

EFFECTIVE PARTICIPATION IN THE DRAFTING OF A PANDEMIC TREATY

What the WHO Intergovernmental Negotiating Body (INB) needs to do to make this happen



WHO ARE WE?

We are the **Civil Society Alliance for Human Rights in the Pandemic Treaty** (“the Alliance”) – an informal coalition of experts, jurists, medics, researchers, as well as national, regional and global organizations and networks, including those that are community-led. We have:

- witnessed and documented the disproportionate impact of the COVID-19 pandemic upon on marginalized, disadvantaged and criminalized persons including a range of human rights abuses.
- disseminated a set of **Human Rights Principles for a Pandemic Treaty**, the first of which is that the Pandemic Treaty should be developed through a **robust participatory process** allowing for the **full, equal, meaningful and effective participation of civil society and community organizations** on global, regional and domestic levels.

WHY CONSULT?

The World Health Organization (WHO) was the first international organization to recognize the right to health, and in advancing human rights in public health, WHO notes that **the right to health requires participation of “concerned stakeholders including non-state actors”**.

The Alliance welcomes the clear indication from the INB that non-state actors will be able to participate in the treaty drafting process.

We are concerned that this will be limited to the +-200 non-state actors in official relations with the WHO in INB meetings, and that the two-day public hearings in April and June 2022 to make submissions, **are too short a timeframe to ensure the full and meaningful consultations of CSOs, including community-led organizations, across the globe.**

RIGHT TO PARTICIPATION

Under international human rights law, the **right to participation is necessary to amplify the voices of those who would otherwise not be heard**. This right is inextricably linked with the right to take part in the conduct of public affairs and the rights to freedom of expression and access to information, peaceful assembly and association.

In general, human rights treaties are negotiated by Open-Ended Working Groups established by the Human Rights Council, **which are automatically open to all NGOs accredited by ECOSOC**, in terms of ECOSOC rules.



GOOD CONSULTATION PRACTICES

Transparent, full, meaningful and effective consultation processes that engage civil society actors and community-led organizations are long-standing good treaty drafting practices, examples include:



The **right to participation is a core component of global health governance**. The Alma-Ata Declaration confirms that “**people have the right ... to participate individually and collectively in the planning and implementation of their health care**” – a principle that echoes the WHO’s Constitution. The WHO has also **described social participation as a “key driver of health equity”**, which also acknowledged that reduced levels of social participation create a range of problems.

Meaningful consultation with civil society is the standard at other leading global health institutions, such as UNAIDS and the Global Fund, within global health governance processes and at the Member State-level. These processes **align with Article 71 of the UN Charter**, specifically mandating ECOSOC to “make suitable arrangements for consultation with nongovernmental organizations which are concerned with matters within its competence” on both an international and domestic level.

KEY RECOMMENDATIONS

The Alliance recommends that **the INB takes all necessary steps** to adjust its “proposed modalities of engagement for relevant stakeholders” **to ensure full, meaningful and effective participation** in the drafting of the Pandemic Treaty, **including by:**

- 01 Removing the requirement that only organizations with official relations can participate in all aspects of the treaty drafting processes.** If any accreditation is required for participation in treaty drafting processes, ensure the facilitation of an accessible, simple method of expedited accreditation for civil society organizations in particular.
- 02 Facilitating significant opportunities for a broad and representative range of civil society and community-led organizations to participate fully in all INB meetings,** whether substantive or procedural in nature, both in person and remotely, allowing sufficient time in all meetings for oral inputs. Amongst other things this could include holding consistent regional consultations or discussions.
- 03 Setting up a process by which ample and consistent opportunities are provided to a broad and representative range of civil society and community-led organizations** to input written statements and recommendations to the INB.
- 04 Meaningfully, widely, fully and effectively consulting a broad range of civil society and community-led organizations about the desirable length, dates, platforms and all other aspects of the proposed “public hearings” and “regional consultations”** in order to ensure full, meaningful and effective consultation.
- 05 Scheduling regular briefings for civil society and community-led organizations to brief them on avenues for participation** in all INB processes and the treaty drafting process more generally.
- 06 Providing timely access to documents,** such as draft provisions of the treaty and draft documents setting out modalities and timelines for the treaty drafting process.
- 07 Providing, wherever necessary, interpretation and other services and accommodations needed,** including for persons with disabilities, to ensure that all persons can enjoy full, meaningful and effective participation on a continuous basis.

