context of the evolution of positions on human rights and mental health, as reflected in [resolution 36/13 of the Human Rights Council](#) his [report of 2017](#) and the [2018 Consultation](#).

Session 12: Thursday, December 5, 2019 –Health and Human Rights of Indigenous Peoples (Northern Territory of Australia)

Learning objectives:

- Understand the evolution of human rights norms relating to indigenous peoples
- Explore the dilemmas facing the public health system in its efforts to improve the health of indigenous populations, focusing on those in the Northern Territory of Australia.
- Examine the combined efforts of multiple human rights special procedures addressing the problem of health and human rights of indigenous peoples

Required Readings:

- Background note and Case study: Indigenous people of the Northern Territory of Australia- Part A (Part B to be made available in class)
- [United Nations Declaration on the Rights of Indigenous Peoples](#) (“UNDRIPS”). UNGA Resolution 61/295, adopted 13 September 2007
- [Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Australia](#) UN Doc. A/HRC/36/46/Add.2, 8 August 2017

Supplemental:

- Australian Institute of Health and Welfare (AIHW), [Aboriginal and Torres Strait Islander Health Performance Framework \(HPF\) report](#), 05 Dec 2018
- Indigenous Health Equality Summit Preamble, “Close the Gap.” Canberra, March 2008.

- UN, HRC. Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya. Preliminary note on the situation of indigenous peoples in Australia. 28 October 2009.
- United Nations. Observations on the Northern Territory Emergency Response in Australia, UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya. February 2010.
- Northern Territory Government. “Little Children are Sacred”: Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, 2007.
- Commonwealth of Australia. Bringing them home, National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families. 2 August 1995.
- UN, HRC. Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya. Situation of indigenous peoples in Australia. 1 June 2010.

Questions for Discussion:

1. What is the importance of the protection and preservation of indigenous cultures? Is their demise not a normal and natural part of our sociological evolution?
2. Does UNDRIPS require that Indigenous peoples become independent states?
3. What is the human rights dimension of the Northern Territory “Intervention” in Australia? Are there any violations of human rights?
4. What are the principle objections of the UN Special Rapporteur on Indigenous Rights? How should the Australian government respond?
5. How successful was the NT National Emergency Response?
6. Do you think the National Apology of 2008 should serve as a model for other countries that have a history of oppression of Indigenous Peoples?
7. What are the specific obligations of Australia to realize the right to health for its Aboriginal population?

WEEK 7: HUMAN RIGHTS AND PERSONAL DECISION MAKING

Session 12: Tuesday, December 10, 2019 – NCDs and Tobacco control (China’s implementation of the FCTC)- International Human Rights Day!

Learning objectives:

- Explore the human rights issues of importance in dealing with the health aspects of tobacco and to what extent does the FCTC address them.
- Examine other behavioral issues in public health to which a human rights perspective might be of value.
- Become aware of the structure of international health as part of the international system.

- Become familiar with the means and methods of action to advance tobacco control as a human rights issue at the global level.

Readings:

- *Background Note for Session 12*
- [WHO Framework Convention on Tobacco Control](#)
- [Cape Town Declaration on Human Rights and a Tobacco-free World](#)
- [Tobacco Control and the Right to Health](#) – China. Submission by HRTCN to the CESCR.]
- Oscar A. Cabrera and Lawrence O. Gostin, “Global tobacco control: a vital component of the right to health,” in *Advancing the Human Right to Health*, pp. 261- 273.

Supplemental Readings:

- C Dresler, H Lando, N Schneider, H Sehgal. (2012). “Human rights-based approach to tobacco control.” *Tobacco Control*, vol. 21, 208-211.
- Carolyn Dresler and Stephen P. Marks. (2006) “The Emerging Human Right to Tobacco Control,” *Human Rights Quarterly*, vol. 28, No. 3, pp. 599-651.
- B Fox and J Katz. (2005). “Individual and human rights in tobacco control: help or hinderance?” *Tobacco Control*, vol. 14, ii1-ii2.
- S Marks. (2012). “Strategic directions and emerging issues in tobacco control.” *Tobacco Control*, vol. 21, 212.

Questions for discussion:

1. How effective is the monitoring procedure of the WHO FCTC in general and specifically in the case of the PRC?
2. What are the consequences of the role given to the MIIT in implementing the FCTC?
3. What can be expected in the implementation report from the PRC, which is due in early 2020?
4. What will be the difference between that report and China’s next report to the Committee on Economic, Social and Cultural Rights on its implementation of article 12 of the ICESCR, which is due on May 30, 2019?
5. What other human rights mechanisms might be engaged to address tobacco control in all countries from a human rights perspective?
6. Is there a human right to smoke?
7. Does promotion of e-cigarettes contribute to right to health and/or FCTC objectives?

Session 13: Thursday, December 12, 2019 – Advances in technology (Gene-editing and human rights)

Learning objectives:

- Contrast bioethical and human rights approaches to gene editing and related issues
- Become familiar with the functioning of WHO, OHCHR and UNESCO on issues of genetical modification
- Understand the origin and significance of the right to enjoy the benefits of scientific progress and its applications, as well as its current applications
- Interpret the right to health in relation to controversial advances in science and technology

Required Reading:

Background note distributed.

Supplemental reading:

- Roberto Andorno & Alicia Ely Yamin, The right to design babies? Human rights and bioethics, *OpenGlobalRights* January 8, 2019.
- Stephen P. Marks, Tying Prometheus Down: The International Law of Human Genetic Manipulation, *Chicago Journal of International Law*, vol. 3, No. 1, spring 2002, pp. 119-140.
- Stephen P. Marks, Human Rights Assumptions of Restrictive and Permissive Approaches to Human Reproductive Cloning, *Health and Human Rights*, Vol. 6 No. 1, 2002, pp. 82-102.

Question for discussion:

1. Besides the application of tools such as CRISPR-Cas9 to edit the human genome, what are the advances in science and technology that you think present challenges for human rights?
2. What are the arguments, based on Article 15.1(b) of the ICESCR, that would justify further efforts at improving the human genome, such as those of Dr. He Jiankui?
3. What is the meaning (philosophically and practically) of this right contained in Article 2 of the Universal Declaration on the Human Genome and Human Rights: “Everyone has a right to respect for their dignity and for their rights regardless of their genetic characteristics”?
4. Are gene therapy and enhancement for eugenic purposes compatible with human rights?
5. Are advances in human genomics and the related expansion through biotechnology altering human “nature” and thus the “human” to be protected by human rights?
6. Does a human rights approach protect the genetic makeup of our species as it is or is some version of eugenics consistent with the human right to the “highest attainable standard of physical and mental health”?

Session 14: Tuesday, December 17, 2019 -- Student presentations of final papers

Session 15: Thursday, December 19, 2019 -- Student presentations of final papers

Learning objectives:

- Improve oral communication skills
- Contribute personal intellectual input to the overall content of the course

Term Papers: Each student makes a ten-minute presentation highlighting the main insights and conclusions of the paper.

Term papers are due by midnight on the last day of class, December 19, 2019, on Canvas.

Course Evaluations



In accordance with HSPH policy, course evaluations must be completed before course grades can be released.