

University of California, Berkeley

Human Rights and Health

Fall Semester, 1998

Week 1: August 25

Instructors: Iacopino, Weinstein, Orr

Course introduction: Individual introductions, outline of subjects to be covered, course objectives, student responsibilities, grading, office hours, reading material and explanation of assignments

Case Study and Exercise: Apartheid medicine and South Africa's abridgement of human rights. What lessons may be taken from the health data and the effects of poverty, discrimination, lack of access, and professional collusion in the glaring disparities apparent in race-based vital statistics?

Exercise: What human rights have been violated in South Africa? How do these relate to health?

Readings (for Sessions 1&2):

- o Benatar, SR. "Medicine and health care in South Africa." *N. Engl J Med* 1986;315:527-32.
- o Benatar, SR. "Medicine and health care in South Africa - Five Years Later." *N Engl J Med* 1991;325:30-36.
- o Benatar, SR. "Global Disparities in Health and Human Rights: A Critical Commentary." *Am J Pub Hlth* 1998;88: 295-300.
- o Orr, Wendy. "Medical treatment of Prisoners and Detainees in South Africa in the 80's - My Experience." *Strategic Health Review* (Online), 1997.
- o Western, J. "Social Engineering Through Spatial Manipulation: The Ideal Apartheid City in Theory and Practice." In: *Outcast Capetown*. 1996:University of California Press, pp.84-120.

Week 2: September 1

Instructors: Iacopino, Weinstein, Orr

Case Study and Exercise: We often hear how America has the best system of health care in the world. Yet, we know that 43 million Americans do not have health insurance. How can we incorporate human rights concerns in an analysis of the American system? Does the intersection between health and human rights provide additional support in addressing issues of injustice and inequity?

Exercise: Through discussion of the readings on our domestic health care system, generate a list of those rights that are being abused in America.

Readings:

- o Kawachi, I, Kennedy B, et al. "Social Capital, Income Inequality, and Mortality." *Am J Pub Hlth* 1997;87: 1491-1498.

- Wallace R, Wallace, D. "Origins of Public Health Collapse in New York City: The Dynamics of Planned Shrinkage, Contagious Urban Decay and Social Disintegration." *Bull. NY Acad. Med* 1990;66:391-434.
- Drake, MV, Lowenstein, DH. "The Role of Diversity in the Health Care Needs of California." *WJM* 1998;168:348-354.
- Nelson, K, Brown, ME & Lurie N. "Hunger in an Adult Population," *JAMA* 1998;279:1211-1214.
- Knox, HT, Samaroo, N & Hoffman, JR. "Ethnicity as a Risk Factor for Inadequate Emergency Department Analgesia." *JAMA* 1993;269:1537-1539.
- Carlisle, DM, Leake, BD, & Shapiro, MF. "Racial and Ethnic Disparities in the Use of Cardiovascular Procedures: Associations with Type of Insurance." *Am J Pub Hlth* 1997;87:263-267.
- McCabe, M. "Nitrate-laced Water Sickens Town." *San Francisco Chronicle*, May 12, 1998.

Week 3: September 8

Instructors: Iacopino, Weinstein, Orr

How does our understanding of human rights and our definitions of human rights abuses compare to the way these are understood internationally? What are the historical and philosophical origins of human rights and how have human rights and humanitarian law developed?

What are the critical international documents that provide the world's framework for monitoring human rights abuses? What are non-derogable rights and what is meant by the interdependence and indivisibility of human rights? How can respect for human rights be enforced?

Readings:

- Weston, BH. 1992. "International Human Rights: Overview," pp 14-31. In: RP Claude and BH Weston (Eds.) *Human Rights in the World Community: Issues and Actions*. University of Pennsylvania Press, Philadelphia, PA.
- Donnelly, J. 1989. "Interdependence and Indivisibility of Human Rights," pp. 28-45. *Universal Human Rights in Theory and Practice*. Cornell University Press, New York.
- Henkin, L. 1990. "Introduction: The Human Rights Idea," pp.1-10, In: *The Age of Rights*. Columbia University Press, New York.
- *Twenty-Five Human Rights Documents*. Center for the Study of Human Rights, Columbia University, New York, 1994. United Nations Declaration of Human Rights, International Covenant on Civil and Political rights, International Covenant on Economic, Social, and Cultural Rights.
- Iacopino, V. 1995. "Human Rights: Health Concerns for the Twenty-First Century." In: Majumdar SK, Rosenfeld LM, Nash, Audet AM. (Eds.) *Medicine and Health Care Into the Twenty-First Century*. Philadelphia: Pennsylvania Academy of Science, pp.376-392.

Week 4: September 15

Instructors: Iacopino, Weinstein, Orr, Scheper-Hughes, Beyene (and other African women)

Do the international ideal of human rights represent merely a "western" model? Is it, in fact, another form of cultural imperialism? Do human rights apply to all people for all time? The relativist vs universalist discourse may, in itself, represent a colonialist perspective. Kofi Annan has said it is demeaning to suggest that human rights are not universal. Given that framework, how do we approach the question of female circumcision or lack of education for girls in Afghanistan or foot binding in old China or forced sterilization or abortion?

Readings:

- Preis, AS. "Human Rights As Cultural Practice: An Anthropological Critique." *Human Rights Quarterly*, 1986;18:286-315.

- Cohen, R. "Human Rights and Cultural Relativism: The Need for a New Approach." *American Anthropologist* 1989;91:1014
- Pannikar, R. "Is the notion of Human Rights a Western Concept?" *Diogenes* 1982;120 (Winter):75-102.
- Rentein, AD. "Relativism and the Search for Rights." *American Anthropologist* 1988; 90(1):
- An-Naim, A. "What Do We Mean By Universal?" *Index on Citizenship* 1994;4/5:120-128.
- Lane, SD. "Judging the Other: Responding to Traditional Female Genital Surgeries." *Hastings Center Report* 1996;26(3):31-40.

Week 5: September 22

Instructors: Iacopino, Weinstein, Orr

Health and Human Rights. How has ideology shaped our understanding of sickness, health and healing? Is there a natural point of intersection between health and human rights? What is the legal foundation for a right to health and how is it applied in America and overseas?

Readings

- Mann, J, Gostin, L, Gruskin, S et al. *Health and Human Rights*.1994;1(1):7-23.
- World Health Organization. Declaration of Alma Ata. Primary Health Care. 1978, WHO, Geneva.
- Ottawa Charter for Health Promotion, presented at first International Conference on Health Promotion, Ottawa, 1986.
- World Health Organization, Constitution, in *Basic Documents*, 1986, Geneva.
- Grad, F. "Article 12 - Right To Health." In: Hannam, H. & Fischer, D. (Eds.) *United States Ratification of the International Covenants on Human Rights*. 1993, Transnational Publishers, Inc., Irvington-on-Hudson, New York.
- Dujardin, B. "Health and Human Rights: The Challenge For Developing Countries." *Soc Sci Med*. 1994;39(9):1261-1274.
- Heggenhougen, HK. "The Epidemiology of Functional Apartheid and Human Rights Abuses." *Soc Sci Med*.1995;40(3):281-284.
- Susser, M. "Health as A Human Right: An Epidemiologist's Perspective on the Public Health." *Am J Pub Hlth* 1993;83(3):418-426.
- Yamin, AE. "Defining Questions:Situating Issues of Power in the Formulation of a Right to Health under International Law." *Human Rights Quarterly* 1996;18(2):398-438.

Week 6: September 29

Instructors: Watts (or Riley or Harris), Iacopino, Weinstein, Orr

Unrealized Economic, Social and Cultural Rights:Overview of the International Covenant. What are the health consequences of development and global monetary policies? What is the extent of poverty, hunger, and overpopulation in the world today? How are these problems interrelated and how do they affect the environment? What is the role of International Monetary Fund and the World Bank. What are the effects of structural adjustment policies on poverty and health? What other models exist for developing countries?

Readings:

- Sivard, RL. World Military and Social Expenditures, 1996. World Priorities, Washington, D.C.
- The State of Human Development:Human Development Report 1995. United Nations development Program, Oxford University Press, New York, N.Y., pp. 11-22.
- Kiefer, C. "Militarism and World Health." *Soc Sci Med* 1992;34(7):719-724.
- Sen, A. "Freedoms and Needs." *The New Republic* 1994;January:31-37.
- Brand, H. The World Bank. "The Monetary Fund, and Poverty." *Int J Hlth Svs* 1994;24(3):567-578

- Peabody, JW. "Economic Reform and Health Sector Policy: Lessons From Structural Adjustment Programs." *Soc Sci Med* 1996;43(5):823-835.
- Editorial. "Structural Adjustment and Health in Africa." *The Lancet* 1990;335:885-886.
- McKeown, T. "Looking at Disease in the Light of Human Development." *World Health Forum* 1985;6:70-75.
- Yunus, M. "Preface: Redefining Development." In: K. Danaher and M. Yunus (Eds.) *50 Years is Enough: The Case Against the World Bank and the International Monetary Fund*. 1994:ix-xi.
- Chanis, BH and Franke, RW. "Kerala State: A Social Justice Model." *Multinational Monitor* 1996;7/8:25-28.
- "Redlining and Community Reinvestment. Human Rights Violations in the United States." 1993. *Human Rights Watch*, New York, N.Y. pp. 65-76.

Week 7: October 6

Instructors: Stover, Iacopino, Weinstein, Orr (Bosnia/Rwanda Videotapes)

Human Rights Violations in the World Today: Overview of the current scope and patterns of human rights violations. Overview of the problems of war, political violence, and violations of human rights and humanitarian law.

Health Consequences of Armed Conflicts and Human rights Violations: What are the immediate and long-term effects of death and disability, destruction of infrastructure, supplies of food and housing and health services? How do the laws of war aim to protect people in times of war? What constitutes medical neutrality?

Health Status of Refugees and Displaced Persons: What are the immediate and long-term health needs triggered by mass migrations of people during armed conflicts? What are the long-term health effects of becoming a refugee?

Readings

- Human Rights Watch World Report 1996. "Introduction". Human Rights Watch, New York, N.Y. pp. xiii-xxvi.
- Zwi, A and Ugalde, A. Towards an Epidemiology of Political Violence in the Third World. *Soc Sci Med* 1989;28(7):633-642.
- Toole, MJ and Waldman, RJ. "Refugees and Displaced Persons: War, Hunger, and Public Health." *JAMA* 1993;270(5):600-605.
- Toole, MJ. "Complex Emergencies: Refugee and Other Populations." In: *The Public Health consequences of Disasters*. Eric K. Noji (ed.). Oxford University Press, New York, N.Y. pp.442.
- Reiff, D. *Slaughterhouse: Bosnia and the Failure of the West*. pp. 96-116, 1995; Touchstone Books, New York, N.Y.
- Stover, E, Cobey, JC, and Fine, J. "The Public Health Effects of Landmines: Long-Term Consequences for Civilians." In: *War and Public Health*, BS Levy and VW Sidel (Eds.), Oxford University Press, New York, 1997. pp. 137-146.
- Falk, R. "The Failures of "Intervention-From Above" - Is There an Alternative Model for Humanitarian Intervention?" *Medicine and Global Survival* 1994;1(4):229-233.
- Medical Neutrality References: 1) Violations of Medical Neutrality: Classification Scheme of the International Commission on Medical Neutrality, 2) Charter of Medical Neutrality (ICMN), 3) Extracts from the Declaration of Minimum Humanitarian Standards (1990), 4) A Code for the Protection of Medical Services in Conflict.

Week 8: October 13

Instructors: Iacopino, Weinstein, Orr

Human Rights Violations/Reports from the Field: What is the role of health professionals in documenting the health consequences of conflict and human rights violations? Overview of efforts to document violations of international human rights and humanitarian law, including the problem of

genocide, extra-judicial executions, torture, rape, excessive use of force, prison conditions, and chemical weapons.

Methods of Documenting Human Rights Violations: What are the general conditions for a human rights investigation? How can epidemiology and other research methods be applied to the documentation of human rights violence? What forms of evidence should be collected?

Readings

- Geiger, HJ and Cook-Deegan, RM. "The Role of Physicians in Conflicts and Humanitarian Crises: Case Studies From the Field Missions of Physicians For Human Rights," 1988-1993. *JAMA* 1993;270:616-620.
- Stover, E. *In the Shadow of Nuremberg: Pursuing War Criminals in the Former Yugoslavia and Rwanda. Medicine and Global Survival*, 1995; 2(3):140-147.
- Iacopino, V, Heisler, M et al. "Physician Complicity in Misrepresentation and Omission of Medical Evidence in Post-detention Medical Examinations in Turkey." *JAMA*, 1996;276:396-402.
- Swiss, S. and Giller, JE. "Rape as a crime of war, a medical perspective." *JAMA*, 1993;270:612-615.
- Garfield, RM. "The Health Impact of Economic Sanctions." In: *War and Public Health*, op cit. pp.156-7.
- Claude, RP. 1992. In: TB Jabine and RP Claude, *Human Rights and Statistics: Getting the Record Straight*, University of Pennsylvania Press, Philadelphia, PA, pp. 1-61.
- Spierer, HF and Spierer, L. "To See Things As They Are." In: *Data Analysis for Monitoring Human Rights*, 1993. AAAS, Washington, D.C. pp.1-5.

Week 9: October 20

Instructors: Iacopino, Weinstein, Orr, Imad, Patsalides

Torture: How is torture defined? What is the scope of its practice and its prevalence among refugees and asylum seekers? What are the physical, psychological, and social health consequences of torture? How can survivors be helped? What are the possible conceptual and clinical limitations of post-traumatic stress disorder (PTSD) as a diagnosis?

Resettlement and Asylum: What health issues arise in countries of asylum? What factors determine the asylum process and how do refugees integrate into new cultures?

Readings

- Twenty-Five Human Rights Documents, Center for the Study of Human Rights, Columbia University, New York, N.Y., 1994. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; Convention Relating to the Status of Refugees.
- Weinstein, HM, Dansky, L and Iacopino, V. "Torture and War Trauma Survivors in Primary Care Practice." *WJM*, 1996;165:112-116.
- Turner, S. "Torture, Refuge, and Trust." In: *Mistrusting Refugees*. EV Daniel and JC Knudsen (Eds.). University of California Press, Berkeley, CA. 1995, pp.56-72.
- Summerfield, D. "Addressing Human Response to War and Atrocity: Major Challenges in Research and Practice and the Limitations of Western Psychiatric Models." In: R. Kleber et al., *Beyond Trauma*, Plenum Press, New York, N.Y., pp. 17-29.
- Pope, KS and Garcia-Peltoniemi, R. "Responding to Victims of Torture: Clinical Issues, Professional Responsibilities, and Useful Resources. Professional Psychology," *Research and Practice*, 1991;22(4):269-276.
- Muecke, MA. "New Paradigms for Refugee Health Problems." *Soc Sci Med*, 1992;35(4):515-523.
- Stein, B. "The Experience of Being a Refugee: Insights from the Research Literature." In: CL Williams & J. Westermeyer (Eds.). *Refugee Mental Health in Resettlement Countries*. Hemisphere Publishing Corp., New York, N.Y., 1986, pp. 5-23.

Week 10: October 27

Instructors: Iacopino, Weinstein, Orr

Human Experimentation: How have people become unwitting participants in human experimentation? How have governments, scientists, and health professionals colluded in the misuse of their own citizenry? How have public health officials participated in human experimentation? Historical examples of this include the eugenics movement, Nazi medicine and the concentration camp experiments, the Tuskegee experiments, human radiation, mind control, and chemical and biological warfare. What is known about the role of health professionals in experiments and torture?

Reading:

- Weinstein, H. "Medical Ethics and Human Experimentation: Nuremberg, Montreal, and Now." In: *Psychiatry and the CIA: Victims of Mind Control*, American Psychiatric Press, Washington, D.C., 1990, pp. 213-232.
- Proctor, R. "Nazi Doctors, Racial Medicine and Human Experimentation." In GJ Annas and MA Grodin (Eds.). *The Nazi Doctors and the Nuremberg Code: Human Rights in Human Experimentation*. Oxford University Press, 1995, New York, N.Y., pp. 17-31.
- Katz, J. "The Concentration Camp Experiments: Their Relevance for Contemporary Research with Human Beings." In: Michalczyk (Ed.). *Medicine, Ethics, and the Third Reich: Historical and Contemporary Issues*. 1994, Sheed and Ward, Kansas City, Ks., pp. 73-86.
- Silove, D. "Doctors and the State: Lessons from the Biko Case." *Soc Sci Med*, 1989;30(4):417-429.
- British Medical Association. Medical Involvement in Torture, pp. 33-42 and 54-63; "Conclusions and Recommendations, pp. 191-206. In: *Medicine Betrayed: The Participation of Doctors in Human Rights Abuses*. 1992, Zed Books Ltd., Atlantic Highlands, N.J.
- Jones, J. "A Moral Astigmatism". In: "Bad Blood: The Tuskegee Syphilis Experiment." The Free Press, New York, N.Y., 1981. pp.1-15.
- Findings From the Report by the Advisory Committee on Human Radiation Experiments Released October 3, 1995. In: Government Document Archive (Online), The Chronicle of Higher Education, pp. 1-29.
- "Ethical Codes and Declarations Relevant to the Health Professionals," Amnesty international, London, 1994, pp. 42-43 and 3-37.

Week 11: November 3

Research Paper Proposals and Presentations

Week 12: November 10

Instructors: Iacopino, Weinstein, Orr. (Tape from Bosnia on women and rape)

Health, Women and Children's Rights: What are the rights of the "most vulnerable"? 80% of the world's refugees are women and children; rape as a crime of war became front page news during the 1990's; stories of child soldiers and children as sex slaves also came to the world's attention. What are the long-term consequences of these violations?

Readings

- Twenty-Five Human Rights Documents. Center for the Study of Human Rights, Columbia University, New York, N.Y., 1994. Convention on the Elimination of All Forms of discrimination Against Women. Convention on the Rights of the Child.
- Vlassoff, C. "Gender Inequalities in the Third World: Uncharted Ground." *Soc Sci Med*, 1994;39(9):1249-1259.
- Macklin, A. "Refugee Women and the Imperative of Categories." *Human Rights Quarterly*, 1995;17:213-277.
- Bunch, C. "Women's Rights as Human Rights: Towards a Re-Vision of Human Rights." *Human Rights Quarterly*, 1990;12:486-498.

- Freedman, L. "Censorship and Manipulation of Reproductive Health Information: An Issue of Human rights and Women's Health." In: *The Right to Know: Human Rights and Access to Reproductive Health Information*. University of Pennsylvania Press, Philadelphia, PA, 1995, pp. 1-37.
- Boothby, N. "Trauma and Violence Among Refugee Children." In: A.J. Marsella, T Bornemann et al. *Amidst Peril and Pain*. American Psychological Association, Washington, D.C., 1994, pp. 239-259.
- Athey, JL and Ahearn, Jr, FL. "The Mental Health of Refugee Children: An Overview." In: FL Ahearn, Jr. and JL Athey. *Refugee Children: Theory, Research, and Services*. The Johns Hopkins University Press, Baltimore, MD, 1991, pp. 3-19.
- State of the World's Children, 1995. Summary. UNICEF Publication, pp. 1-13.
- Swartz, L. and Levett, A. "Political Repression and Children in South Africa: the Social Construction of Damaging Effects." *Soc Sci and Medicine*, 1989;28(7):741-750.

Week 13: November 17

Instructors: Iacopino, Weinstein, Orr, (?Danaher)

Environment, Multinationals, Health and Human Rights. What are the effects of industry practice, pollution, and dumping on the health rights of populations? Are a free market and human rights compatible? What is the role of government policy in making trade-offs between growth and health?

Readings

- McKellar, FL and Horlacher, DE. "Population, Living Standards and Sustainability: An Economic View." In: LA Mazur (ed.). *Beyond the Numbers: A Reader on Population, Consumption, and the Environment*. Island Press, Washington, D.C., 1994, pp. 76-92.
- Hekimian, K. "The Post-Soviet legacy of Industrial Pollution in Armenia." In: B. Bradford and MA Gwynne, *Down to earth: Community Perspectives on Health, Development, and the Environment*. Kumarian Press, West Hartford, CT, 1995, pp. 49-59.
- Wilson, L. "Fighting Toxic Waste Dumping in Kentucky." In Bradford and Gwybbe, op cit., pp. 107-112.
- Capek, SM. "Environmental Justice, Regulation, and the Local Community." *Int J Hlth Svcs*, 1992;22(4):729-746.
- Upton, AC, Kneip, T and Toniolo, P. "Public Health Aspects of Toxic Chemical Disposal Sites." *Ann Rev Public Health*, 1989;10:1-25.

Week 14: November 24

Instructors: Iacopino, Weinstein, Orr (? Lipton)

Human Rights and Health policy: How can health professionals assess the impact of health policy on human rights, both on civil and political rights and on the economic, social and cultural rights?

Analysis of the Intersection Between Health Policy and Human Rights: Tobacco, HIV, denial of health care to undocumented immigrants, discrimination against the disabled.

Readings

- Gostin, L and Mann, J. "Towards the Development of a Human Rights Impact Assessment for the Formulation and Evaluation of Public Health Policies." *Health and Human Rights*, 1994;1(1):58-80.
- Lee, PR and Benjamin, AE. "Health Policy and the Politics of Health Care," In: PR Lee and CI Estess, *The Nation's Health*, Jones and Bartlett, Boston, MA, 1994, pp. 121-137.
- Bodenheimer, TS and Grumbach K. "Understanding Health Policy: A Clinical Approach." Appleton & Lange, Norwalk, CT., 1995, *Medical Ethics and the Rationing of Health Care*, pp. 173-194.
- Barry, M. "The Influence of the US Tobacco Industry on the Health, Economy, and Environment of Developing Countries." *NEJM*, 1991;324(13):917-919.

- Gostin, LO and Lazzarini, Z. *Human Rights and Public Health in the AIDS Pandemic*, Oxford University Press, New York, N.Y., 1997, pp. 12-32 and 49-55.
- Fee, E. and Krieger, N. "Thinking and Rethinking AIDS: Implications for Health Policy." In: *AIDS: The Politics of Survival*. Gaywood Publishing Co., Inc., Amityville, N.Y., 1993. pp. 227-251.
- Ziv, TA and Lo, B. "Denial of Care to Illegal Immigrants: Proposition 187 in California." *NEJM*, 1995;335(11):815-816.
- Neufeldt, AH and Mathieson, R. *Empirical Dimensions of Discrimination Against Disabled People. Health and Human Rights*, 1995;1(2):174-189.

Week 15: December 1

Instructors: Iacopino, Weinstein, Orr

Truth, Justice and Reconciliation: How can we define truth, justice, and reconciliation? How should perpetrators of human rights abuses be held accountable for their actions? Is there any relationship between justice and reconciliation? What is the role of a truth commission? Does reconciliation affect health?

Orr, Wendy - SA Truth Commission

Reading:

- Ignatieff, M. "The Nightmare From Which We Are Trying To Awake." In: *The Warrior's Honor: Ethnic War and the Modern Conscience*. Metropolitan Books, New York, N.Y., 1997, pp. 164-190.
- Neier, A. "What Should Be Done About The Guilty?" *New York Review of Books*, 1990;37(1):32-35.
- Zalaquett, J. "Confronting Human Rights Violations Committed By Former Governments: Principles Applicable and Political Constraints." In: N. Kritz (ed.). *Transitional Justice*, Vol 1, United States Institute of Peace Press, Washington, D.C., 1995, pp. 3-31.
- Weschler, L. "Getting Over." *The New Yorker*, April 5, 1993;173-236 and 281-284.
- Geyer, M. "The Politics of Memory in Contemporary Germany." In: J. Copjec, *Radical Evil*, Verson, New York, pp. 169-199.
- Bass, GJ. "Due Processes." *The New Republic*, 1998, March 30, pp.16-18.