Health and Human Rights

Course ID: KPPI-933-0

Winter Quarter 2020

Monday 6:00 to 9:00 pm

Northwestern Pritzker School of Law
TBD

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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.

1 Jonathan Mann et al., Health and Human Rights, 1 Health and Human Rights 1 (1994).
Students will work in interdisciplinary teams for real-world clients on a health needs assessment and intervention as part of the Northwestern Access to Health Project (ATH Project). Headed by Professor Citro, with assistance from Schuette Health and Human Rights Fellow Alex Tarzikhan, 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. The health needs assessments will reflect human rights, public health and sustainability considerations. In particular, this class will conduct assessments, followed by research to develop solutions: to protect privacy and confidentiality, and to ensure financial accessibility of health goods and services in rural health care settings in Uganda; [other ATH Projects TBA].

In lieu of an exam, student teams will write Literature Reviews, prepare and give a final Oral Presentations to the class and invited guests, and write Final Reports detailing their findings and recommendations. The Literature Review and Final Report will be submitted to the project clients.

**COURSE SCHEDULE NOTES:**

- The first class will be Monday, January 13 to correspond with the Pritzker School of Law academic calendar.
- There will be a make-up class on Friday, January 17. The Make-up is for Monday, January 6, on which we will not have class because we are following the Pritzker School of Law academic calendar.
- There will be a make-up class on Friday, January 24 to accommodate the Martin Luther King holiday on Monday, January 20.

**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, Syria and two or three countries in the Global South with high tuberculosis burdens.

**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](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/](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

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: Overview of Course Deliverables—Literature Reviews, Final Reports and Oral Presentations; Introduction to Access to Health Group Projects and travel option.

Friday, January 18

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

Class 2—The Human Right to Health

(January 17 make-up for January 6)

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 (page numbers of the Resource Guide, not the PDF)
• 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)
  • Skim or skip pages 19 – 25, 43 – 73
• Case T-760/08 (Colombia, 2008)
  • Pages 1 – 15 (stop at 6.1 Orders relating to benefit plans) and pages 29 – 30 (start at III. Decision)

Class Plan:

Hours 1 and 2: The Origins, Sources of Law and Content, and Criticisms of the Right to Health, and Its Application in the Courts.

Hour 3: Group Project Work.

Class 3—Affecting Change: Activism and Litigation for Health and Human Rights

(January 24 make-up for MLK Day)

Assignment:

• Mushtaque Chowdhury, The Mantra of Delivery
• Tamar Ezer and Priti Patel, Strategic Litigation to Advance Public Health
• Octavio Ferraz, The Right to Health in the Courts of Brazil - Worsening Health Inequities?
• 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: How to Affect Change in Health and Human Rights—Reflections and Critical Perspectives on Health Delivery, Litigation and Activism.

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)
  - 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 / Health and Human Rights in Prisons

Assignment:

- *Jacobson v. Massachusetts* (USA, 1905) (edited)
- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
  - Read Articles 1-4; 10-16
- UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)
  - Skim Rules 1-10; 13-23
  - Read Rules 24-35; 42-46
- Elizabeth Bennion, *Banning the Bing: Why Extreme Solitary Confinement Is Cruel and Far Too Usual Punishment*
  - Read Section II (pages 753-763)

Class Plan:
Hours 1: Individual Liberty v. Public Health: An examination of the overlaps and tensions.
Hour 2: Health and Human Rights in Prisons.
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)
- *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 Health Project Literature Reviews Due by 5 p.m.

Class 7—The Right to Mental Health and the Challenge of Stigma

Assignment:

- Report of the UN Special Rapporteur on the Right to Health Report to the UN General Assembly on the Right to Mental Health
  - Skip Section III
- *Olmstead v. L.C. by Zimring* (USA, 1999) (edited)
  - Skip Stevens, Kennedy, and Breyer concurrences (but read Thomas dissent)
- *More Companies See Neurodiverse Job Candidates as Untapped Talent Pool*, listen to podcast [here](#).
- Patrick W. Corrigan et al., *Challenging the Public Stigma of Mental Illness: A Meta-Analysis of Outcome Studies*
- Udoka Okpalauwaekwe et al., *Knowledge of and Attitude to Mental Illnesses in Nigeria: A Scoping Review*

Class Plan:

Hour 1: The Right to Mental Health
Hour 2: The Challenge of Mental Health Stigma with Guest Speaker: Dr. Anderonke O Bambose Pederson, Chief Resident, Department of Psychiatry and Behavioral Sciences, Northwestern University, Feinberg School of Medicine

Hour 3: Group Project Work.

Class 8—Access to Medicines

Assignment:

  - Paras. 12 – 93 (pages 6 – 28)
- 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.
- Mohd. Ahmed (Minor) v. Union of India, et al. (India, 2014) (edited)
- 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:

- Irene Papanicolas et al., Health Care Spending in the United States and Other High-Income Countries, JAMA (2018).
- Gary Price and Tim Norbeck, U.S. Health Outcomes Compared to Other Countries are Misleading, Forbes (2018).
- 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*

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.

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**Final Reports and Peer Evaluations Due on March 30, 2019**