

**BOSTON UNIVERSITY
SCHOOL OF PUBLIC HEALTH**

FALL 2007

Introduction to Human Rights and Health (2 credit)

Instructors:	Michael A. Grodin, MD	email: <grodin@bu.edu>
	George J. Annas, JD, MPH	email: <annasgj@bu.edu>
	Candace Miller, MPH, PhD	email: <candace@bu.edu>

Office:	Human Rights, Talbot 3W	Phone: 638-4626	Fax: 414-1464
Time:	Tuesdays TBA	Location:	

Office Hours: By appointment

COURSE DESCRIPTION

Many argue that the health of populations is primarily determined by individual biomedical and genetic factors. Others claim that the public's health is primarily determined by external environmental factors. It has been found that the most effective and efficient way to quickly improve health status is to provide clean water, sewer systems, nutritious food and adequate shelter. Once these basic needs have been met public health measures such as prenatal care, vaccinations and medical care for infectious diseases can alleviate much pain and suffering. This course will argue that the health of people worldwide is closely linked to the realization of human rights. For example, preventable illness, infant mortality, premature death, malnutrition, and epidemics are closely tied to discrimination, limits on freedom of expression, oppression of women, lack of education, and inhumane labor practices. This course explores the relationship between human rights and health by examining relevant international documents (e.g., The Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights) in historical context, exploring the meaning of "human rights" and their challenge to state sovereignty, discussing the meaning of "health" and its relationship to human fulfillment, and analyzing specific case studies that illuminate the problems, prospects, and potential methods of promoting health by advocating for human rights on the national and international levels.

The course is designed to provide students with the knowledge and skills to determine how rights violations impact health, and how to engage, at an entry level, in using the human rights approach to improve health. We will examine (1) How states both realize and violate human rights and the important role that good governance plays in realizing health and human rights; (2) The function and structure of the United Nations system and how it relates to human rights; (3) The ways that non-governmental organizations work to monitor and identify rights abuses; (4) The controversy surrounding what a "right to health" might entail; (5) The health consequence of war and violence and the system of international humanitarian law (6) How women and children are vulnerable, particularly in impoverished nations, and the specific human rights documents articulated to protect them; (7) How economic development and social policy as well as multinational corporations play a critical role in implementation of health policies (8) and specific case studies that illuminate the problems and potential methods of promoting health by realizing human rights on the national and international levels.

Goals and Objectives:

By the end of this course the student will be able to:

1. Describe the relationship between human rights and health.
2. Identify the key principles articulated in the Universal Declaration of Human Rights and the International Conventions on Human Rights and relevant documents related to health and human rights.
3. Analyze and describe how human rights abuses impact health and cite case examples of the interrelatedness of public health and human rights.
4. Identify how public health practitioners can play an important role in the field of health and human rights
5. Be conversant on important health and human rights topics in order to interact with states, the UN system and Non-Governmental Organizations (NGOs) in order to address human rights problems.
6. Determine when human rights have been violated, as well as to suggest strategies to protect and promote human rights.
7. Identify strategies for human rights advocacy within public health program planning.

Prerequisites:

None

Course Texts:

- Marks S. Health and Human Rights: Basic International Documents 2nd Edition; Cambridge, MA: Harvard University Press, 2006, ISBN: (pbk) Referred to as “Documents”
- Gruskin S, Grodin M, Annas G., Marks, S. Perspectives on Health and Human Rights, New York: Routledge, 2005, ISBN 0-415-94807-X (pbk) Referred to as “Perspectives”

Additional Resources:

Course Info

World Wide Web

<http://www.bumc.bu.edu/sph/lw>

<http://www.glphr.org/>

“Twenty-five Questions on Health and Human Rights from World Health Organization” Available at

http://www.who.int/hhr/information/25_questions_hhr.pdf

Course Requirements:

Attendance at all classes, completion of all readings, class participation, Midterm (40% of grade) and Final (60% of grade). The exams will consist of some combination of either multiple choice, short answer and/or essay questions. Sample exam questions will be provided as a study aid.

Class Logistics:

Academic conduct: You should read the *Academic Misconduct Code*, which you can pick up in the office of student services or read online at http://sph.bu.edu//index.php?option=com_content&task=view&id=323&Itemid=414. If you need help, consult with Prof. Grodin, Annas or Miller.

Class and assignment schedules: The class and assignment schedule is on the following pages. These schedules and topics are subject to change, in which case announcements will be made in class and on the course website.

Format: Lectures, in-class discussion, videos, slides, primary and secondary reports. Use of the Web will be critical

COURSE OUTLINE

CLASS ONE: (Grodin)

Introduction to Health and Human Rights

This introductory lecture will summarize, highlight and frame the entire course. After a look at the health status of the world's population we will focus on determinants of health. This will be followed by a discussion of what kinds of rights exist (ie. positive, negative, moral, political) and what constitutes a "Human Right". We will also discuss the counter claims to the international universal human rights movement in the form of relativism and challenges to state sovereignty. The history of human rights will be reviewed with an emphasis on modern human rights and the relationship of the individual to the state. The basic international human rights system and the international declaration and treaties will be introduced. This lecture will then focus on the inextricable link between a progressive human rights agenda and population health status. Case studies will be used throughout to highlight and elucidate the link.

Readings:

"Documents" Pp. 27-34

"Perspectives" Pp. 3-57

Objectives: Following this session the student should be able to:

- Describe the arguments concerning the primary determinants of the state of the world's health
 - Distinguish between the nature, scope and limits of different kinds of rights including the challenge to the universality of human rights
 - Discuss the history of human rights with a focus on the modern human rights movement
 - Identify and begin to describe the international human rights system and the basic rights conventions
 - Explain the link between health and human rights
 - Give examples of cases that highlight the link between health and human rights
 - Describe the health and human rights agenda
-

CLASS TWO: (Annas)

Human Rights Instruments and Documents: The International Bill of Human Rights

International human rights are those rights defined in specific international treaties that have been ratified by individual states which undertake to respect, protect and fulfill the rights defined in the documents. The most important human rights document is the 1948 Universal Declaration of Human Rights which laid the basis for two subsequent treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. These three documents are often referred to as the “International Bill of Rights” and it is impossible to understand modern human rights without a basic understanding of the origins, role, and uses of these documents.

Readings

“Documents” Pp. 1-23

“Reader” Pp. 59-70

Objectives: Following this session the student should be able to:

- Identify the most important human rights documents
- Compare the legal status of declarations to treaties
- Explain the relationship of the UDHR to the ICCPR and the ICESCR
- Discuss the International Bill of Human Rights and its role in global health promotion

CLASS THREE: (Miller)

The UN System and Non-Governmental Organizations

Realizing human rights requires a sustained and committed effort on the part of governments, international organizations, non-governmental organizations, advocates and others. To help the world move forward in respecting, protecting and fulfilling rights, a system of various entities was established within the UN. Each of these offices is mandated to carry out such tasks as promoting rights, monitoring and identifying violations, and working with governments to realize rights. In addition, non-governmental organizations (NGOs) work with governments and the UN system on tasks including identifying violations, delivering programs and services, and advocating for rights issues.

Readings

United Nations. Chart of the UN System. Available online at http://www.idasa.org.za/index.asp?page=output_details.asp%3FPub%3DY%26RID%3D437%26OTID%3D6.

United Nations General Assembly. (2006) Resolution adopted by the General Assembly A/RES/60/251 Human Rights Council. Sixtieth session 60/251. Available online at http://www.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf.

United Nations. (2005). Working with the Office of the United Nations High Commissioner for Human Rights A Handbook for NGOs. HR/PUB/06/10. Available online at <http://www.ohchr.org/english/about/ngohandbook/ngohandbook.pdf> (I will designate chapters)

Amnesty International. (2005). Amnesty International Report 2005: The state of the world's human rights. Available online at [http://web.amnesty.org/library/pdf/POL100012005ENGLISH/\\$File/POL1000105.pdf](http://web.amnesty.org/library/pdf/POL100012005ENGLISH/$File/POL1000105.pdf).

“Perspectives” Pp. 569-605

Objectives: Following this session the student should be able to:

- Identify the various entities within the UN system, including the High Commissioner for Human Rights, Human Rights Council, treaty monitoring bodies, and field offices, and the role they play in promoting human rights, especially as they relate to health
- Describe some of the limitations and controversies within the UN system that reduce the ability of these offices to end human rights abuses throughout the world
- Compare and contrast the various types of NGOs working to respect, protect, and fulfill human rights and the work they do
- Discuss how to interact with the UN system and NGOs in order to advocate for rights issues

CLASS FOUR: (Grodin)

Right to Health

This class will start with a critical reflection on the relative values of health in relation to other goods. People desire to be free of pain and suffering and balance their health needs and interests. Health is often described as a primary good. That is, being healthy is often a precondition to being able to carry out what ever life goals one envisions. In that sense, health is similar to food and shelter. But health is unevenly distributed amongst the population, often unpredictable and needs vary greatly.

Following this introduction we will explore what a positive” right to health” might entail. The international human rights refer to the highest attainable standard of health. How might a

signatory to these treaties fulfill its obligation to respect, protect and fulfill its human rights duties. The case study of the right to health in South Africa will be introduced.

Readings

“Documents” Pp. 80-108

Objectives: Following this session the student should be able to:

- Explain the arguments for and against seeing health as a primary good and what is different about health
 - Distinguish the concept of positive rights and their limits from the concept of negative rights. Describe how are positive and negative rights linked.
 - Discuss the sources and international documents containing the language of a right to the highest attainable standard of health
 - Describe the interpretation of Article 12 of the ICESCR in general comment 14
 - Give a case example of how this right has been used and effectuated
-

CLASS FIVE: (Annas)

AIDS in Africa – Treatment and Prevention: A Case Study

Examining AIDS treatment and prevention policy and research in Africa to date is one way to test the concepts and principles of human rights and health and their impact on research, prevention and treatment of an epidemic disease. Jonathan Mann himself first suggested the “inextricable link” between health and human rights when he was in charge of the WHO’s HIV/AIDS program. Specifically, he suggested that discrimination and stigmatization were more important to deal with than drugs and vaccines in containing the epidemic. Are his conclusions still valid, and what lessons can we learn about the importance of promoting human rights to enhancing human health in the context of promoting research, prevention, and treatment of HIV/AIDS in Africa and beyond?

Readings

“Documents” Pp. 319-374

“Perspectives” Pp. 73-94, 413-426, 497-516

Objectives: Following this session the student should be able to:

- Identify the human rights aspects of the HIV/AIDS epidemic.
- Identify the human rights issues involved in screening for and treatment of HIV infection
- Discuss the relevance of following international research rules in conducting research rules in developing countries

- Discuss gender equality and discrimination in the context of the HIV/AIDS epidemic
 - Suggest ways to improve the effectiveness of public health interventions by improving human rights
-

CLASS SIX: (Miller)

The role of the state in human rights: Governance and freedom around the globe

Throughout the world, governments are working on health and development goals including making healthcare accessible to the poor, providing social welfare assistance to the needy, and ensuring that children have access to quality education. However, governments may also be corrupt, commit violent rights abuses, and restrict political activities, movement, freedom of speech, and freedom of the press. Governments party to treaties commit to realizing the rights contained within and are legally justifiable for failure to realize rights; however, globally governments face enormous challenges in realizing rights.

Readings:

Kaufmann, D. (2005) Myths and realities of governance and corruption. World Bank. Available at http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/2-1_Governance_and_Corruption_Kaufmann.pdf

Husarska, A. (2000). "Conscience Trigger": The press and human rights. In *Realizing Human Rights*. Edited by Samantha Power and Graham Alison. St. Martin's Press: New York. Pp. 337-350.

"Perspectives" Pp. 95-116

United Nations. (2006). The Millennium Development Goals Report 2006. Available online at <http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2006/MDGReport2006.pdf>.

Objectives: Following this session the student should be able to:

- Differentiate the state's duty to respect, protect, and fulfill rights
- Describe how good governance contributes to meeting human rights and development goals and identify some of the components of good governance
- Identify and discuss challenges to realizing human rights (corruption, complacency, harmful customs, media that is not free, economic costs, weak enforcement mechanisms, dual court or weak justice systems, inadequate or inappropriate responses from the international community)
- Compare and contrast both positive and negative actions within the same governments, some of which help to realize rights and some which violate rights
- Cite examples of progress in realizing human rights

**CLASS SEVEN:
MIDTERM**

CLASS EIGHT: (Grodin)

The Impact of War on Public Health and the Role of Human Rights and International Humanitarian Law

This class will focus on the impact of war and conflict on health. We will review the epidemiology of war and proceed to a theoretical discussion of the moral justification for war and the ethics of its conduct. The class will then highlight the elements and instruments of international humanitarian law and the law of refugees and asylum. Case studies will include the wars in Kosovo, Darfur and the Campaign to Ban Landmines. The class will conclude with a discussion of the Torture Rehabilitation movement focusing on the Boston Center for Refugee Health and Human Rights

Readings

Documents Pp. 113-132, 133-161, 306-318
“Perspectives” Pp. 333-366

Objectives: Following this session the student should be able to:

- Identify the direct and indirect health consequences of war and conflict
- Be familiar Jus Ad Bellum and Jus In Bellum

- Identify the applicable laws in times of war with a particular emphasis on international humanitarian law, human rights law and refugee law
- Be familiar with the Geneva conventions, the Hague convention as well as other weapons conventions
- Define a war crime under international law
- Differentiate refugees, asylum seekers and internally displaced persons
- Explain the role of the Torture Rehabilitation movement

CLASS NINE: (Annas)

Women and Human Rights

This class focuses on the particular human rights and health problems exacerbated by gender discrimination and their roles in health, disease prevention, and treatment. Discrimination against women, especially in the areas of family law, employment, and education has major impacts on the lives and health of women and their children. Although women's rights are human rights, a specific treaty, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has been thought to be necessary to deal with this central human rights problem, and follow-up documents have been produced at meetings, especially in Cairo and Beijing.

Readings

"Documents" Pp. 212-248

"Perspectives" Pp. 247-292, 427-468, 527-536

Objectives: Following this session the student should be able to:

- Explain why a separate convention on the rights of women is necessary
- Compare CEDAW to the major human rights treaties that make no gender distinctions
- Discuss the role and impact of follow-up world conferences to clarify the meaning of CEDAW, especially as it relates to reproductive health
- Explain why there is no international human "right to abortion"

CLASS Ten: (Miller)

Children and Human Rights

There is near universal agreement that children require special protection. This sentiment has been articulated in the Convention on the Rights of the Child, which has been ratified in every country except the United States and Somalia. This session focuses on how different states have succeeded or failed to respect, protect, and fulfill children's rights and will begin to explore rights violations from child soldiering and child labor to deprivation of food, water and education. It will also begin to explore the legislative, administrative and budgetary actions that states need to do in order to realize rights.

Readings:

"Perspectives" Pp. 225-245

Mukuka-Luombe, A., Jayaraman, A., Simukoko, E. Sinyenga, G., and Mpundu, R. (2004) Zambia's commitment to children's rights: The budget perspective. IDASA. Available online at http://www.idasa.org.za/index.asp?page=output_details.asp%3FPub%3DY%26RID%3D437%26OTID%3D6

Basu, K. and Tzannatos, Z. (2003). The global child labor problem: what do we know and what can we do? World Bank Economic Review: 17(2). 147-173.

UNICEF. (2006). State of the World's Children (Statistical Tables). UNICEF. New York. Available online at http://www.unicef.org/sowc06/pdfs/sowc06_tables.pdf.

Objectives: Following this session the student should be able to:

- Identify key principles in Convention on the Rights of the Child and the two optional protocols
- Describe and discuss violations of the rights of the child across time and place
- Explain how human rights documents can guide governments in realizing the rights of children

CLASS ELEVEN: (Annas)

Economics and Human Rights

The human right to health is strongly correlated with economic status and the economic condition of the country in which a person lives. Economic development is crucial to improved health, but good health of a population is likewise a pre-condition for economic development. The relationship between health and development has been recognized by such diverse organizations as the World Bank, the International Monetary Fund, and the Red Cross. This class introduces the role of international organizations in promoting development and health at the same time, as well as to increasing role and power of multinational corporations and the impact of "globalization."

Readings

"Perspectives" Pp. 95-130, 367-378

"Documents" Pp. 162-211

Objectives: Following this session the student should be able to:

- Describe the health implications of "globalization"
- Discuss the relationship between economic development and the right to health
- Explain what is meant by the "right to development"
- Discuss the human rights obligations of multinational corporations

CLASS TWELVE: (Miller)

Human Rights Education, Advocacy, and Lobbying

“Rights are not something handed down from above, but are fought for from below” Author Unknown.

This statement is controversial because indeed, states party to human rights documents agree to realize the rights contained in the documents. Nevertheless, rights are generally realized following social movements and coordinated efforts. This session explores how human rights issues are identified and brought onto the public agenda.

Readings

“Perspectives” Pp. 549-606

Philpott, A., Maher, D. and Grosskurth, H. (2002). Translating HIV/AIDS research findings into policy: lessons from a case study of ‘the Mwanza trial’. *Health Policy and Planning*; 17(2): 196-201.

Objectives: Following this session the student should be able to:

- Engage, at an entry level, in advocacy for human rights goals: Problem identification, identifying stakeholders, open windows, and leverage points, coalition building, assessing strengths and weaknesses of each camp, monitoring and evaluation
- Compare and contrast the legislative and policy development process
- Describe the status of human rights education globally

CLASS THIRTEEN: (All)

Future of Health and Human Rights; Course Review

This review lecture will summarize the course and assess whether we have met the course objectives. We will then discuss issues that emerge from the current discourse on human rights topics and how these issues frame future efforts to realize health and human rights for all.

Readings:

“Perspectives” Pp. 393-411

- Discuss new and ongoing challenges to human rights
 - Assess positive trends and efforts aimed at achieving human rights goals in the future
-

CLASS FOURTEEN:

FINAL EXAM