

Evolution of Human Rights Law in World Health Organization Policy & the Future of Human Rights Law in Global Health Governance



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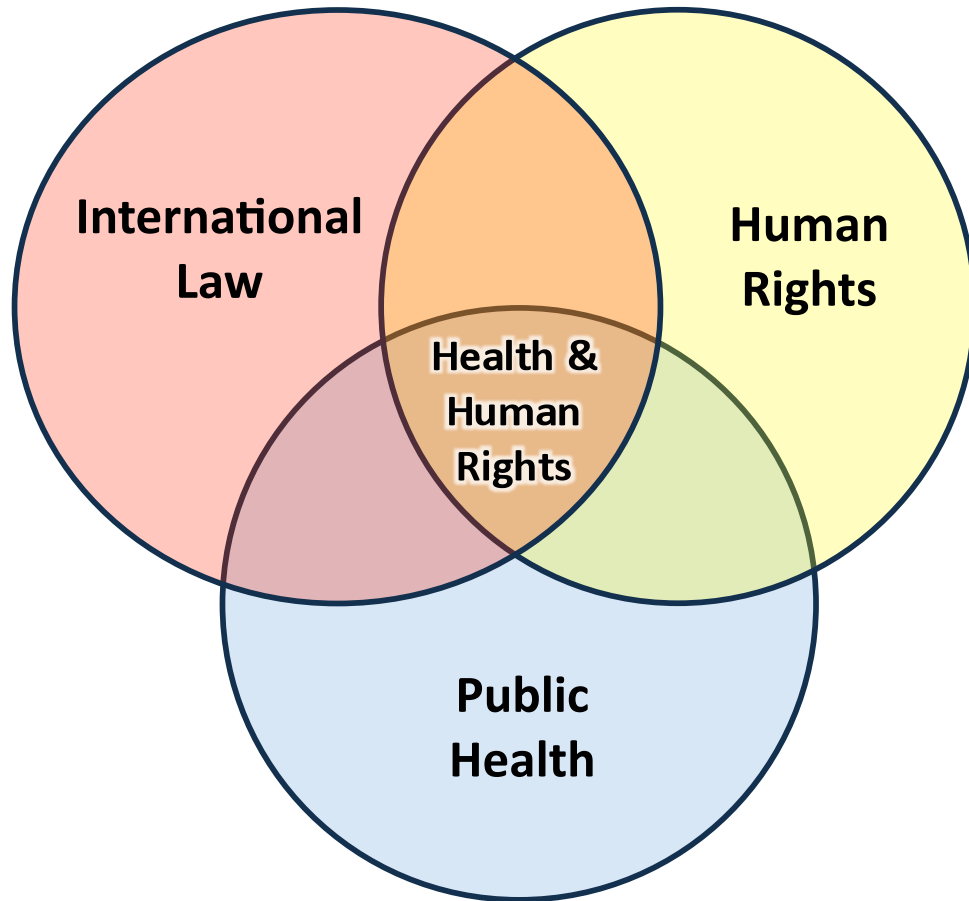
American Public Health Association
Annual Meeting

November 5, 2013



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

Human Rights in Global Health Governance



- Human Rights Matter
- Human Rights Evolve
- WHO is Instrumental to the Evolution of Health-Related Rights
 - Development in Law
 - Implementation through Policies and Programs

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- The background of the slide features a large, semi-transparent watermark of the World Health Organization (WHO) logo. The logo consists of a central Rod of Asclepius (a staff with a single snake) superimposed on a map of the world, all enclosed within a laurel wreath. The watermark is centered and spans most of the width and height of the slide.
- 1. Turbulence – The Evolution of Human Rights for Public Health**
 - 2. Rebirth – The HIV/AIDS Pandemic and Creation of a Health & Human Rights Unit**
 - 3. Decline? – The Weakening of WHO Human Rights Authorities and the Future of Human Rights Law in Global Health Governance**

WHO Influences the Right to Health

A Rights-Based Organization



G. Brock
Chisholm
WHO
Director-
General
(1948-1953)

International
Cooperation for
Human Rights

CONSTITUTION

OF THE

WORLD HEALTH ORGANIZATION

THE STATES parties to this Constitution declare, in conformity with the Charter of the

The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being

regardless of every human being's race, language, political belief, economic or social condition.

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

Unequal development in different countries in the promotion of health and control of disease, especially communicable disease, is a common danger.

Governments have a responsibility for the health of their peoples which can be fulfilled only by the provision of adequate health and social measures.

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WHO Neglect for Human Rights

Avoidance of “Legal Rights”



M.G. Candau
WHO
Director-
General
(1953-1973)

International Covenant

- Abandonment of “complete health & underlying determinants of Health

UNITED NATIONS NATIONS UNIES
INTEROFFICE MEMORANDUM

TO: Mr. Philippe de Seynes, Under-Secretary For Economic and Social Affairs Date: 31 January 1957

THROUGH: Mr. Martin Hill, Deputy Under-Secretary For Economic and Social Affairs

FROM: John P. Humphrey, Director, Division of Human Rights *JPH*

SUBJECT: 747th meeting of the Third Committee

FILE NO.: 50 221/9(1)

FEB 1 1957
ACTION

Action Completed
 Acknowledged
 No Action Required

INITIALS

Yesterday afternoon the Committee adopted by 54 votes to none, with 7 abstentions the following text of article 13 relating to the right to health for the Covenant on Economic, Social and Cultural

the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

"1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. In the exercise of this right particular attention shall be given to those aspects of environmental and industrial hygiene;

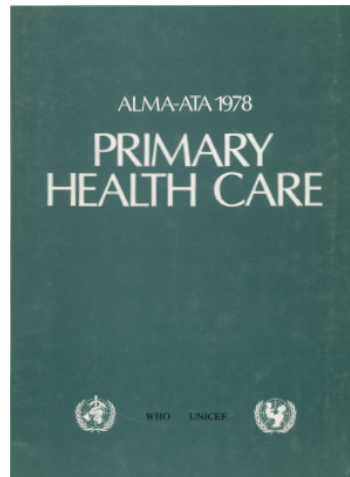
(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness."

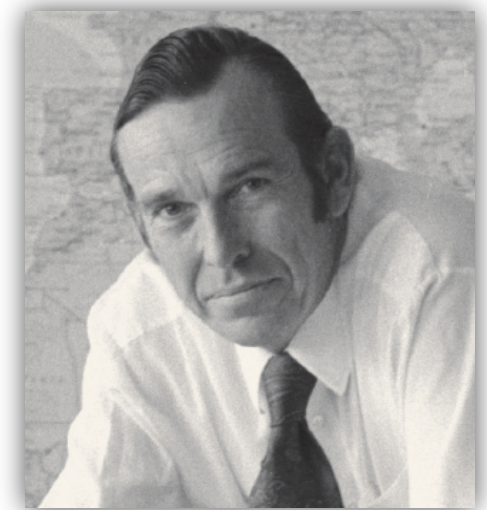
WHO Adopts a Norm-Driven Approach to Global Health

WHO Turns to Social Justice

- Health for All
 - Primary Health Care to Address Underlying Determinants of Health



Halfdan
Mahler
WHO
Director-
General
(1973-1988)



health—which is a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity—is a fundamental human right [that] requires the action of many other social and economic sectors in addition to the health sector.

HIV/AIDS Operationalizes Human Rights for Global Health

Global Programme on AIDS

Linking Health & Human Rights

Discrimination



Rights



- Tripartite Framework
 - Public Health & Human Rights are interdependent
 - Human rights violations result in adverse health effects
 - Public Health Methods can violate human rights

Mainstreaming Human Rights

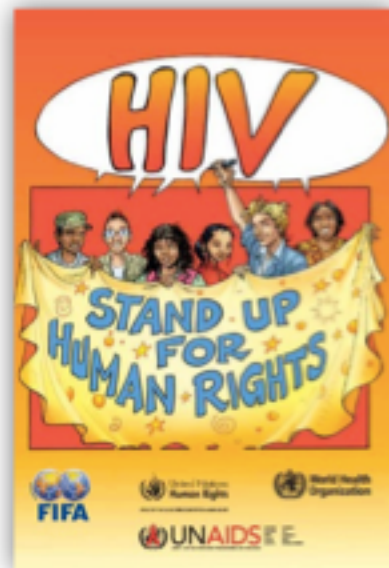
WHO as “the World’s Health Conscience”

- Human Rights Officer
- Strategy on Health & Human Rights
- Development of the Right to Health

Gro Harlem
Bruntland
WHO
Director-
General
(1998-2003)



Mainstreaming . . . Again



Gender, Equity & Rights Mainstreaming Unit

Margaret
Chan

WHO

Director-
General
(1998-2003)



“to achieve a WHO in which each staff member has the core value of gender, equity and human right in his or her DNA”



A HUMAN RIGHTS-BASED APPROACH TO HEALTH

The Future of Human Rights in Global Health Governance

Benjamin Mason Meier & William Onzivu, *The Evolution of Human Rights in World Health Organization Policy and the Future of Human Rights Through Global Health Governance, PUBLIC HEALTH* (2014).



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