

## **Open letter to Members of the Intergovernmental Negotiating Body Bureau ahead of the resumed session (14-15 March 2022)**

11 March 2022

Dear Ms Precious Matsoso, Mr Roland Driecce, Ambassador Tovar da Silva Nunes, Mr Ahmed Salama Soliman, Mr Kazuho Taguchi and Dr Viroj Tangcharoensathien,

### **Civil society and community engagement in the development of a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response**

We are writing as civil society, community organisations and concerned individuals to ensure the work of the Intergovernmental Negotiating Body (INB) in drafting and negotiating a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response, upholds the human right to participate in international forums by ensuring the full and meaningful participation of civil society and communities throughout the treaty drafting and negotiation process.

The proposed method of work of the INB, released on 21 February 2022, sets out working methods and timelines based on the principles of “inclusiveness, transparency, efficiency, Member State leadership and consensus.”<sup>1</sup> It recognises the importance of broad engagement in the work of the INB to ensure a successful outcome. While the document outlines limited potential opportunities for civil society and community input through “public hearings,” “written submissions,” and “expert input” the frequency and parameters of these avenues for engagement have yet to be defined, and moreover, a formal role for these stakeholders is still not envisaged in the treaty development process.

As the INB meets for the resumed session of the first meeting (14-15 March 2022) to determine an inclusive Member State led process with a view to identifying the substantive elements of the instrument and to begin the development of a working draft, civil society and community participation is conspicuously limited. Whilst we welcome the recent invitation extended to certain non-State actors to the deliberations of this resumed session, we express disappointment that this invitation is limited to organisations in official relations with WHO and even then, it is unclear if non-State actors can deliver statements during the meeting.

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<sup>1</sup> A/INB/1/3

The right to participation in international forums, grounded in international human rights law and standards,<sup>2,3</sup> is emphasised in recent UN guidance<sup>4</sup> and by the United Nations Office of the High Commissioner for Human Rights, which notes in its recent report that such a right includes “participation in the formulation and implementation of policies” at international levels.<sup>5</sup> In the context of the INB’s method of work, the right to participation requires the full and meaningful engagement of civil society and communities in the development of the WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response.

The meaningful engagement of civil society and communities requires formal participation with engagement that reflects both the expertise and diversity of civil society and communities, ensuring civil society organisations in different parts of the world are represented and, in particular, recognising the critical importance of the right to self-representation and the distinct voice of communities. In addition there must be clear mechanisms for civil society and communities to engage their broader constituencies, with adequate resourcing to effectively convene and facilitate the participation of community and civil society voices throughout the process.

This full and meaningful participation of civil society and communities at the earliest stages of drafting, and throughout the process, is essential to ensure a human rights based approach.

We call on the INB to review the proposed modalities of engagement for relevant stakeholders released on 10 March 2022<sup>6</sup> to ensure the full and meaningful participation of civil society and communities beyond those in official relations with WHO, by providing opportunities to engage directly in the drafting process of the WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response. This participation should include (but not be limited to), opportunities to speak at INB sessions (both in-person and remotely), regional consultations, civil society briefings, opportunities to submit written statements and recommendations, timely access to documents, and the provision of interpretation services.

With assurances of our highest consideration,

Mike Podmore (Director, STOPAIDS)

on behalf of the organisations and individuals listed below,

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<sup>2</sup> See, for instance: *International Covenant on Civil and Political Rights*, *Convention on the Elimination of Discrimination Against Women*, *Convention on the Rights of Persons with Disabilities* and the *International Covenant on the Rights of All Migrants and Members of their Families*.

<sup>3</sup> Davis SM, Podmore M, Howe C. The Right to Participation in Global Health Governance. *Verfassungsblog*. <https://verfassungsblog.de/the-right-to-participation-in-global-health-governance/> (accessed 7 Mar 2022).

<sup>4</sup> United Nations Guidance Note: Protection and Promotion of Civic Space. New York: 2020. [https://www.ohchr.org/Documents/Issues/CivicSpace/UN\\_Guidance\\_Note.pdf](https://www.ohchr.org/Documents/Issues/CivicSpace/UN_Guidance_Note.pdf) (accessed 7 Mar 2022).

<sup>5</sup> A/HRC/49/42

<sup>6</sup> A/INB/1/7

Organisations:

Advocacy Network Africa (AdNetA)

Afrihealth Optonet Association (AHOA) - CSOs Network

afrivac

Agenda Developers

Aidsfonds

Alliance for Public Health

Amnesty International

Association For Promotion Sustainable Development

Association for Protection of Human Rights and Community Development

Association of Women of Southern Europe AFEM

BARAC UK

BenNewman Hope Care Foundation

Cancer Alliance, South Africa

Centre for Environment, Human Rights & Development Forum- CEHRDF

Centre for Health Science and Law

Chronic Illness Advocacy & Awareness Group

CIVICUS: World Alliance for citizen participation

Civil Society Platform for Peacebuilding and Statebuilding [CSPPS]

CORDAID

Favour Lowcost Healthcare Foundation

FOCUS 1000

Foundation for Integrative AIDS Research (FIAR)

Frontline AIDS

Gavi CSO Constituency/Steering Committee

Global Alliance for Surgical, Obstetric, Trauma, & Anaesthesia Care (G4 Alliance)

Global Health Council (GHC)

Global Health Law Consortium, Human Rights Working Group

GNP+

Good Health Community Programmes

Harm Reduction International

HIV + Aging Research Project--Palm Springs

HIV Justice Network

ICHANGE

IFARMA Foundation

Institute for Health, Social Policy and Research Development

International Center for Not-for-Profit Law

International Network of People who Use Drugs (INPUD)

International Service for Human Rights

IPPF

Jerusalem Impact Vaccination Initiative

Kamukunji Paralegal Trust (KAPLET)

KANCO

Malaria and childhood illness NGO Network Secretariat Uganda

Muslim Family Counselling Services

NAP+

Network of Young Key Populations

People's Health Movement

Privacy International

Public Health Initiative Liberia(PHIL)

Rekat Peduli Indonesia

Results Canada

Right to Health Action

SAF-TESO

Salamander Trust

Society for Conservation and Sustainability of Energy and Environment in Nigeria (SOCSEEN)

STOPAIDS

TB Europe Coalition

Treatment Action Group

Vietnam Network of People living with HIV (VNP+)

WaterAid

Wemos

Women in Global Health

Wote Youth Development Projects

Individuals:

Anna Tormen

Arush Lal - Department of Health Policy, London School of Economics & Political Science

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Bonny Ibhawoh

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Dr Alexandra Phelan, Assistant Professor, Georgetown University

Dr Fifa A Rahman, Civil Society Representative, Access to COVID Tools Accelerator Facilitation Council

Dr Sara (Meg) Davis, Ph.D.

Dr. Uzodinma Adirieje

Dr. Wenzhen (Jen) Zuo

Gian Luca Burci

Gisa Dang

Giulia Perrone, PhD candidate, Università degli Studi di Torino

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Mattia Colli Vignarelli, PhD Student, University of Turin

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Tala Dowlatshahi

Thomas Schwarz, Executive Secretary, Medicus Mundi International - Network Health for All

Yassen Tcholakov, Assistant Professor in the Department of Epidemiology, Biostatistics, and Occupational Health, McGill University

Zahedul Islam