



We, the undersigned civil society organizations (CSO) and individuals strongly urge you to learn from the lessons of the COVID-19 pandemic and achieve a stronger collective response that upholds human rights, equity, and solidarity.

In light of this, we request you to fully support the amendment proposals on the International Health Regulations (IHR) that promote equitable access to health products and other equity issues, such as financial mechanisms at the upcoming meeting of the Working Group on International Health Regulations (WGHIR) scheduled to take place between July 24 and 28, 2023.

As you are aware, at the ongoing IHR amendment process, the global North is pushing an agenda to create onerous obligations on the global South without facilitating equitable access to health products required for the preparedness and response of a public health emergency of international concern (PHEIC). IHR also allows parties to take additional measures, which are often misused by the North and take unilateral measures like travel bans, as happened during the Omicron outbreak.

IHR 2005 is a highly inequitable regime which effectively institutionalises an one-way traffic of information on disease outbreaks from the global South to the global North, which leaves out any obligation on them to facilitate equitable access to health products. Further, IHR 2005 does not take into account the development divide and treats all countries equally. This equal treatment of unequal countries should be rectified urgently by incorporating the principle of common but differentiated responsibilities (CbDR).

Similarly, it is important to address access and benefit sharing to facilitate fair and equitable benefits emerging from the sharing of pathogens or their genetic sequence data. IHR also requires establishing its own financial mechanism to assist developing countries in effectively implementing IHR obligations.

Against this background, we request you to support the following proposals.

- *Article 3: Principles - New paragraph proposals for Paragraphs 2 bis and 5.*
- *Article 5 Paragraph 1, Article 13 Paragraph 1, and Annex 1 New Paragraph 1 bis - On CbDR application*

- *Article 6 New Paragraph 3 - on Access and Benefit Sharing Mechanism*
- *Article 13(5) and New Article proposed on Article 13A - on Equitable access to health products and technologies*
- *Article 43, new paragraph 3 bis, and text edits to paragraph 4, 5 and 6 - On disciplining additional health measures such as excessive or discriminatory travel bans etc.*
- *Article 44A - On establishing a new financial mechanism.*
- *Article 53A - On establishing an implementation committee open to all Member States.*

We also take note of a possible proposal from the global North to address these issues in a new Instrument for Pandemic Prevention, Preparedness and Response being developed in another parallel process at the Intergovernmental Negotiating Body (INB), popularly known as the Pandemic Treaty. However, we would like to reiterate that IHR 2005 is the only existing legal instrument and it has universal membership, which cannot be guaranteed by this new pandemic instrument.

In solidarity,

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African Women Entrepreneurship Program (AWEP)	South Africa
Anis - Instituto de Bioética	Brazil
ARROW	Regional
Ashanti Perú - Red Peruana de Jóvenes Afrodescendientes	Peru
Asia Pacific Council of AIDS Service Organizations (APCASO)	Asia Pacífico
Associação Brasileira Interdisciplinar de AIDS (ABIA)	Brazil
Associação de Gays e Amigos de Nova Iguaçu, Mesquita e Rio de Janeiro (AGANIM)	Brazil
Centro de Estudios Sociales y Culturales Antonio de Montesinos A.C.	México
Centro de Promoción y Defensa de los Derechos Sexuales y Reproductivos (PROMSEX)	Peru
Consortio Latinoamericano Contra el Aborto Inseguro (CLACAI)	Regional
Development Alternatives with Women for a New Era (DAWN)	International
Equidad de Género: Ciudadanía, Trabajo y Familia	México
Freshwater Action Network	Regional
Fundación Arcoiris por el respeto a la diversidad sexual	México
Fundación Grupo Efecto Positivo	Argentina
Fundación para el Ecodesarrollo y la Conservación (FUNDAECO)	Guatemala
Fundación para Estudio e Investigación de la Mujer (FEIM)	Argentina
Gender Studies and Human Rights Documentation Centre (GSHRDC)	Ghana
Gobernanza Mc	México
Grupo de Trabalho sobre Propriedade Intelectual (GTPI)	Brazil
INNOVARTE ONG	Chile
International Research Centre of Excellence (IRCE)	International
International Women's Rights Action Watch Asia Pacific (IWRAP AP)	International
Nem Presa Nem Morta	Brazil
Observatorio de Género y Equidad	Chile
Observatório de Sexualidade e Política (SPW)	International

People's Vaccine Alliance.....	International
Proyecto sobre Organización, Desarrollo, Educación e Investigación (PODER)	México
Regional Coalition Against Trafficking in Women and Girls in Latin America and the Caribbean (CATWLAC)	Regional
Salud por Derecho	Spain
Third World Network (TWN)	International
Women in Migration Network (WIMN)	International

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Annex

Article 3: Principles - New paragraph proposals for Paragraphs 2 bis and 5.

On Paragraphs 2 and 5 being proposed, the principles of equity and solidarity are reiterated and the principle of Common But Differentiate Responsibilities and Respective Capabilities (CBDR-RC) is introduced attached to international financial assistance, tech transfer and public health systems resilience in accordance to respective level of development.

Article 3, Paragraphs 2 bis, regarding Principles, it is proposed “Common But Differentiate Responsibilities and Respective Capabilities (CBDR-RC), availability of international financial assistance and shared technological resources, and in this regard, primary preference shall be given to the establishment of functioning public health systems resilient to public health emergencies”.

On new Article 5 being proposed, States shall follow the regulations “on the basis of equity, solidarity as well as and in accordance with their common but differentiated responsibilities and respective level of development of the State Parties”.

Article 5 : Surveillance - Paragraph 1 and Article 3

On Paragraph 1, establishing concrete language on the application of the principle of CBdR, it is proposed that developed countries and WHO shall offer assistance and, upon the request of State Parties, provide or facilitate technical support and assist in mobilization of financial resources to develop, strengthen and maintain capacities in regards to surveillance.

“Developed State Parties and WHO shall offer assistance to developing State Parties depending on the availability of finance, technology and know-how for the full implementation of this article, in pursuance of the Article 44. This capacity will be periodically reviewed through the Universal Health Periodic Review mechanism, in replacement of the Joint External Evaluation that began in 2016. Such review shall / ALT Should such review identify resource constraints and other challenges in attaining these capacities, WHO and its Regional Offices shall, upon the request of a State Party, provide or facilitate technical support and assist in mobilization of financial resources to develop, strengthen and maintain such capacities.”

On Article 3, attributes to developed State Parties the duty to assist upon request to build capacity on surveillance.

Article 13: Public health response

Paragraph 1

On Paragraph 1, establishing concrete language on the application of the principle of CBdR, it is proposed that developed countries and WHO shall offer assistance and, upon the request of State Parties, provide or facilitate technical support and assist in mobilization of financial resources to develop, strengthen and maintain capacities to respond promptly and effectively to public health risks and public health emergencies of international concern.

Paragraph 5 and Article 13A

On Paragraph 5 and New Article proposed on Article 13A, it is proposed that State Parties have the duty to collaborate on promoting equitable access to health products and technologies and explain when they do not, while establishing a mandate to the WHO on an allocation mechanism, that must assess and correct the availability and affordability of necessary health products.

“When requested by WHO, States Parties should shall provide, to the extent possible, support to WHOcoordinated response activities, including supply of health products and technologies, especially diagnostics and other devices, personal protective equipment, therapeutics, and vaccines, for effective response to PHEIC occurring in another State Party’s jurisdiction and/or territory, capacity building for the incident management systems as well as for rapid response teams. Any State Party unable to fulfil such requests shall inform the reasons for the same to WHO and the Director General shall include the same in the report submitted to WHA under Article 54 of these Regulations. , including supply of health products and technologies especially diagnostics and other devices, therapeutics, and vaccines for effective response to PHEIC”.

Annex 1: Core capacity requirements - Paragraph 1 bis

Developed Countries States parties shall provide financial and technological assistance to the Developing Countries States Parties in order to ensure state-of-the-art facilities in developing countries States Parties, including through international financial mechanism as envisaged in Article 44.

Article 6: Access and Benefit Sharing Mechanism - New Paragraph 3

“No sharing of genetic sequence data or information shall be required under these Regulations. The sharing of genetic sequence data or information shall only be

considered after an effective and transparent access and benefit sharing mechanism with standard material transfer agreements governing access to and use of biological material including genetic sequence data or information relating to such materials as well as fair and equitable sharing of benefits arising from their utilization is agreed to by WHO Member States, is operational and effective in delivering fair and equitable benefit sharing.”

Article 43: Additional health measures - New Paragraph 3 bis, 4, 5 and 6

On the implementation and disciplining of additional health measures, such as travel bans, State Parties shall ensure that such measures do not harm the WHO-led allocation mechanism and must explain their enactment. Then, WHO must assess it in terms of proportion and possible discriminatory character and can recommend its rescission.

New Article 44A - Financial Mechanism for Equity in Health Emergency Preparedness and Response

A mechanism shall be established for providing the financial resources on a grant or concessional basis to developing countries. Such financial mechanism shall provide the financial assistance to build and maintain core capacities, strengthen health systems, invest in research, development, adaptation, production and distribution capacities for health care products and technologies and address inequalities.

Article 53A: Establishment of an Implementation Committee

The IHR and its amendments would be under annual evaluation by all State Parties to be gathered during the World Health Assembly regarding its implementation and obligations observance.

