

# SYLLABUS

Course No. 5959

## Global Health and Human Rights Seminar

Spring 2009

Thursdays, 2:30 – 4:20 p.m.

### Instructor:

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### Course Description:

This seminar aims to provide law students with the theoretical background and research skills necessary to conduct research, collaborate with medical and public health workers, and participate in legal advocacy in the field of health and human rights. Students will explore interactions between health and human rights in three principal domains: (1) the impact of human rights abuses on health, (2) the right to health in international human rights law, and (3) the interaction between legal advocacy and other forms of social empowerment for people adversely affected by health-related human rights violations. Students will become familiar with the health-related provisions in the major international and regional human rights documents, and how they have been used—successfully and unsuccessfully—to improve people’s social and physical wellbeing, especially in the poorest, least developed regions of the world.

All required readings for the course are available on the TWEN website in both the ‘Course Materials’ and the ‘Web Links’ sections at <http://lawschool.westlaw.com/shared/courselink.asp?course=70732&IID=3%3C%3D>.

The research paper for the seminar satisfies the Legal Writing Requirement for the J.D. degree. Accordingly, we will spend most of the second half of the seminar engaged in research, writing, and in-class critiques of first drafts of the research papers. Working together we will try to produce papers that are on point, intellectually satisfying to writer and reader, and publishable in a law review.

## Course Requirements:

1. **Completion of assigned readings and active participation in class discussions.**
2. **Country research assignment (due by 5:00 p.m., January 29, 2009 by email to [barnard@pitt.edu](mailto:barnard@pitt.edu)):**

Choose one country in the world (which could include the United States) and use web-based and print research resources to determine for that country (a) general status of the enjoyment of human rights and/or major human rights violations across the population; (b) significant health indicators for that country's population, disaggregated according to sex, race, ethnicity, and socio-economic status; (c) non-governmental organizations active in the health and human rights arenas; (d) resources and mechanisms available for legal and human rights advocacy. This information will be the basis for Course Requirement #3.

3. **Research paper:**

**Write a 25-30 page paper, fully referenced in Blue Book format**, in which you select a health problem for a segment of the population in your chosen country, analyze it from the perspective of health and human rights, and propose a strategy for using domestic and international human rights law as a way to address the problem.

**PROSPECTUS due by 5:00 p.m., February 19, 2009 by email to [barnard@pitt.edu](mailto:barnard@pitt.edu).**

The prospectus will consist of a 2-3 page overview of the paper, including a definition of the problem, principal human rights aspects of the problem, proposed methods of analysis, and strategy for advocacy and change, accompanied by a briefly annotated bibliography.

**FIRST DRAFT due by 5:00 p.m., March 19, 2009 by email to [barnard@pitt.edu](mailto:barnard@pitt.edu).**

**FINAL DRAFT due by 5:00 p.m., May 1, 2009 by email to [barnard@pitt.edu](mailto:barnard@pitt.edu).**

Thematic areas that may be of interest for the research papers include, but are not limited to:

- Effects of globalization on poverty, development, and health
- Intellectual property agreements and the availability of drugs
- Violence and conflict
- Torture
- Women's sexual and reproductive health
- Disabilities

- Mental health
- Economic and social rights
- Minority groups
- Indigenous peoples
- Access to health care
- Medical experimentation

#### **4. Critique of a first draft:**

All of the first drafts will be circulated to the class as a whole immediately after the March 19 due date. As indicated on the schedule below, seminar meetings on March 26, April 2, April 9, and April 16 will be devoted to discussion and critique of these first drafts. We will discuss three first drafts at each session (devoting approximately 30-35 minutes per paper), with three students offering 2-page written critiques for each paper. The written critiques will be provided to the author of the paper and circulated to the class as a whole. We will set up a schedule in advance so everyone will know when his or her paper will be up for discussion, and when he or she is expected to present a critique.

#### **Course Grade:**

Grades for the course will be based primarily on the grade for the Research Paper, with the possibility of upward adjustment with particularly strong and constructive contributions to class discussion.

#### **Attendance:**

100% attendance is expected throughout the semester. This is especially important in a Seminar, where each student is a crucial learning resource for every other student.

## CLASS SCHEDULE

### **Week 1 (January 15, 2009): Introduction and overview**

Reading:

Alicia Ely Yamin, *Will we take suffering seriously? Reflections on what applying a human rights framework to health means and why we should care*, 10 *Health and Human Rights* 45 (2008).

Guest: Linda Tashbook, Reference Librarian at Barco Library, will discuss research strategies and resources in international law, global health, and human rights.

### **Week 2 (January 22, 2009): Social determinants of health in the global context**

Reading:

*Closing the Gap in a Generation: Health Equity Through Action on the Social Determinants of Health*. World Health Organization Commission on the Social Determinants of Health, FINAL REPORT, Geneva, (2008).

ALL STUDENTS read the Executive Summary and Chapters 2, 3, 9, 13, and 14. In addition, you may wish to read other chapters that are of particular interest. *All* chapters will be of value in conceptualizing the research paper.

### **Week 3 (January 29, 2009): Interactions between health and human rights**

**Country research assignment due today.**

Reading:

Sofia Gruskin, Edward J Mills & Daniel Tarantola, *History, principles, and practice of health and human rights*, 370 *The Lancet* 449 (2007).

Leslie London, *What is a human rights-based approach to health and does it matter?* 10 *Health and Human Rights*, 65 (2008).

### **Week 4 (February 5, 2009): The right to health in international human rights law**

Reading:

“General Comment No. 14: The Right to the Highest Attainable Standard of Health (Article 12 of the International Covenant on Economic, Social, and Cultural Rights)”

Excerpts from Human Rights Treaties and Conventions

**Week 5 (February 12, 2009): Applying “the right to health” in country contexts**  
**\*\* MAKE-UP DATE WILL BE SCHEDULED FOR THIS CLASS \*\***

Reading:

Eleanor D. Kinney, *Recognition of the international Human Right to Health Care in the United States*, 60 Rutgers L. Rev. 335 (2008).

Jerome Amir Singh, Michelle Govender & Edward J Mills, *Do human rights matter to health?* 370 The Lancet 521 (2007).

**Note:** In addition to the two articles listed above, each student should read and prepare to summarize orally in class **one** of the cases from India or South Africa cited in the *Lancet* article by Singh et al. Directions for finding these case reports are available on TWEN, courtesy of Linda Tashbook at Barco Library.

**Week 6 (February 19, 2009): The use of human rights indicators**

**Prospectus due today.**

Reading:

United Nations Development Program, *Using indicators for human rights accountability*, Chapter 5 Human Development Report (2000).

**Week 7 (February 26, 2009): Case study, Part 1: Women’s sexual and reproductive health**

Reading:

*Deadly Delays Maternal Mortality in Peru A Rights-Based Approach to Safe Motherhood*, Physicians for Human Rights, (2007).

Read for this week: Executive Summary and Sections V and VI.

**Week 8 (March 5, 2009): Case study, Part 2: Women’s sexual and reproductive health**

Reading:

*Deadly Delays Maternal Mortality in Peru A Rights-Based Approach to Safe Motherhood*, Physicians for Human Rights, (2007).

Read for this week: Section VII, cases of Antonia, Carolina, Evarista, and Francisca; Section VIII, and Section X.

## **SPRING BREAK**

### **Week 9 (March 19, 2009): Human rights education**

**First drafts due today.**

Reading:

U. Baxi, "Human Rights Education: The Promise of the Third Millennium?" Chapter 9 in George J. Andreopoulos and Richard Pierre Claude, eds., *Human Rights Education for the Twenty-First Century*. Philadelphia: University of Pennsylvania Press, 1997.

E. O'Brien, "Community Education for Law, Democracy, and Human Rights," Chapter 25 in George J. Andreopoulos and Richard Pierre Claude, eds., *Human Rights Education for the Twenty-First Century*. Philadelphia: University of Pennsylvania Press, 1997.

U. Dow, S. Stumbras, and S. Tatten, "Looking at Women's Empowerment Initiatives from a Grassroots Level," Chapter 27 in George J. Andreopoulos and Richard Pierre Claude, eds., *Human Rights Education for the Twenty-First Century*. Philadelphia: University of Pennsylvania Press, 1997.

M. Suarez-Toro and R. Arroyo, "A Methodology for Women's Human Rights Education," in George J. Andreopoulos and Richard Pierre Claude, eds., *Human Rights Education for the Twenty-First Century*. Philadelphia: University of Pennsylvania Press, 1997.

### **Week 10 (March 26, 2009): Discussion and critique of first drafts**

**Weeks 11 (April 2, 2009): Discussion and critique of first drafts**

**Week 12 (April 9, 2009): Discussion and critique of first drafts**

**Week 13 (April 16, 2009): Discussion and critique of first drafts**

**Week 14 (April 23, 2009): Conclusions and farewells**

**Final draft of research paper due by email to [barnard@pitt.edu](mailto:barnard@pitt.edu) by 5:00 p.m., May 1, 2009.**