

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



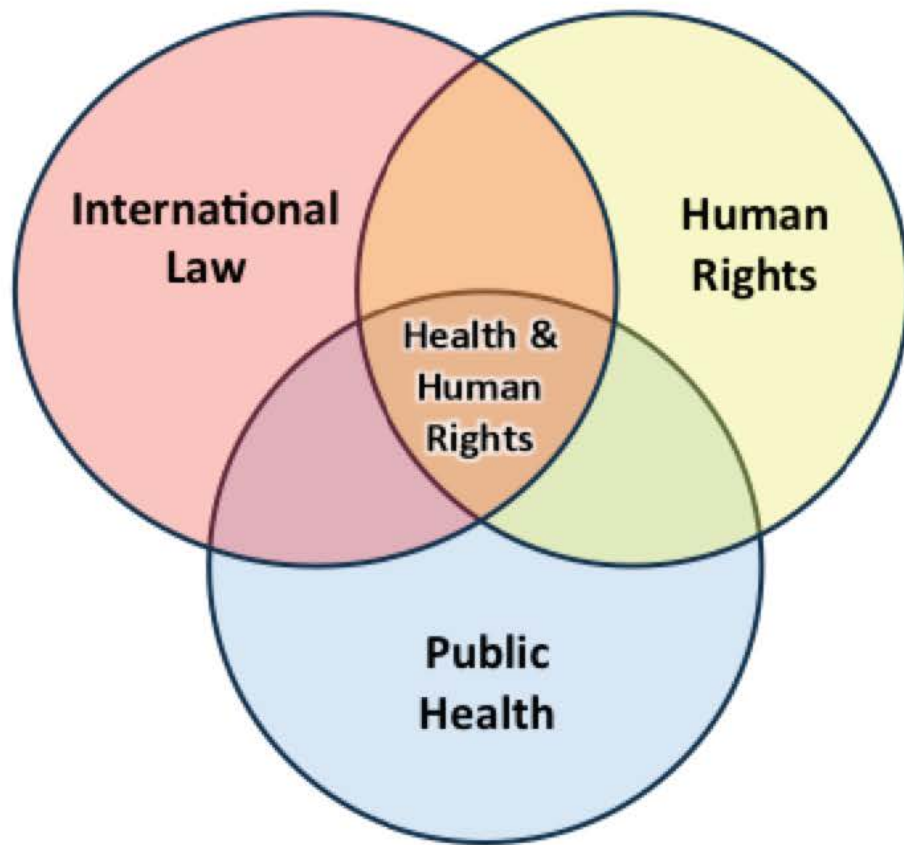
Benjamin Mason Meier, JD, LLM, PhD
World Health Organisation
27 April 2017



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

**FONDATION
BROCHER**

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 Programmes

Birth of UN & the Universal Declaration of Human Rights

Second World War



Four Freedoms



UN Charter



WHO Constitution



UDHR

- **Article 25**
 - medical care
 - underlying determinants of health

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services...”



Birth of WHO & a Human Right to Health



WHO Accession to the United Nations, UN Secretary General Trygve Lie and WHO Director – General Brock Chisholm

CONSTITUTION OF THE WORLD HEALTH ORGANIZATION

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

The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief,

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

to all.

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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Evolution of Human Rights in Global Health



**WHO
Constitution
(1948)**



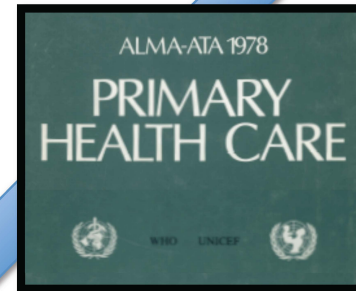
**UDHR
(1948)**



**ICESCR
(1966)**

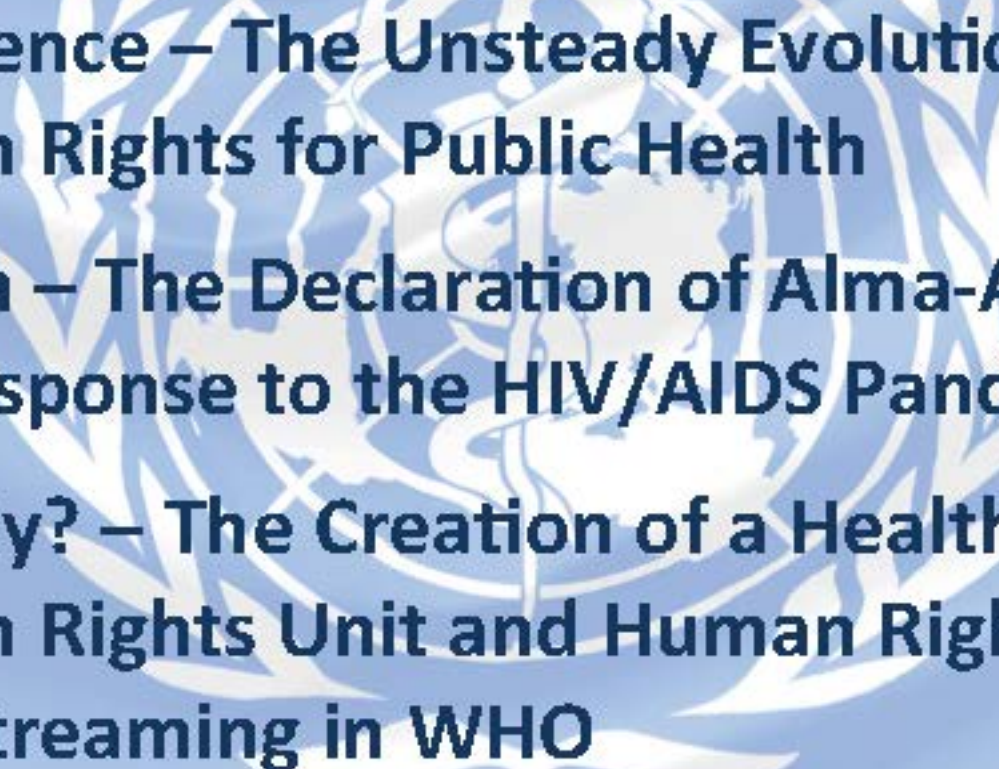


**General
Comment
14 (2000)**



**Declaration of
Alma-Ata
(1978)**



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- 1. Turbulence – The Unsteady Evolution of Human Rights for Public Health**
 - 2. Rebirth – The Declaration of Alma-Ata and the Response to the HIV/AIDS Pandemic**
 - 3. Stability? – The Creation of a Health & Human Rights Unit and Human Rights Mainstreaming in WHO**

WHO Influences the Right to Health

A Rights-Based Organisation



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

welcome opportunities to cooperate with the Commission on Human Rights in drafting international conventions, recommendations and standards with a view to ensuring the right to health.

International Cooperation for Human Rights

the whole programme approved by the World Health Assembly represents a concerted effort on the part of Member States to ensure the right to health.

Yours sincerely,

A handwritten signature in blue ink that reads "Brock Chisholm".

Brock Chisholm, M.D.
Director-General

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
THROUGH: Mr. Martin Hill, Deputy Under-Secretary for Economic and Social Affairs
FROM: John P. Humphrey, Director, Division of Human Rights
SUBJECT: 747th meeting of the Third Committee

Date: 31 January 1957
FILE NO.:
FEB 1 1957
ACTION
TO: *Mr. de Seynes*
 - Action Completed
 - Acknowledged
 - No Action Required
INITIALS
50 221/9(1)

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

"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.

(a) The promotion for the reduction of the death rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

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

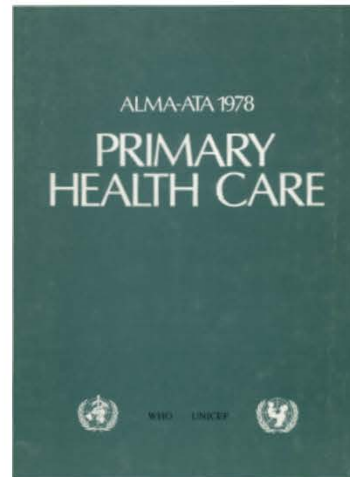
(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness."

highest attainable standard

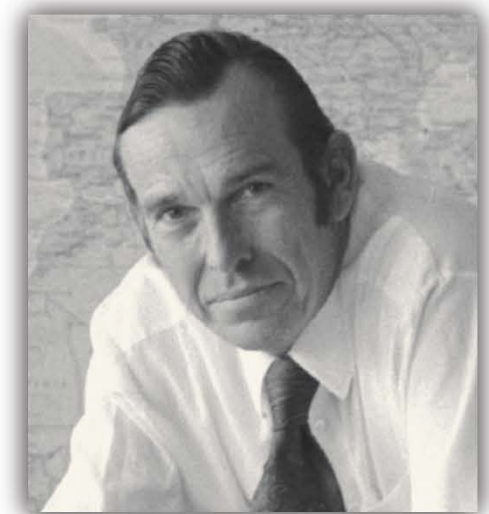
WHO Adopts Human Rights in Global Health

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



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

Mainstreaming Human Rights

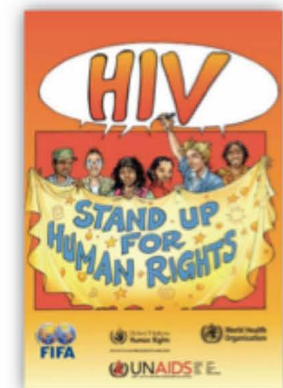
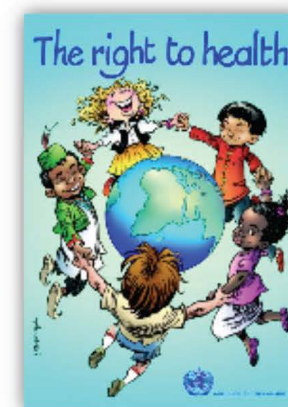
WHO as “the World’s Health Conscience”

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

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



A HUMAN RIGHTS-BASED APPROACH TO HEALTH



Mainstreaming . . . Again



Health and Human Rights Journal

A GLOBAL MOVEMENT TOWARD HEALTH EQUITY

Human Rights in the World Health Organization: Views of the Director-General Candidates

on APRIL 26, 2017 · in PERSPECTIVES

At this year's World Health Assembly (May 22-31, 2017), member states will vote for a new Director-General to lead the World Health Organization (WHO) over the next five years. At this critically important time in global health—as the world looks to WHO for leadership in the face of globalized pandemics, health insecurity, mass population displacement and protracted humanitarian crises, climate change, and the looming threat of anti-microbial resistance—we asked each of the three Director-General candidates how they view the role of human rights in global health governance.



Gender, Equity & Rights Mainstreaming Unit

Margaret Chan

WHO

Director-General

(2006-2017)



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

The Future of Human Rights in Global Health Governance

Benjamin Mason Meier &
Lawrence O. Gostin, *Human
Rights in Global Health:
Rights-Based Governance for a
Globalizing World* (Oxford
University Press, 2018).



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