

HEALTH AND HUMAN RIGHTS SEMINAR: APPLICATION OF THE INTERNATIONAL BILL OF HUMAN RIGHTS TO GLOBAL HEALTH

LAWJ-183-05
Fall Term, 1999
Georgetown University Law Center
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 dominant legal 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.

COURSE REQUIREMENTS

The course carries three (3) credit hours and meets once a week, **Wednesday**, from **1:20 - 3:20 p.m.**, in McDonough Hall, Room _____. Class discussions showing rigorous thought and an informed understanding of the subject matter will be an integral part of the learning process. *Please read all of the assigned materials before class to facilitate discussions.*

The required text is **LAWRENCE O. GOSTIN AND ZITA LAZZARINI, HUMAN RIGHTS AND PUBLIC HEALTH IN THE AIDS PANDEMIC** (OXFORD UNIVERSITY PRESS, 1997). Handout materials available from the Distribution Center (McDonough, Fourth Floor) are also required.

SEMINAR PAPERS AND PRESENTATIONS

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 student's scholarly paper prepared for the course.

Dates for submission of a thesis proposal, outline of the paper topic, and the first draft of

¹. The idea and content of this course were developed collectively by the late Professor Jonathan Mann, Professor Zita Lazzarini, and me at the Harvard School of Public Health. A similar course is offered at Harvard and at the Johns Hopkins School of Hygiene and Public Health entitled *International Health and Human Rights*.

the paper are set forth below [*see* **ASSIGNED READINGS**]. Please review these various dates and requirements concerning the paper writing process. Students will be assigned to work with one another as peers during the course of the writing process. Student peers should assist each other with the research and thought processes of their paper topics and be prepared to offer commentary of their assigned student's presentation.

The objective is to produce papers of sufficient quality that they can be published in a law, medical, or public policy journal. My experience has been that many prior students taking this course have published their papers in a scholarly journal.

Grading. The grade for the course will be based on class participation, your presentation, and your role as a student peer (25%), and the final paper (75%). Class participation and peer review performance will be assessed on a qualitative rather than quantitative basis.

COURSE STRUCTURE

Lectures and Discussions. Most class sessions will be based on lectures by the Professor, or a student presentation in the latter classes, followed by class discussion of the issues raised by the lecture, presentation, and readings. **Note** - students who wish to hand out materials for the class to facilitate discussion of their proposed topics should do so the week prior to delivering their presentation.

Cases. A few class sessions will include discussion of specific case studies. Students will be asked to apply the Public Health/Human Rights Impact Assessment to the specific cases.

Attendance. Attendance for all classes is strongly encouraged. Students *must* attend classes in which they are presenting their topic or serving as student peers.

ASSIGNED READINGS

The following assignments from the text are required in addition to any additional readings contained in the handout materials or distributed in advance during the course of the semester:

WEEK OF:	#	TEXT PAGES:
August 25	1	<p>Introduction to the Course and the History and Context of Human Rights, text pp. vii-xvii, 1-43 & Week 1 handout materials</p> <p><u>COURSE OVERVIEW:</u> During the first class, students will be given an overview of upcoming lectures, the paper writing process, the method of grading, and other course requirements. The research and writing expectations for students will be described to prepare students for the eventual task of drafting and presenting a publishable-quality article. Students may be asked to share their interests in the subject matter and to begin thinking about potential paper topics.</p>

WEEK OF:	#	TEXT PAGES:
September 1	2	Core Principles of Human Rights and the International Bill of Human Rights , text pp. 43-55, 193-198 & Week 2 handout materials
September 8	3	Evaluating the Impact of Public Health Policies and Programs on Human Rights: The Public Health/Human Rights Impact Assessment , text pp. 57-67 & Week 3 handout materials
September 15	4	The Realization of Economic, Social, and Cultural Rights: The Right to Health , Week 4 handout materials <u>PAPER TOPIC THESIS PROPOSALS DUE:</u> Students must submit their initial paper topics, generally in the form of a thesis statement, for the consideration and approval of the Professor. These proposals, which may be no longer than a few sentences, must specifically state the thesis which the student expects to present through the research and writing of the paper. The topic must be relevant to the subject matter of the course. Once approved, students are strongly encouraged not to consider changing the nature of the topic, although changes in the thesis are expected.
September 22	5	AIDS Policies and Practices: Integrating Public Health and Human Rights , text pp. 69-107; <i>Case Study 2: Breast Feeding and Vertical Transmission of HIV</i> , text pp. 148-157 <u>ASSIGNMENT OF STUDENT PEERS:</u> Each student is assigned a “student peer” on the basis of the student’s chosen topics. Assignments attempt to combine students with divergent topics. Student peers help each other with research and writing throughout the remainder of the course. They are encouraged to assist with any questions students may have, exchange research suggestions, outlines, and first drafts, and assist with presentations.
September 29	6	Biology, Medicine, and Human Subjects , text pp. 127-135 & Week 6 handout materials <u>SELECTION OF PRESENTATION DATE AND TIME:</u> On a random basis, students select the date and time of their presentations. The presentations allow students to present their topics and research findings to the class, take questions, and receive constructive feedback from the Professor, student peer, and class members.

WEEK OF:	#	TEXT PAGES:
October 6	7	<p>Human Rights and the Protection of the Public from Communicable Diseases: Case Study 1: A Health Care Worker with HIV Infection, text pp. 138- 148 & Week 7 handout materials</p> <p>PAPER TOPIC INITIAL OUTLINE DUE: Students must submit an outline of their paper topic. This outline should be based on the student’s independent research and present the title and subject matter of the eventual first draft of the paper. The outline should feature headings and subheadings with sentence-length descriptions of the findings and subject matter within each heading. Well-organized outlines might also feature footnotes. These outlines allow the Professor and student peer to analyze the current status of the student’s research, provide commentary and suggestions, and assist students further in organizing, researching, and writing their first drafts.</p>
October 13	8	<p>Protection of Human Rights of Persons with Mental Illness and Other Disabilities: text pp. 107-117 & Week 8 handout materials</p>
October 20	9	<p>CLASS PRESENTATIONS:</p> <p>1. _____ (1:20-1:50 p.m.) Peer: _____</p> <p>2. _____ (2:00-2:30 p.m.) Peer: _____</p> <p>3. _____ (2:40-3:10 p.m.) Peer: _____</p>
October 27	10	<p>CLASS PRESENTATIONS:</p> <p>4. _____ (1:20-1:50 p.m.) Peer: _____</p> <p>5. _____ (2:00-2:30 p.m.) Peer: _____</p> <p>6. _____ (2:40-3:10 p.m.) Peer: _____</p>
November 3	11	<p>CLASS PRESENTATIONS:</p> <p>7. _____ (1:20-1:50 p.m.) Peer: _____</p> <p>8. _____ (2:00-2:30 p.m.) Peer: _____</p> <p>9. _____ (2:40-3:10 p.m.) Peer: _____</p> <p>PAPER TOPIC FIRST DRAFT DUE: Students must submit their first draft of the paper to the Office of the Registrar, Professor, and student peer. These papers should not be partial drafts or mere extended versions of the outline. Rather, these drafts should feature complete analysis of all headings and subheadings and more extensive footnoting. These papers allow the Professor and student peer to fully review the student’s topic and provide meaningful commentary and suggestions.</p>

WEEK OF:	#	TEXT PAGES:
November 10	12	CLASS PRESENTATIONS: 10. _____ (1:20-1:50 p.m.) Peer: _____ 11. _____ (2:00-2:30 p.m.) Peer: _____ 12. _____ (2:40-3:10 p.m.) Peer: _____
November 17	13	CLASS PRESENTATIONS: 13. _____ (1:20-1:50 p.m.) Peer: _____ 14. _____ (2:00-2:30 p.m.) Peer: _____ 15. _____ (2:40-3:10 p.m.) Peer: _____
December 1	15	CLASS PRESENTATIONS: 16. _____ (1:20-1:50 p.m.) Peer: _____ 17. _____ (2:00-2:30 p.m.) Peer: _____ 18. _____ (2:40-3:10 p.m.) Peer: _____
December 22	17	FINAL PAPERS DUE - Please submit to the Office of the Registrar.

OFFICE HOURS

My office hours will be on Wednesdays from 3:30 p.m. to 5:00 p.m. We can also meet at any mutually convenient time. I encourage you to come and see me to discuss any aspect of the course. My office is located at McDonough Hall, Fourth floor, 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*.

FINAL THOUGHTS

I have long been fascinated by the subject matter of this course and have spent years studying and researching its intriguing topics. I am sure you will share my enthusiasm for the intellectually challenging ideas presented in the readings and class presentations. I look forward to getting to know you and to many thoughtful discussions.