

St. Thomas University School of Law

Health and Human Rights

Summer 2001, M - F 11 - 12:50

Asst. Professor Elizabeth A. Pendo

Course Objective

This course examines the interrelationship(s) between modern concepts of health and human rights from an international perspective. It begins with an introduction to the modern human rights instruments, and their core principles and foundations. It will then explore four aspects of the interrelationship between human rights and health:

1. the impact of health policies, programs and practices on human rights;
2. the health impact of violations of human rights, with special emphasis on the health and human rights of women and children;
3. the synergistic relationship between health and human rights; and
4. the relationship between medicine and medical care providers with human rights, including issues of experimentation on human subjects. Case studies from various countries, including the United States, will be used in each unit to highlight emerging perspectives, legal issues and potential solutions.

Course Materials

Health and Human Rights: A Reader (Jonathan M. Mann, et al. eds.) (1999), and supplementary materials available on the Web or provided as handouts.

Attendance and Class Participation

Attendance and class participation are mandatory. The attendance policy provides that you may miss not more than 20%, or four (4), classes. You are expected to be prepared for and to participate in each class, including the completion of all assignments distributed in class.

Grading

Your grade will be based on four features of the course:

1. Students will be assigned to each of the lessons, and will prepare a brief presentation designed to stimulate discussion of the major themes of the material (40%);
2. Each student will present a brief written review of a website and orally present conclusions to the class (10%);
3. The final exam, scheduled for the morning of Monday, July 2 (40%); and
4. /Class participation thorough the course (10%).

Assignments

I. Introduction to Human Rights and Public Health

Day 1 (June 4) and Day 2 (June 5)

Introduction to Human Rights Principles and Instruments

- Mann, pp. 20-28
- Appendices A (Universal Declaration of Human Rights), B (International Covenant on Economic, Social and Cultural Rights), and C (International Covenant on Civil and Political Rights)

Introduction to Human Rights Resources on the Web

- Derechos Human Rights, "Human Rights on the Internet: Concise Guide to Human Rights on the Internet" (2d ed. 1998), at <http://www.derechos.org/human-rights/manual.htm>

Day 3 (June 6)

Introduction to Health and Human Rights

- Mann, pp. 1-20.
- François-Xavier Center for Health and Human Rights, Introduction to Health and Human Rights, at <http://www.hsph.harvard.edu/xfbcenter/introtoHHR.htm>
- Lavastida, "Definition of the Problem," in Health Care and the Common Good (handout)

Introduction to Public Health, and the Meaning of "Health"

- Mann pp. 29-34
- Toebe, pp. 3-26 (handout)

The major international health care providers, including NGOs

- International Medical Volunteers Association, at <http://www.imva.org/Pages/orgbio.htm>;
- Derechos Human Rights, Health and Human Rights NGO's, at <http://www.derechos.net/links/ngo/issue/health.html>

Day 4 (June 7)

The Right to Health in International Treaties and Declarations

- Toebe, pp. 27-85 (handout)

The Status of the Right to Health in United States

- Lavastida "A Description of Health Care in the United States," in *Health Care and the Common Good* (handout)
- Chapman, "The Defeat of Comprehensive Health Care Reform, in *The United States and Human Rights* (handout)
- *Estelle v. Gamble*, 429 U.S. 97 (1976) (handout)
- Look at Physicians for a National Health Program, at <http://www.pnhp.org/>

II. The Impact of Health Policies, Programs and Practices on Human Rights

Day 5 (June 8)

HIV and Quarantine Policies in Cuba

- Mann 37-71
- INS Resource Information Center, "Cuba: Status of Homosexuals," at <http://www.ins.usdoj.gov/graphics/services/asylum/ric/documentation/CUB99001.htm>
- WHO, "HIV / AIDS," at <http://www.who.int/health-topics/hiv.htm>

Day 6 (June 11)

HIV and Detainment of Haitian Refugees at Guantanamo

- Mann, 37-45
- *Haitian Centers Counsel v. Sale*, 823 F. Supp. 1028 (E.D.N.Y. 1993)

Day 7 (June 12)

Tuberculosis Control in the United States

- Mann 37-45 (continued)
- *Jacobson v. Massachusetts*, 197 U.S. 11 (1904)
- *Green v. Edwards*, 263 S.E.2d 661 (W. Va. 1980)

III. Health Impacts Resulting from Violations of Human Rights

Day 8 (June 13)

"Ethnic Cleansing" in the former Yugoslavia

- Mann pp. 83-95
- IHFHR, "Genocide and Ethnic Cleansing in Kosovo," at <http://www.ihr-hr.org/appeals/990330.htm>
- Copelon, "Gendered War Crimes: Reconceptualizing Rape in Time of War," in *Women's Rights Human Rights* (handout)

Day 9 (June 14)

U.S. Oil Operations in the Central American Rainforest

- Mann pp. 130-144

Day 10 (June 15)

Womens' Reproductive Health and Family Planning

- Mann pp. 145-178
- Cook, "International Human Rights and Women's Reproductive Health," in *Women's Rights Human Rights* (handout).
- Look at WHO, Family Planning and Population, at http://www.who.int/m/topics/family_planning_population/en/index.html
- Look at Global Reproductive Health Forum at Harvard University, at <http://www.hsph.harvard.edu/grhf/>
- Look at HRW, the Human Rights Watch Global Report on Women's Human Rights, at <http://www.hrw.org/hrw/about/projects/womrep/index.htm>

Day 11 (June 18)

Prisoners and Health Care

- La France, pp. 83-97
- *Estelle v. Gamble*, 429 U.S. 97 (1976)
- *Farmer v. Brennan*, 511 U.S. 825 (1994)

IV. The Interrelated Nature of Health and Human Rights

Day 12 (June 19)

Gender

- Mann pp. 202-215, 251-264
- The Beijing Platform for Action - The Fourth United Nations Conference on Women (August 1995), at <http://www.un.org/womenwatch/daw/beijing/platform/health.htm>
- International Women's Health Coalition, at <http://www.iwhc.org/>
- Look at Women and Health Links, Human Rights Internet, at <http://www.hri.ca/women/guidehealth.html>

Day 13 (June 20)

Female Genital Mutilation

- La France pp. 856-866
- The Female Genital Mutilation Education and Networking Project, at <http://www.fgmnetowkr.org/index.html>
- Look at Amnesty International, at <http://www.amnesty.org/ailib/intcam/femgen/fgm1.htm>
- Look at WHO, at <http://www.who.int/frh-whd/FGM/>

Day 14 (June 21)

Sexual Identity

- Mann pp. 265-280
- *Griswold v. Connecticut*, 381 U.S. 479 (1965)
- *Bowers v. Hardwick*, 478 U.S. 186 (1986)

Day 15 (June 22)

Disability

- Mann pp. 113-129
- Declaration on the Rights of Disabled Persons, at <http://diana.law.yale.edu/diana/db/81098-5.html>
- Look at Disabled Persons International, at <http://www.escape.ca/~dpi/>

V. Medicine and Human Rights

Day 16 (June 25)

Introduction: The Development of the Nuremburg Code

- Mann pp. 284-311
- Amnesty International Health Professionals Network Online, at <http://www.web.amnesty.org/rmp/hponline.nsf/ethics?openview>

Day 17 (June 26)

AZT Experiments in Africa

- La France pp. 623-634

Day 18 (June 27)

Plutonium Experiments in the United States

- *In re: Cincinnati Radiation Litigation*, 874 F. Supp. 796 (S.D. Ohio 1995)

Syphilis Experiments with African-American Prisoners in the United States

- "Final Report of the Tuskegee Syphilis Study Ad Hoc Advisory Panel" in *Sourcebook in Bioethics* (handout)

Day 19 (June 28)

Website Evaluations

Day 20 (June 29)

Review Session

Additional Resources

On the Web

- About.com, Human Rights (searchable news database): <http://humanrights.about.com/newsissues/humanrights/library/weekly/blnews.htm?once=true&>
- American Association for the Advancement of Science (AAAS) and Human Rights: <http://shr.aaas.org/program/shr.htm>
- Amnesty International Online: <http://www.io.org/amnesty/>
- Derechos Human Rights: <http://www.derechos.org>
- DIANA International Human Rights Database: <http://diana.law.yale.edu>
- François-Xavier Bagnoud Center for Health and Human Rights: <http://www.hsph.harvard.edu/xfbcenter/>

Global Lawyers and Physicians: <http://www.glphr.org/>

- Human Rights Internet: <http://www.hri.ca/>
- Human Rights, USA: <http://134.84.205.236/>
- Human Rights Watch: <http://www.hrw.org>
- Lawyers Committee for Human Rights: <http://lchr.org>
- Médecins Sans Frontières/Doctors without Borders: <http://www.doctorswithoutborders.org/index.shtml>
- Physicians for Human Rights: <http://www.phrusa.org>
- Theology Library, Human Rights: <http://www.mcgill.pvt.k12.al.us/jerryd/cm/rights.htm>
- University of Minnesota Human Rights Library: <http://www.umn.edu/humanrts/>
- World Medical Association, Inc.: <http://www.wma.net/e/home.html>
- 50th Anniversary of the Universal Declaration of Human Rights: <http://www.udhr50.org>

Books

- Annas, George and Grodin, Michael *The Nazi Doctors and the Nuremberg Code: Human Rights and Human Experimentation* (New York: Oxford University Press, 1992).
- Bhatia, Gurcharan S., *Peace, Justice: Human Rights Challenges for the New Millennium* (Univ. of Alberta Press 2000).

- Claude, Richard P. and Weston, Burns H., eds. *Human Rights in the World Community: Issues and Actions* (Philadelphia: University of Pennsylvania Press, 1992).
- Donnelly, J. *International Human Rights* (Boulder, CO: Westview Press, 1993).
- Dupuy, R.J., ed. *The Right to Health and Human Rights* (Alphen aan den Rijn, The Netherlands: Sijthoff and Noordhoff, 1979).
- Forsythe, David P. ed., *The United States and Human Rights* (Univ. of Nebraska Press 2000).
- Henkin, L., ed. *The Age of Rights* (New York: Columbia University Press, 1990).
- International Commission of Health Professionals for Health and Human Rights, *Health and Human Rights* (Geneva, Switzerland: International Commission of Health Professionals for Health and Human Rights, 1986).
- Johnson, Albert R., et. al. (eds.), *Sourcebook in Bioethics: A Documentary History* (Georgetown Univ. Press 1998).
- La France, Arthur, *Bioethics: Health Care, Human Rights and the Law* (Bender 1999).
- Laquer, W. and Rubin, B., eds. *The Human Rights Reader*, (2nd edition. New York: New American Library, 1989).
- Lavastida, Jose, I., *Health Care and the Common Good: A Catholic Theory of Justice* (Univ. Press of America, 2000).
- O'Rourke, K. and Boyle, P., eds., *Medical Ethics: Sources of Catholic Teaching* (1999, 3rd ed.).
- Peters, Julie and Wolper, Andrea, eds., *Women's Rights Human Rights; International Feminist Perspectives* (Routledge 1995).
- Toebes, Brigit C.A., *The Right to Health as a Human Right in International Law* (1999).
- *Twenty-Five Human Rights Documents* (New York: Center for the Study of Human Rights, Columbia University, 1994).

Articles

- ["Health and Human Rights."](#) by Sofia Gruskin and Daniel Tarantola (FXB Center Working Paper No. 10) (detailed history of the health and human rights framework and the current state of the field), link available at François-Xavier Bagnoud Center for Health and Human Rights website.
- ["Health and Human Rights."](#) by Jonathan Mann, Lawrence Gostin, Sofia Gruskin, et al. (1994 overview of the health and human rights framework), link available at François-Xavier Bagnoud Center for Health and Human Rights website.
- "Legacies of Nuremberg: Medical Ethics and Human Rights," *Journal of the American Medical Association (JAMA)*: 276(1996): 1682-83.
- "Medicine and Human Rights: Reflection on the Fiftieth Anniversary of the Doctors' Trials", in *Health and Human Rights*, François-Xavier Center for Health and Human Rights 2 No 1 (1996): 7-21, Harvard School of Public Health
- "Medicine and Rights: A Proposal for International Action", Hastings Center Report, July-August 1993: 8-12.
- ["Statement on Health and Human Rights."](#) by the Consortium for Health and Human Rights (1998 overview of the relationship between public health and human rights), link available at François-Xavier Bagnoud Center for Health and Human Rights website.