

Ms. Michelle Bachelet
United Nations High Commissioner for Human Rights

London, 9 March 2022

Dear Ms. Michelle Bachelet,

Subject: OHCHR and civil society participation in the negotiations of the new ‘Pandemic Treaty’

I am writing on behalf of 19 organisations and experts listed below to solicit the urgent engagement of your office with the World Health Organization (WHO) and other stakeholders involved in the development of the new “WHO convention, agreement or other international instrument on pandemic preparedness” (“Pandemic Treaty”), as [determined](#) by the World Health Assembly (WHA) in December 2021.

We are deeply concerned that the Pandemic Treaty process will fail to ensure meaningful civil society (including community) participation, and that it risks becoming a missed opportunity to promote the safeguarding and strengthening of human rights protections in public health emergencies. This is untenable in the light of the “pandemic of human rights abuses” that Your Office denounced in the wake of COVID-19, and will have a disproportionate impact on already vulnerable, marginalised, and criminalised communities.

Negotiations will be conducted by an Intergovernmental Negotiating Body (INB) comprising all WHO Member-States, which met for the first time on 24 February 2022 to elect [bureau officers](#) and discuss working methods and timelines.

Regrettably, the [‘method of work’](#) as currently proposed **does not provide for participation of civil society representatives** in the first INB sessions (with the exception of Non State Actors in official relations with WHO, which can only participate as observers), or for formal opportunities for civil society to provide input into crucial first steps of the process. Only in a later stage, are there some limited opportunities foreseen for engagement through “public hearings” and “expert input”; the format and scope of these opportunities are still to be defined.

The role of other UN entities is also undefined as yet, but the proposed method of work does suggest potential for participation.

Absent substantial changes to the envisaged method of work, the drafting process will be an exclusionary one which would prevent the meaningful participation of civil society, particularly those most impacted by unequal COVID-19 responses, but also of those playing a fundamental role in ensuring an effective pandemic response. On this point, we highlight that human rights law and standards recognise the right to take part in the conduct of public affairs, [including the](#) “formulation and implementation of policy at the international and regional levels.”

In many countries misuse of emergency executive powers and pursuit of securitised responses during the pandemic resulted in control strategies severely lacking in transparency and accountability, leading to not only an ineffective health response, but also to severe rights violations, with disproportionate impacts on already vulnerable, marginalised, and criminalised communities.



Ongoing discussions around the proposed Pandemic Treaty have largely **neglected the matter of safeguarding human rights** and incorporating them into the process, thus the proactive engagement of your office is critical to streamline human rights in negotiations at the INB. To this end, a broad civil society coalition developed [human rights principles for a pandemic treaty](#), and stand ready to support OHCHR as needed.

The INB will reconvene on 14 – 15 March 2022, with the aim of determining “an inclusive Member State led process [...] to first identify the substantive elements of the instrument and to then begin the development of a working draft.” This session, which is only open to Member States and Non State Actors in official relations with WHO, will be crucial in defining the drafting process, and opportunities for civil society engagement.

We respectfully urge you to:

- Initiate outreach to INB ahead of its next meeting on 14-15 March 2022, as a first step towards continuous engagement on human rights throughout the drafting process;
- Engage with INB members and the WHO Secretariat to advocate for formal, meaningful inclusion of OHCHR, community and civil society in the drafting process; and
- Nominate an OHCHR focal point tasked with (a) ongoing engagement with and oversight of the negotiating process, with a focus on ensuring the new instrument reiterates and strengthens existing human rights safeguards for public health emergencies; and (b) sustained collaboration with civil society organisations who wish to participate in this process.

With assurances of our highest consideration,

Naomi Burke-Shyne,
Executive Director,
Harm Reduction International

Co-signatories:

1. Amnesty International
2. CIVICUS: World Alliance for Citizen Participation
3. Global Health Council
4. Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)
5. International Center for Not-for-Profit Law (ICNL)
6. International Planned Parenthood Federation
7. International Network of People who Use Drugs (INPUD)
8. Medicus Mundi International



**HARM REDUCTION
INTERNATIONAL**

London Head Office:
61 Mansell Street
Aldgate, London E1 8AN
Telephone: +44 (0) 207324 3535
office@hri.global

Liverpool Conference Team:
The Foundry
38 Henry Street, Liverpool L1 5BS
Telephone: +44 (0) 151 702 0630
conference@hri.global

9. People's Health Movement (PHM)
10. Physicians for Human Rights
11. Privacy International
12. StopAIDS
13. The Global Network of Sex Work Projects (NSWP)
14. UNITE Global Parliamentarians Network
15. WEMOS
16. Global Health Law Consortium (GHLC), Human Rights Working Group
17. Prof. Nina Sun, JD, Deputy Director - Global Health, Assistant Clinical Professor – Community Health and Prevention, Dornsife School of Public Health Drexel University
18. Sara (Meg) Davis, senior researcher Global Health Centre, Graduate Institute