PLCY 570: Health and Human Rights
University of North Carolina at Chapel Hill
Fall 2013

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COURSE DESCRIPTION

Human rights are inextricably linked to the achievement of public health policy goals. This course provides an introduction to the relationship between health policy and human rights. As a survey course, it ranges broadly over theoretical approaches and concrete issues relating to the realization of human rights in the context of domestic and international public health policies. For public policy, public health, and law students seeking to gain an understanding of human rights, this course will complement other rights-based courses at UNC, giving students a foundation for future studies at the intersection of human rights and public health.

The focus of this course will be on rights-based approaches to health, applying a human rights perspective to selected public health policies, programs, and interventions. Specifically, this course will teach students how to apply a formalistic human rights framework to a wide range of critical issues in public health, exploring the role of human rights as both a safeguard against harm and a catalyst for health promotion. Upon completion, students will have acquired an understanding of the social, economic, cultural, legal, and political processes by which human rights inform public health objectives.
COURSE LEARNING OBJECTIVES

Students who successfully complete this course will be able to:

- Understand international legal documents and apply these texts to domestic and international health policies.
  - Distinguish the normative framework of international human rights standards from nonformalistic commitments to social justice, bioethics, and morality.
  - Describe the differential synergies between health and either positive (economic, social, and cultural) or negative (civil and political) human rights obligations.
- Identify the means through which human rights violations harm public health.
- Evaluate the policy mechanisms by which human rights can inform public health initiatives.
  - Identify ways in which human rights are used to promote health.
  - Identify ways in which human rights serve to protect individuals from harm.
- Analyze instances in which conflict can arise between public health priorities and human rights protections.

COURSE STRUCTURE

This course is divided into four major units with issues grouped so as to typify those issues most pressing in the health and human rights literature:

Unit 1: Issues in Human Rights, Impacts on Health
Unit 2: Health as a Human Right
Unit 3: Applications of Human Rights to Health Promotion and Disease Prevention
Unit 4: Ethics, Human Rights, and Health Professionals: Ethical Obligations of Health Professionals in the Face of Human Rights Violations

ASSIGNMENTS

Student grades will be based on:

Three (3) Position Papers 30%
Final Paper 40%
Participation 20%
Reading Quizzes 10%

Position Papers
The position papers should provide a succinct (<500 word) analysis and/or critique of a specific aspect of the readings. The three (3) position papers will be due one (1) week after the conclusion of each respective unit. (Note: There will be no position paper due at the conclusion of the fourth unit.) The position papers should not be summaries of the readings but should instead offer thoughtful reactions to several of the readings in that unit.

Final Paper
The final research paper is a substantial piece of writing relying heavily on secondary source material (and primary sources to the degree necessary). The paper should make use of both course and outside readings and investigate an issue of interest to the student.

Undergraduate Students
- Abstract (250 words)
- 2,500-3,000 words

Graduate Students
- Abstract (250 words)
- 3,000-3,500 words

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Participation
The course is a seminar and will not rely entirely on professorial lecture. Consequently, attendance and participation are mandatory. Students should come to class having read all of the required readings, prepared to raise provocative questions for discussion.

As half of the student’s participation grade (10% of the total grade), each student will be responsible for presenting a written and oral summary of a week’s readings. Summary assignments will be selected during the second class.

Reading Quizzes
To assure that students are reading and understanding the course material, there will be periodic reading quizzes at the start of each week. These quizzes should take no more than four minutes and are intended to assure basic comprehension of the required readings and preparation for class discussion.

UNC HONOR CODE

The UNC honor code (http://honor.unc.edu) will be in effect in this class. If you have questions about appropriate behavior regarding the honor code, check with the instructor.

The principles of academic honesty, integrity, and responsible citizenship govern the performance of all academic work and student conduct at the University as they have during the long life of this institution. Your acceptance of enrollment in the University presupposes a commitment to the principles embodied in the Code of Student Conduct and a respect for this most significant Carolina tradition. Your reward is in the practice of these principles.

Your participation in this course comes with the expectation that your work will be completed in full observance of the Honor Code. Academic dishonesty in any form is unacceptable, because any breach in academic integrity, however small, strikes destructively at the University’s life and work.

If you have any questions about your responsibility or the responsibility of faculty members under the Honor Code, please consult with someone in either the Office of the Student Attorney General (966 4084) or the Office of the Dean of Students (966 4042).

Read “The Instrument of Student Judicial Governance” (http://instrument.unc.edu).
SEMINAR SCHEDULE

Unit 1: Issues in Human Rights, Impacts on Health

Week 1: Globalization of Public Health Policy: Employing International Law for Health

Required Readings

Optional Readings

Week 2: Human Rights vs. Social Justice as Tools for Health Policy

Required Readings
- JACK DONNELLY, UNIVERSAL HUMAN RIGHTS IN THEORY AND PRACTICE 7-21 (2d ed. 2001).

Optional Readings
- Alicia Yamin, Will We Take Suffering Seriously? Reflections on What Applying a Human Rights Framework to Health Means and Why We Should Care, 10 HEALTH & HUMAN RIGHTS 45 (2008).
Week 3: Positive vs. Negative Rights?

**Required Readings**

**Optional Readings**
- HENRY J. STEINER & PHILIP ALSTON, INTERNATIONAL HUMAN RIGHTS IN CONTEXT 138-41, 244-47 (2d ed. 2000).

Week 4: Cultural Relativism in Health

**Required Readings**
- Sandra D. Lane and Robert A. Rubinstein, Judging the Other: Responding to Traditional Female Genital Surgeries, 26 HASTINGS CENTER REP. 31 (1996).
- Bettina Shell-Duncan, From Health to Human Rights: Female Genital Cutting and the Politics of Intervention, 110 AMERICAN ANTHROPOLOGIST 225 (2008).

**Optional Readings**

Unit 2: Health as a Human Right

Week 5: Is There a Human Right to Health? Is There a Human Right to Health Care?

*First Position Paper Due*

Required Readings

Optional Readings
• Benjamin Mason Meier & Lance Gable, US Efforts to Realise the Right to Health through the Patient Protection and Affordable Care Act, 13 HUMAN RIGHTS LAW REVIEW (2013).

Week 6: Applying the Right to Health to Global Governance: Access to Medications

Required Readings
• William Easterly, Human Rights Are the Wrong Basis for Healthcare, FINANCIAL TIMES (FT.com) (October 12, 2009).

Optional Readings
• Benjamin Mason Meier, Kristen Brugh & Yasmin Halima, Conceptualizing a Human Right to Prevention in Global HIV/AIDS Policy, PUBLIC HEALTH ETHICS (2012).

Week 7: Employing International Law to Advance the Right to Health: The Case of Global Tobacco Control

Required Readings

Optional Readings
• Virginia Leary, Concretizing the Right to Health: Tobacco Use as a Human Rights Issue, in RENDERING JUSTICE TO THE VULNERABLE 161 (Fons Coomans et al. eds. 2000).
• WHO Framework Convention on Tobacco Control.
Unit 3: Applications of Human Rights to Health Promotion and Disease Prevention

Week 8: Reproductive Health as a Human Right

*Second Position Paper Due

Required Readings
- Nicholas D. Kristof, Birth Control Over Baldness, NEW YORK TIMES, Sept. 25, 2010.
- Lance Gable, Reproductive Health as a Human Right, 60 CASE WESTERN LAW REVIEW 957 (2009).

Optional Readings

Week 9: A Human Right to Water?

*One page outline of final paper due

Required Readings
- Eibe Riedel, The Human Right to Water and General Comment No 15 of the CESCR, in THE HUMAN RIGHT TO WATER 19 (Eibe Riedel & Peter Rothen eds. 2006).

Optional Readings
Week 10: Economic Development Policy for Public Health

**Required Readings**


**Optional Readings**


Week 11: Chronic Illness: A Human Rights Approach Mental Health Policy

**Required Readings**

- Lance Gable & Lawrence O. Gostin, Mental Health as a Human Right, in REALIZING THE RIGHT TO HEALTH (2009).

**Optional Readings**

Unit 4: Ethics, Human Rights, and Health Professionals: Ethical Obligations of Health Professionals in the Face of Human Rights Violations

Week 12: The Nuremberg Principles: Health Workers as Agents of Harm

*Third Position Paper Due*

Required Readings

- Andreas Frewer, Human Rights from the Nuremberg Doctors Trial to the Geneva Declaration. Persons and Institutions in Medical Ethics and History, MEDICINE, 13 HEALTH CARE AND PHILOSOPHY 259 (2010).

Optional Readings


Week 13: Torture and Human Experimentation

Required Readings

- Reread Tuskegee Summary
- Ilja R. Pavone, Biomedical Research in Developing Countries and International Human Rights Law, in HUMAN MEDICAL RESEARCH 65 (2012).

Optional Readings

- Vincent Iacopino, Scott A. Allen & Allen S. Keller, Bad Science Used to Support,
Torture and Human Experimentation, 331 SCIENCE 34 (2011).


**Week 14: Human Rights vs. Public Health?**

*Required Readings*


*Optional Readings*