Reviewer's report

Title: Under the (legal) radar screen: Global Health Initiatives and International Human Rights Obligations

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Reviewer: Kawika Liu

Reviewer's report:

The article addresses an important topic, that of the transformation of non-treaty or jurisprudence-based norms into international law. The authors do a thorough job of laying the foundation for the how international law may be changed without either a convention or the decision of an international tribunal. This foundation, however, might be shortened somewhat, and more of the text either deleted or moved to footnotes, as the authors feel is appropriate. Additional shortening could be applied to the section on the right to health, with footnotes referring interested readers to more comprehensive analyses of the right to health.

The other major criticism for the article is the permeability of the adaption of new international norms, particularly given the multitude of state and non-state actors. For example, in the United States, while the rhetoric of the current Administration speaks of international law and human rights, its actions frequently are in violation of such rights, from the implementation of health care “reform” to extra-territorial assassinations. Similarly, there are non-state political actors, including prominent political candidates, who openly oppose much of international law. In such a climate, how can one characterize the institutionalization of international human rights?

Please number your comments and divide them into

- Minor Essential Revisions

The author can be trusted to make these. For example, missing labels on figures, the wrong use of a term, spelling mistakes.

Level of interest: An article of importance in its field

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