

**Graduate Program in Health
Faculty of Graduate Studies
York University**

GS/HLTH 6220 3.0 A: Human Rights and Health Equity

(Fall 2016)

Class Time: September 13, 2016 to November 29, 2016
Tuesdays from 2:30 p.m. to 5:30 p.m.

Venue: Vari Hall, Room 1016

Course Director: Dr. Kenneth Lam

Office Location: Health, Nursing and Environmental Studies Building, Room 423

Email Address: klhlth@yorku.ca

Office Hours: By appointment

COURSE DESCRIPTION

The intersection between human rights and disability is an area of health that is expanding as globalization progresses. The purpose of this course is to view health in a human rights context from both domestic and international perspectives. It begins with an exploratory look at the basic concepts of human rights and social justice in the global setting. It will then cover the following topics:

- Institutional mechanisms for connecting health and human rights
- Health as an equity issue
- Globalization and health
- Health, human rights, and law
- Health and disability
- Reproductive technology
- HIV/AIDS
- Gender and health equity

The course incorporates the work of High Commissioner on Human Rights in health; the UN Special Rapporteur on Health; as well as the World Health Organization and raises concerns related to both developed and developing economies. The course will survey the relationships between human rights law and health law, as well as between law and the actual practice.

COURSE OBJECTIVES

The course will use a combination of group discussions, presentations, and individual research to explore the meaning of human rights in the context of health. Learning objectives include:

- Understanding the principles of human rights
- A broad understanding of human rights tools
- The underlying factors that influence equity and human rights (e.g., social determinants of health, globalization, corporate influences, politics, and economies)
- Application of a human rights lens to key health issues both nationally and globally
- Mechanisms to approach health services with a human rights approach

EXPECTATIONS AND REQUIREMENTS

Assignments and Grading

<u>Element</u>	<u>Weight</u>	<u>Expectations</u>
Attendance and Participation	15%	Students are expected to attend classes and to have completed the readings assigned. Class and small group discussions require participation from all students. While everyone has different comfort levels in participating, students are expected to challenge themselves to take part throughout.
Discussion Questions	10%	Students will select one class and, based on the readings, create 5 questions or scenarios for group discussion. Questions should demonstrate a knowledge of the material (not all assigned readings need be covered but multiple readings are appropriate) and critical analysis.
Final Paper Outline and Bibliography (250 words, which is approximately one page in double-spaced, plus 10 annotated sources)	10%	<u>Due October 4, 2016 at the beginning of class.</u> Preparation of an outline and bibliography will ensure that the student is proceeding “on the right track” for the final paper. In the feedback, students will receive comments on the direction of the paper as well as any suggestions on additional reading. It is anticipated that the outline will be returned to students within 2 to 3 weeks.
Oral Presentation	25%	Each student will design and deliver a 45-minute oral presentation aligned to one of the weekly topic. The presenting student will then be expected to lead and manage a 45-minute group discussion on the topic. The presentation topic/order will be determined on the first day of class. <u>Presentations will take place beginning on September 20, 2016.</u>

<u>Element</u>	<u>Weight</u>	<u>Expectations</u>
Final Research Paper (Maximum 3,750 words, which is approximately 15 pages in double-spaced)	40%	<u>Due November 29, 2016 at the beginning of class</u> The final research paper can be focused on any topic dealing with human rights and health equity, including any of the group presentation topics. Students will be expected to integrate a human rights perspective into their analysis. Papers will be graded on the basis of presentation and clarity, understanding of subject matter within the course context, analysis, and depth of research.

Referencing and Citation Style: All assignments must be in **APA citation style**. The essence of the APA manual can be accessed at the following [link](#).

Format: Papers need to be typed on one side of the paper only, with 1-inch margins on all sides, double-spaced, left aligned, and in a 12 point font; if you are using a larger font size for accommodation/access purposes, please adjust the page count accordingly. Use a cover sheet and list your name, the course number, the course director's name, the title of assignment, and the date of assignment submission. Number each page, and include a running head. Staple your pages together. Be sure to paginate your assignments.

Helpful websites: [Critical Thinking](#) and [Critical Reading](#)

GRADING SCALE

Student work is evaluated with great care. While I am receptive to going over the strengths and weaknesses of your work with you, please keep in mind that grades are not negotiable. Our program follows the grading and grade reappraisal policies as outlined in the program's Student Handbook and Survival Guide.

The grades for a course are considered official following approval by the home graduate program of the course. The Faculty of Graduate Studies may change a grade if the program director concerned reports a clerical error or if an appeal to the program results in a change of grade.

Grade			Description pertaining to the program
A+	Exceptional	90– 100%	Excellence in writing, research, reading and originality.
A	Excellent	85– 89%	Work that shows a superior command of the subject, clearly written, creatively researched.
A-	High	80– 84%	Work that shows a superior command of the material but limited in breath or depth of research and/or presentation.
B+	Highly Satisfactory	75– 79%	Research and writing skills may be flawed in some visible and correctable way. Critical perspective is present and is consistently applied.
B	Satisfactory	70– 74%	Work that meets minimum expectations of a graduate student in research, writing, and reading skills. Critical perspective is

Grade			Description pertaining to the program
			present but is not consistently applied.
C	Conditional	60–69%	Unsatisfactory work: flawed in methodology or critical assumption, incoherently organized, poorly written, or superficially researched. Critical perspective is beginning to develop.
F	Failure	0–59%	Work that is far below what is required. Does not address the assignment adequately. Absence of critical perspective. Work that breaches academic honesty is given a grade of ZERO.
I	Incomplete	N/A	

ACADEMIC INTEGRITY

Any acts of academic dishonesty including but not limited to plagiarism, cheating by submitting the same course work twice, or failure to cite sources are taken seriously and handled according to York University Policy. For details, please refer to the Faculty of Graduate Studies [calendar](#) posted at and the [Senate Policy on Academic Policy](#) posted at

York University's online *Academic Integrity Tutorial* is designed to help students learn about academic integrity. You are strongly recommended to complete this tutorial found at the following [link](#)

ASSIGNMENT DEFERRED STANDING OR EXTENSION POLICY

Exceptions to the lateness penalty for valid and unforeseen reasons such as illness, compassionate grounds, etc. will be considered by the course director **only** when supported by an **Assignment Deferred Standing Agreement** and appropriate written supporting documentation (e.g. Attending Physician's Statement, etc.). The **Assignment Deferred Standing Agreement** can be downloaded from the [program website](#).

The [Attending Physician's Statement](#) can be downloaded from the Faculty of Graduate Studies website.

ACADEMIC ACCOMMODATION FOR STUDENTS WITH DISABILITIES

Consult the instructors at the earliest possible date to ensure that you can be accommodated so as to be able to partake fully in the course. The [York University Senate Policy on Academic Accommodation](#) can be accessed online.

If the accommodation involves extended time to complete course work after the conclusion of the course, students will complete an [Assignment Deferred Standing Agreement](#) with the course director and then submit it to the Critical Disability Studies Graduate Program Office (Room 409, HNES Building) for record.

COURSE OUTLINE & READINGS:

Class 1: Defining Human Right

September 13, 2016

Nickel, James. (2012). "Human Rights." In *Stanford Encyclopaedia of Philosophy*.

Pinto, P. "Monitoring Human Rights: A Holistic Approach." In M. H. Rioux, L. A. Basser Marks, and M. Jones (Eds). *Critical Perspectives on Human Rights and Disability Law*, 451-477.

Class 2: Framing Health as a Human Right

September 20, 2016

Braveman, P. (2010). "Social Conditions, health equity, and human rights," *Health and Human Rights*, 12(2), 31-48.

Committee on Economic, Social and Cultural Rights (2001). "General Comment No. 14, The Right to the Highest Attainable Standard of Health, UN document E/C. 12/2000/4." In *Report on the Twenty-Second, Twenty-Third and Twenty-Fourth Sessions*. (25 April-12 May 2000, 14 August-1 September 2000, 13 November-1 December 2000). New York and Geneva: United Nations, p. 128-148.

Mann, J. M.; Gostin, L.; Gruskin, S.; Brennan, T.; Lazzarini, Z.; and Fineberg, H. V. (1994). "Health and Human Rights," *Health and Human Rights*, 1(1), p. 6-23.

Reidel, E. (2009). "The Human Right to Health: Conceptual Foundations." In A. Clapham and M. Robinson (Eds), *Swiss Human Rights Book Volume 3*, p. 21-39. Zurich: rüffer& rub.

Schrecker, T.; Chapman, A.; Labonté, R.; and De Vogli, R. (2010). "Advancing health equity in the global marketplace: How human rights can help", *Social Science & Medicine*, 71(8), 1520-1526.

United Nations. (2008). *Report on Indicators for Promoting and Monitoring the Implementation of Human Rights*. p.25.

Class 3: Social Determinants of Health

September 27, 2016

Labonte, R. and Schrecker, T. (2007). "Globalization and social determinants of health: Promoting health equity in global governance (part 3 of 3)," *Globalization and Health*, 3(7), doi:10.1186/1744-8603-3-7.

Patton, L.; Pooran, B.; and Sampson, R. (2010). A Principled Approach: Considering Eligibility Criteria for Disability-Related Support Programs through a Rights-Outcome Lens. *Law*

Commission of Ontario.

Hunt, P. With the assistance of Rebecca Steward, Judith Bueno de Mesquita, and Lisa Oldring. (2007). "Neglected diseases: A human rights analysis." In *Social Economic and Behavioural Research*. Special topics in social, economic and behavioural research report series, No. 6. France: World Health Organization on behalf of the Special Programme for Research and Training in Tropical Diseases.

Wilson, B. (2009). "The Social Determinants of Health from a Rights Based Approach." In A. Clapham and M. Robinson (Eds), *Swiss Human Rights Book Volume 3*, p. 60-79. Zurich: rüffer& rub.

Class 4: Mental Health and Health Care Delivery

October 4, 2016

Auton (Guardian ad litem of) v. British Columbia (Attorney General) [2004] S.C.C. No. 78.

Eldridge v. British Columbia (Attorney General), [1997] 3 S.C.R. 624.

Hunt, P. and Backman, G. (2009). "Health Systems and the Right to the Highest Attainable Standard of Health." In A. Clapham and M. Robinson (Eds), *Swiss Human Rights Book Volume 3*, p. 40-59. Zurich: rüffer& rub.

Leary, V. A. (2009). "Health Care in Canada: Does a Health Care System Based on Shared Values Ensure Respect for the Right to Health?" In A. Clapham and M. Robinson (Eds), *Swiss Human Rights Book Volume 3*, p. 472-480. Zurich: rüffer& rub.

Class 5: Drugs and the Pharmaceutical Industry

October 11, 2016

Campaign for Access to Essential Medicines and DND drugs for neglected diseases working group. (2001). *Fatal Imbalance: The Crisis in Research and Development for Drugs for Neglected Diseases*. Geneva: MSF Access to Essential Medicines Campaign.

Consumers International. (2007). *Drugs, Doctors and Dinners: how drug companies influence health in the developing world*. London, U.K.: Consumers International.

Forman, L. (2008). "'Rights' and wrongs: What utility for the right to health in reforming trade rules on medicines?" *Health and Human Rights*, 10(2), 37-52.

Schipper, I and Weyzig, F. (2008). *Ethics for Drug Testing in Low and Middle Income Countries: Considerations for European Market Authorization*. The Netherlands: SOMO.

'tHoen, E. F. M. (2009). *The Global Politics of Pharmaceutical Monopoly Power: Drug Patents Access, Innovation and the application of the WTO Doha Declaration on TRIPS and Public*

Health, (Chapters 1-4), p. 1-38. The Netherlands: AMB Publishers.

Class 6: Health Care and End of Life

October 18, 2016

Freeman, M. (2011). "Children at the Edge of Life: Parents, Doctors and Children's Rights." In M. H. Rioux, L. A. Basser Marks, and M. Jones (Eds). *Critical Perspectives on Human Rights and Disability Law*, 117-136.

R. v. Latimer [1997] 1 S.C.R. 217.

Rasouli v. Sunnybrook Health Sciences Centre, 2011 ONCA 482.

Rodriguez v. British Columbia (Attorney General), [1993] 3 S.C.R. 519.

Class 7: Human Rights and Health in War

October 25, 2016

Chetail, V. and Giacca, G. (2009). "Who Cares? The Right to Health of Migrants." In A. Clapham and M. Robinson (Eds), *Swiss Human Rights Book Volume 3*, p. 224-234. Zurich: rüffer & rub.

Johnson, D. A. and Miles, S. H. (2009). "As Full Rehabilitation as Possible: Torture Survivors and the Right to Care." In A. Clapham and M. Robinson (Eds), *Swiss Human Rights Book Volume 3*, p. 213-223. Zurich: rüffer & rub.

Perrin, P. (2009). "The Right to Health in Armed Conflict." In A. Clapham and M. Robinson (Eds), *Swiss Human Rights Book Volume 3*, p. 157-172. Zurich: rüffer & rub.

Class 8: Human Immunodeficiency Virus and AIDS on the International Stage

November 1, 2016

Canadian HIV/AIDS Legal Network. (2012). *Fixing Canada's Access to Medicines Regime: What you Need to Know about Bill C-398*.

Canadian Legal Network on HIV/AIDS. (2009). "Criminalization Confusion and Concerns", *HIV/AIDS Law and Policy Review*, 14(1), 1-10.

Crewe, M. (2009). "The HIV/AIDS Epidemic and Human Rights Responses." In A. Clapham and M. Robinson (Eds), *Swiss Human Rights Book Volume 3*, p. 277-286. Zurich: rüffer & rub.

Office of the United Nations High Commissioner for Human Rights and the Joint United Nations Programme on HIV/AIDS. (2002). *HIV/AIDS and Human Rights: Guideline 6: Pre-Publication Edition*. New York and Geneva: United Nations.

Patterson, D. (2003). *Programming HIV/AIDS: a human rights approach: A tool for international development and community-based organizations responding to HIV/AIDS: Canadian version*. Canadian HIV/AIDS Legal Network.

Piot, P.; Timberlake, S.; and Sigurdson, J. (2009). "Governance and the Response to AIDS: Lessons for Development and Human Rights." In A. Clapham and M. Robinson (Eds), *Swiss Human Rights Book Volume 3*, p. 331-345. Zurich: rüffer& rub.

Class 9: The Right to Health in International Law

November 8, 2016

Millennium Summit.(2000). *United Nations Millennium Development Goals*.Millennium Project.

Peterson, D. and London, L. (2002). "International Law, Human Rights, and HIV/AIDS," *Bulletin of the World Health Organization*, 80(12), 964-969.

United Nations.(1966). *International Covenant on Economic, Social and Cultural Rights*.

United Nations. (1948). *The Universal Declaration of Human Rights*.

World Health Organization, Regional Office of the Eastern Mediterranean. (1966). *Health and human rights: International Covenant on Economic, Social and Cultural Rights*.

Class 10: Women's Health

November 15, 2016

Bedford v. Canada (Attorney General) 2010 ONCA 814 (Canlii).

Galdin, K.; Robertson, L.; and Wiseman, C.(2011). "Bedford v. Canada: a paradigmatic case toward ensuring the human and health rights of sex workers." *HIV/AIDS Policy & Law Review*, 15(3), 1-14.

Mims, C. (January 5, 2007). "The Pillow Angel Case: Three Bioethicists Weigh In." *Scientific American*.

Rioux, M. and Patton, L. (2011). "Bodily Integrity: The Case of Sterilization." In M. H. Rioux, L. A. Basser Marks, and M. Jones(Eds). *Critical Perspectives on Human Rights and Disability Law*, 243-271.

Class 11: Revisiting Mental Health

November 22, 2016

African Commission on Human and Peoples' Rights. (2003). *Purohit and Moore v. the Gambia, Communication No. 241/2001, Sixteenth Activity Report 2002-2003, Annex VII*. Niamey, Niger: African Commission on Human and Peoples' Rights.

Makin, K. (November 16, 2010). "Judges push back against Hospitals turning away mentally Ill Offenders." *The Globe and Mail*. Toronto: The Globe and Mail.

McLachlin, B. (2010). "Medicine and the Law: The Challenges of Mental Illness," *Dalhousie Law Journal*, 33(2), 15-33.

Richardson, G. (2011). "Involuntary Treatment, Human Dignity and Human Rights." In M. H. Rioux, L. A. Basser Marks, and M. Jones(Eds). *Critical Perspectives on Human Rights and Disability Law*, 137-156.

Rupert, J. (November 10, 2004). "Mentally Ill Wait in Jail for Justice to be Done." *Ottawa Citizen*. Ottawa: Ottawa Citizen.

Starson v. Swayze [2003] 1 S.C.R. 722.

Class 12: Litigating Rights to Health and Disability as a Legal Notion

November 29, 2016

Basser, L. A. (2011). "Human Dignity." In M. H. Rioux, L. A. Basser Marks, and M. Jones(Eds). *Critical Perspectives on Human Rights and Disability Law*, 17-36.

Flood, C. M. and Sullivan, T. (July 19, 2005). "Supreme disagreement: The highest court affirms an empty right," *CMAJ*, 173(2), 142-143.

Gloppen, S. (2008). "Litigation as a strategy to hold governments accountable for implementing the right to health," *Health and Human Rights*, 10(2), 21-36.

Jones, M. (2011). "Inclusion, Social Inclusion and Participation." In M. H. Rioux, L. A. Basser Marks, and M. Jones (Eds). *Critical Perspectives on Human Rights and Disability Law*, 57-82.

Rioux, M. H. and Riddle, C. (2011). "Values in Disability Policy and Law: Equality." In M. H. Rioux, L. A. Basser Marks, and M. Jones(Eds). *Critical Perspectives on Human Rights and Disability Law*, 37-55.

Yamin, A. E. (2008). Beyond compassion: The central role of accountability in applying a human rights framework to health, *Health and Human Rights*, 10(2), 1-20.