HEALTH AND HUMAN RIGHTS: AN INTERNATIONAL JOURNAL VOLUME 11 NUMBER 2 2009

NON-DISCRIMINATION AND EQUALITY

CRITICAL CONCEPTS ALICIA ELY YAMIN, EXECUTIVE EDITOR

- Shades of dignity: Exploring the demands of equality in applying human rights frameworks to health Alicia Ely Yamin
- Mental health and inequity: A human rights approach to inequality, discrimination, and mental disability Jonathan Kenneth Burns
- 33 The right to health in the courts of Brazil: Worsening health inequities?

 Octavio Luiz Motta Ferraz
- 47 Untangling equality and non-discrimination to promote the right to health care for all *Gillian MacNaughton*

HEALTH AND HUMAN RIGHTS IN PRACTICE ARLAN FULLER AND EVAN LYON, EXECUTIVE EDITORS

- 65 Kenya's cash transfer program: Protecting the health and human rights of orphans and vulnerable children John H. Bryant
- 79 Reproductive rights violations reported by Mexican women with HIV Tamil Kendall
- 91 HIV screening and care for immigration detainees

 Homer D. Venters, Jennifer McNeely, and Allen S. Keller
- 103 No shelter from the storm: Reclaiming the right to housing and protecting the health of vulnerable communities in post-Katrina New Orleans

 Tiffany M. Gardner, Alec Irwin, and Curtis W. Peterson

ABOUT THE JOURNAL

Health and Human Rights began publication in 1994 under the editorship of Jonathan Mann, who was succeeded in 1997 by Sofia Gruskin. Paul Farmer, co-founder of Partners In Health, assumed the editorship in 2007. After more than a decade as a leading forum of debate on global health and rights concerns, Health and Human Rights made a significant new transition to an online, open access publication with Volume 10, Issue Number 1, in the summer of 2008. The full text of Health and Human Rights is now freely available to anyone with internet access.

While continuing the journal's print-only tradition of critical scholarship, *Health and Human Rights* now also provides an inclusive forum for action-oriented dialogue among human rights practitioners. The journal endeavors to increase access to human rights knowledge in the health field by linking an expanded community of readers and contributors.

Health and Human Rights includes two sections: "Critical Concepts" and "Health and Human Rights in Practice." Critical Concepts focuses rigorous scholarly analysis on the conceptual foundations and challenges of rights discourse and action in relation to health. The Practice section is dedicated to empowering new voices from the field — highlighting the innovative work of groups and individuals in direct engagement with human rights struggles as they relate to health. Complementary and mutually reinforcing, these two sections seek to foster engaged scholarship and reflective activism. In doing so, they invite informed action by and with communities to realize the full spectrum of human rights.

PUBLICATION POLICY

Health and Human Rights welcomes unsolicited manuscripts at any time. Accepted contributions will be published in the journal's open access electronic and print versions. Articles are invited for Critical Concepts (5,000–7,000 words) and for Health and Human Rights in Practice (500–7,000 words). Authors should send their manuscripts to the Editorial Office via email to hhrjournal@hsph.harvard.edu. Guidelines for authors can be found on the Health and Human Rights website (http://www.hhrjournal.org).

Views expressed in the journal are those of the authors and do not necessarily reflect the views of *Health* and *Human Rights* officers, editors, or other members.

EDITORIAL OFFICE

Health and Human Rights
François-Xavier Bagnoud Center for Health and Human Rights
Harvard School of Public Health
651 Huntington Avenue, 7th Floor
Boston, MA 02115, USA
Tel: (1) 617.432.0656

Fax: (1) 617.432.0656 Fax: (1) 617.432.4310

Website: http://www.hhrjournal.org E-mail: hhrjournal@hsph.harvard.edu

SUBSCRIPTION AND PURCHASES

Beginning with Volume 10, Number 1, single issues and annual subscriptions (two issues per volume) can be purchased directly through the *Health and Human Rights* website (http://www.hhrjournal.org).

A full set of back issues of *Health and Human Rights* is available through the journal website's archives page. Users are able to access articles from the first year of publication (1994) up to the most recent issue as full-text PDF files for searching, browsing, downloading, and printing. Back issues also remain available through JSTOR, the not-for-profit online digital archive. Users at institutions that participate in JSTOR's Arts & Sciences Complement Collection can access back issues directly by visiting the *Health and Human Rights* journal information page at JSTOR. For more information on JSTOR, please visit http://www.jstor.org.

HEALTH AND HUMAN RIGHTS AN INTERNATIONAL JOURNAL

Founding Editor

Jonathan Mann 1947-1998

Publisher Executive Editors

Jennifer Leaning Critical Concepts Alicia Ely Yamin

Editor-in-Chief

Health and Human

Gavin Yamey

Patricia Spellman

Rights in Practice **Managing Editors** Arlan Fuller

Susan R. Holman Evan Lyon Alexander Irwin

Senior Advisory Board

Philip Alston Halfdan Mahler Australia Denmark.

Hina Jilani Henry J. Steiner

Pakistan USA

Editorial Board

Timothy Harding Richard Parker Sunila Abeyesekera Cathy Albisa Aart Hendriks Geneviève Pinet Zbigniew Bankowski Hakima Himmich Peter Piot Jacqueline Pitanguy Emmanuel Hirsch

Jacqueline Bhabha Agnès Binagwaho Howard Hu Thomas Pogge Manuel Carballo Paul Hunt Samantha Power Audrey Chapman Peter Kandela Jon E. Rohde Lincoln Chen Michael D. Kirby Iulieta Rossi Slobodan Lang Brian E. Concannon Jr. Barbara Rylko-Bauer

Lawrence Cox John F. Lauerman Margaret L. Satterthwaite Martha Davis Maureen Law Haun Saussy Sheila Davis Jennifer Leaning Michael Selgelid Alex de Waal Stephen Lewis Amartya Sen Ernest Drucker Ana Luisa Liguori Gracelyn Smallwood

Margaret A. Somerville Paul Epstein Adetokunbo O. Lucas Richard Feachem Stephen P. Marks Bryan Stevenson Gregory B. Milne Harvey Fineberg Eric Stover Julio Frenk Jaime Miranda Donna Sullivan Varun Gauri Gerald Nagler Daniel Tarantola H. Jack Geiger Aryeh Neier Nahid Toubia Monika Kalra Varma Chidi Odinkalu Lawrence Gostin Sofia Gruskin Rakiya Omar Laurie Wiseberg

Assistant Editors: Sarah E. Bundick Administrative Director:

Consulting Editors: Ann Barger Hannum Intern

Zoe Agoos Keri Wachter

Creative Director: Catlin Rockman

Curtis W. Peterson

Paul E. Farmer