

Health and Human Rights Journal

DECEMBER 2018, VOLUME 20, NUMBER 2

SPECIAL SECTION

Human Rights and the Social Determinants of Health

Publisher Harvard University Press

Editor-in-Chief
Paul Farmer

Guest Editors Kristi Heather Kenyon Lisa Forman Claire E. Brolan

Executive Editor
Carmel Williams

Senior Editor Jessica Moore Kaplan

Copy Editors Morgan Stoffregen Jessica Moore Kaplan

Contributing Editor
Arlan Fuller

Designer Catlin Rockman

ABOUT THE JOURNAL

Health and Human Rights Journal began publication in 1994 under the editorship of Jonathan Mann, who was succeeded in 1997 by Sofia Gruskin. Paul Farmer, co-founder of Partners In Health, assumed the editorship in 2007. Health and Human Rights Journal is an open access online publication and a leading forum of debate on global health and rights concerns. The journal maintains a tradition of critical scholarship and also provides an inclusive forum for action-oriented dialogue among human rights practitioners, with peer-reviewed articles focusing rigorous scholarly analysis on the conceptual foundations and challenges of rights discourse and action in relation to health.

Health and Human Rights Journal is listed in PubMed, the database of the National Library of Medicine.

PUBLICATION POLICY

Health and Human Rights Journal welcomes unsolicited manuscripts on an ongoing basis. Submissions should not exceed 7000 words, while submissions to the Perspectives section should not exceed 2000 words. Book reviews and Letters to the Editor are also welcome. More information on submissions is available at http://www.hhrjournal.org/ submissions.

Please submit manuscripts through the website or by email to HHRSubmissions@hsph.harvard.edu. Author guidelines are available on the Health and Human Rights website (http://www.hhrjournal.org). Views expressed in the journal are those of the authors and do not necessarily reflect the views of the publisher, editors, editorial board members, or other members.

COPYRIGHT POLICY

Health and Human Rights Journal applies the Creative Commons Attribution-Noncommercial 4.0 Unported License to all articles, with the philosophy that there should be no financial barriers to access information. The Attribution-Noncommercial license (http:// creativecommons.org/licenses/by-nc/4.o/) lets people freely copy, distribute, remix, and build upon contributors' work, provided it is not used to make a profit and the original authors and Health and Human Rights Journal are appropriately acknowledged. These conditions can be waived if author, as copyright holder, grants potential users explicit permission. Copyrighted material may be included in articles provided authors provide proof of written permission for such use from the copyright holder.

OPEN ACCESS POLICY

Health and Human Rights Journal does not charge authors article processing fees unless authors can utilize an institutional open access publishing grant. Many institutions and research facilities have funding grants available to support publication in open access journals. If authors cannot access OA grants, article processing fees are waived by HHR. Authors are asked whether they can pay this fee only after a paper is accepted for publication, and inability to pay will not impact publication. When authors are able to use open access funds the article processing fee is US\$2,000.

BACK ISSUES

As an open access publication, the Health and Human Rights Journal is not available by subscription. All content is available free of charge at www. hhrjournal.org, including back issues since Volume 1, Number 1 (1994). Back issues are also available through JSTOR, the not-for-profit online digital archive. Users at institutions that participate in JSTOR's Arts & Sciences Complement Collection can access back issues directly by visiting the Health and Human Rights Journal information page at JSTOR. For more information on JSTOR, please visit http://www.jstor.org.

MASTHEAD

Publisher Harvard University Press

Editor-in-Chief Paul E. Farmer Executive Editor

Carmel Williams

Senior Editor Jessica Moore Kaplan

Contributing Editor Arlan Fuller

Executive Editorial Board

Cathy Albisa Jacqueline Bhabha Oscar Cabrera Audrey Chapman* Martha Davis Sheila Davis* Linda Fried Varun Gauri Howard Hu* Jennifer Leaning

Emmanuel Kabengele Mpinga* Chidi Odinkalu

Jacqueline Pitanguy Eric Stover* Alicia Ely Yamin

*An asterisk denotes members of the Harvard FXB Health and Human Rights Publishing Consortium (see below)

Founding Editor Jonathan Mann, 1994-1998

Editorial Board Philip Alston Agnès Binagwaho Manuel Carballo Brian E. Concannon Jr. Lawrence Cox

Ernest Drucker Harvey Fineberg Julio Frenk H. Jack Geiger Lawrence Gostin* Sofia Gruskin Timothy Harding Aart Hendriks Paul Hunt Michael D. Kirby Adetokunbo O. Lucas Rakiya Omaar Richard Parker Thomas Pogge Julieta Rossi

Margaret L. Satterthwaite Haun Saussy Michael Selgelid Amartya Sen Gracelyn Smallwood Margaret A. Somerville Henry J. Steiner Bryan Stevenson Daniel Tarantola

Barbara Rylko-Bauer

Monika Kalra Varma Gavin Yamey

HHR CONSORTIUM MEMBERS

HHR's open access policy is made possible through the generous support of Harvard University Press, The FXB Center for Health and Human Rights, and our institutional consortium members. These include:

- Partners in Health, Boston
- Dalla Lana School of Public Health, University of Toronto
- Mailman School, Columbia University, New York
- O'Neill Institute for National and Global Health Law, Georgetown University, Washington, D.C.
- UNAIDS, Geneva
- Taskforce for Global Health, US

EDITORIAL OFFICE

Health and Human Rights Journal François-Xavier Bagnoud Center for Health and Human Rights Harvard School of Public Health 651 Huntington Avenue, 7th Floor Boston, MA 02115, USA Tel: (1) 617.432.0656 Fax: (1) 617.432.4310 Website: http://www.hhrjournal.org Email: hhrjournal@hsph.harvard.edu

Table of Contents

SPECIAL SECTION ON HUMAN RIGHTS AND THE SOCIAL DETERMINANTS OF HEALTH

In collaboration with the Lupina Foundation and the Dalla Lana School of Public Health, University of Toronto

EDITORIAL

- Deepening the Relationship between Human Rights and the Social Determinants of Health: A Focus on Indivisibility and Power Kristi Heather Kenyon, Lisa Forman, and Claire E. Brolan
- 11 Using Health Committees to Promote Community Participation as a Social Determinant of the Right to Health: Lessons from Uganda and South Africa Moses Mulumba, Leslie London, Juliana Nantaba, and Charles Ngwena
- 19 Social Medicine in Practice: Realizing the American Indian and Alaska Native Right to Health Lucas Trout, Corina Kramer, and Lois Fischer
- 31 Human Rights and Fracking in England: The Role of the Oregon Permanent People's Tribunal Miriam R. Aczel and Karen E. Makuch
- 43 Challenging Neoliberalism: ILO, Human Rights, and Public Health Frameworks on Decent Work

 Gillian MacNaughton and Diane Frey

PERSPECTIVE

Tax and the Right to Health
Bernadette Ann-Marie O'Hare

65 A Meta-Narrative Literature Synthesis and Framework to Guide Future Evaluation of Legal Empowerment Interventions Katherine Footer, Michael Windle, Laura Ferguson, Jordan Hatcher, Carrie Lyons, Emma Gorin, Anne L. Stangl, Steven Golub, Sofia Gruskin, and Stefan Baral

GENERAL PAPERS

PERSPECTIVE

- 85 Human Rights in Public Health:
 Deepening Engagement at a Critical Time
 Benjamin Mason Meier, Dabney P. Evans,
 Matthew M. Kavanagh, Jessica M. Keralis, and
 Gabriel Armas-Cardona
- 93 Engaging Human Rights Norms to Realize Universal Health Care in Massachusetts, USA Gillian MacNaughton, Mariah McGill, April Jakubec, and Andjela Kaur
- 105 The Rohingya in Cox's Bazar:
 When the Stateless Seek Refuge
 Abhishek Bhatia, Ayesha Mahmud, Arlan
 Fuller, Rebecca Shin, Azad Rahman, Tanvir
 Shatil, Mahmuda Sultana, K. A. M Morshed,
 Jennifer Leaning, and Satchit Balsari
- 123 Domestic and Family Violence in Post-Conflict Communities: International Human Rights Law and the State's Obligation to Protect Women and Children Samantha Bradley
- 137 Human Subject Research: International and Regional Human Rights Standards *Andrés Constantin*

Athena K. Ramos

149 Strategic Litigation to Advance Public Health Tamar Ezer and Priti Patel

PERSPECTIVE

- 161 Contribution of the Health Ombud to Accountability: The Life Esidimeni Tragedy in South Africa Ebenezer Durojaye and Daphine Kabagange Agaba
- 169 Does Information and Communication
 Technology Add Value to Citizen-Led
 Accountability Initiatives in Health?
 Experiences from India and Guatemala
 Marta Schaaf, Shruti Chhabra, Walter Flores,
 Francesa Feruglio, Jashodhara Dasgupta, and
 Ana Lorena Ruano
- 185 Social Solidarity, Human Rights, and Collective Action: Considerations in the Implementation of the National Health Insurance in South Africa

 Renate Douwes, Maria Stuttaford, and Leslie London
- 197 Gendered Power Relations and Informed Consent: The *I.V. v. Bolivia* Case *Martín Hevia and Andrés Constantin*
- 205 Intersex Variations, Human Rights, and the International Classification of Diseases *Morgan Carpenter*
- 215 Transsexuals' Right to Health? A Cuban Case Study Emily J. Kirk and Robert Huish
- 223 Eradicating Female Genital Mutilation/ Cutting: Human Rights-Based Approaches of Legislation, Education, and Community Empowerment Beth D. Williams-Breault
- 235 Child Labor in Global Tobacco Production: A Human Rights Approach to an Enduring Dilemma

LETTER TO THE EDITOR

249 Malnutrition, Poverty, and Climate Change are also Human Rights Issues in Child Labor Adele Jones