**[Book review for the MLR]**

*Benjamin Mason Meier and Lawrence O. Gostin (eds)*

**‘Human Rights in Global Health: Rights-Based Governance for a Globalizing World’**

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(616 pages, pb, £39.99)

Recent virus outbreaks such as Ebola, Zika, or cholera keep reminding us that in a globalised world, health cannot be conceived as a state-centric issue. More positively, medical treatments found through ground-breaking research can also travel swiftly across continents. However, prevalence of ill-health and access to its cures are not often reliant on coincidence. Certain regions, certain countries, and certain groups of individuals tend to suffer a higher burden of diseases than others. What can we learn from this and how can we address it?

Whilst it may not be the first discipline coming to the mind of many, human rights law has – in fact – a lot to say on global health inequities, thanks to the values it is driven by: the quest for dignity and equality for all human beings. As we step into the seventh decade since the human right to health was first recognised, and the third decade since the health and human rights movement was formed, the volume *Human Rights in Global Health: Rights-Based Governance for a Globalizing World* edited by Dr Benjamin Mason Meier and Professor Lawrence O. Gostin comes at an opportune time. Throughout its 616 pages, this book enables the reader to reflect on how human rights have influenced and shaped global health, and what the future holds in this field.

Forty-eight eminent scholars bring together their findings across twenty-four chapters, to shed light on a comparative and systematic analysis of how international institutions operationalise human rights to promote global health. In this volume, authors will discuss how international institutions and schemes that have a key relationship with global health have come to life, and how they have mainstreamed human rights in their operations. The analysis of such contemporary practices will reveal how certain factors may facilitate or inhibit the integration of the human rights discourse in global health governance, and what opportunities a human rights-based approach represents for this field.

The first section of this volume introduces the key argument of this book: the importance of integrating human rights law in global health governance. Chapters 1 to 4 narrate very coherently how the human rights-based approach sprang and blossomed in the global health arena, how it currently operates, and what future it holds for the sustainable development agenda. While Chapter 1 (*Gostin and Mason Meier*) highlights that human rights law has become the predominant normative framework in global health policies, programmes and practices, Chapter 2 (*Ely Yamin and Constantin*) emphasises that its relationship with health (known as the ‘health and human rights movement’) is not one field but many. Chapter 3 (*Mason Meier and Gostin*) follows up on this, by stressing that the fragmented use of a human rights-based approach to health across a growing number of institutions interested in global health calls for a comparative analysis of its impact on human rights implementation. Somewhat responding to this concern, Chapter 4 (*Sidibé, Nygren-Krug, McBride, and Buse*) discusses the potential of the UN 2030 Agenda and Sustainable Development Goals to be a unifying force for action for global health governance, under the condition that people and their rights remain its key focuses.

In the second section of this volume, Chapters 5 to 7 clearly outline the past, current and future role of the World Health Organization in developing and implementing human rights norms to promote global health. As highlighted by Chapter 5 (*Mason Meier and Kastler*), the recognition of a human right to health in the 1946 Constitution of the World Health Organization contrasts with the organisation’s reluctance to use a human rights discourse during the first two or three decades of its existence, in an attempt to be non-political. However, the World Health Organization has further engaged with the human rights framework since the 1970s, leading to more collaboration with human rights treaty bodies and the promotion of a human rights-based approach to health in the 2000s. The last ten years even witnessed the creation of a Unit focusing on gender, equity and human rights, and the adoption of a Universal Health Coverage policy relying on human rights standards, both discussed in Chapter 6 (*Thomas and Magar*). Chapter 7 (*Bustreo, Magar, Khosla, Stahlhofer, and Thomas*) concludes by shedding light on what could be a bright future for human rights in the World Health Organization, particularly when combined with the 2030 UN Agenda for Sustainable Development, but it also stresses that insufficient funding and staffing can jeopardise this.

The third section of this volume carries out an ambitious multi-sectoral analysis of how different United Nations agencies mainstream human rights to promote global health. Chapters 8, 10, 11 and 13 paint a relatively positive picture of what the UN landscape looks like, and what it could look like, when promoting global health through human rights law. Two chapters emphasise the particular mutation of institutions’ practice subsequently to the drafting of human rights documents. Chapter 8 (*Mason Meier, Motlagh, and Rasanathan*) discusses how the UN Convention on the Rights of the Child 1989 positively transformed the mission and programming of the UN Children’s Fund in the field of health. Following this, Chapter 11 (*Filmer-Wilson and Mora*) argues that the 1994 International Conference on Population and Development broadened the mandate of the UN Populations Fund towards a more human rights-based health agenda, notably regarding reproductive rights and women’s rights. Chapters 10 and 13, however, tell successful stories that started from the very beginning. Chapters 10 (*Chapman and Tararas*) outlines that human rights have always been integrated in the agenda of the UN Educational, Scientific and Cultural Organization, including in bioethics and sexual education programmes for instance. Chapter 13 (*Nygren-Krug*) continues on the same positive note, by stressing the deep roots of human rights norms in the Joint UN Programme on HIV/AIDS’ strategy, leadership and culture, and by discussing how challenges such as the co-sponsored nature of the Programme have even become opportunities to better promote and improve global health. Some institutions’ practices, nonetheless, stand in sharp contrast with those discussed above, as noted in Chapters 9, 12 and 14. Chapter 9 (*Swepston*) highlights the difficulties faced by the International Labor Organization in conceptualising human rights through its work until recently, while Chapter 12 (*de Schutter and Anthes*) concludes that the efforts of the UN Food and Agriculture Organization to integrate a human rights framework in its activities have reached a standstill, partly due to the recent decline of the right to food agenda and the volatility of funding. Finally, Chapter 14 (*Hawkes, Kreienkamp, and Buse*) does not reach brighter conclusions by taking a broader perspective. It argues that the inadequate use of a human rights-based approach by inter-governmental partnerships for health and human rights in general can only be resolved through better vision, tools, staff training, reporting procedures, and accountability mechanisms.

The fourth section of this volume shifts to a different focus, as chapters 15 to 20 assess how international economic governance agencies integrate human rights norms to promote global health, in their efforts to raise economic development and fight poverty. Chapters 15, 18 and 20 take a broad perspective, for they analyse how the right to development, national foreign assistance programmes and multilateral funding are used (or could be used) at the international level to promote global health. Chapter 15 (*Marks*) highlights that international efforts promoting a human rights-based approach to development have been more effective than those promoting a right to development and that, as a result, the latter does not often appear in the global health policies of economic institutions. Focusing on bilateral development assistance agencies, Chapter 18 (*Hammonds and Ooms*) argues that their growing number is positive, but that it also increases the risk of fragmentation in global health governance, against which the harmonisation efforts of the Organisation for Economic Co-operation and Development’s Development Assistance Committee are insufficient. Finally, Chapter 20 (*Ooms and Hammonds*) examines the future of multilateral funding to realise the right to health. After having analysed all relevant human rights norms, as well as resources needs and capacities from various states, this chapter stresses that international assistance for health is significantly more likely to succeed through a hypothetical Global Fund for Health channelling all resources and processes than through bilateral agreements. Chapters 16, 17 and 19, however, focus on particular agencies such as the World Bank, the World Trade Organization, and the Global Fund to Fight AIDS, Tuberculosis and Malaria, in order to analyse current and future opportunities for economic governance to promote global health through human rights. The focus of the World Bank on reducing poverty in low and medium income countries and its considerable budget both indicate a strong role on the global health governance arena, discussed in Chapter 16 (*Ribhi Shawar and Prah Ruger*). However, its shy use of the human rights language overshadows such a prospect, reflecting instead fears of becoming political. Like Chapter 16, Chapter 17 (*Moon and Balasubramaniam*) draws a mixed review of how international economic institutions integrate the human rights framework to promote global health, but that time by focusing on the World Trade Organization. It highlights the success of human rights standards regarding access to medicines and tobacco control, but reminds us that respecting rights such as the right to health remains an exception to trade rules rather than their purpose. Chapter 19 (*Jürgens, Csete, Lim, Timberlake, and Smith*), however, tells a more positive story about the Global Fund to Fight Aids, Tuberculosis and Malaria. While the diversity of actors on its board and its country-driven processes can be challenging, they have significantly contributed to the Fund’s ability to operationalise human rights in its strategic objectives to advance global health.

After the study of a range of international institutions in sections 2, 3 and 4, the last section of this volume brings back the focus to who should be leading the way in this field: UN human rights institutions. Chapter 21 (*MacNaughton and McGill*) starts by examining the central UN human rights player: the Office of the UN High Commissioner for Human Rights. It highlights the positive influence that recent High Commissioners have had regarding the recognition of a right to health as a legal right. However, it also acknowledges that the operationalisation of this right requires an inter-disciplinary approach as well as a comprehensive understanding of public health, both limited by an issue common across the UN: insufficient staff and resources. The following chapters study more specific aspects of the UN human rights landscape. Chapter 22 (*Murphy and Mueller*) turns towards UN Special Procedures, by assessing the use of human rights standards to promote global health by the Special Rapporteur on the right to health, and by Special Rapporteurs that have mandates relevant to social determinants of health (e.g. food, water and housing). It calls for more data to follow-up on the effectiveness of their activities, more resources to be allocated to their departments, and more states’ cooperation with those experts. Chapter 23 (*Mason Meier and Brás Gomes*) then analyses the role of human rights treaty bodies in monitoring, interpreting and adjudicating health-related obligations. It emphasises their key role in global health governance, as witnessed through their extensive interpretation of interdependent human rights, and their recent efforts to increase the effectiveness of their procedures. Finally, Chapter 24 (*Bueno de Mesquita and Evans*) contemplates the future of human rights accountability for global health, by examining the Universal Periodic Review, a process held by the Human Rights Council to review states’ human rights records. It stresses that the notion of accountability is newer in health than it is in human rights law and that, therefore, the potential for the Universal Periodic Review to make a difference in global health relies on how engaged key actors are, as well as on how good recommendations aim to be implemented.

A number of important themes arise from this volume, but three are particularly worth noting. Firstly, while the increasing number of actors in global health governance represents the opportunity for the human rights-based approach to be further advanced, through a uniform discourse on global health, it also represents the possibility for it to become fragmented and inconsistent. Authors provide a relatively positive account with regard to the World Health Organization, the UN Children’s Fund, the UN Educational, Scientific and Cultural Organization, the UN Populations Fund, the UN Programme on HIV/AIDS, the Global Fund to Fight AIDS, Tuberculosis and Malaria, and UN human rights institutions. However, reviews range from mixed to pessimistic when it comes to the International Labour Organization, the UN Food and Agriculture Organization, inter-governmental partnerships for health and human rights, the World Bank, the World Trade Organization, and bilateral development assistance agencies. The multi-sectoral analysis painted in this volume shows that not all international actors use a human rights-based approach (or not sufficiently) to promote global health through their strategies, policies and operations. The risk of fragmentation is real and must be taken seriously. Furthermore, in a world where the number of influential non-state actors is growing, one wonders to what extent they will feel obliged to endorse a human rights-based approach to health when necessary. This volume outlines that the success of international institutions in mainstreaming human rights to promote global health does not systematically depend on their governmental nature. The Global Fund, for instance, is a private-public partnership that often adopts a human rights language, while the International Labour Organization, a UN agency, struggles in this endeavour. However, success in this respect seems more largely attributed to UN agencies, perhaps because of the legally-binding commitment to protect human equality and dignity, as promised by the UN Charter.

A second interesting theme that becomes apparent across the five sections of this book, is the commonality of factors that tend to either promote or hinder the use of a human rights-based approach by international institutions wishing to promote global health. These include the period of time during which an institution was created, the landmark documents on which it was founded, the mission at the core of an institution’s operations, or the individuals shaping its agenda. The more interest in human rights values the institution has at an early stage of its life, the more likely it is to currently use this discourse to promote health policies founded on equality and dignity. Similarly, the more explicit human rights appear on the institution’s founding document, the more likely it is to rely on a human rights-based approach to advance health at an international level. For instance, the activities of the UN Educational, Scientific and Cultural Organization and the World Health Organization (though the latter was a late bloomer) have both long integrated a human rights agenda throughout their activities, by relying on their respective constitutions, which refer explicitly to human rights standards. However, agencies such as the International Labor Organization or the World Bank keep struggling to conceptualise these values in their work, the first having been created in 1919, before human rights were widely recognised, and the second relying on Articles of Agreement prohibiting it to intervene in countries’ internal political affairs.

The future of global health governance is threatened by the fragmentation of its human rights discourse, given the number and diversity of institutions’ nature, mandate, agenda, resources, activities and interests. However, authors’ optimism seems to lie within the same idea: the potential for the sustainable development agenda to glue global health and human rights law more solidly together. Interestingly, when examining what the future holds (whether regarding global governance for health, human rights in the WHO, inter-governmental organisation partnerships for health and human rights, or human rights accountability for global health), authors all place the UN 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals at the core of their vision. Authors repeatedly report on the potential and current influence of this agenda across the various institutions and schemes studied in this book. The push from the UN to implement the 2030 Agenda calls for stronger alignment between human rights norms and practice, and indirectly requires that any entity aspiring to operate in the international arena embrace this common strategy, including (and especially) those promoting global health. Evidence will be necessary to that effect, which will encourage enhanced data collection. A task already at the core of the institutions discussed in this ambitious volume, many of which strive to collect reliable, disaggregated data to trace health inequities worldwide or conduct evidence-led advocacy, but who need further resources and staff to improve in this field.

This volume brings together very rich discussions on the use of a human rights approach to promote global health governance. Nevertheless, some challenges which emerge due to its nature as an edited collection can be noted.

Firstly, while this volume provides a fascinating account of how global economic governance and human rights governance institutions mainstream human rights to promote global health in sections 3 and 4, but the reader would have benefited from a clearer explanation as to why specific institutions appear in these sections and not others. For example, it is not clear why the International Monetary Fund is not discussed in section 4 on global economic governance, given this institution’s mandate include promoting sustainable economic growth and reducing poverty, key to global health. Such an explanation would reduce the risk of a slightly segmented discussion at times, in this part of the book.

Secondly, it would have been helpful for the reader to grasp in more details a particular methodological aspect of this ambitious empirical analysis, in order to understand why some chapters present a more positive account than others in sections 3, 4 and 5. For instance, it is not always explicit whether some chapters aim at assessing the overall use of the human rights discourse across an institution’s activities, or to focus on particular examples where it is being used. Further clarification as to what extent the methodology used in each chapter differs from one another; and to what extent potential nuances in methodological approaches has led to different types of findings would feed the particularly curious mind.

However, the excellent multi-sectoral study conducted in this edited collection should certainly stand out as an example of how crucial it is for researchers to explore the incorporation of human rights in global health governance, for legal norms become irrelevant if not integrated to practice. With this book, Mason Meier and Gostin, as well as a formidable number of well-respected scholars, bring together their expertise to build upon academic writings in global health, human rights law, right to health, public health, ethics and development, and to share with us a new way to look at global health governance. How do key international actors use human rights law to promote health for all; and how can they improve their practice to contribute towards reducing health inequities across the globe? By answering these fundamental questions, this edited volume brings a new perspective on the relationship between health and human rights, and stimulates the need to conduct further empirical and systematic research in this developing field.