

Summary report on the

Subregional meeting on legislative capacities as per the requirements of the International Health Regulations (2005)

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Marrakesh, Morocco
2–4 July 2012



**World Health
Organization**

Regional Office for the Eastern Mediterranean

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1. Introduction

The International Health Regulations (2005), or IHR, are legally binding on all States Parties and impact on governmental functions and responsibilities across many ministries, sectors and governmental levels. The effective implementation of the rights and obligations established under the IHR require that an adequate legal framework is in place. The IHR also require States Parties to collaborate with each other in developing national legal, regulatory and administrative provisions for its implementation.

The WHO Regional Office for the Eastern Mediterranean organized a subregional meeting on legislative capacities as per IHR requirements from 2 to 4 July 2012 in Marrakech, Morocco. The objectives of the meeting were to:

- Identify the main gaps in legislative capacities;
- Identify appropriate mechanisms and solutions to address these gaps;
- Propose a set of recommendations to improve legislative capacities and compliance with IHR.

Participants were national IHR focal points as well as legal advisers from Iraq, Jordan, Lebanon, Morocco, Saudi Arabia, United Arab Emirates and Yemen. The meeting was facilitated by a technical team from the Regional Office and a legal team from WHO headquarters that included two external legal experts.

The meeting was divided into three main parts: plenary presentations, plenary discussions and working groups. The plenary presentations focused on the situation of IHR implementation, legal and legislative aspects of IHR, assessment and revision of national laws for IHR implementation, an introduction of WHO toolkits and

other guidance for IHR. After every plenary session several plenary discussions were held to exchange information and to enable countries to report progress and challenges in their implementation of the IHR. These exchanges were interactive and helped countries to report on progress made in building legislative capacities to implement the IHR while identifying the challenges and opportunities for integrating legislation into their effective implementation of the IHR. Group work enabled countries to acquaint themselves with the WHO legislative tool kits and other guidance documents.

2. Summary of discussions

Countries of the Region have made progress in IHR implementation. A number of areas of progress were highlighted including attaining core capacities, legislative reviews and development, functioning national focal points, IHR capacity-building and political support. However, many challenges remain and include sustaining the gains made in IHR implementation in the face of political instability in some countries and varying IHR implementation as well as the challenges of monitoring and verification of compliance.

With regard to knowledge of IHR requirements, countries in general understand their obligations and responsibilities under the IHR. Some countries have used the IHR process to reform health system as well as infrastructure. However, divergent interpretations of parts of the IHR such as national focal points, the role of WHO, perception of IHR as a sanction rather than a cooperative instrument and inadequate use of the IHR and guidance for decision-making are challenges. Countries need to promote effective understanding and interpretation of IHR and WHO guidance and tools by policy-makers and experts across sectors and governmental levels.

Countries need to develop a mechanism for information exchange on the IHR and determine their priorities in IHR implementation. WHO aims to continue supporting countries in addressing the effective knowledge gap.

With regard to national legislation, many countries have done legislative assessments, adopted or amended legislation to facilitate compliance with the IHR but several have yet not done so. Countries need to speed up their legal processes and adopt legislation to achieve compliance in both the short and long terms. Reform of comprehensive public health legislation provides an opportunity to implement the IHR. Constitutional and other relevant laws need to be considered when implementing the IHR.

Regarding institutional and multisectoral coordination, countries have national focal points and some have multisectoral committees to implement the IHR. However, weak multisectoral coordination and duplication of mandate by sectors are challenges. There is a need to raise intersectoral awareness and build sectoral coordination for the IHR, advocate for political goodwill, and use innovative legal and political mechanisms to foster intersectoral collaboration among all sectors as provided in the IHR.

With regard to resources, human, financial and technical resources have helped IHR implementation in the Region, but many countries lack them. However, there are opportunities: some Member States have created specific funding mechanisms or adequate budgets for IHR implementation. WHO continues to provide technical assistance to support countries in their implementation of the IHR.

3. Recommendations

To Member States

1. Strengthen awareness and understanding of the requirements of the IHR and use the WHO legislative toolkits effectively in efforts to implement IHR in national legislation.
2. Reinforce multisectoral coordination mechanisms as a core aspect of scaling up legal capacities to implement the IHR. This should include the development and implementation of advocacy and dialogue mechanisms to build momentum within the various governmental sectors and levels to build legislative capacities and implement the Regulations.
3. Reinforce the legal capacities of national surveillance focal points in order to carry out all of their functions effectively under the IHR.
4. Develop and implement plans of action to implement IHR with supportive legislation, especially in the context of achieving core capacities under the Regulations.
5. Accelerate legal processes, review relevant laws and adopt legislation both in the short term and long term to achieve compliance with and implement the IHR.
6. Strengthen existing programmes for sustainable human, financial and technical resources for sustaining legislative capacities to implement the IHR.
7. Reinforce regional and global collaboration between Member States and other stakeholders through exchange of information and other legal technical activities for IHR implementation.
8. Reinforce legal mechanisms and capacities to effectively implement point-of-entry provisions of the IHR.

To WHO

9. Conduct similar meetings throughout the Region to build legislative capacities to support effective and timely implementation of IHR requirements.
10. Include legislative issues in other IHR meetings.
11. Provide direct legal technical assistance to Member States upon request in their efforts to develop and implement legislation to comply with IHR.
12. Enhance WHO toolkits on national legislation in the context of IHR to support countries of the Region in their efforts to implement the Regulations.
13. Share information that may facilitate country efforts to build legislative capacities to implement the IHR. This could include reinforcing WHO's role as a clearinghouse for exchange of information on legislation between countries, other international organizations and relevant actors to support country efforts to implement the IHR.



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