

HUMAN RIGHTS FOR PUBLIC HEALTH PRACTITIONERS

HPM 301.655

3rd Quarter, Spring 2001

The Johns Hopkins School of Hygiene and Public Health

Professor Lawrence O. Gostin

SYLLABUS¹

This seminar examines the interrelationships between modern concepts of public health and international human rights, focusing on the AIDS pandemic and other global health threats as models of demonstration. The first relationship to be examined is the impact of health policies, programs, and practices on human rights. The second relationship is the health impacts resulting from violations of human rights. The third relationship is the inextricable linkage between health and human rights. The seminar will use the International Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights as the dominate instruments of analysis. We will carefully consider the meaning of the right to health and the material differences between negative and positive rights in international law. We will also explore the tensions between human rights as entitlements which are universal or culturally-relative.

I. Course Requirements

- A. **Time and Place.** The course will meet on Monday mornings from 10:00-12:00 p.m. in Room W4007, Main Hygiene Building, Wolfe Street.
- B. **Readings.** The Syllabus contains a list of readings for each meeting. The required text is **LAWRENCE O. GOSTIN AND ZITA LAZZARINI, HUMAN RIGHTS AND PUBLIC HEALTH IN THE AIDS PANDEMIC**. A package of handout materials to be distributed to students at the beginning of the term is also required. Students are responsible for reading all assignments and familiarizing themselves with the appropriate international instruments before each class.
- C. **Presentations and Papers.** Students will be assigned to make a presentation in class on a relevant subject in health and human rights, which should also be the subject of the scholarly paper prepared for the course. Papers should not exceed fifteen (15) pages maximum. **Note** - students who wish to hand out materials for the class to facilitate discussion on their topics must do so the week prior to delivering their presentation.
- D. **Grading.** The grade for the course will be based on class participation (25%), presentations (25%), and the scholarly paper (50%). Class participation will be assessed on a qualitative rather than quantitative basis.

II. Structure of the Course

¹. The idea and content of this course were developed collectively by Professor Jonathan Mann, Zita Lazzarini, and I at the Harvard School of Public Health. A similar course is given at Harvard and at Georgetown University Law Center entitled "International Health and Human Rights."

- A. **Lectures and Discussions.** Most class sessions will be based on a lecture and class discussion of the issues raised by the lecture and the readings. Class discussions showing rigorous thought and an informed understanding of the subject matter will be an integral part of the learning process.
- B. **Cases.** Several sessions will include discussion of specific case studies. The students will be asked to apply the Public Health/Human Rights Impact Assessment to the specific cases.

III. Administrative Details

- A. **Instructor Availability.** I will be available after each class to answer any questions and by appointment. My office at Georgetown University Law Center is Room 470. My office telephone number is 662-9373; 662-9680 (fax). My secretary is Jennifer Fairfax. You can also reach me via e-mail: *gostin@law.georgetown.edu*.
- B. **Final Thoughts.** I have long been fascinated by the subject matter of this course and have spent years studying and researching various topics at the interface of international human rights and public health. I hope you will share my enthusiasm for the intellectually challenging ideas presented in the readings and the class work. I look forward to getting to know you and to many thoughtful discussions. If I can ever be of assistance, please come by and see me at any mutually convenient time.

WEEKLY READING ASSIGNMENTS

Human Rights and Public Health in the AIDS Pandemic ["Text"]

Supplemental Readings ["SR"]

Optional- *Health and Human Rights: A Reader* ["Opt"]

Recommended ["Rec"]

Jan. 22 Introduction to the Course and the History and Context of Human Rights

Text: pp. vii-xvii and 1-43

SR: Mann, Jonathan M., Lawrence O. Gostin, Sophia Gruskin, Troyen Brennan, Zita Lazzarini, and Harvey V. Fineberg. 1994. Health and Human Rights. *Health and Human Rights* 1:7-23.

Annas, George J. 1998. Human Rights and Health—The Universal Declaration of Human Rights at 50. *New England Journal of Medicine* 339:1777-1781.

Mann, Jonathan M. 1997. Medicine and Public Health, Ethics and Human Rights. *Hastings Center Report* 97:9-13.

Gostin, Lawrence O. (forthcoming). Public Health Law and Ethics: A Reader. Berkeley, CA, & New York: University of California Press & The Milbank Memorial Fund.1-27

Jan. 29 Core Principles of Human Rights and the International Bill of Human Rights

Text: pp. 43-55 and 193-198

SR: International Bill of Human Rights

International Covenant on Economic, Social, and Cultural Rights

International Covenant on Civil and Political Rights

Opt: International Federation of Red Cross and Red Crescent Societies and Francois Xavier Bagnoud Center for Health and Human Rights. The Public Health-Human Rights Dialogue. pp. 46-53.

Feb. 5 Evaluating the Impact of Public Health Policies and Programs on Human Rights: The Public Health/Human Rights Impact Assessment

Text: pp. 57-67

Rec. Farmer, Paul. 1999. Pathologies of Power: Rethinking Health and Human Rights. *American Journal of Public Health*. 89: 1486-1496.

Feb. 12 The Realization of Economic, Social & Cultural Rights: The Right to Health

SR: United Nations Committee on Economic, Social, and Cultural Rights. 2000. *General Comment No. 14: The right to the highest attainable standard of health*.

Toebe, Brigit. 1999. Towards an Improved Understanding of the International Human Right to Health. *Human Rights Quarterly* 21:661-679.

Feb. 19 AIDS Policies and Practices: Focusing on The Rights of Women and Children

Text: pp. 69-107 and 148-157

SR: Joint United Nations Programme on HIV/AIDS. 2000. *Framework for Global Leadership on HIV/AIDS*.

Office of the United Nations High Commissioner for Human Rights and the Joint United Nations Programme on HIV/AIDS. 1996. *HIV/AIDS and Human Rights International Guidelines*.

United Nations High Commission on Human Rights. 1999. *Women and Health: CEDAW General Recommendation 24*.

Feb. 26 Class Presentations

Mar. 5 Class Presentations

Mar. 12 Class Presentations / FINAL PAPERS DUE