

# Health & Human Rights: Concepts & Methods for Public Health

Harvard School of Public Health

PIH 218 (01)

September 2006 – October 2006

## Course syllabus and requirements

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## Class Materials

1. S. Gruskin, M. Grodin, G. Annas and SP Marks (eds.) *Perspectives in Health and Human Rights*, Routledge, Taylor & Francis Group (2005).
2. *Twenty-five Plus Human Rights Documents* (New York: Center for the Study of Human Rights, Columbia University, 2001).
3. Course reading packet.
4. Case Materials: to be distributed in class.

Reading packet can be purchased from the Department of Population and International Health, HSPH, Building 1, Room 1104. Books can be purchased from the Harvard Medical Coop (333 Longwood Avenue).

## At the end of the course the student will be able to:

- Analyze rights related to health in international and national human rights documents and application of these rights to work of public health
- Evaluate different approaches to institution's promotion, monitoring, and implementation of human rights norms and analyze the value for health policies and programs
- Apply human rights concepts and a human rights methodology to the analysis of health policies and programs
- Conceptualize and apply a vulnerability and human rights analysis to health
- Apply human rights concepts and a human rights approach to public health work

## Class Format

Classes will consist of a background lecture, discussion of assigned readings, and case studies. Class meets on Wednesdays from 1:30 - 4:20 p.m. in Kresge 201. We will usually take a 10-minute break midway through the class.

## Work Required

1. Weekly reading
2. Take-home assignments
3. Outline for final paper
4. Presentation of paper in class
5. Final paper (15-20 pages)

## Assignments

		Due
#1	One-page reflection paper	Wednesday, Sept. 13 (in class)
#2	Take-home questions	Wednesday, Sept. 20 (in class)
#3	Paper outline	Wednesday, Oct. 4 (in class)
#4	Final paper	Wednesday, Oct. 25 (in class)
#5	Paper Presentation	Wednesday, Oct. 25 (in class)

## Grading

1. Class participation and preparation, including readings and discussion (25 %)
2. Paper outline (0 %)

3. Take-home assignments (20%)
4. Final paper (15-20 pages) (50%)
5. Paper presentation (5%)

**Course Evaluations**

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.

## **Class 1 (September 6)**

### **Part 1: Introduction To The Course**

The objectives, structure, readings, and assignments of the course will be presented. The underlying propositions and conceptual framework for the course will be discussed. The basic trends and developments in health and human rights will be briefly reviewed.

### **Part 2: Human Rights Instruments And Core Principles**

The core principles of modern human rights thinking and practice will be discussed. Emphasis will be placed on the instruments comprising the International Bill of Human Rights.

<b>Assignment 1: One-page reflection paper due in class on September 13.</b>
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#### **Readings for Class 1:**

1. S. Gruskin and D. Tarantola, "Health and Human Rights," in S. Gruskin, M. Grodin, G. Annas and SP Marks (eds.), *Perspectives on Health and Human Rights*, (New York: Routledge, Taylor and Francis Group, 2005), pp.3-57.

#### **Suggested Readings for Class 1:**

2. WHO, 25 Questions & Answers on Health & Human Rights. July 2002.
3. P. Hunt, "The right to health: from the margins to the mainstream," *The Lancet* 2002, 360: 1878.
4. "Historical Perspective: The League of Nations and the International Labour Organization," in J. Humphrey, *No Distant Millennium: The International Law of Human Rights* (Paris: UNESCO, 1989), pp. 27-37.
5. R. Bilder, "An Overview of International Human Rights Law," in H. Hannum (ed), *Guide to International Human Rights Practice, 2nd edition* (Philadelphia: University of Pennsylvania Press, 1992), pp. 3-17.
6. P. Sieghart, An Introduction to the International Covenants on Human Rights, Human Rights Unit Occasional Paper (Commonwealth Secretariat, March 1988), pp. 1-20.
7. The Politics of Human Rights. *The Economist*. August 18 – 24, 2001, p. 9.
8. Righting Wrongs. *The Economist*. August 18 – 24, 2001, pp. 18-20.

#### **Documents And Other Materials For Class 1:**

1. Declaration of Alma Ata (WHO/UNICEF), 1978.
2. Constitution of the World Health Organization (preamble).
3. Institute of Medicine, *Future of Public Health, Summary and Recommendations* (excerpts) (Washington, DC: National Academy Press, 1988), pp. 1-18.
4. W. Clinton, Executive Order on Implementation of Human Rights Treaties, 10 December 1998.
5. Universal Declaration of Human Rights; International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights, in *Twenty-five Plus Human Rights Documents*.
6. Committee on Economic Social and Cultural Rights. *The Right to the Highest Attainable Standard of Health*, General Comment 14. E/C.12/2000/4. 25 April-12 May 2000.
7. An Overview Of The Mandates of Key UN Special Rapporteurs Working on Economic, Social and Cultural Rights. Found online at [www.escr-net.org/ConferenceDocs/ UNSpecialRapporteursESCR.doc](http://www.escr-net.org/ConferenceDocs/ UNSpecialRapporteursESCR.doc).

**Class 1 Handout:** Status of Ratifications of International Covenants and Conventions

## **Class 2 (September 13)**

### **Part 1: Human Rights Institutions, Monitoring And Enforcement**

An introduction to the institutions relevant to the promotion, monitoring, implementation, and enforcement of human rights norms, including the United Nations and United Nations-related institutions and the role of non-governmental organizations (NGOs).

### **Part 2: Case Study (Prisons)**

**Assignment 2:** Take-home questions will be distributed in class and are due in class on September 20.

#### **Readings For Class 2:**

1. H. Hannum, "Implementing Human Rights: An Overview of Strategies and Procedures," in H. Hannum (ed), *Guide to International Human Rights Practice, 2nd edition* (Philadelphia: University of Pennsylvania Press, 1992), pp. 19-38.

#### **Suggested Readings for Class 2:**

2. B. Ramcharan, "Factfinding in International Law and Practice," SIM (Netherlands Institute of Human Rights) Special No. 2, 2-4 June 1983, pp. 345-49.
3. M. Picken, The Role of the NGO in the Implementation of Human Rights within the Framework of the UN, presented at University of Montreal Colloquium, 1985, pp. 440-45.
4. "Sins of the Secular Missionaries" *The Economist* 2000, January 29<sup>th</sup>, 25-27.
5. J. Donnelly, "International Human Rights: A Regime Analysis," *International Organizations* 1986, 40(599): 310-313.
6. Office of the United Nations High Commissioner for Human Rights, *United Nations Human Rights Organizational Structure*. <http://www.unhcr.ch/hrostr.htm>.
7. Aung San Suu Kyi, "Human Rights Are Not Alien to Burma," *Time Magazine*, 28 October 1991, 46-47.
8. A. A. An-Na'im, "Towards a Cross-cultural Approach to Defining International Standards of Human Rights," in A. A. An-Na'im (ed), *Human Rights in Cross-cultural Perspectives: A Quest for Consensus* (Philadelphia: University of Pennsylvania Press, 1990), pp. 19-43.
9. J. Paust, "The Other Side of Right: Private Duties under Human Rights Law," *Harvard Human Rights Journal* 1992, 5: 51-63.
10. D. Sullivan, "The Public/Private Distinction in International Human Rights Law," in J. Peters and A. Wolper (eds), *Women's Rights—Human Rights: International Feminist Perspectives* (New York: Routledge, 1995), pp. 126-34.
11. A. Liptak, "U.S. Courts' Role in Foreign Feuds Comes Under Fire," *The New York Times*, 3 August 2003.
12. Amnesty International, *United States of America: Rights for All* (London: Amnesty International, 1998), pp. 123-34.

13. United States Supreme Court drops death penalty for mentally retarded murderers. *The Lancet* 2002, 359: 2258.
14. New York City Welfare Reform and Human Rights Documentation Project, *Hunger Is No Accident: New York and Federal Welfare Policies Violate the Right to Food*. (New York: New York City Welfare Reform and Human Rights Documentation Project, 2000), pp. 1-6, 13-19, 21-40.
15. "Poverty in the United States: Human Rights Denied," Global Rights VOICES Magazine, Winter 2006, pp. 1-7

### **Prisons Readings (Please Review For Class Case Study)**

15. Human Rights Watch, "Special Issues and Campaigns: Prisons" in *World Report 2002* (New York: Human Rights Watch, 2002).
16. R. Oyo, "Rights: Deplorable Prison Conditions Lead to Bad Health, or Death," *Inter Press Service*, 16 August 1998.
17. J. Anguka, "Nightmare of Neglect and Death at Katami Prison," *Daily Nation*, 12 August 1998.
18. Johnson, "Latin American Prisons: Inhuman Hell on Earth," *Seattle Times*, 17 February 1997.
19. K. Dahal, "Legal abortion in Nepal and women in prison," *The Lancet* 2004, 363: 1905.

## **Class 3 (September 20)**

### **The Impact Of Public Health Policies And Programs On Human Rights**

Discussion and case study of how public health policies, programs, and practices can burden or promote human rights and how an optimal balance can be negotiated between public health goals and human rights norms. Application of human rights concepts and a human rights methodology to the analysis of health policies, programs and research.

#### **Readings For Class 3:**

1. International Federation of Red Cross and Red Crescent Societies and François-Xavier Bagnoud Center for Health and Human Rights, "The Public Health – Human Rights Dialogue," in J. Mann, S. Gruskin, M. Grodin and G. Annas (eds.), *Health and Human Rights a Reader*, (New York and London: Routledge, Taylor and Francis Group, 1999), pp.45-53.
2. P. Alexander, "Notes on Sex Work, HIV/AIDS, And the Law," *Lawreview*.98 April 24, 1998, pp. 1 - 7.
3. T. K. Sundari Ravindran, "Women and the Politics of Population and Development in India," *Reproductive Health Matters* 1993, 1: 26-38.

#### **Suggested Readings for Class 3:**

4. D. Sharma, "Widespread concern over India's missing girls," *The Lancet* 2003, 362: 1553.
5. M. Shahmanesh and S. Wayal, "Targeting commercial sex-workers in Goa, India: time for a strategic rethink?," *The Lancet*, v. 364, October 9, 2004, pp. 1297-1299
6. P. Chatterjee, "Doctors' group proposes one-child policy for India," *The Lancet*, v. 365, May 7, 2005, p. 1609
7. B. Fraser, "Peruvian mining town must balance health and economics," *The Lancet*, v. 367, March 18, 2006, pp. 889-890
8. J. Kirsch and M. Cedeno, "Informed Consent for Family Planning for Poor Women in Chiapas, Mexico," *The Lancet* 1999, 354: 419.

9. Arsenic contamination affects millions in Bangladesh. *The Lancet* 2002, 359: 1127.

### **Documents And Other Materials For Class 3:**

1. ECOSOC, Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights. UN Doc. E/CN.4/1984/4, pp. 1-6.

## **Class 4 (September 27)**

### **Reproductive and Sexual Rights And The Health Effects Of Human Rights Violations: The Right To Information**

Emphasis will be placed on the emerging concepts of reproductive rights and sexual rights. The impact of human rights violations on health will be explored, using the example of reproductive health, with a focus on the right to information.

<b>Assignment 3:</b> Paper outline due in class on October 4.
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### **Readings for Class 4:**

1. B. Shepard, "The 'Double Discourse' on Sexual and Reproductive Rights in Latin America: The Chasm between Public Policy and Private Actions," in S. Gruskin, M. Grodin, G. Annas and SP Marks (eds.), *Perspectives on Health and Human Rights*, (New York: Routledge, Taylor and Francis Group, 2005), pp.247-70.
2. L. Freedman, "Censorship and Manipulation of Family Planning Information: An Issue of Human Rights and Women's Health," in J. Mann, S. Gruskin, M. Grodin and G. Annas (eds.), *Health and Human Rights a Reader*, (New York and London: Routledge, Taylor and Francis Group, 1999), pp. 145-78.

### **Suggested Readings for Class 4:**

3. C. Bunch, "Women's Rights as Human Rights: Toward a Re-vision of Human Rights," *Human Rights Quarterly* 1990, 12: 486, pp.828-833.
4. F. Girard, "Cairo + Five: Reviewing Progress for Women Five Years After the International Conference on Population and Development" *Journal of Women's Health and Law* 1999, 1(1): 1-14.
5. A. Germain, "Reproductive health and human rights," *The Lancet* 2004, 363: 65-66.
6. S. Gruskin, "The Conceptual and Practical Implications of Reproductive and Sexual Rights: How Far Have We Come?" *Health and Human Rights* 2000, 4(2): 1-6.
7. UNFPA, "Reproductive Health and Human Rights," in *The State of the World Population* (1997), pp. 8-16.
8. B. Klugman, "Sexual Rights in Southern Africa: A Beijing Discourse or a Strategic Necessity?," in S. Gruskin, M. Grodin, G. Annas and SP Marks (eds.), *Perspectives on Health and Human Rights*, (New York: Routledge, Taylor and Francis Group, 2005), pp.271-291.

### **Documents And Other Materials For Class 4:**

1. UN Fourth World Conference on Women, Platform for Action, selected readings, 1995.
2. Report of the Ad Hoc Committee of the Whole of the twenty-third special session of the General Assembly, June 1995, UN Doc. A/S-23/10/Rev.1 (Suppl. No 3.), selected readings. (Beijing +Five)
3. UN International Conference on Population and Development, Programme of Action, selected readings, 1994.

4. Overall Review and Appraisal of the Implementation of the Programme of Action of the International Conference on Population and Development, June 1999, UN Doc. A/S-21/5/Add.1 (1 July 1999), selected readings (Cairo + Five).

## **Class 5 (October 4)**

### **From Vulnerability To Human Rights: The Case Of HIV/AIDS**

Development of the concept of risk and vulnerability and its relationship to health issues and human rights will be explored. Through discussion and a case study, the skills to conceptualize and apply a vulnerability and human rights analysis to HIV/AIDS will be provided.

#### **Readings For Class 5:**

1. Joint United Nations Programme on HIV/AIDS, Expanding the Global Response to HIV/AIDS through Focused Action: Reducing Risk and Vulnerability: Definitions, Rationale and Pathways, UNAIDS Best Practice Collection, UNAIDS/98.1, 1998, pp. 1-16.
2. J. Mann and D. Tarantola, "Vulnerability: Personal and Programmatic", "From Vulnerability to Human Rights," *AIDS in the World II* (Oxford: Oxford University Press, 1996), pp. 441-76.
3. S. Gruskin and D. Tarantola, "HIV/AIDS, Health, and Human Rights" in P Lamptey, H Gayle, P Mane (eds) *HIV/AIDS Prevention and Care Programs in Resource-Constrained Settings: A Handbook for the Design and Management of Programs*. (Arlington, Virginia: Family Health International, 2000).

#### **Suggested Readings for Class 5:**

4. M. Maluwa, P. Aggleton, and R. Parker, "Stigma, Discrimination, and Human Rights: A Critical Overview." *Health and Human Rights* 2002, 6(1).
5. J. Mann, "Human Rights and AIDS: The Future of the Pandemic," in J. Mann, S. Gruskin, M. Grodin and G. Annas (eds.), *Health and Human Rights a Reader*, (New York and London: Routledge, Taylor and Francis Group, 1999), pp. 216-26.
6. K. De Cock, D. Mbori-Ngacha, and E. Marum, "Shadow on the Continent: public health and HIV/AIDS in Africa in the 21<sup>st</sup> century," *The Lancet*, v. 360, July 6, 2002, pp.67-72.
7. S. Gruskin and B. Loff, "Do human rights have a role in public health work?" *The Lancet*, v. 360, December 7, 2002, p. 1880.
8. R. Tenthani, "Malawi mom hacks HIV-positive baby to death," *Mail and Guardian Online, South Africa*, 3 September 2005

#### **Documents And Other Materials For Class 5:**

1. Framework for Global Leadership on HIV/AIDS, November 2 2000, UNAIDS/PCB(10)00.3.
2. UN Special Session Declaration of Commitment on HIV/AIDS, August 2 2001, [http://www.unaids.org/whatsnew/others/un\\_special/Declaration020801\\_en.h](http://www.unaids.org/whatsnew/others/un_special/Declaration020801_en.h). Downloaded 9/5/2001.



## **Class 6 (October 11)**

### **Applying a Rights-Based Approach to Public Health Programming**

Discussion of the content, means and methods of what is often called a rights-based approach to public health. Case studies will be used to provide experience in application of key components of rights-based approaches to tough questions in public health programming.

#### **Readings For Class 6:**

1. A. E. Yamin and E. Rosenthal. (2005). Out of the shadows: Using human rights approaches to secure dignity and well-being for people with mental disabilities. *PLoS Medicine*, 2(4,e71): 296-8.
2. Office of the United Nations High Commissioner for Human Rights. (2006). Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation. HR/PUB/06/8, pp. 15-32.
3. P. De Lay and V. Manda, "Politics of Monitoring and Evaluation: Lessons from the AIDS Epidemic," in D. Rugg, G. Peersman, M. Carael (eds.), *Global Advances in HIV/AIDS Monitoring and Evaluation, New Directions for Evaluation* no. 103, Fall 2004, pp. 13-31.

#### **Suggested Readings For Class 6:**

1. L. Gostin and J. Mann. "Toward the Development of a Human Rights Impact Assessment for the Formulation and Evaluation of Public Health Policies" in J. Mann, S. Gruskin, M. Grodin and G. Annas (eds.), *Health and Human Rights a Reader*, (New York and London: Routledge, Taylor and Francis Group, 1999), pp. 54-71.

#### **Documents And Other Materials For Class 6:**

1. "The Human Rights-Based Approach to Development Cooperation Towards a Common Understanding Among the UN Agencies ('Common Understanding')" (outcome document from an interagency workshop on a Human Rights-based Approach in the context of UN reform 3-5 May 2003).

## **Class 7 (October 18)**

### **Health And Human Rights: From Analysis To Action**

Four case studies will be used to illustrate how bringing together concepts and methods in health and human rights can support practical and effective action.

**Assignment 4:** Final Paper due in class on October 25.

**Assignment 5:** Prepare for Presentations to be held in class on October 25.

#### **Readings For Class 7:**

##### *Case 1: HIV/AIDS*

1. Convention on the Rights of the Child, in *25 Plus Human Rights Documents*.
2. T. Hammarberg, Making Reality of the Rights of the Child (Save the Children, 1992).
3. D. Tarantola and S. Gruskin, "Children Confronting HIV/AIDS: Charting the Confluence of Rights and Health," in S. Gruskin, M. Grodin, G. Annas and SP Marks (eds.), *Perspectives in Health and Human Rights*, (New York: Routledge, Taylor and Francis Group, 2005), pp.225-46.
4. General Comment No. 3, *HIV/AIDS and the right of the child*, (General Comment), CRC/GC/2003/3 (2003).

##### *Case 2: Abortion*

1. Convention on the Elimination of All Forms of Discrimination against Women, in *25 Human Rights Documents*.
2. R. Cook, "Abortion Laws and Policies: Challenges and Opportunities," *International Journal of Gynecology and Obstetrics* 1989, Suppl. 3, 61-87.
3. L. Adesse and L. Campello Ribeiro de Almeida, "Using Human Rights Principles to Promote Quality of Abortion Care in Brazil," *Reproductive Health Matters* 2005: v. 13(26), pp. 155-157.

### Case 3: Maternal Mortality

1. Convention on the Elimination of All Forms of Discrimination against Women, in *25 Human Rights Documents*.
2. A. Yamin and D. Maine, "Maternal Mortality as a Human Rights Issue: Measuring Compliance with International Treaty Obligations," in S. Gruskin, M. Grodin, G. Annas and SP Marks (eds.), *Perspectives on Health and Human Rights*, (New York: Routledge, Taylor and Francis Group, 2005), pp.427-68.
3. M. Berer and T.K. Sundari Ravindran, "Preventing Maternal Mortality: Evidence, Resources, Leadership, Action," in M. Berer and T.K. Sundari Ravindran (eds), *Safe Motherhood Initiatives: Critical Issues*, (Oxford: Reproductive Health Matters, 1999), pp. 3 - 9.

### Case 4: Tobacco

1. Convention on the Rights of the Child, in *25 Plus Human Rights Documents*.
2. World Health Assembly Resolution 56.1, WHO Framework Convention on Tobacco Control *and Updated Status of the Signatories (as of June 2004)* to the WHO Framework Convention on Tobacco Control.
3. World Health Organization, *Tobacco and the Rights of the Child*, 2001, 1-61.
4. C. Kapp, "Tobacco-Control Treaty Language Approved Despite Objections," *The Lancet* 2003, 361: 839.
5. S. Ramsay, "PAHO Exposes Tobacco-Industry Tactics in Latin America," *The Lancet* 2002, 360: 2057.

### All Groups

4. Office of Human Rights Advisor, UN-Afghanistan, "A Training Initiative for Human Rights and Rights-Based Programming in Afghanistan: A Report for the UN Coordinator's Office," July 1999.

## Class 8 (October 25)

### Next Steps: Incorporating Human Rights In Public Health Practice

Paper presentations and next steps.

#### Readings For Class 8:

1. G. Brundtland, "The UDHR: Fifty Years of Synergy Between Health and Rights," in S. Gruskin, M. Grodin, G. Annas and SP Marks (eds.), *Perspectives on Health and Human Rights*, (New York: Routledge, Taylor and Francis Group, 2005), pp.59-62.
2. L. Freedman, "Human Rights and Politics of Risk and Blame: Lessons from the International Reproductive Health Movement," in S. Gruskin, M. Grodin, G. Annas and SP Marks (eds.), *Perspectives on Health and Human Rights*, (New York: Routledge, Taylor and Francis Group, 2005), pp.527-36.
3. J. Mann, "Medicine and Public Health, Ethics and Human Rights," in J. Mann, S. Gruskin, M. Grodin and G. Annas (eds.), *Health and Human Rights a Reader*, (New York and London: Routledge, Taylor and Francis Group, 1999), pp. 439-52.
4. K. Roth, "Three Challenges to the Prevailing Wisdom," unpublished, Human Rights Watch, 2002.