

The history of human rights can be told as an intellectual and philosophical history. Notions about political rights and resistance to tyrannical kings have grown into government obligations for rights to health, to economic well-being, and to sharing the fruits of social and economic development. The circle of those seen as possessing such rights has also expanded. The “human” in human rights now includes women, children, gay people, the poor — not just adult heterosexual males or those with property and wealth.

But human rights aren’t just a shimmering ideal up on the mantelpiece, much admired but too abstract and too pure to be of any use. Civil rights, gender equality, health equity — they’re all aspects of human rights necessary for health and well-being. So there is another aspect to the history that includes all the “real world” struggles, sacrifice, and protests to achieve the human rights necessary for health and the more staid but no less important negotiations, treaties, policies, and legal agreements needed to protect and secure them. Recognition of the reciprocal influences of health and human rights, including the positive and negative impacts of public health programs and policies on human rights, the consequences of human rights violations on health, and the importance of health in realizing human rights all lead to the recognition that a center was needed that would be devoted to research, teaching, and service in these areas.

In its 11-year history, the François-Xavier Bagnoud Center for Health and Human Rights has shaped these histories. It is the leading international center for education and scholarship on health and human rights. Indeed, perhaps no single institution anywhere has done as much as to advance the idea that health and human rights are “inextricably linked,” in the words of Center’s founding director, the late Jonathan Mann.

At the same time, the Center’s faculty and staff have served on scores of committees and panels and advised numerous activist and policy-making groups. In doing so, they’ve influenced health, development, and humanitarian aid policies and programs at the national and international level.

This blend of education and scholarship with advocacy and policy formation is the Center’s special strength.

## The Founding of the Center

### The warrior and the angel

The founding of the Center in 1993 was the product of the remarkable partnership of Jonathan Mann and Countess Albina du Boisrouvray.

Before coming to the School as professor in 1990, Mann was the first head of the Global Programme on AIDS at the World Health Organization (WHO). Bypassing the entrenched interests and inertia at WHO, Mann thrust AIDS into the spotlight as an international pandemic that needed to be addressed as a human rights, not just a medical, problem. Mann recognized



The late Dr. Jonathan Mann and Countess Albina du Boisrouvray. Photo: FXB Center.

that HIV/AIDS was disproportionately affecting people that were vulnerable to the epidemic not solely because of their sexual practices but, more fundamentally, because they lacked human rights. Trained in medicine and epidemiology, Mann was passionately committed to public health, but he wanted public health researchers and its practitioners to use human rights as a tool to peer into the “black box” of the social determinants of

health and organize them into a coherent framework for analysis and action. Speaking about the field of public health, he said, “We lack a vocabulary that allows us to see commonality and instead we see difference.” Human rights, said Mann, would equip public health with that vocabulary.

Albina du Boisrouvray, a movie producer and journalist, founded the François-Xavier Bagnoud Foundation in 1989 by selling three quarters of her family inheritance. The foundation is named for her only child, who died in a helicopter crash in 1986 in Mali at the tragically young age of 24.



In 1990, there were 1.5 million new HIV infections in Sub-Saharan Africa. Photo: Association François-Xavier Bagnoud.

The foundation funds projects that support children's rights, health and human rights, and services for children with HIV/AIDS or who have been orphaned by the epidemic.

Du Boisrouvray had heard about Mann's work at WHO: "To me he was a warrior fighting against AIDS at large, standing for health and human rights, committed to rescue the discriminated, the most destitute, the most vulnerable ones." Shortly before they met, Mann had read a news account about a "mysterious countess" who had given a grant to educate health workers in developing countries about pediatric AIDS. "I remember thinking that it was wonderful that such angels existed," Mann said.

In 1991, one of her charities funded the Global AIDS Policy Coalition at the Harvard School of Public Health, which had Mann as its director. A year later, her foundation announced that it was giving \$20 million, its largest gift ever, to establish the Center and to pay for construction of the magnificent seven-story François-Xavier Bagnoud Building on Huntington Avenue and the François-Xavier Bagnoud Professorship in Health and Human Rights, a chair first held by Mann and now by Stephen P. Marks, the Center's current director.



FXB building at the Harvard School of Public Health. Photo: FXB Center.

## The First Years — 1993-95

### Putting health and human rights on the map

*Courses started, an international conference held, the inaugural issue of the Center's peer-reviewed journal.*

During its first years, the Center made health and human rights part of the academic landscape, particularly at School of Public Health but also at the university level.

Mann drew together Daniel Tarantola and Sofia Gruskin and asked them to come to HSPH to help him in this endeavor. Together they wrote the curriculum and taught courses on health and human rights, child rights and child health, and

HIV/AIDS. Among the key achievements of this period was the publication of *AIDS in the World* by Harvard University Press, which remains to this day a key resource. In 1994-95, 300 Harvard undergraduate and graduate students took a class on AIDS, health, and human right. The continuing education and training courses included programs designed specifically for the International Federation of Red Cross and Red Crescent Societies.

A seminar series that brings in speakers from throughout the world was started the Center's inaugural year, and it remains a vital part of the education mission. Recent speakers have included Zanele Hlatshwayo, of the Sexual Rights Campaign in South Africa; Gilbert Holleufer, Delegate of the International Committee of the Red Cross; Eyad el-Sarraj, director of the Gaza Center for Community Mental Health; and Sheri Fink, author of *War Hospital: A True Story of Surgery and Survival*.

The Center's visiting scholars program also started the year it was founded. The program gives two or three people a year working or researching in human and health rights a sabbatical-type experience. The scholars are self-funded.

In 1994, the Center published the first issue of its peer-reviewed journal, *Health and Human Rights: An International Journal*. Edited first by Mann and then by its current editor Professor Gruskin, the journal has defined the intellectual contours of the health and human rights movement. The articles published in the journal explore such issues such as children's health and rights, HIV/AIDS, violence, sexual and reproductive health and rights and include also articles on a range of topics at the forefront of research and scholarship exploring this nexus. The readership includes people who work for governments and Intergovernmental and non-governmental organizations (NGOs) and Academic institutions in countries around the world.



In September 1994, the Center hosted the First International Conference on Health and Human Rights. Over 350 people from 42 countries attended. This was the first large meeting to bring the human rights and public health communities to-

gether. The conference was a catalyst for health and development organizations adding the protection of human rights as a necessary ingredient to achieving their goals, as well as for human rights organizations to expand their agendas to take in health and development issues.

Starting in 1995 and every year since, the Center chooses an essay written by a School of Public Health student to receive the François-Xavier Bagnoud Essay Award. The award encourages students to learn and think about human rights in a public health context. In 2004, the winner was Hussein A. Samji for an essay titled “Alone, Forgotten, and Ready to Die: The Health Impact of Incarceration at the United States Prison in Guantanamo Bay, Cuba.”



Professors Marks (left) and Gruskin (right) with Hussein A. Samji, winner of the FXB Essay Award in 2004. Photo: Lynn Martin-FXB Center.

## The Middle Years – 1996-1998 Celebration and mourning

*The death of Jonathan Mann, building a movement, working with new partners.*

After the success of the first meeting, the Center hosted the Second International Conference on Health and Human Rights in October 1996. This time over 700 people from 44 countries attended. The theme was putting ideas into action. In his keynote address, Mann said, “We are in the vanguard of a movement. We have a deeper belief that the world can be changed, and in doing that, we give value to the world.”

*AIDS in the World II* is published in 1996, four years after the first *AIDS in the World* by Oxford University Press. The book addresses all dimensions of the pandemic and introduces the concept of vulnerability which became the framework used by the newly formed UNAIDS for all of its policy and programmatic work. Mann and Daniel Tarantola are the editors.

Mann left the Center in 1997 to become dean of the School of Public Health at Allegheny University of the Health Sciences in Philadelphia. The FXB Center had at this point grown into a Center with core activities as well as two independent program: the International AIDS Program and the Human Rights Program. Daniel Tarantola and Professor

Gruskin served successively as acting directors of the Center from 1997 to 1999. Daniel Tarantola rejoined WHO in 1998 at the request of the new director-general but maintained his affiliation with the Center and HSPH which continues to this day.

September 2, 1998, is a date freighted with special meaning and emotion for many people associated with the Center and the health and human rights community in general. Mann and his wife, Mary Lou Clements-Mann, were killed in the Swissair Flight 111 crash off the coast of Nova Scotia on that day. Clements-Mann, who married Mann in 1996, was an AIDS vaccine researcher and head of the Division of Vaccine Sciences in the Department of International Health at Johns Hopkins. They were on their way to Geneva to meet with officials at the Joint United Nations Programme on HIV/AIDS, usually referred to as UNAIDS. At a memorial service at the School later that month, former WHO director-general Halfdan Mahler said Mann’s life was proof “that the visionaries are the true realists in history.”

Following the tremendous strides made under the leadership of Mann, Tarantola, and Gruskin, a rethinking of the Center’s mission took place in July 1997, defining directions for the future. When Professor Marks was appointed to head the Center two years later, he expanded the core team and translated the major directions decided in 1997 into a new strategic plan. Under the 1999 strategic plan, the basic teaching, publication, and outreach functions of the Center continued to be its “core” activities, while three major directions of research were defined in dynamic and innovative programs. The first program, headed by Sofia Gruskin, carried the groundbreaking work the Center had done on HIV/AIDS, reproductive health and rights, and children’s rights into a more systematic program in International Health and Human Rights.



Professor Leaning interviewing prisoners in Afghanistan. Photo: Physicians for Human Rights.

For the second program, the Center had the immense advantage of convincing Jennifer Leaning to join as professor and program director, in charge of a Program on Humanitarian Crises and Human Rights. That program draws on her considerable experience in humanitarian action, emergency medicine, and scholarly research on human security and humanitarian law. The third program, focusing on Human Rights in Development, is a new one Stephen Marks is building up jointly with the prominent Indian economist Arjun K. Sengupta.

## 1999 to the Present

### In the world

*Shaping policy and programs, investigating human rights abuses, applying human rights to development.*

Stephen P. Marks was named Center director and the François-Xavier Professor of Health and Human Rights in July 1999. Before his appointment, Professor Marks was director of the United Nations Studies Program and co-director of the Human Rights and Humanitarian Affairs Concentration at the School of International and Public Affairs (SIPA) of Columbia University, where he taught courses on international law, the United Nations, preventive diplomacy, human rights, and economic development. Professor Marks holds academic degrees in law and international studies from Stanford University, the Universities of Paris, Strasbourg, Besançon and Nice, as well as the University of Damascus. He is one of the world's foremost experts on international law and politics, international health, development, and human rights. In 1992-93, Professor Marks served as head of human rights education, training, and information for the UN peace-keeping mission in Cambodia. He is co-editor of a book on *The Future of International Human Rights* and has published widely on cross-cutting issues of ethics, international law, public health, and human rights.

*Health and Human Rights: A Reader* is published in 1999. Edited by Professors Mann and Gruskin at the Center and George Annas and Michael Grodin at Boston University, this book is the first comprehensive anthology on health and human rights and is used in courses on health and human rights taught in a number of universities. In 2004, Professors Gruskin and Marks, along with their partners at BU, finished editing a book called *Perspectives in Health and Human Rights*, which is published by Taylor & Francis, and Marks finished a collection of basic documents on health and human rights to be, both of which will be used for teaching.

In 2000, Professor Jennifer Leaning received a grant from the United States Agency for International Development (USAID) to study "human security" during wars and complex emergencies. In Leaning's analysis, human security has important psychosocial aspects, such as a sense of community and having a future, in addition to physical safety and freedom from harm. Leaning has received additional funding from USAID to analyze aid programs in Africa according to human security criteria.

The same year, Professor Leaning organized the Inter-University Initiative on Humanitarian Studies and Field Practice. Funded by the Mellon Foundation, the program is that rare species: a successful multi-disciplinary, multi-institutional educational program. Professor Leaning and faculty members from Tufts University and the Massachusetts Institute of Technology train students in public health, nutrition, politics, and economics, so they are prepared to take leadership positions in relief and reconstruction organizations. About 20 students are enrolled in the program. Most have some experience working for a humanitarian organization.

In June 2000, the Center offered an intensive, four-day summer course in health and human rights in collaboration with the health law department of the Boston University School of Public Health. Now an annual event on the Center's calendar, the course gives mid-career professionals a chance to acquire a basic understanding of the interactions between human rights and public health and the application of these rights. Enrollment has steadily increased and in 2004, more than 80 people took the course.



Faculty and participants in 2004 Intensive Course in Health and Human Rights.  
Photo: Lynn Martin-FXB Center.

The right to development is perhaps the most ambitious extension of the notion of human rights because it asserts that people have a right to development policies and programs that improve overall well-being, equitably and with their full participation. In 2001, Professor Marks started the Right to Development Project at the Center in collaboration with the Center for Development and Human Rights in New Delhi. The project's main goal is to assess how the right to development can be implemented, beginning with the rights to health, food and nutrition, and education. The research for the project consists of studies in Bangladesh, Cambodia, Ghana, India, Mali, the Philippines, and Sri Lanka. Professor Marks



RTD team members at New Delhi Workshop.  
Photo: Stephen Marks-FXB Center.

is co-director with Arjun Sengupta, the United Nations Independent Expert on the Right to Development. The project is supported by the Dutch Ministry of Foreign Affairs. With Sengupta's recent appointment as UN Independent Expert on Human Rights and Extreme Poverty, the program has moved into exploring the appropriate human rights policies under conditions of extreme deprivation.

Forced migration is often part of the complex humanitarian emergencies that Professor Leaning studies. The 1947 partition of British India into India and Pakistan resulted in one of the largest migrations during the 20th century. After the findings of a feasibility study were presented at a workshop in 2002, Leaning received funding from the Mellon Foundation to do a full-fledged demographic and historical study of the partition.

Four months after the United States and other countries invaded Afghanistan, Professor Leaning traveled to the country for Physicians for Human Rights (PHR) to investigate civilian casualties and conditions for prisoners of war. During the January 2002 investigation, Professor Leaning and her PHR colleague, John Heffernan, visited Shebarghan Prison in the northern part of the country and discovered a mass grave site near the prison. Their report prompted investigations by news organizations (particularly *Newsweek* magazine). The site is believed to contain the remains of hundreds of Taliban and other combatants that surrendered to the US-backed Northern Alliance.

For several years, Professor Gruskin has served as policy advisors to WHO and UNAIDS on a host of health and human rights issues. Indeed, the Center is an official UNAIDS



Professor Gruskin Chairing UNAIDS Global Reference Group Meeting in Geneva. Photo: FXB Center.

Collaborating Center, working with the agency on a variety of projects. In January 2002, UNAIDS appointed a Reference Group on HIV and Human Rights and Gruskin was named chair. The UNAIDS reference groups are experts selected by UNAIDS Executive Director Peter Piot to advise the agency. Gruskin helped shape the June 2004 UNAIDS/WHO policy statement on HIV testing that ensures that — in the rush to scale-up access to treatment — HIV testing is routinely offered in health services but remains voluntary, conducted

with informed consent and is confidential and accompanied by counseling.

The new edition of the *Oxford Textbook of Public Health* published in 2002 includes a chapter on health and human rights written by Professor Gruskin and Daniel Tarantola. This is the first time the topic has been covered in this prestigious book. Similarly, the new edition of the *Encyclopedia of Bioethics*, published in 2004, contains a chapter on human rights authored by Professor Marks, also a first for that publication.

Professor Gruskin and her colleagues have also worked closely with the UN Committee on the Rights of the Child. They were especially influential during the drafting of the committee's General Comment on HIV/AIDS and the Rights of the Child, which was published in 2003. The committee is the body that monitors the extent to which governments are meeting their obligations under the Convention on the Rights of the Child. Under the General Comment, governments are prohibited from discriminating against children with HIV/AIDS and must protect their privacy.

Bernard Kouchner, the founder of *Medécins sans Frontières* (Doctors without Borders) and the former French Minister of Health, delivered the inaugural Jonathan Mann Lecture on Health and Human Rights on March 6, 2003. In his introduction, Professor Marks praised Mann and Kouchner for blazing "new paths by seeing that health is essentially a human rights issue." Kouchner called for creation of a world health insurance organization named Patients without Borders.



Dr. Bernard Kouchner, Countess Albina du Boisrouvray, and Dean Barry Bloom. Photo: FXB Center.

In May 2004, Professor Jennifer Learning spent two weeks investigating genocide and human rights abuses in the Darfur region in western Sudan for Physicians for Human



Professor Learning talks to refugees from war in Sudan. Photo: John Heffernan, PHR.

Rights (PHR). She and her PHR colleague, John Heffernan, found evidence of "organized intent" on the part of the government and the government-backed Janjaweed militia to kill all non-Arab civilians in the region. After their report on the genocide was released by PHR in June, Leaning was interviewed by many news organizations.

The same month, Professor Gruskin and her colleagues completed *Using Human Rights to Improve Maternal and Newborn Health: A Tool for Strengthening Laws, Policies and Standards of Care*. This project is an outstanding example of how the Center has reached out beyond the “ivory tower” and shaped policy and programmatic work in health. Gruskin and her colleagues worked closely with members of WHO’s Department of Reproductive Health and Research for three years to create this manual that is designed to integrate human rights approaches into maternal mortality reduction strategies. It’s part of WHO’s ambitious Making Pregnancy Safer (MPR) initiative. The policy, which also puts a lot of emphasis on shared decision making and participatory processes, was tested in Mozambique during the summer of 2004.



Photo: Association François-Xavier Bagnoud.

At the XV International AIDS Conference in Bangkok in July 2004, Professor Gruskin and her colleagues presented multiple posters and presentations and distributed the training manual she wrote for Enhancing Care Initiative. The manual is called *Multisectoral Collaborations to Improve HIV and AIDS Care in Resource-poor Settings: Forming and Sustaining Effective Teams*.



Shahira Ahmed and Mindy Roseman at the 2004 AIDS conference in Bangkok.  
Photo: FXB Center.