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ORAL STATEMENT

At the Public Consultations with the WHO Intergovernmental Negotiating Body to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response to address the question “What substantive elements do you think should be included in a new international instrument on pandemic preparedness and response?”

12-13 April 2022

Mr. Chair

Thank you for this opportunity for input.

Putting human rights at the heart of government efforts to address public health emergencies response is not an optional consideration but is an obligation and one that can contribute to an effective response. The international instrument should therefore enhance and complement existing human rights obligations, which require government responses to be based on the best available scientific evidence and ensure that any restrictions on human rights are provided in law, are necessary and proportionate to a legitimate aim, are time-bound and non-discriminatory.

The experience of Covid-19 showed us that the mechanisms established to supply health tools for all failed dramatically. The instrument should contain provisions to ensure that intellectual property rights are not a barrier to equal access, such as a mechanism to ensure states’ actions at the national level to ensure adequate supply and equal access to all pandemic health tools, including vaccines, diagnostics, treatments and personal protective equipment are not challenged at the WTO or other forums. Some wealthy countries’ insistence in the current pandemic on maintaining intellectual property rights, including on patents, know how, trade secrets and copyright, has contributed to massively unequal access to essential health tools.

Mr. Chair

The instrument must also adhere to longstanding international legal principles that guide states’ implementation of their human rights obligations which require governments to address the underlying determinants of health and avoid criminalization as a way to achieve public health

objectives.

Lastly, as required under international law, the instrument must guarantee effective and meaningful consultation with civil society organizations and affected communities throughout the design, implementation and monitoring of pandemic public health policies. This necessarily includes adequate participation and consultation at the international level, including throughout the negotiations of this instrument.

Thank you.