

DECEMBER 20, 2020

Health and Human Rights in the New American Administration

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The Trump Administration has long threatened public health—prioritizing ideology over evidence to eviscerate the institutions underlying health. With populist leadership dividing America, the Administration weakened democratic institutions and violated human rights. This populist neglect of health and human rights has extended globally through nationalism, with President Trump flouting international norms and weakening international organizations.

These attacks on public health, human rights, and global governance have proven catastrophic in responding to the COVID-19 pandemic. Rejecting World Health Organization (WHO) guidance in the pandemic response, the Trump Administration banned international travel, stoked anti-Asian racism, and neglected vulnerable populations—threatening lives and violating rights.¹ These compounding failures have undermined the US response, isolating the United States as it faces this global challenge.

The 2020 US election has provided a path forward for health and human rights. Following a contentious campaign amidst the cataclysmic pandemic—leaving the United States dangerously disconnected from its past leadership in public health—the health and human rights community must shift rapidly to the rebuilding task ahead. The future of the field requires an agenda for action, implementing human rights in domestic and global health policy.

Rebuilding public health and human rights

The incoming Biden Administration has an opportunity to frame human rights as a foundation of public health—and public health at the center of US health policy. Working in tandem to control COVID-19 and rebuild lasting public health infrastructures, the new Administration will need to employ multi-sectoral policies to address determinants of health, including support for national health institutions, to realize a rights-based approach to health and reform of federal health policy to implement the right to health.

In realizing a rights-based approach to health, it will be crucial to prioritize public health science in public health institutions. The Biden campaign has pledged to empower CDC scientists, increase funding, expand the public health workforce, and create a Racial and Ethnic Disparities Task Force.² Yet the legitimacy of public health institutions must first be rebuilt, enabling these institutions to develop policy based on evidence to facilitate transparent governance and public trust, protect the independence of national health institutions to restore accountability for public health leadership, and address inequities faced by vulnerable populations. Through a coordinated national strategy—moving beyond the failures of state-led responses to the pandemic—the Biden Administration can establish a renewed commitment to public health as a foundation for realizing the right to health.

Advancing the right to health through US health policy, the United States has increasingly expanded access to health care in parallel with international advancements in the right to health—most recently through the 2010 Patient Protection and Affordable Care Act (ACA).³ Drawing from past advances, the Biden campaign has proposed a comprehensive health coverage plan, extending the ACA through the expansion of Medicaid and creation of a “public option” in health insurance.⁴ With a divided Congress, however, executive actions will be necessary to progressively realize the right to health, protecting health care access while addressing underlying determinants of health, including healthy environments, secure housing, economic security, food assistance, and clean water through a whole-of-government response to health—in the pandemic response and beyond.⁵

Re-establishing America's relationship with the world

The Biden Administration also seeks to reclaim US leadership in global health governance. Where international law looks to obligations of international assistance and cooperation in realizing the right to health, institutions of global governance have accepted this international responsibility to implement human rights as a foundation to advance global health.⁶ The US government can strengthen the mainstreaming of human rights in global health governance through renewed WHO support and human rights leadership.

Re-engaging with WHO will be a vital first step in strengthening human rights in WHO governance and reestablishing US leadership in global health. The Biden campaign promised repeatedly to immediately reverse the Trump Administration’s decision to withdraw from WHO.⁷ In addition to reinstating funding, realizing the right to health will require a coordinated global governance response through WHO—implementing the International Health Regulations and achieving Universal Health Coverage. The United States can launch this renewed engagement by strengthening WHO in the COVID-19 response, ensuring equitable access to necessary treatments and a “People’s Vaccine.”⁸ Human rights can thus provide a basis for US assistance—cooperating in global efforts to realize the right to health for the most marginalized and ushering in an era of US leadership predicated on global solidarity.⁹

Beyond WHO, the Biden Administration has pledged to place human rights at the core of foreign policy. Standing in solidarity with those fighting for rights, the Biden campaign promised to recommit to the international ban on torture, revitalize commitments to women’s rights, and organize a global Summit for Democracy to forge a common agenda for advancing human rights.¹⁰ Translating these promises into policy, the Biden Administration can lead by example and renew support across global institutions that advance health-related human rights.¹¹ This renewed dedication to human rights could quickly be demonstrated by engaging with the UN Human Rights Council, UNFPA, and the International Criminal Court and providing bilateral health assistance to advance human rights. By reshaping foreign policy to implement rights, the incoming administration can promote human rights as a universal framework to advance justice in health.

The Biden Administration has begun to consider how best to safeguard public health and uphold human rights, and it will be crucial for the health and human rights community to support these efforts to reform domestic and global health policy while ensuring accountability for human rights realization through the difficult years ahead.

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