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Committee on Social Affairs, Health and Sustainable Development

Minutes

of the exchange of views on “Public health emergency: the need for a holistic approach to multilateralism and health care” held in Strasbourg on 27 April

In the framework of the report currently in preparation on “Public health emergency: the need for a holistic approach to multilateralism and health care” by **Ms Selin Sayek Böke** (Türkiye, SOC), the Committee held an exchange of views with **Mr Timothy Fish Hodgson**, Legal Advisor on Economic, Social and Cultural Rights, International Commission of Jurists (ICJ).

Ms Sayek Böke, Chairperson of the Committee, opened the hearing, introduced the guest speaker, and briefly presented her report.

Mr Fish Hodgson presented the Joint Statement by the International Commission of Jurists (ICJ), Amnesty International, Human Rights Watch and the Global Initiative for Economic and Social Rights, concerning the Zero Draft of WHO on a new legally binding instrument on pandemic prevention, preparedness, and response.

There was a worrying trend within WHO and other international organisations that legal instruments were negotiated without sufficient attention paid to human rights. Although WHO had tried to take human rights into account under pressure from civil society and some States, it had failed to adequately understand the substance of the comments about the need for human rights to be a distinct part of the pandemic treaty.

Among the highlights in the statement were the following elements.

First, there was a concern that the Zero Draft did not require consultations in a meaningful and significant way. The participation in the formation of the pandemic treaty, like all other WHO processes, was limited to very short submissions and otherwise limited to engagement with entities that had been officially recognised by WHO. In fact, less than 10% of the organisations that had consultative status with regard to human rights treaties in UN mechanisms, had been allowed to take part in the consultative processes.

Secondly, accountability mechanisms were not sufficiently dealt with, such as the right to access courts.

Economic and social rights were not the focus of the treaty. The right to health was mentioned, but the International Negotiating Body (INB) had not engaged with the substance of it. However, all human rights, including social and economic rights, had an impact in the context of public health emergencies. Thus, it was important that the pandemic treaty would address this and deal with measures taken by states in handling public health emergencies, to ensure that human rights were protected.

As regards intellectual property (IP) rights, the Zero Draft used very soft language when it came to information sharing and technology sharing. It did not refer to other treaties that dealt with IP rights, and knowledge and benefit sharing. The Zero Draft only vaguely encouraged this, but states were not obliged to do so. Human rights organisations regretted that the right to scientific knowledge was not mentioned in the Zero Draft, in this respect.

Lastly, the issue of access to medication, therapies, and diagnostics concerned not only states. There were many private institutions that had made large profits during the pandemic and there was little transparency about the processes. The Zero Draft used very soft language to describe the obligation of states to regulate these private entities domestically and internationally, and the obligations of such private entities in ensuring that everyone had equitable access to everything they needed, as far as healthcare was concerned.

The Chairperson then opened the floor for discussion.

¹ The minutes were approved and declassified by the Committee on Social Affairs, Health and Sustainable Development at its meeting on 22 May 2023.

Mr Davies underlined the need to recognise the right to a healthy environment in the context of public health emergencies. Moreover, action to ensure equitable access to medicines and diversification of supply sources was needed.

Ms Sayek Böke noted that the Joint Statement presented by the expert reminded of the indivisibility of human rights. In this regard, the new legal instrument on pandemic preparedness, prevention, and response seemed to be related to other treaties, including international trade and investment agreements. She asked the expert to share his thoughts on how parliamentarians could remind those who were drafting these treaties of the indivisibility of rights. Moreover, was there any focus that they should put forth with regard to trade and international investment treaties?

Mr Fish Hodgson considered the indivisibility of rights to be very important in any context, and in particular in public health emergencies. A wide range of rights were impacted by public health, and one of the issues that the Zero Draft did not pay attention to was these rights. The second problem with the indivisibility of rights was the divided international law system that could be put into categories such as public international law, international investment law, international trade law, international human rights law, and so on. There was a push from states that had different interpretations of said treaties and who spoke differently about the same issues. From an international law perspective, the Vienna Convention on the Law of the Treaties required states to read all of these obligations together to try and make them into a coherent whole, instead of insisting that they clashed.

Parliamentarians should insist that their national authorities spoke the same language when they represented states in these bodies. It was not good to have one representative speak on trade-related issues, and then have another representative speak on human rights issues. The ICJ (International Court of Justice) was calling for a unification and integrated reading. With regard to WTO, the biggest discussion concerned the TRIPS waiver. The question was how intellectual property rights under the TRIPS agreement could be read in light of international human rights law.

Regarding the environmental aspect, the Zero Draft tried to take this into account by referring to the One Health approach. Because international human rights law had come to accept the right a healthy environment, it was necessary to continue to raise this issue. Public health emergencies often began with other types of emergencies, such as war and conflicts, climate crisis and the like.

The Chairperson then thanked the expert for his contribution and closed the hearing so that the Committee could proceed with the examination and adoption of the preliminary draft resolution and recommendation.

List of presence

Committee on Social Affairs, Health and Sustainable Development
Commission des questions sociales, de la santé et du développement durable

Members / Membres	Country / Pays	Alternates / Remplaçant(e)s
Ms Jorida Tabaku	Albania / <i>Albanie</i>	Zz...
M. Pere López	Andorra / <i>Andorre</i>	Mme Mònica Bonell
Mr Armen Gevorgyan	Armenia / <i>Arménie</i>	Ms Hripsime Grigoryan
Mr Franz Leonhard Essl	Austria / <i>Autriche</i>	Mr Michel Reimon
Mr Stefan Schennach	Austria / <i>Autriche</i>	Ms Doris Bures
Ms Nigar Arpadarai	Azerbaijan / <i>Azerbaïdjan</i>	Ms Parvin Karimzada
Ms Sevinj Fataliyeva	Azerbaijan / <i>Azerbaïdjan</i>	Ms Konul Nurullayeva
Mr Bob De Brabandere	Belgium / <i>Belgique</i>	Ms Els Van Hoof
M. Simon Moutquin	Belgium / <i>Belgique</i>	Mme Latifa Gahouchi
Zz...	Bosnia and Herzegovina / <i>Bosnie-Herzégovine</i>	Zz...
Ms Ekaterina Zaharieva	Bulgaria / <i>Bulgarie</i>	Zz...
Ms Denitsa Sacheva	Bulgaria / <i>Bulgarie</i>	Mr Vasil Pandov
Ms Zdravka Bušić	Croatia / <i>Croatie</i>	Ms Ivana Kekin
Ms Christiana Erotokritou	Cyprus / <i>Chypre</i>	Mr Constantinos Efstathiou
Mr Aleš Juchelka	Czech Republic / <i>République tchèque</i>	Mr Ondřej Šimetka
Ms Michaela Šebelová	Czech Republic / <i>République tchèque</i>	Mr Jiří Strýček
Ms Camilla Fabricius	Denmark / <i>Danemark</i>	Ms Karin Liltorp
Mr Urmas Reitelmann	Estonia / <i>Estonie</i>	Ms Maria Jufereva-Skuratovski
Ms Minna Reijonen	Finland / <i>Finlande</i>	Ms Tarja Filatov
M. Alain Milon	France	M. Christian Klinger
Mme Isabelle Santiago	France	Mme Liliana Tanguy
Mme Anne Stambach-Terrenoir	France	Mme Mireille Clapot
M. Philippe Vigier	France	Mme Nathalie Serre
Ms Eka Sepashvili	Georgia / <i>Géorgie</i>	Mr Levan Ioseliani
Ms Heike Engelhardt	Germany / <i>Allemagne</i>	Ms Franziska Kersten
Mr Andrej Hunko	Germany / <i>Allemagne</i>	Ms Catarina Dos Santos-Wintz
Mr Christian Petry	Germany / <i>Allemagne</i>	Ms Martina Stamm-Fibich
Mr Harald Weyel	Germany / <i>Allemagne</i>	Ms Katrin Staffler
Ms Nina Kasimati	Greece / <i>Grèce</i>	Ms Foteini Pipili
Ms Theodora Tzakri	Greece / <i>Grèce</i>	Mr Kriton-Ilias Arsenis
Ms Mónika Bartos	Hungary / <i>Hongrie</i>	Mme Katalin Csöbör
Ms Boglárka Illés	Hungary / <i>Hongrie</i>	Ms Zita Gurmai
Mr Bjarni Jónsson	Iceland / <i>Islande</i>	Ms Jódís Skúladóttir
Mr Joseph O'Reilly	Ireland / <i>Irlande</i>	Ms Reada Cronin
Ms Elena Bonetti	Italy / <i>Italie</i>	Mr Roberto Rosso

Ms Aurora Florida	Italy / <i>Italie</i>	Mr Giuseppe De Cristofaro
Mr Alessandro Giglio Vigna	Italy / <i>Italie</i>	Mr Graziano Pizzimenti
Mr Stefano Maullu	Italy / <i>Italie</i>	Mr Francesco Zaffini
M. Andris Bērziņš	Latvia / <i>Lettonie</i>	Mr Edmunds Cepurītis
Ms Franziska Hoop	Liechtenstein	Mr Peter Frick
Mr Kęstutis Masiulis	Lithuania / <i>Lituanie</i>	Ms Rasa Budbergytė
M. Max Hengel	Luxembourg	M. Paul Galles
Ms Romilda Baldacchino Zarb	Malta / <i>Malte</i>	Mr Joseph Beppe Fenech Adami
Mr Ion Groza	Republic of Moldova / <i>République de Moldova</i>	Ms Reghina Ȃpostolova
Mme Christine Pasquier-Ciulla	Monaco	Mme Béatrice Fresko-Rolfo
Mr Miloš Konatar	Montenegro / <i>Monténégro</i>	Zz...
Ms Reina De Bruijn-Wezeman	Netherlands / <i>Pays-Bas</i>	Mr Bob Van Pareren
Ms Ria Oomen-Ruijten	Netherlands / <i>Pays-Bas</i>	Ms Agnes Mulder
Ms Artina Qazimi	North Macedonia / <i>Macédoine du Nord</i>	Mr Vlado Misajlovski
Ms Lisa Marie Ness Klungland	Norway / <i>Norvège</i>	Ms Linda Hofstad Helleland
Ms Danuta Jazłowiecka	Poland / <i>Pologne</i>	Mr Tomasz Latos
Mr Bolesław Piecha	Poland / <i>Pologne</i>	Ms Marta Kubiak
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Ms Diana Stoica	Romania / <i>Roumanie</i>	Ms Daniela Oteşanu
Ms Marica Montemaggi	San Marino / <i>Saint-Marin</i>	Mr Marco Nicolini
Ms Tatjana Pašić	Serbia / <i>Serbie</i>	Ms Jelena Milošević
Ms Dunja Simonović Bratić	Serbia / <i>Serbie</i>	Mr Uglješa Marković
Mme Anna Záborská	Slovak Republic / <i>République Slovaque</i>	Mr Juraj Šeliga
Mr Dean Premik	Slovenia / <i>Slovénie</i>	Ms Iva Dimic
Ms María Fernández	Spain / <i>Espagne</i>	Mr José Latorre
Mr Antón Gómez-Reino	Spain / <i>Espagne</i>	Ms Belén Hoyo
Ms Carmen Leyte	Spain / <i>Espagne</i>	Mr Salvador Vidal
Mr Mattias Jonsson	Sweden / <i>Suède</i>	Ms Yasmine Bladelius
Ms Beatrice Timgren	Sweden / <i>Suède</i>	Ms Borianna Åberg
Ms Sibel Arslan	Switzerland / <i>Suisse</i>	M. Pierre-Alain Fridez
M. Jean-Pierre Grin	Switzerland / <i>Suisse</i>	Mme Ada Marra
Ms Emine Nur Günay	Türkiye	Mr Mehmet Mehdi Eker
Mr Halil Özşavli	Türkiye	Ms Sena Nur Çelik
Mr Hişyar Özsoy	Türkiye	Ms Feleknaş Uca
Ms Selin Sayek Böke	Türkiye	M. Haluk Koç

Mr Artem Dubnov	Ukraine	Ms Lesia Zaburanna
Ms Olena Khomenko	Ukraine	Ms Larysa Bilozir
Ms Yuliia Ovchynnykova	Ukraine	Mr Andrii Lopushanskyi
Mr Geraint Davies	United Kingdom / <i>Royaume-Uni</i>	Ms Kate Osamor
Ms Sally-Ann Hart	United Kingdom / <i>Royaume-Uni</i>	Mr Richard Bacon
Baroness Doreen E. Massey	United Kingdom / <i>Royaume-Uni</i>	Ms Ruth Jones
Mr David Morris	United Kingdom / <i>Royaume-Uni</i>	Ms Sheryll Murray

Other Parliamentarians present / Autres Parlementaires present.e.s

Ms / Mme Klára Dostálová..... Czech Republic / *République tchèque*
 Mr / M. Besnik Tahiri..... Kosovo*
 Mr / M. Enis Kervan Kosovo*

**Representatives of the Turkish Cypriot Community /
Représentants de la communauté chypriote turque (**)**

Mr / M. Armağan Candan

**In accordance with Resolution 1376 (2004) / *Conformément à la Résolution 1376 (2004)*

Partners for Democracy / Partenaires pour la Démocratie

Mr / M. Allal AmraouiMorocco / *Maroc*
 Mr / M. Arif HassanMorocco / *Maroc*

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Ambassades / Représentations permanentes et Délégations**

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Mr / M. Fatih Gündoğdu, Permanent Representation of Türkiye to the Council of Europe / *Représentation permanente de Türkiye auprès du Conseil de l'Europe*

Secretariat of Delegation or of Political Group / Secrétariat de Délégation ou de Groupe politique

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 Ms / Mme Susanne Pfeffer-Waldhauser.....Germany / *Allemagne*
 Ms / Mme Vitaliana Curigliano Italy / *Italie*
 Ms Monique ChristiaanseNetherlands / *Pays-Bas*
 Ms / Mme Handan Karakas DemirTürkiye

Experts / Expert.e.s

Mr / M. Timothy Fish Hodgson, Legal Advisor on Economic, Social and Cultural Rights, International Commission of Jurists (ICJ) / *Conseiller juridique sur les Droits économiques, sociaux et culturels, Commission Internationale de Juristes (CIJ)*

* All reference to Kosovo, whether to the territory, institutions or population shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo / Toute référence au Kosovo, que ce soit à son territoire, à ses institutions ou à sa population, doit se comprendre en pleine conformité avec la Résolution 1244 du Conseil de sécurité des Nations Unies et sans préjuger du statut du Kosovo.

Council of Europe staff / Secrétariat du Conseil de l'Europe

Mr / M. Lorenzo Montrasio, Human Rights and Biomedicine (CDBIO)/ *Droits de l'homme et biomédecine (CDBIO)*

Ms / Mme Maren Lambrecht, Congress of local and regional authorities / Current Affairs Committee / *Congrès des pouvoirs locaux et régionaux / Commission des questions d'actualité*

Secretariat of the Parliamentary Assembly / Secrétariat de l'Assemblée Parlementaire

Ms / Mme Louise Barton, Director, Directorate II – Human Dignity and Sustainable Development / *Directrice, Direction II – Dignité humaine et développement durable*

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