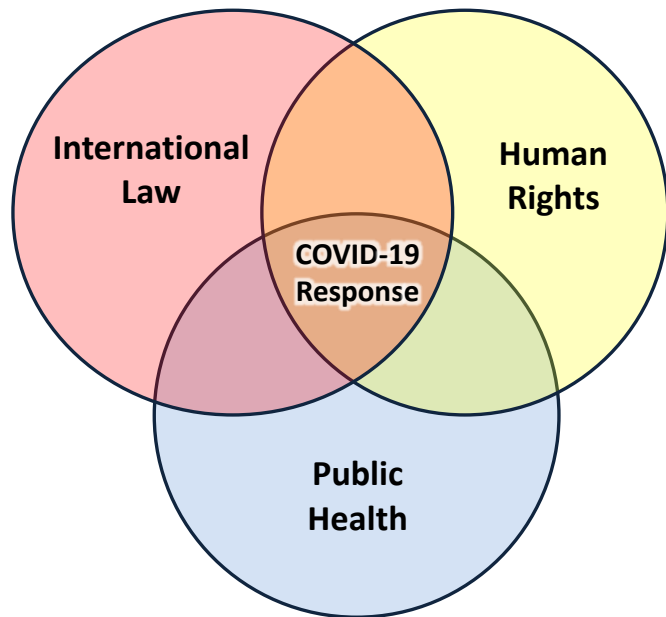


# Human Rights Dimensions of the COVID-19 Pandemic

## Mainstreaming Human Rights in a Pandemic Treaty



Benjamin Mason Meier, JD, LLM, PhD

Is International Disaster Law  
Protecting Us?

Roma Tre University

4 October 2021



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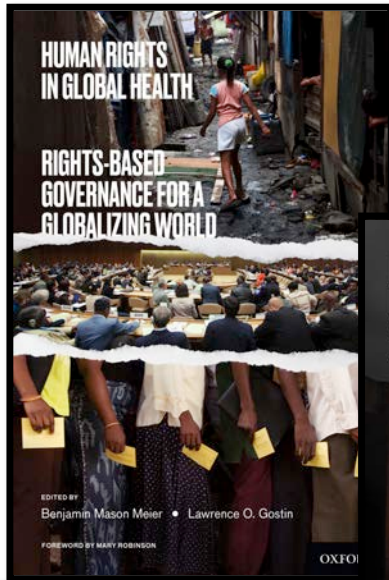


Global  
Health Law  
Consortium

**Human Rights Law –  
Framework for  
Pandemic Responses**

**Human Rights  
Impacts – From  
COVID-19 & State  
Responses**

**Human Rights  
Strengthening –  
Recommendations for  
Pandemic Treaty**



**Human Rights Dimensions of the COVID-19  
Pandemic**

Background paper 11

by

Judith Bueno de Mesquita, Anuj Kapilashrami, & Benjamin Mason Meier  
Commissioned by The Independent Panel for Pandemic Preparedness and Response | May 2021

**The  
Independent  
Panel**  
FOR PANDEMIC  
PREPAREDNESS  
& RESPONSE



Human  
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# International Human Rights Law

## Evolving Obligations

- General Comment 14 on the right to health in the ICESCR (2000)
- Siracusa Principles on the Limitation and Derogation Provisions under the ICCPR (1984)
- Maastricht Principles on Extraterritorial Obligations (2011)

## World Health Organization

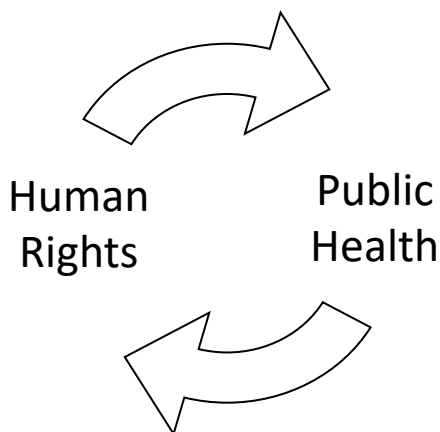
- WHO Constitution (1946)
- IHR (2005)
- WHO-OHCHR Framework of Cooperation (2017)
- COVID-19 response

The right to health must “continue to serve as a beacon for how countries respond to this and other public health emergencies”  
WHO, 2020



# Human Rights Impacts of the COVID-19 Response

- **Right to Health & Socio-economic Rights**
- **Limiting Civil & Political Rights to Protect Public Health**
- **International Assistance & Cooperation**



The world faces a pandemic of human rights abuses in the wake of Covid-19

*António Guterres*



“Human rights brings dual benefits in minimising sickness and death, especially among marginalised communities...[and] to resilience and preparedness for future disease outbreaks as well as health and economic shocks”

- Dr Tedros Adhanom Ghebreyesus

“Will we seize this moment to devise ways to recover better?

Will we properly apply the human rights vaccine that can help us build more resilient, prosperous and inclusive societies?”

- Dr Michelle Bachelet





# Pandemic Treaty

## Legal Obligations

- Right to Health and Social & Economic Rights of Vulnerable Groups
- Rights-Based Principles – Non-Discrimination, Participation & Accountability
- Global Obligations – WHO Governance for International Assistance & Cooperation

## WHO Reforms

### Developing an Innovative Pandemic Treaty to Advance Global Health Security

Global Health Law

Lawrence O. Gostin,  
Benjamin Mason Meier,  
and Barbara Stocking

**Keywords:** Global Health Law, World Health Organization, COVID-19, Pandemic Treaty

**Abstract:** Recognizing marked limitations of global health law in the COVID-19 pandemic, a rising number of states in the World Health Assembly have proposed the development of a new pandemic treaty. This prospective treaty has the potential to clarify state obligations for pandemic preparedness and response and strengthen World Health Organization authorities to promote global health security. Examining the essential scope and content of a pandemic treaty, this column analyzes the policymaking processes and substantive authorities necessary to meet this historic moment.

The World Health Assembly will be holding an unprecedented second meeting this year, with only a single item on the agenda for this November 2021 meeting — the development of a new pandemic treaty. This pandemic treaty provides a path to develop international legal obligations through the World Health Organization (WHO). Yet despite strong international political support for such a treaty, there has been examination of its potential substance, and legal process.

This column explores the content of a prospective pandemic treaty.

Lawrence O. Gostin, J.D., University, the Founding Law at Georgetown University, Organization Center on Non-Stocking, M.A., D.B.E., and the Chair of the Panel Meier, J.D., LL.M., Ph.D., of North Carolina at Chapel National and Global Health

treaty, offering guidance on its key provisions. Recognizing stark failures in global governance during the COVID-19 pandemic, this new treaty is intended to clarify state obligations to prevent, detect, and respond to pandemic threats and to strengthen WHO powers. The treaty, therefore, must develop innovative norms, governance, and compliance mechanisms needed to prepare for novel outbreaks with pandemic potential.

Examining the development of global health law reforms, this column opens by reviewing the evolution of international legal agreements governing global health security. However, the COVID-19 pandemic has exposed continuing limitations of international law and weaknesses of WHO authorities. These limitations provide the impetus for a new international legal agreement to strengthen pandemic preparedness and response. This column analyzes potential treaty structures and substantive authorities needed to face future pandemic threats. We end by reflecting on diplomatic challenges that states must confront in bringing the world together to develop a bold new treaty to advance global health security.

WHO Legal Authorities to Develop Global Health Law States have provided WHO with expansive authorities to develop

#### About This Column

Lawrence O. Gostin and Benjamin Mason Meier serve as the section editors for Global Health Law. Professor Gostin is a University Professor at Georgetown University and the Founding Linda D. & Timothy J. O'Neill Professor of Global Health Law at Georgetown University Law Center and Director of the World Health Organization Center on National and Global Health Law. Professor Meier is Professor of Global Health Policy at the University of North Carolina at Chapel Hill and a Senior Scholar at the O'Neill Institute for National and Global Health Law. This column features timely analyses and perspectives on law, policy, and justice in global health.



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in a Pandemic Treaty



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