

Human Rights and Healthcare
Phil. 251-01
Fall 2011

PROFESSOR

Martin Gunderson

Office: Old Main 112

Office Hours: Wednesday, Friday 1:10-2:10, Monday 4:40-5:40, and
by appointment

Phone: Office: 651-696-6153
Home: 651-699-2749

COURSE DESCRIPTION

This course will explore legal and ethical foundations of human rights that relate to healthcare. Human rights are used both to protect human subjects in biomedical research and to support claims for adequate healthcare. Both areas raise legal and ethical issues. The use of human rights to protect human research subjects raises issues of informed consent, privacy, and individual autonomy. The use of human rights to secure healthcare resources raises issues about what level of healthcare ought to be supported and what constitutes a just distribution of healthcare resources. This in turn raises questions about what is to count as a disease or disability and who is responsible to provide the resources to which people have a right. Human rights implementation and public health are intertwined because both influence each other and because both needed for human wellbeing. Violations of human rights create healthcare problems, and failure to deal with healthcare problems raise issues about whether human rights are being respected. Behind all of these specific ethical issues is the need to balance global standards of care with the diverse values of local cultures.

TEXT

Jonathan M. Mann, Sofia Gruskin, Michael A. Grodin, and George Annas, eds., *Health and Human Rights* (New York and London: Routledge, 1999).

Sofia Gruskin, Michael A. Grodin, George J. Annas, Stephen P. Marks, eds., *Perspectives on Health and Human Rights*, (New York and London: Routledge, 2005).

Lewis Vaughn, *Writing Philosophy: A Student's Guide to Writing Philosophy Essays* (Oxford University Press 2006).

Handouts on Human Rights and Articles by Gunderson

CLASS SCHEDULE

9-7: Introduction

9-9: Health and Human Rights [No need to brief readings]

From *Health and Human Rights*

International Federation of Red Cross et al, "Human Rights:
An Introduction," Chapter 2

UDHR, ICESCR, and ICCPR Appendices A, B, and C.

From *Perspectives on Health and Human Rights*

Gruskin, et al, "Introduction"

9-12: Human Rights Continued [No need to brief readings]

Continued discussion of Chapter 2

9-14: Human Rights [No need to brief readings]

From *Perspectives on Health and Human Rights*

Committee on Economic, Social and Cultural Rights,
"General Comment No. 14," Chapter 22

Gruskin and Tarantola, "Health and Human Rights,"
Chapter 1

9-16: Test on Human Rights

9-19: Philosophical Issues Regarding Human Rights [No need to brief
readings]

Review UDHR, ICESCR, and ICCPR Appendices A, B, and C

9-21: Writing Philosophy Papers [No need to brief readings]

Gunderson, "Writing Philosophy Papers"

Vaughn, Chapters 1-4

9-23: Writing Philosophy Papers Continued [No need to brief readings]

Vaughn, Chapters 5-8.

9-26: Public Health and Human Rights

From *Health and Human Rights*

Mann et al, "Health and Human Rights," Chapter 1

International Federation of Red Cross and Red Crescent Societies et al, "Public Health: An Introduction" Chapter 3
[No need to brief this reading]

9-28: Public Health and Human Rights

From *Health and Human Rights*

Annas, "The Impact of Health Policies on Human Rights,"
Chapter 4

9-30: Public Health and Human Rights Continued

From *Health and Human Rights*

International Federation of Red Cross and Red Crescent Societies et al, "The Public Health-Human Rights Dialogue,"
Chapter 5

10-3: Public Health and Human Rights Continued

From *Health and Human Rights*

Freedman, "Reflections on Emerging Frameworks of Health
and Human Rights," Chapter 16.

10-5: Assessing Human Rights

From *Perspectives on Health and Human Rights*

Mokhiber, "Toward a Measure of Dignity," Chapter 18

From *Health and Human Rights*

Gostin and Mann, "Toward the Development of a Human Rights Impact Assessment for the Formulation and Evaluation of Public Health Policies," Chapter 6.

10-7: Assessing Human Rights Continued

From Perspectives on Health and Human Rights

Raworth, "Measuring Human Rights," Chapter 19

10-10: Assessing Human Rights: Specific Issues

From Perspectives on Health and Human Rights

Hurtig et al, "Tuberculosis Control and Directly Observed Therapy," Chapter 20

Yamin and Maine, "Maternal Mortality as a Human Rights Issue," Chapter 21

Physicians for Human Rights, "Maternal Mortality in Herat Province, Afghanistan," Chapter 15

10-12: Determinants of Health

From Health and Human Rights

Adler et al, "Socioeconomic Status and Health," Chapter 13

10-14: Writing Philosophy Papers: Further Discussion

10-17: The Right to Health

Gunderson, "Does the Right to Health Lack Content?"

FIRST PAPER DUE

10-19: The Right to Health Continued

Continued Discussion of Gunderson's Paper

10-21: The Right to Health: Specific Cases

From Perspectives on Health and Human Rights

Annas, "The Right to Health and the Nevirapine Case in South Africa," Chapter 23

Torres, "The Human Right to Health, National Courts, and Access to HIV/AIDS," Chapter 24

10-24: Specific Cases Continued

From Perspectives on Health and Human Rights

González-Parra, "Indigenous Peoples and Mega-Projects,"
Chapter 6

10-26: Protecting the Vulnerable

From Perspectives on Health and Human Rights

Tarantola and Gruskin, "Children Confronting HIV/ AIDS:
Charting the Confluence of Rights and Health," Chapter 11

Review "Maternal Morality in Herat Province, Afghanistan,"
Chapter 15

10-28: No Class: Fall Break

10-31: Protecting the Vulnerable and Intervention

From Perspectives on Health and Human Rights

Bruderlein and Leaning, "New Challenges for Humanitarian
Protection," Chapter 16

Marks, "Economic Sanctions as Human Rights Violations,"
Chapter 17

11-2: Protecting the Vulnerable and Intervention Continued

11-4: Complicity in Capital Punishment and Torture

From Perspectives on Health and Human Rights

LeGraw and Grodin, "Health Professions and Lethal
Injection Execution in the U.S." Chapter 14

11-7: Intellectual Property and Human Rights

From Perspectives on Health and Human Rights

Cullet, "Patents and Medicines," Chapter 9

Hoen, "TRIPS, Pharmaceuticals Patents, and Access,"
Chapter 10

11-9: Biomedical Research and Human Rights

From *Health and Human Rights*

"The Nuremberg Doctors' Trial" Chapter 19

11-11: Biomedical Research and Human Rights Continued

From *Health and Human Rights*

Annas, "Medicine and Human Rights," Chapter 20

11-14: Biomedical Research and Human Rights Continued

World Medical Association, "Declaration of Helsinki" and
Revisions

SECOND PAPER DUE

11-16: Biomedical Research and Human Rights Continued

From *Health and Human Rights*

Annas, "Questing for Grails: Duplicity, Betrayal, and Self-
Deception in Postmodern Medical Research," Chapter 21

11-18: Biomedical Research and Human Rights Continued

From *Health and Human Rights*

Ijsselmulden and Faden, "Research and Informed Consent in
Africa," Chapter 23

11-21: Biomedical Research and Human Rights Continued

From *Health and Human Rights*

Annas and Grodin, Human Rights and Maternal-Fetal HIV Transmission," Chapter 24.

11-23: Human Rights and Female Genital Mutilation/Cutting

From *Health and Human Rights*

Annas, "Irreversible Error," Chapter 22.

11-25: No Class: Thanksgiving Break

11-28: Human Rights and Female Genital Mutilation/Cutting

11-30: Human Rights Human Enhancement

From *Perspectives on Health and Human Rights*

Annas, et al, "Protecting the Endangered Human,"
Chapter 7

12-2: Human Rights and Human Enhancement Continued

From *Perspectives on Health and Human Rights*

Marks, "Tying Prometheus Down," Chapter 8

12-5: Human Rights and Human Enhancement Continued

Gunderson, "Human Rights, Dignity and the Science of Genetic
Engineering"

12-7: Human Rights and Human Enhancement Continued

Gunderson, "Seeking Perfection: A Kantian Look at Human
Genetic Engineering"

12-9: Human Rights and Human Enhancement Continued

Gunderson, "Genetic Engineering and the Consent of Future
Generations"

12-12: Review Discussion

Last Day of Class, no readings

REVISED PAPER DUE

ASSIGNMENTS and GRADES

Test on Human Rights 10% of Grade

Reading Briefs 10% of Grade

Reading briefs must be turned in at or before the start of class. The brief should state a major issue addressed by the reading and the thesis of the reading that addresses that issue. Note that the

reading may address several theses. Choose the one you think is most important. The brief should also note the main reasons given in support of the thesis. The briefs can be very short. They are not mini-papers and should never be more than a page. The briefs will be graded “satisfactory” or “unsatisfactory.” The ultimate letter grade depends on the percentage of possible briefs satisfactorily completed.

First Paper	(Due 10-17)	30% of Grade
-------------	-------------	--------------

The papers can be on any topic related to the intersection of human rights and healthcare. The papers should be about 6-8 pages long, but cannot exceed 3,000 words. All papers will be graded on organization, mechanics such as grammar, and clarity, as well as content.

Second Paper	(Due 11-14)	30% of Grade
--------------	-------------	--------------

Revised Paper	(Due 12-12)	20% of Grade
---------------	-------------	--------------

One of your earlier papers should be revised in light of my comments. Include a cover memo saying how you revised your paper. The grade for the revised paper will be based primarily on the quality of your revisions. Thus, a paper that initially received an “A” may receive a lower grade as a revised paper.

Class Participation

Class participation can affect your final grade by one grade point. Thus, a student who earns a “B” on written work could receive a “B+” or a “B-” depending on class participation. To receive a positive grade for class participation you must make regular contributions that reflect knowledge of the assigned reading. In addition, your comments should advance the class discussion. It is important that your comments in class not dominate or stifle the discussion. I will also call on students from time to time.

SOME POLICIES

Students who want an incomplete must petition for the incomplete in writing. The petition must include an incomplete form with your signature and suggested dates for completion of the work.

Grades for papers will be reduced by one grade point for each day they are late.

I am committed to providing assistance to help you be successful in this course. Reasonable accommodations are available for students with documented disabilities. Please meet with the Associate Dean of Students, Lisa Landreman, who will serve as the coordinator for services for students with disabilities. It is important to meet with her at the beginning of the semester to ensure that your accommodations are approved and in place to begin the semester successfully. The Associate Dean can be reached in the Office of Student Affairs, 119 Weyerhaeuser, by phone at 651-696-6220, or email llandrem@macalester.edu.