Health and Human Rights

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Office hours Tuesdays 1 – 3 p.m. or by appointment

**Course description:** The course examines the intersection of health and international human rights. Readings and discussion will focus on whether there is a universal right to health; how to maximize access to health; the health implications of war crimes and atrocities; and the meaning of rights and access in resource-poor settings such as refugee camps and fragile states. Special attention will be paid to the role of corporate social responsibility and advanced economies in access to health.

Students will work in interdisciplinary groups on a health assessment and intervention known as the Access to Health Project. Headed by Professor Sorensen of the Center for International Human Rights and faculty at the Center for Global Health at Feinberg Medical School, the Access to Health Project seeks to leverage academic partnerships to maximize access to health in communities in the developing world. Specifically, this class will participate in needs assessments and project development in urban refugee environments in Lebanon. Our partner communities in Lebanon, predominately Syrian refugees, have public health issues that include respiratory and skin infections, lack of access to secondary and tertiary care, and other issues related to insecure, transitory environments. Psychosocial issues such as gender-based violence and trauma related to mass displacement, extreme war-time violence, and discrimination are also present.

The needs assessment will reflect human rights, public health and sustainability considerations. In lieu of an exam, student teams will prepare a final written report detailing their findings and recommendations.

**Course Objectives**

At the conclusion of the course, students will be able to identify key areas of health and human rights litigation around the world; evaluate corporate social responsibility programs related to health as a human right; and
critically evaluate health interventions in a resource-poor setting from a rights perspective.

**Grading basis:** Class participation 20%; oral presentation 20%; final papers (including peer evaluation*) 60%.

*Peer Evaluations:* Group research project peer evaluations consider each team members’ quality of contribution, dependability, and demonstrated initiative. This information figures into individual grades.

Assignments are located on the class Canvas page.

NOTE: This class will start on January 10, 2017 to accommodate the start of the law school spring semester. A required make-up class has been scheduled accordingly for Friday, January 27 from 6-9 pm.

Law students interested in receiving credit for a full semester will be offered the opportunity to do more work after the course has ended but before spring semester has concluded in line with the ABA rules for educational credit.

**Class 1: Is There a Right to Health?**

**Assignment:**

- *Minister of Health v. Treatment Action Campaign (skim or skip pp. 19 – 25, 43 – 73)*;
- *Flores v. Southern Peru Copper Corporation*;

**Class Plan:**

Hours 1 and 2: The Right to Health

Hour 3: Introduction to Group Projects

**Class 2: Who is Entitled to Health?**

**Assignment:**

- Tami Tamashiro, *Impact of Conflict on Children’s Health and Disability*;
- *In the Matter of Yated*;
- *European Roma Rights Centre v. Bulgaria*;

**Class Plan:**
Hour 1: Refugees, Children, and the Vulnerable
Hour 2: Technical training on Lebanon
Hour 3: Group Project Work

**Group Project Research Topics Due by 5 p.m.**

**Class 3: The Right to Health and the Social Contract Effecting Change in Health, Human Rights, and Development**

**Assignment:**

- *Jacobson v. Massachusetts;*
- *Phillips v. City of New York*
- Chowdhury, “The Mantra of Delivery”;
- *Stern, “The Simulation Change Model”;

**Class Plan:**

Hours 1: The Right to Health and Individual Liberty
Hour 2: Partnership, Opportunity, Need, and Idealism without Illusions: The PONI Model and Organizational Change
Hour 3: Group Project Work

**Class 4: Health and Human Rights at Home**

**Assignment:**

- *Besanko, “ObamaCare: The Patient Protection and Affordable Care Act of 2010”*
- *In the Matter of NY Statewide Coalition of Hispanic Chambers of Commerce, et al., v. The NYC Department of Health and Mental Hygiene,* (Read pages 13-17)
- Institute of Medicine, “U.S. Health in International Perspective: Shorter Lives, Poorer Health” Read Report Brief;

**Class Plan:**

Hour 1: Health and Human Rights in New York and Chicago
Hour 2: Health Care Reform in the U.S.: The Affordable Care Act in law and in practice

Hour 3: Group Project Work

Class 5: Activism and Litigation on Health and Human Rights

Assignment:

- Rasanathan, “Realizing Human Rights-Based Approaches for Action on the Social Determinants of Health”;
- Soobramoney v. Minister of Health;
- Samity v. State of West Bengal;

Class Plan:

Hours 1 and 2: The Role of the Legal System in Access to Health

Hour 3: Group Project Work

Deliverable: Literature Review and Bibliography

Each project team will submit a comprehensive literature review examining secondary information relevant to its topic. A literature review is a prose synthesis of past research into areas related to the topic, complete with citations. It includes a discussion of the contributions made by prior studies and a clear description of what is still unresolved. It should also discuss how the team’s research will fit into the knowledge progression outlined in the review. This background research is pertinent for understanding prior research on the topic as well as properly preparing students for in-country work. Acceptable literature reviews can vary dramatically in size and scope. Top-notch literature reviews have generally examined 25-30 sources and been 8-15 double-spaced pages in length.

Class 6: Mental Health and Human Rights

Assignment:
• Hijazi and Weissbecker, “Mental Health Research in Emergencies: Are Assessments in a Humanitarian Setting Ethical?”;
• Saxena, “The 10/90 Divide in Mental Health Research”;
• WHO, “Mental Health and Psychosocial Well-Being Among Children in Severe Food Shortage Situations”;
• Intergraph: Journal of Dialogic Anthropology, “Appropriating Trauma: Legacies of Humanitarian Psychiatry in Postwar Bosnia-Herzegovina”;
• Purohit and Moore v. The Gambia;

Class Plan:
Hours 1 & 2: Mental Health and International Human Rights
Hour 3: Group Project Work

Class 7: Resources and Responsibilities
Assignment:
• Case study, “Cipla: Turning a Profit While Providing Access to Essential Medicines”;
• Scroll.in, “Why South Africa’s Health Minister is so Worried About India Caving in on Big Pharma”;
• The Huffington Post, “The Cure for Gilead”;
• The New York Times, “The Fight Against Fake Drugs”.

Class Plan:
Hours 1 and 2: Corporate Social Responsibility and the Right to Health
Hour 3: Group Project Work

Class 8: Global Health and Atrocities
Assignment:
• Physicians for Human Rights, “Rape as a Weapon of War: Accountability for Sexual Violence in Conflict”;
• Prosecutor v. Furundzija;
• The New York Times, “Report Finds Gradual Fall in Female Genital Cutting in Africa”;


Class Plan:
Hour 1 and 2: Sexual and Gender Based Violence– Rape, Domestic Violence, and Intersectionality
Hour 3: Group Project Work

Class 9: Public Health and Litigation: When to Sue?
Assignment:
- The New York Times, “Chicago and 2 California Counties Sue Over Marketing of Painkillers”;
- Strader, “Criminalization as a Policy Response to a Public Health Crisis”;
- The New York Times, “Next to Tribe With Alcohol Ban, a Hub of Beer”;

Class Plan:
Hour 1: Knowing exposure of a partner, a fetus, the public
Hour 2: Opioids: The Tobacco Litigation of the 21st Century?
Hour 3: Group Project Work

Class 10: Oral Presentations
Deliverable: Each research team will make a presentation in class summarizing their research findings. The purpose of these presentations is to allow students to benefit from the breadth of research and experience of their colleagues, furthering the learning component of the class experience in a wider variety of topic areas than covered in the in-class time. Each team will have 10 minutes to present and 5 minutes for audience questions and suggestions.

Group project final papers are due on March 26, 2017.