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## STATEMENT OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS ON THE NEGOTIATING TEXT OF THE WHO INSTRUMENT ON PANDEMIC PREVENTION, PREPAREDNESS AND RESPONSE

The Office of the United Nations High Commissioner for Human Rights (OHCHR) expresses its appreciation for the opportunity to provide written input on the negotiating text.

OHCHR has, on previous occasions, emphasised the need to substantially strengthen the human rights content of the text, and we do so once again. We welcome the references to human rights in the preamble and in articles 3 and 16 of the current draft. Nevertheless, we wish to register our concerns in light of the following:

- The instrument will best serve its purpose when it systematically integrates human rights considerations, some of which are indicated in our submission on the [WHO CA+](#) and [key messages](#) on human rights in the pandemics instrument, incorporated here by reference. Currently, there are only three specific references to human rights in the document (excluding titles). Gender is mentioned in only three articles despite the strongly gendered impact of pandemics and the lack of gender equality in the global health workforce, the majority of whom are women.<sup>1</sup>
- The integration of human rights and the inclusion of specific references to them in the text should also include the right to a clean, healthy and sustainable environment, as recognized by the UN General Assembly and Human Rights Council in their resolutions A/74/161 and A/HRC/RES/48/13, respectively.
- The current text would benefit from explicit references to the need to respect, protect and promote the rights to life, health, development and to enjoy the benefits of scientific progress and its applications, in light of the impact that intellectual property protections have on the enjoyment of these human rights, *inter alia* due to

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<sup>1</sup> See: <https://www.unwomen.org/sites/default/files/2023-05/Evaluation-UN-Womens-contribution-to-womens-economic-empowerment-en.pdf>.

the pricing of (and, therefore, access to) medicines and other health products. The intellectual property regime should be interpreted and implemented in a manner supportive of the duty of State to protect public health.

- The text should expressly acknowledge that pandemic prevention, preparation and response should take into account the need to protect individuals and peoples experiencing discrimination or otherwise in situations of marginalisation.

Pandemics do not materialise and spread in a vacuum. Socio-economic conditions determine, to a considerable extent, who is at greatest risk of falling ill and of experiencing less than optimal health outcomes. The human rights impacts of the COVID-19 pandemic remain a reality for millions of people, particularly those in situations of marginalisation in poor, resource-constrained and less developed regions such as in the Least Developed Countries. Thus, as elaborated in this and our above-referenced submission, a human rights-based approach to PPPR is indispensable.

The human rights expertise is widely available among the diverse groups of stakeholders, including OHCHR. We have been following this process closely and stand ready to contribute to a transformative instrument which is fully consistent with international human rights law. **We urge the INB to establish a standing capacity on human rights, made up of a diversity of stakeholders, to support the drafting process.**

10 November 2023