**Book Review:**

**Bridgit Tobes, Mette Hartlev, Aart Hendriks, Katherina Ó Cathaoir, Janne Rothmar Herrmann and Henriette Sinding Aasen, ‘Health and Human Rights: Global and European Perspectives’ (Intersentia, 2nd Ed, 2022)**

**Reviewed by:**

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There has been no time in modern history where engagement with the interaction between health and human rights has felt so critical. COVID-19 has brought to the fore the importance of health rights on a global scale. In the immediate term, it has highlighted the challenges of international health-based cooperation, whilst vaccine development and distribution have brought to light critical concerns over vast global inequalities. In the longer term, with healthcare providers suffering enormous backlogs, and national health budgets stretched to their limits, the aftershock of the pandemic has only worsened existing problems. Against this backdrop, the second edition of ‘*Health and Human Rights: Global and European Perspectives’* supplies an ambitious and wide-ranging contribution to the field.

Expanding upon the remit of the first, this second edition goes beyond the confines of Europe, into the broader context of *global* perspectives; a welcome addition considering the ongoing threat to health on a global scale. The book is certainly not a symposium on the COVID-19 pandemic, yet its impact on this second edition can be felt throughout. The volume brings together some of Europe’s pre-eminent scholars working in the field of health and human rights today: Bridgit Tobes, Mette Hartlev, Aart Hendriks, Katherina Ó Cathaoir, Janne Rothmar Herrmann and Henriette Sinding Aasen. Together they tackle a wide array of both theoretical and substantive issues, writing with an enviable clarity which makes for an engaging and informative reading experience.

The field of health and human rights permeates such a vast array of potential topics that no work could consider them all, yet the authors manage to strike the right balance between comprehensive coverage and in-depth analysis. The book includes four sections and fourteen chapters, each connected by the unified theme of health and human rights. The book takes as its theoretical starting point that all human rights are “indivisible, interdependent and interrelated” (p.13) holding that economic, social, and cultural rights have equal weight and importance to their civil and political counterparts. The authors note their rejection of a naturalist understanding of human rights, following Beitz’s theory of emergent practice (p 15). They take as their jumping-off-point the practice of ‘agents’ outside the state, in particular international institutions, which form the content of Part II of the book. The book works neatly as a unified volume, yet chapters can certainly be read in isolation, each supplying a distinct contribution to the field across a diverse range of discrete topics.

Part I provides a detailed introduction to this edition, outlining the central concepts of the right to health and the principles and patient rights which underpin it. Chapters 1 (Tobes) and 2 (Tobes and Ó Cathaoir), whilst not breaking new ground present a clear and concise starting point for understanding the basic framework and concepts of both the right to health and health and human rights scholarship more broadly. Chapter 2 will be of particular interest to students and scholars alike. It is an excellent introduction to the basic components of the right to health. It supplies a detailed overview of the right, covering conceptual underpinnings, the genesis of the right, key sources, obligations, and issues which surround its application, such as social determinants of health. The chapter also highlights controversial aspects of the right such as justiciability, responsibility, and interpretation. It briefly considers issues related to non-state actors (NSAs). Further discussion of this issue would have been welcome, especially given the prevalence of NSAs in healthcare provision and the growing scholarly and political interest in the responsibility and accountability of NSAs concerning their human rights impact. A full chapter dedicated to these issues would be welcome in a future edition. Chapter 3 (Aasen and Hartlev) ends Part 1 by addressing ‘Human Rights Principles and Patient Rights’. The focus on the philosophical underpinnings of health and human rights serves well as a conceptual bridge between principles of medical ethics and the legal provisions which form the legal framework of health(care) rights.

Part II explores the European and global institutional framework surrounding the right to health. Chapter 4 (Ó Cathaoir) introduces those bodies primarily tasked with the development and monitoring of the right to health at the international level. Whilst some time is dedicated to the many entities that in some way concern the right to health at the international level, the focus of the chapter is upon the UN Treaty Bodies and the mechanisms they use to monitor the right to health. The second part of the chapter also addresses the role of the WHO, although more might be expected here given its recent prominent role throughout the COVID-19 pandemic. In particular, the emergent role of the Gates Foundation in global health policy is highlighted, but it would have been interesting to see this developed more. In addition, the author is dismissive of the WHO’s role in human rights policy. This is surprising given important references to the standards of the organisation made by human rights instruments, for example, the use of the WHO list of essential medicines as a defined standard under the right to health. Chapter 5 (Hendriks) explores the role of the Council and Europe, necessarily addressing the central European Convention on Human Rights and the European Court of Human Rights. Additionally, there is an in-depth discussion of three relevant treaties: the European Social Charter, the European Convention for the Prevention of Torture and the Convention on Human Rights and Biomedicine. Chapter 6 (Herrmann, Ó Cathaoir and Tobes) considers how health and human rights operate in the context of the European Union (EU), examining the function of the European Court of Justice, the role of the European Charter of Fundamental Rights, the relevance of broader aims of the Union, and the competencies of both domestic and EU bodies. Particularly interesting in this chapter is the exploration of tensions which exist between the EU’s aim of barrierless movement of people and goods, and the protection of health.

Part III seeks to explore a series of selected topics including ‘Access to Health’ (Chapter 7, Hartlev), ‘Vulnerability and Autonomy’ (Chapter 8, Aasen), ‘Disability’ (Chapter 9, Hendriks), ‘Reproductive Health’ (Chapter 10, Herrmann), ‘Death and Dying’ (Chapter 11, Hendriks), ‘Healthcare Technologies’ (Chapter 12, Ó Cathaoir) and finally, ‘Public Health’ (Chapter 13, Tobes and Ó Cathaoir). Each chapter tackles a discrete topic, yet also feels thematic. ‘Access to Health’ (Chapter 7), for example, whilst a discrete topic within the field, is, in fact, a vast thematic vessel all its own, spanning from grounded topics such as resource management, to wider issues such as inequality and discrimination. There is not the space to go into each chapter in huge detail, but it can be said with confidence that each will serve as vital reading for anyone researching in any of these discrete areas. Chapters 8 through 13 will also be of interest to those researching healthcare and law more broadly. Whilst focused upon the links between health and human rights, these chapters also supply a vital rights-based and international perspective on topics classically considered primarily at the domestic level which can help broaden the perceptive of anyone researching in these areas.

Part IV concludes this work with Chapter 14 (Hartlev) summarising the challenges highlighted throughout the volume, as well as supplying recommendations and observations for future development in this area of law. The book ends on a necessarily pessimistic note, highlighting the failure of coordination and understanding between international institutions at the start of the COVID-19 pandemic (p.404). These failures stand as a monument to the need for a coordinated response and unified approach to health and human rights on a global scale.

This second edition of *Health and Human Rights* concludes by asking us to look beyond COVID-19, towards the vast array of health issues which require urgent attention and the need to mobilise human rights as a tool for tackling these issues which are so critical to us all. COVID-19 highlighted the vital importance of the relationship between health and human rights, but it certainly did not create nor end it. Similarly, whilst the pandemic supplies it’s jumping-off point, this book addresses far more. For those researching in the field of health and human rights the essentiality of reading this book is surpassed only by the urgency of its message.