Reviewer's report

Title: Limitations on Universality: The "Right to Health" and the Necessity of Legal Nationality

Version: 2 Date: 8 April 2010

Reviewer: Lisa Forman

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Minor essential revisions

The changes made in response to my earlier review have significantly remedied the deficiency I identified (namely the absence of references to specific legal texts and interpretations re statelessness). Moreover the distinction this inclusion prompted, namely that the paper addresses the de facto rather than de jure realization of this right, has not simply remedied the lacuna, but also sharpened the focus of the paper.

I propose two minor but essential revisions:

1. p9, second paragraph: "Advocates of health rights ... combine human rights protections of the person (such as the right to refuse medical treatment or an occupying power's responsibility to allow healthcare for citizens and prisoners of war) with the social rights that accord to them (such as the right to be provided the highest level of health care...).

This sentence appears to suggest that social rights are somehow distinct from human rights- this is not the case, international human rights law recognizes a broad array of human rights, including social, economic and cultural rights (such as health, education, food etc) and civil, political and cultural rights (to vote, free expression etc). These rights are understood to be indivisible and interdependent. The sentence should be revised accordingly.

2. p13, 2nd paragraph: similarly, the sentence which states that "In his seminal essay, Marshall delineates a historical evolution of citizenship culminating in the braiding together of what he terms civil, political and social rights." The identification of civil, political and social rights is not due to Marshall's writing, but is a key and core feature of international human rights law. This sentence should be amended to accurately reflect this fact.

Level of interest: An article whose findings are important to those with closely related research interests

Quality of written English: Acceptable

Statistical review: No, the manuscript does not need to be seen by a statistician.
Declaration of competing interests:

I declare that I have no competing interests.

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