



**Privacy International's oral and written submission to the WHO
Intergovernmental Negotiating Body**

**"Public hearings regarding a new international instrument on pandemic
preparedness and response"
12-13 April 2022**

**"What substantive elements do you think should be included in a new international
instrument on pandemic preparedness and response?"**

In line with WHO's commitment to [a human rights-based approach](#) to health, [Privacy International](#) believes the following procedural and substantive elements must be included:

Open, inclusive and multi-stakeholder process

The drafting and negotiation process of this international instrument must allow for the meaningful participation of [a wide range of civil society organisations \(CSOs\)](#) and reflect the commitment from the WHO and Member States to receive and respond to CSOs recommendations.

There is an abundance of expertise and knowledge across CSOs including advocates for the right to health, social justice and fundamental human rights like privacy. This wealth of information would enrich the drafting process and should serve as the foundation for understanding what this new international instrument should endeavour to achieve but also what it should aim to prevent and avoid in any future pandemic response.

Respect, enforce and protect human rights

The [response to the Covid-19 pandemic](#) has shown that the lack of clear principles and effective enforcement of existing human rights obligations of governments and private [entities](#) can lead to short-sighted decision-making with little consideration of what is needed for an effective public health response and limited understanding of the impact on individuals and communities, in particular those [in vulnerable positions](#). In particular we have documented the exploitation of people's data and a rush to introduce various privacy-invasive technologies without human rights due diligence and safeguards. Any future international instrument must [demand the respect and protection of human rights](#) and provide for accountability and effective remedies.

Additional resources:

- World Health Organisation, Human rights and health, 2017, <https://www.who.int/news-room/fact-sheets/detail/human-rights-and-health>
- Privacy International, "[Fighting the Global Covid-19 Power-Grab: Global tracker](#)"

- Timothy Fish Hodgson, Roojin Habibi, Benjamin Mason Meier, Sharifah Sekalala, Ian Seiderman, Tomaso Falchetta, Thomas Schwarz, Letta Tayler, Sean Tait, Gerald Staberock, and Sara (Meg) Davis, "[Human Rights Must Guide a Pandemic Treaty](#)", Health and Human Rights Journal, 20 November 2021
- Privacy International, "[Fighting the Global Covid-19 Power-Grab: Global tracker – Migration and Covid-19](#)"
- Privacy International, International Commission of Jurists, "[Civil Society Alliance for Human Rights in the Pandemic Treaty warns World Health Organization of risk of inadequate consultation](#)", 12 April 2022
- Privacy International, "[Covid-19 vaccination certificates: WHO sets minimum demands, governments must do even better](#)", August 2021
- Privacy International, "[Digital Health: what does it mean for your rights and freedoms](#)", November 2021
- Privacy International, "[Why we need to talk about digital health](#)", November 2021