University notices:
1. If you are a student with a documented disability on record at Brandeis University and wish to have a reasonable accommodation made for you in this class, please see me immediately.

2. You are expected to be honest in all of your academic work. The University policy on academic honesty is distributed annually as section 5 of the Rights and Responsibilities handbook. Instances of alleged dishonesty are subject to possible judicial action. Potential sanctions include failure in the course and suspension from the University. If you have any questions about my expectations, please ask.

Academic integrity is central to the mission of educational excellence at Brandeis University. Each student is expected to turn in work completed independently, except when assignments specifically authorize collaborative effort. It is not acceptable to use the words or ideas of another person – be it a world-class philosopher or your roommate – without proper acknowledgement of that source. This means that you must use footnotes and quotation marks to indicate the source of any phrases, sentences, paragraphs or ideas found in published volumes, on the internet, or created by another student. If you are in doubt about the instructions for any assignment in this course, you must ask for clarification.

This syllabus is subject to change. When in doubt, please ask me.

Course Description

From the World Health Organization to national professional medical associations, organizations working in health practice and policy are increasingly interested in the overlaps between their own work and international human rights standards. The overlaps range from concerns about violations of rights by health professionals to the meaning and effective implementation of the internationally recognized right to the “highest attainable standard of health.”

This course is intended for graduate students with an interest in health practice or policy who wish to understand how a rights-based approach intersects with
those fields, and in particular to think about the implications of the rights standards for policy-makers, medical professionals, health-related industries, and patients. It addresses the following questions:

- What are the international human rights standards that relate to health?
- What does it mean, in practice, to declare a “right to health,” and how is such a right to be implemented?
- What are the obligations of governments and medical professionals with regard to human rights and health?
- What role do civil and political rights like participation, freedom of speech, access to information, and non-discrimination play in health policy-making and policy implementation?

The course is designed as a seminar, with a focus on reading, discussion and student research rather than on lectures. Substantive examples addressing the issues of access to health care, development of and access to medicines, sexual and reproductive rights, medical ethics, clinical trials, and access to underlying determinants of health such as food and clean water will be drawn from both developed and developing countries.

Guest speakers from the Heller faculty will join the class on occasion, schedules permitting. Guests this year are expected to include Professor Goodman, Professor Klerman, Professor Nandakumar, and Professor Bhalotra.

**Core Competency Statement**
This course teaches concepts and skills that have been identified as core competencies for a degree in SID:

- How international standards apply to national policies, from both a legal and practical perspective
- How a “rights-based approach” can be applied to both national and international policies and practices

**Sustainable Development Statement**
This course relates to the field of sustainable development as follows:

It looks at health, a universally important issue, from the perspective of both the developed and the developing worlds.

**Gender Perspective Statement**
This course incorporates a perspective on gender as follows:

- Special attention is paid to issues, such as reproductive health and empowerment to make health-related decisions, that tend to be of particular relevance to women;
• The notions of non-discrimination and equality with regard to gender are discussed in depth.

**Race and Ethnicity Statement**
This course recognizes the impact of race and ethnicity:

Where applicable, on issues of discrimination and disempowerment and on decision-making at international, national, and individual levels.

**Readings**
The required readings for this course are drawn from three sources:

1. *Perspectives on Health and Human Rights*, eds. Sofia Gruskin, Michael A. Grodin, George J. Anna, and Stephen P. Marks, Routledge, 2005. Copies are available for purchase from the Brandeis bookstore, and a copy will be placed on reserve in both the SID library and the main Brandeis library. In the readings below this is listed as “Perspectives.”

2. *Course packet*. A copy of the course packet will be available for purchase in the SID library.

3. *Online resources*. Occasionally, the syllabus will link to an online source (an electronic version of the syllabus, with live links, is available on the class webct site). Please let me know if you have any trouble accessing any of the online sources.

Additional readings may occasionally be distributed in class.

**Course requirements**
There are different requirements for students from the different degree programs:

**MA and MS students:**
Will be expected to write one short (2-3 page paper), do two take-home exercises, and write one final paper (6-10 pages) on a topic to be chosen by the student in consultation with the instructor.

**Ph.D. students:**
Will be expected to draft and present a substantial (15-20 page) seminar paper on a topic of their choice. Students will begin research on their seminar papers during the first three weeks of class and turn in a seminar paper proposal early in the module; they will present their findings (or work in progress) during the later four weeks.

Other requirements for all students include:
• Attendance at all sessions; prompt arrival.
• Preparation of all readings.
• Participation in class discussions and any small group work.
• Timely submission/presentation of assignments.
• Helpfulness to other students.

Your grade will be calculated as follows:

MA or MS students:
   1. Short paper: 20 %
   2. Exercise 1: 20 %
   3. Exercise 2: 20 %
   4. Individual paper: 35%
   5. Participation: 5%

For those who wish it, whichever of the three short assignments (paper and 2 exercises) receives the lowest grade will be counted as 10% for the final grade, and the other 2 as 25%.

Ph.D. students:
   Final seminar paper: 100 %

Rescheduled class day
Note that there will be no class on September 14, when I have to be away at a conference. We will make up that class with one, and possibly two, lunchtime sessions, to be scheduled after the start of the class.

You will receive early feedback on your performance
The short paper (MA/MS) or the seminar paper proposal (Ph.D.) will be due at the second class session and returned before the 3rd week of class.

My make-up policy for late papers or missed exams
Assignments are expected to be turned in on time. If you are ill or have other exceptional circumstances, please contact me before the assignment is due. Late papers that are submitted without advance permission are docked a half grade for each day that they are late.
Class Sessions

Class 1: Basic concepts  August 31

- Defining human rights
- Defining health
- Introduction to international economic, social and cultural rights
- Introduction to international civil and political rights
- Implications of taking a rights-based approach to a complex social issue:
  - Rights-based vs needs-based approaches
  - Democracy issues
  - Empowerment issues
- Roles of national government and international community
- Governmental obligations: respect, protect, fulfil
- Process rights: transparency, access to information, freedom of expression, non-discrimination

Readings:


Optional additional reading:


Class 2: The Right to Health  September 7

- How to read a human rights treaty
- “Core content” of the right to health
- Right to health care
- Privatization and insurance (brief discussion)
• Case study: access to health care under the South African Constitution
• Who is protected? Special issues around migrants and refugees
• Health, development, and human rights: the Millennium Development Goals and the right to health

**Paper 1 due**

Readings:

1. *Perspectives* Chapter 1 (Gruskin and Tarantola, “Health and Human Rights”) pp. 3-57.


3. *Skim* Declaration of Alma-Ata (course packet appendix)


8. Chaoulli and Zeliotis v. Quebec (Attorney General), 2005 SCC 35 (Canada – Quebec private health care case; to be distributed)

Optional:

Sept 14 No Class

- This session to be made up with a lunch-time session later in the module

- Read ahead to: Health Rights of Women Assessment Instrument, by Saskia Bakker and Hansje Plagman, HOM, 2006. Note that although this focuses on women, it provides useful tools for all aspects of health policy. (Online at http://www.hom.nl/publicaties/HeRWAI%20def05%20totaal.pdf)

- Exercise 1 due

Class 3: Human Rights and Medical Professionals  Sept 21

- Medical ethics and human rights
  - Torture and medical professionals
  - Medical experimentation
  - Clinical trials
- Issues around the regulation of health professionals
- Freedom of expression of health professionals
- The role of health professionals in treating victims of rights abuses
- The role of medical professionals in monitoring the right to health
- Balancing individual rights and public health

Readings:


Class 4: Sexual and Reproductive Health Sept 28
Right to information as a component of the right to health

- Overview of international norms on sexual and reproductive health
- Gender and health rights
- Children and health rights
- Right to give and receive information as a component of the right to health

Readings:

1. Glance at WHO website on Gender and Reproductive Rights: 
   http://www.who.int/reproductive-health/gender/index.html

2. Glance at (to get a sense of the kinds of issues being written about) the table of contents and articleabstracts for Health and Human Rights: An International Journal, Vol. 7, No. 2, Special Focus: Sexuality, Human Rights, and Health (online at 
   http://www.hsph.harvard.edu/fxbcenter/V4N2.htm)


6. UN Human Rights Committee, Decision in Karen Llontoy v. Peru, November 2005 (to be distributed)

Optional:
Class 5: Advocacy for Health Rights          Lunchtime
Session, date to be determined

Readings:

1. *Health Rights of Women Assessment Instrument*, by Saskia Bakker and
   Hansje Plagman, HOM, 2006. (Online at
   http://www.hom.nl/publicaties/HeRWAI%20def05%20totaal.pdf)

Class 6: Access to Essential Medicines October 5
Transparency as a component of the right to health

- Key concepts in intellectual property rights and development of/access to
  new pharmaceuticals
- The TRIPS Agreement and access to medicines in the developing world,
  including pricing issues
- Transparency as a component of the right to health

Readings

   Preliminary Observations,” WHO Health and Human Rights Working Paper
   Series No 4, December 2003 (course packet)

2. *Perspectives*, chapters 9 (Cullet, “Patents and Medicines: The Relationship
   Between TRIPS and the Human Right to Health”) and 10 ( ‘t Hoen, “TRIPS,
   Pharmaceuticals Patents,and Access to Essential Medicines: A long Way from
   Seattle to Doha”), pp. 179-222.

   to Essential Medicines, Working Group on Access to Essential Medicines,
   ”Prescription for healthy development: increasing access to medicines”
   (available online at
   http://www.unmillenniumproject.org/reports/tf_essentialmedecines.htm)

   Commission, Access to Information, and the Promotion of Socio-Economic
   Rights,” Human Rights Quarterly 27 (2005), pp. 539-561 (course packet)
Optional:


Exercise 2 due

Class 7: Underlying Determinants of Health Oct. 12

- Access to clean water and adequate sanitation
- Environmental health
- International health precautions from a human rights perspective
- Access to adequate food
- Access to adequate education in the context of the right to health
- Regulation of health in the workplace

Readings:


Final paper due