Health and Human Rights

Course ID: KPPI-933-0

Winter 2019
Monday 6:00 to 9:00 pm

Northwestern Pritzker School of Law
Rubloff 175

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Course Description

This course examines the intersection of health and human rights in theory and in practice. In a seminal paper in the Health and Human Rights journal in 1994, the late HIV/AIDS activist and professor Jonathan Mann and colleagues described the relationship between health and human rights as comprising three parts. First, health policies, programs and systems impact human rights, both positively and negatively. Second, human rights violations have health impacts. Third, promotion and protection of human rights and promotion and protection of health are fundamentally linked. These three concepts are at the core of the growing field of study and work in health and human rights and will inform the readings, discussions and project work in this course. The topics of focus for assignments and class discussion include: the relationship between health and human rights in theory and practice; the right to health; the health and human rights impact of gun violence; global activism and litigation to promote health and human rights; the movement for access to medicines; infectious diseases, with a focus on the global tuberculosis epidemic; sexual and reproductive health rights; and health and human rights in the United States.

Students will work in interdisciplinary groups on a health assessment and intervention known as the Access to Health Project. Headed by Professor Citro, with assistance from Schuette Health and

1 Jonathan Mann et al., Health and Human Rights, 1 Health and Human Rights 1 (1994).
Human Rights Fellow Elise Meyer, the Access to Health Project seeks to leverage academic partnerships to maximize access to health in communities in the developing world and in the United States. Specifically, this class will participate in needs assessments and project development: to address the legal and policy environment for sex trafficking in Chicago, with a focus on victims’ access to sexual and reproductive health and trauma services; to examine and address the practice of unlawfully detaining people in China based on their health status; and to build the capacity of people affected by tuberculosis in India to understand their rights related to health, including to access testing and treatment and to be free from discrimination, and to use the courts and other forms of advocacy to realize their rights.

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 SCHEDULE NOTES:**

- The first class will be Monday, January 14 to correspond with the Pritzker School of Law academic calendar. The make-up class for Monday, January 7 will be [DATE].

- There will be a make-up class on Friday, January 25 to accommodate the Martin Luther King holiday on Monday, January 21.

**Course Objectives**

At the conclusion of the course, students will be able to: identify and understand prevailing concepts and approaches to health and human rights around the world, including use of litigation and advocacy campaigns; and critically evaluate current approaches to key global health challenges and design rights-based alternatives. Students will also engage in applied research regarding law, policy and epidemiology related to public health outcomes in Chicago, China and India.

**Grading**

- Client management and performance during Access to Health Project travel (if conducted) 10%

- Class participation 20%

- Oral presentation 20%

- Literature Reviews and Final Reports (including peer evaluation*) 50%.

*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.
Course Evaluation

The University administers web-based evaluations to students for each course near the end of the quarter. Your completion of both the unit (course) and faculty evaluation components is expected. Failure to complete either of the evaluations is considered “poor citizenship,” since evaluation data are used for course refinement that benefits all community members. You will be sent the web link and instructions via email later in the quarter, and have several weeks to complete the evaluations before grades are submitted. Your evaluation of the course and faculty is anonymous; your identity cannot be linked with your responses. Note also that your ability to view select course evaluation data is predicated on completing evaluations for all current courses.

Academic Integrity

Every Northwestern faculty member and student belongs to a community of scholars where academic integrity is a fundamental commitment. The Program in Public Health abides by the standards of academic conduct, procedures, and sanctions as set forth by The Graduate School at Northwestern University. Students and faculty are responsible for knowledge of the information provided by The Graduate School on their Web page at http://www.tgs.northwestern.edu/about/policies/academic-integrity.html

Academic misconduct includes, but is not limited to

1. Receiving or giving unauthorized aid on examinations or homework
2. Plagiarism
3. Fabrication
4. Falsification or manipulation of academic records
5. Aiding or abetting any of the above

This course follows The Graduate School’s procedure for evaluating alleged academic misconduct, as outlined on the TGS website.

Students agree that by taking this course all required papers may be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism. All submitted papers will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting plagiarism of such papers. Use of the Turnitin.com service is subject to the Usage Policy posted on the Turnitin.com site. Information about this tool can be found at http://lmsblog.it.northwestern.edu/2014/09/29/turnitin-for-canvas/

Requesting Accommodations

Any student requesting accommodations related to a disability or other condition is required to register with AccessibleNU (847-467-5530) and provide professors with an accommodation
notification from AccessibleNU, preferably within the first two weeks of class. All information will remain confidential.
Course Schedule

All readings are available on Canvas

Class 1—Health and Human Rights: Origins, Concepts and Human Rights-Based Approaches  Class Starts January 14th

Assignment:

- Jonathan Mann et al., Health and Human Rights
- Sofia Gruskin et al., History, Principles, and Practice of Health and Human Rights
  - Pages 11 – 14 (page numbers of the Resource Guide, not the PDF)
- OHCR and WHO, A Human Rights-Based Approach to Health
  - Pages 4 – 12 (skip Consideration of Admissibility (paras. 5.1 – 5.5))
- The New Yorker, Is Health Care a Right?

Class Plan:

Hours 1 and 2: Health and Human Rights: Origins, Concepts and Human Rights-Based Approaches.

Hour 3: Introduction to Access to Health Group Projects and travel option; Presentation by support librarians; Discussion of Literature Reviews, Final Reports and Oral Presentations.

DUE: Access to Health Project Travel Application (Resume and Statement of Interest)

Class 2—The Human Right to Health

(January 18th make-up for January 7th Kellogg and PPH quarter start)

Assignment:

- Constitution of the World Health Organization
  - Page 1 and Article 1
- Article 12, International Covenant on Economic, Social and Cultural Rights
  - Pages 5 – 10
- UN Committee on Economic, Social and Cultural Rights, General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12)
- Excerpt from The Demands of the Human Right to Health (Jonathan Wolff 2012)
- Minister of Health v. Treatment Action Campaign (South Africa, 2002)
Class Plan:

Hours 1 and 2: The Right to Health.

Hour 3: Health Sciences Research Presentation by Q. Eileen Wafford, MSt, MLIS, Research Librarian, Feinberg School of Medicine; Group Project Work.

Class 3—Affecting Change: Activism and Litigation for Health and Human Rights January 25th make-up for MLK

Assignment:

- Ithai Stern, The Simulation Change Model
- Mushtaque Chowdhury, The Mantra of Delivery
- Alicia Ely Yamin, Promoting Equity in Health: What Role for Courts?
- Kumanan Rasanathan et al., Realizing Human Rights-Based Approaches for Action on the Social Determinants of Health
- Soobramoney v. Minister of Health (South Africa, 1997)
  - Pages 1 – 18 (through para. 31); skim or skip pages 19 - 35
- Samity v. State of West Bengal (India, 1992)

Class Plan:

Hour 1: The Role of the Activism and the Legal System in Promoting Access to Health; Partnership, Opportunity, Need and Idealism without Illusions: The PONI Model and Organizational Change.

Hour 2: Treatment Action Group documentary “How to Survive a Plague” on the beginning of HIV/AIDS activism.

Hour 3: Group Project Work.

DUE: Access to Health Project Research Topics Due by 5 p.m.

Class 4—Sexual and Reproductive Health and Human Rights

Assignment:

- International Conference on Population and Development (ICPD) Programme of Action
  - Foreword (pages iii - iv), Chapter VII (paras. 7.1 - 7.13) and para. 8.25.
• Report of the UN Special Rapporteur on the Right to Health Report to the UN General Assembly on the Criminalization of Sexual and Reproductive Health
• *Amanda Mellet v. Ireland* (UN Human Rights Committee, 2016)
  - Paras. 1 - 3.20, 7.2 - 10, and Annex II: Individual opinion of Committee member Sarah Cleveland (concurring)
• Center for Reproductive Rights, *U.S. Supreme Court Case Summaries: Griswold and Leading Abortion Cases*
• *Griswold v. Connecticut* (USA, 1965) (edited)
• *Roe v. Wade* (USA, 1973) (edited)
  - Skim or skip Section VI

Class Plan:

Hours 1 and 2: Sexual and Reproductive Health and Human Rights.

Hour 3: Group Project Work.

Class 5—Individual Liberty v. Public Health: Where’s the Tension?

Assignment:

• *Jacobson v. Massachusetts* (USA, 1905)
• *Phillips v. City of New York* (USA, 2015)
• *Whitlow v. State of California* (USA, 2016)
• TBD
• TBD

Class Plan:

Hours 1 and 2: Individual Liberty v. Public Health: An examination of the overlaps and tensions.

Hour 3: Group Project Work.

Class 6—Infectious Disease: Tuberculosis, Human Rights and the Law

Assignment:

• World Health Organization, *Tuberculosis Fact Sheet*
• Brian Citro et al., *Editorial: Developing a Human Rights-Based Approach to Tuberculosis*
• *School Board of Nassau County v. Arline* (USA, 1987) (edited)
• *Makharadze and Sikhardidze v. Georgia* (European Court of Human Rights, 2011) (edited)
• Daniel Ng’etich v. Attorney General (Kenya, 2016) (edited)

Class Plan:

Hours 1 and 2: Tuberculosis, Human Rights and the Law.

Hour 3: Group Project Work.

DUE: Access to Heath Project Literature Reviews Due by 5 p.m.

Class 7—Health, Human Rights and Gun Violence

Assignment:

• Five Thirty-Eight, New Orleans Searches for the Truth
• Smithsonian.com, Why So Few Scientists Are Studying the Causes of Gun Violence
• District of Columbia v. Heller (USA, 2008) (excerpt from casebook)
• Wollschlaeger v. Governor of Florida (USA, 2017)
  ○ Pages 1 – 9 and 27 – 38
• Green et al., Modeling Contagion Through Social Networks to Explain and Predict Gunshot Violence in Chicago, 2006 to 2014
• Eunju Lee et. al., Exposure to Community Violence as a New Adverse Childhood Experience Category: Promising Results and Future Considerations

Class Plan:

Hour 1: The Constitution, the Gun Lobby, and Gun Violence

Hour 2: Gun Violence as Trauma (Interpersonal and Historical)

  Guest Speaker: Dr. Elena Quintana, Adler University

Hour 3: Group Project Work.

Class 8—Access to Medicines

Assignment:

  ○ Paras. 12 – 93 (pages 6 – 28)
• Patricia Asero Ochieng v. Attorney General (Kenya, 2012) (edited)
• Report of the Special Representative of the UN Secretary-General on Business and Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework*
  ○ Annex (pages 6 – 27): read the General Principles (page 6), then everything in bold, skipping/skimming the Commentary.
• The Huffington Post, *The Cure for Gilead*

Class Plan:

Hour 3: Group Project Work.

**Class 9—Health Systems and Human Rights: Does the US Health System Promote Health and Human Rights?**

Assignment:

• Report of the UN Special Rapporteur on the Right to Health to the General Assembly on Health Systems
  ○ Paras. 12 – 58 (pages 5 – 16)
• David Besanko, *ObamaCare: The Patient Protection and Affordable Care Act of 2010*
• Ron Pollack, *Single-Payer Isn’t the Only Progressive Option on Health Care*
• The New York Times, *Is it better to Die in American or in England?*
• Institute of Medicine, *U.S. Health in International Perspective: Shorter Lives, Poorer Health* (Report Brief)
• *In the Matter of NY Statewide Coalition of Hispanic Chambers of Commerce v. The NYC Department of Health and Mental Hygiene* (USA, 2014) (edited)

Class Plan:

Hour 1: Health and Human Rights in the United States?
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 15-20 minutes to present and 10 minutes for audience questions and suggestions.

| Final Reports and Peer Evaluations Due on March 29, 2019 |