

Reproductive and Sexual Health and Rights

Draft Syllabus

Professor: Aziza Ahmed

Course times: M/W 8:30 – 10:00 AM

Office Hours: Wednesday 12pm – 3pm

Email: az.ahmed@neu.edu

Course Description

Reproductive and sexual health issues are at the crux of moral and legal battles. Internationally and domestically discussions on sexual and reproductive health law dominate national debates and implicate a variety of players: the state, religious bodies, activists, and individuals.

This course will examine how sexual and reproductive health laws impede or increase access to sexual and reproductive health care and shape how we understand what constitutes sexual and reproductive health. Attention will be paid to understanding legal doctrine, public health research, and critically assessing issues arising from sexual and reproductive health law. The course will draw on various tools of analysis including critical race theory, critical legal theory, human rights, feminist theory, and a range of public health methods. Topics covered will include, amongst others, sexual and reproductive health law as it pertains to criminal law, abortion, sexuality, pregnancy, health care in prisons, immigrants, HIV/AIDS, and sex education. We will cover both U.S. and non-U.S., regional and international regulatory frameworks. By the end of the course students should have a strong understanding of key domestic and international case law as well as public health research and advocacy.

Grading

Students are required to do all reading for each class unless a particular assignment states otherwise. Lack of preparation and participation will be reflected in the course evaluations.

Final Paper

Each student is required to turn in a final paper. The topic of that paper must be submitted via email by October 8th. For the final paper you may choose to expand on a certain element of

sexual and reproductive health law discussed in class or explore an issue that was not discussed in depth.

Student Presentations

Each student is required to present their paper topic and substantive information to the class on the last day of class. Presentation times will vary based on number of students in the class.

Attendance Policy

Attend every class. If it is necessary to miss a class please inform me in advance. Over two unexcused absences will be reflected in your course evaluation.

Required Texts

Rebecca J. Cook, Bernard Dickens and Mahmoud Fatalla. Reproductive Health and Human Rights: Integrating Medicine, Ethics and Law.

Dorothy Roberts. Killing the Black Body.

Reading Assignments

Date	Reading
Class, September 1	<p>Setting the stage: International and Domestic Sexual and Reproductive Health, Law, and Rights</p> <p>Rebecca J. Cook, Bernard Dickens and Mahmoud Fatalla. <u>Reproductive Health and Human Rights: Integrating Medicine, Ethics and Law</u>. Read: Chapter 2 (Reproductive and Sexual Health) and Chapter 3: Health Care Systems.</p> <p>Laura Reichenbach and Mindy Roseman. <u>Reproductive Health and Human Rights: The Way Forward</u>. Read: Chapter 1.</p> <p>International Council on Human Rights. <i>Sexuality and Human Rights: A Discussion Paper</i>. Available at: www.ichrp.org/files/reports/47/137_web.pdf</p> <p>Asian Communities for Reproductive Justice. Available at: http://reproductivejustice.org/assets/docs/ACRJ-A-New-Vision.pdf</p>
No Class, September 6	Labor Day
Class, September 8	<p>Abortion and Family Planning in the United States</p> <p><i>Roe v. Wade</i>, Read: Opinion and Rehnquist Dissent.</p> <p><i>Griswold v. Connecticut</i>, Read: Opinion.</p> <p><i>Gonzales v. Carhart</i>, Read: Opinion.</p> <p>Kristen Luker. <u>Abortion and the Politics of Motherhood</u>. Read: Chapter 6</p> <p>Dorothy Roberts. <u>Killing the Black Body</u>. Read: Introduction, Chapters 1 and 2.</p>
Class, September 13	<p>Abortion and Family Planning in the United States: Current Day</p> <p>Kacanek D, Dennis A, Miller K, Blanchard K. Medicaid funding for abortion: providers' experiences with cases involving rape, incest and life endangerment..Perspect Sex Reprod Health. 2010 Jun;42(2):79-86.Ibis Reproductive Health, Cambridge, MA, USA</p> <p>For Privacy's Sake, Taking Risks to End Pregnancy. NY Times. Available online: http://www.nytimes.com/2009/01/05/nyregion/05abortion.html?_r=1&hp</p>

	<p>Catholics for a Free Choice and Ibis Reproductive Health. <i>Complying with the Law? How Catholic hospitals respond to state laws mandating the provision of emergency contraception to sexual assault patients.</i> Available at: http://www.ibisreproductivehealth.org/work/contraception/catholic_ec.cfm</p> <p>IPAS. Abortion and Women on the Margins. Available online: http://www.ipas.org/Library/News/News_Items/Abortion_women_on_the_margins.aspx</p>
Class, September 15	<p>SRHR & U.S. Foreign Policy</p> <p>Ipas. Advancing reproductive health as a human right: Progress toward safe abortion care in selected Asian countries since ICPD. Available online: http://www.ipas.org/Publications/Advancing_reproductive_health_as_a_human_right_Progress_toward_safe_abortion_care_in_selected_Asian_countries_since_ICPD.aspx</p> <p>Engender Health. Access Denied: The Impact of the Global Gag Rule in Nepal. www.engenderhealth.org/files/external/ggr/GGRcase_nepal.pdf</p> <p>Population Action International. What you need to know about the Mexico City Restrictions. Available at: http://www.populationaction.org/Publications/Reports/Global_Gag_Rule_Restrictions/GlobalGagRule.pdf</p>
Class, September 20	<p>Sex Work and Trafficking</p> <p>Penelope Saunders. <u>Prohibiting Sex Work Projects, Restricting Women's Rights: The International Impact of the 2003 U.S. Global AIDS Act</u> Health and Human Rights. Available at: http://www.hhrjournal.org/archives/vol7-no2.php</p> <p>Nicole Franck Masenior, Chris Beyrer. The US Anti-Prostitution Pledge: First Amendment Challenges and Public Health Priorities. PLoS Medicine. Available at: http://www.plosmedicine.org/article/info%3Adoi%2F10.1371%2Fjournal.pmed.0040207</p> <p>DKT v. USAID, Available at: http://www.brennancenter.org/page/-/d/download_file_47995.pdf</p>

Class, September 22	<p>Reproductive and sexual health in prison and detention</p> <p>Human Rights Watch. Chronic Indifference. Available at: http://www.hrw.org/en/reports/2007/12/05/chronic-indifference-0</p> <p>Just Detention International. Read: http://www.justdetention.org/en/learn_the_basics.aspx</p> <p><u>Contraception services for incarcerated women: a national survey of correctional health providers.</u> Sufrin CB, Creinin MD, Chang JC. Contraception. 2009 Dec;80(6):561-5. Epub 2009 Jul 10.PMID: 19913150 [PubMed - indexed for MEDLINE]</p>
Class, September 27	<p>Forced and Coerced Sterilization</p> <p><i>Buck v. Bell</i>, 274 U.S. 200 (1927)</p> <p>Browse website on forced sterilization of HIV positive women in Namibia: http://endforcedsterilisation.wordpress.com/</p> <p>Rebecca J. Cook, Bernard Dickens and Mahmoud Fatalla. <u>Reproductive Health and Human Rights: Integrating Medicine, Ethics and Law.</u> Read: Chapter 7</p> <p>Dorothy Roberts. <u>Killing the Black Body.</u> Read: Chapter 3</p>
Class, September 29	<p>Sexual and Reproductive Health and Rights for Marginalized Communities: Drug Users in the United States</p> <p>Peter J. Cohen, Drugs, Addiction, and the Law: Policy, Politics, and Public Health. Read Chapter 10: “Crack Babies” and the Constitution – Testing Pregnant Women for Illegal Drugs.</p> <p>Dorothy Roberts. <u>Killing the Black Body.</u> Pgs 150-200.</p> <p><i>Whitner v. State</i>, 328 S.C. 1, 492 S.E.2d 777 (S.C. 1997)</p> <p>Lynn M. Paltrow, <i>Pregnant Drug Users, Fetal Persons, and the Threat to Roe v. Wade</i>, 62 ALB. L. REV. 999 (1999). (19)</p>
Class, October 4	Fetal Rights

	<p>Unborn Victims of Violence Act, 2004</p> <p>Janet Gallagher, <i>Prenatal Invasions & Interventions: What's Wrong with Fetal Rights</i>, 10 Harvard Women's Law Journal 9, 37, 57 (1987).</p> <p>Rebecca J. Cook, Bernard Dickens and Mahmoud Fatalla. <u>Reproductive Health and Human Rights: Integrating Medicine, Ethics and Law</u>. Read: Part 2, Chapter 12</p>
Class, October 6	<p>Minors – Access and Education</p> <p>Comprehensive, LGBTQ-Inclusive Sexual Health Care for Youth in State Custody as a Human Right: The Teen SENSE Initiative, The Center for HIV Law and Policy. Available at: http://hivlawandpolicy.org/resources/view/442</p> <p>Julie Jones, “Money, Sex, and the Religious Right: A Constitutional Analysis of Federally Funded Abstinence-Only-Until-Marriage Sexuality Education”, 35 CREIGHTON L. REV. 1075 (2002).</p> <p><i>Carey v. Population Services Int’l</i>, 431 U.S. 678-702 (1977)</p>
No Class, October 11	Columbus Day
Class, October 13	<p>LGBT/Queer Sexual and Reproductive Health and Rights: Domestic</p> <p><i>Benitez v. North Coast Women’s Care Medical Group</i>. Decision available at: caselaw.lp.findlaw.com/data2/californiastatecases/s142892.pdf</p> <p>CDC. <u>HIV prevalence, unrecognized infection and HIV testing among men who sex with men-five U.S. cities</u>, June 2004-April 2005 — United States, 2005. <i>MMWR</i> 2005; 54: 597-601.</p> <p>Theo G. M. Sandfort, Ph.D. and Anke A. Ehrhardt, Ph.D. Sexual Health: A Useful Public Health Paradigm or a Moral Imperative? <i>Archives of Sexual Behavior</i>, Vol. 33, No. 3, June 2004, pp. 181–187 (!C 2004)</p> <p>Martha Fineman, Jack Jackson, Adam Romero eds. <u>Feminist and Queer Legal Theory: Intimate Encounters, Uncomfortable Conversations</u>. Read: pgs 201-212, The Epistemic Contract of Bisexual Erasure and Read: pgs 246-256, The Transgender Imaginary</p>
Class, October 18	<p>LGBT/Queer Sexual and Reproductive Health and Rights: International</p> <p>IH Meyer and RM Young. The trouble with “MSM” and “WSW”: Erasure of the sexual-minority person in public health discourse. <i>American</i></p>

Journal of Public Health 2005; 95(7): 1144-1149.

Alice Miller and Carol Vance. Sexuality, Human Rights, and Health. Health and Human Rights. Available at: www.hhrjournal.org/archives-pdf/4065346.pdf.bannered.pdf

Toonen v. Australia. Available at:
<http://www.unhchr.ch/tbs/doc.nsf/0/d22a00bcd1320c9c80256724005e60d5>

Yogayarta Principles. (Skim). Available at:
http://www.yogyakartaprinciples.org/principles_en.pdf

IGLHRC. Human Rights and Transgender People in Pakistan. Available at:
www.iglhrc.org/binary-data/ATTACHMENT/file/000/000/73-1.pdf

Class, October 20

Violence – Domestic

Michael A. Rodríguez; Elizabeth McLoughlin; Gregory Nah; Jacquelyn C. Campbell
Mandatory Reporting of Domestic Violence Injuries to the Police: What Do Emergency Department Patients Think?
JAMA, Aug 2001; 286: 580 - 583.

Leigh Goodmark. Autonomy Feminism: An Anti-Essentialist Critique of Mandatory Interventions In Domestic Violence Cases.
Available at:
www.law.fsu.edu/journals/lawreview/downloads/371/goodmark.pdf

D. Hassouneh, N. Glass, "The Influence of Gender Role Sterotyping on Women's Experiences of Female Same-Sex Intimate Partner Violence," *Violence Against Women* 14(3), 2008: 310-325.

Class, October 25

Violence – Global

WHO. Violence Against Women. Read:
<http://www.who.int/mediacentre/factsheets/fs239/en/>

Alice Miller. "Sexuality, violence against women, and human rights: women make demands and ladies get protection." (2004) 7(2) *Health and Human Rights* 16-47.

Rebecca J. Cook, Bernard Dickens and Mahmoud Fatalla. Reproductive Health and Human Rights: Integrating Medicine, Ethics and Law. Read:

Part 2, Chapter 15.	
Class, October 27	<p>Immigrants, Migrants, and Sexual and Reproductive Health and Rights</p> <p>Miriam Yeung and Amanda Allen. Eliminating HPV Vaccine Mandate For Immigrant Women: A Victory On the Road To Reproductive Justice. Available at: http://www.rhrealitycheck.org/blog/2009/12/13/eliminating-hpv-vaccine-mandate-for-immigrant-women-one-victory-on-road-toward-reproductive-justice</p> <p>International Organization of Migration. Public Health Concerns. Available at: http://www.iom.int/jahia/Jahia/about-migration/developing-migration-policy/migration-and-health/public-health-concerns</p> <p>CASE OF K.H. AND OTHERS v. SLOVAKIA, available at: http://www.unhcr.org/refworld/category,LEGAL,,,SVK,4a1bc8942,0.html</p>
Class, November 1	<p>Reproductive and Sexual Health as an International Development Issue</p> <p>Rebecca J. Cook, Bernard Dickens and Mahmoud Fatalla. <u>Reproductive Health and Human Rights: Integrating Medicine, Ethics and Law</u>. Read: Part 2, Chapter 16.</p> <p>Human Rights, Reproductive Health and Economic Justice: Why They Are Indivisible Author(s): Rosalind P. Petchesky Source: Reproductive Health Matters, Vol. 8, No. 15, Reproductive Rights, Human Rights and Ethics (May, 2000), pp. 12-17 Published by: Reproductive Health Matters Stable URL: http://www.jstor.org/stable/3775184</p> <p>UN Millennium Project. Populations, Reproductive Health, and the Millennium Development Goals. Available at: www.unmillenniumproject.org/documents/SRHbooklet080105.pdf</p>
Class, November 3	<p>Health and Human Rights</p> <p>Sonia Correa, Adrienne Germain, and Rosalind Petchesky. Thinking Beyond ICPD+10: Where Should Our Movement Be Going?. Reproductive Health Matters, Vol. 13, No. 25, 2005. Available at SSRN: http://ssrn.com/abstract=912666</p>

<p>Class, November 3</p>	<p>Health and Human Rights</p> <p>Sonia Correa, Adrienne Germain, and Rosalind Petchesky. Thinking Beyond ICPD+10: Where Should Our Movement Be Going?. Reproductive Health Matters, Vol. 13, No. 25, 2005. Available at SSRN: http://ssrn.com/abstract=912666</p> <p>General Comment 14 on the Right to the Highest Attainable Standard of Health Available at http://www.unhchr.ch/tbs/doc.nsf/%28symbol%29/E.C.12.2000.4.En</p> <p>Rebecca J. Cook, Bernard Dickens and Mahmoud Fatalla. <u>Reproductive Health and Human Rights: Integrating Medicine, Ethics and Law</u>. Part I, Chapter 6 and 7.</p>
<p>Class, November 8</p>	<p>Thinking Critically</p> <p>Libby Adler. 2008. "The Gay Agenda" Available at: http://works.bepress.com/libby_adler/1</p>