

Informal Consultation  
on Health and Human Rights:

# **Towards a WHO Health and Human Rights Strategy**

**3-4 April, 2000**

*Draft Report*

World Health Organization



## ***TABLE OF CONTENTS***

I	Introduction.....	3
II.	Opening session.....	4
III.	Dialogue with UN agencies to identify key issues and “best practices” for mainstreaming human rights .....	8
IV.	Discussion on a draft WHO Strategy on Health and Human Rights.....	14
V.	Identifying priority areas and activities for implementing a WHO Health and Human Rights Strategy.....	15
	Annex 1: Meeting agenda.....	17
	Annex 2: List of participants.....	20

## **I. Introduction**

An Informal Consultation: Towards a WHO Health and Human Rights Strategy was held at WHO Headquarters, April 3-4, 2000. It had the *overall objective* of defining how human rights will be integrated in WHO, including the formulation of a strategy for WHO on health and human rights. It built upon a previous Informal Consultation on Health and Human Rights, held 13-14 December 1999, to which all WHO Clusters were invited.

The Informal Consultation had the following *specific objectives*:

- 1. To engage WHO staff in a dialogue with other UN agencies and human rights experts with a view to identifying “best practices” for mainstreaming human rights in WHO.***
- 2. To elicit comments on a draft document titled “the WHO Strategy on Health and Human Rights” with a view to: a) spelling out the links between the new WHO Corporate Strategy and human rights as outlined in the draft document under consideration; b) identifying priority areas and activities for implementing a Health and Human Rights Strategy.***

This report is aimed at highlighting the main observations and recommendations emanating from this meeting. It starts with an introduction followed by a summary of the key opening statements by the first panel of speakers. The third section brings attention to key issues and “best practices” for human rights integration as outlined in presentations made by UN agencies. The fourth part of the report briefly outlines main points made in the discussion on the draft WHO health and human rights strategy document of March 26, which formed part of the background briefing documentation of the meeting. Finally, section five examines possible priority areas and activities for implementing a health and human rights strategy in WHO.

In addition, the consultation underwent a practical exercise in two separate working groups involving the discussion of the human rights implications of a selected health topic (among the WHO 35 program areas.) A list of questions, aimed at “teasing out” the human rights issues within the particular health topic, were posed within each working group. This exercise was fruitful in illuminating how human rights principles and standards directly relate to any of WHO’s areas of work and also served to “field-test” the exercise, which is being further elaborated upon and developed.

## II. Opening session

**The Executive Director of the WHO, Dr. David Nabarro**, on behalf of the Director General, Gro Harlem Brundtland, opened the meeting by emphasizing WHO's commitment to human rights: "Human rights are at the center of how we should be working at WHO." Human rights are integral to WHO and are rooted in WHO's constitution.<sup>1</sup> The key question before WHO was not "*if*" but "*how*" best to integrate human rights.

Health issues are increasingly developing a "human rights feel" to them. Human rights provide a clear statement of what obligations governments have to their people- "a blueprint for altruism by the state." Human rights provide useful and new opportunities, which should be considered as public health practitioners rethink what public health is about and the role of the public health practitioner. WHO must engage in an understanding of how public health and the role of the health practitioner interact with human rights. Through our practice, within the framework of our role to offer guidance, we have a responsibility to fully understand how the promotion and the protection of health and human rights interact. In our everyday work- dealing with prisoners at risk of TB; improving women's health, including preventing violence; or in wider society combating health problems of poor persons, we at WHO, as an intergovernmental organization, have to work with member states in trying to help them fulfil their health and human rights obligations. An optimal pathway must be sought to ensure the highest possible synergy between health and human rights in WHO.

**Bertrand Ramcharan, Deputy UN High Commissioner for Human Rights**, highlighted the challenge of implementing economic, social and cultural rights, including the right to health. A "consciencization" towards a wakening and understanding of these rights needs to be paralleled with a more technical process focusing on their implementation. Poor governance domestically and circulatory of discourse at the international level has impeded progress in realizing economic, social and cultural rights. He stressed the urgency to get concrete and connect nationally. He mentioned a study by the World Bank from the 1950s, which was presented before the Commission on Human Rights, containing the lead causes why health services were not reaching people. The obstacles reported are the same we face today in trying to reach those most in need. We must ensure that international standards are integrated and obtain evidence that health is treated as a human right. We must understand the nature of these rights, which creates an obligation of progressive implementation.

An interesting study would be to explore whether there is a system to ensure that the right to health is guaranteed at the national level. A country-by-country survey would illuminate best practices and enable us to give guidance to health ministries based on the stock of experience gathered. We must also monitor how countries are working in ensuring that health and human rights principles are realized in practice. We must assess

---

<sup>1</sup> WHO's Constitution declares, "The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being..." (Constitution of the World Health Organization, adopted by the International Health Conference, New York, 19 June–22 July 1946, and signed on 22 July 1946 by the representatives of 61 States.)

the availability, accessibility, affordability, and quality of health-care within this context. WHO's engagement with human rights presents an opportunity to get practical and meaningful about the right to health.

**Dr. Daniel Tarantola, Senior Policy Advisor, DGO**, explained the process behind the development of a WHO Health and Human Rights Strategy. The first consultation held in December had provided the starting point to which a background paper titled "Towards a WHO Strategy on Health and Human Rights" had been prepared. A draft WHO strategy on health and human rights had then been developed. This draft, subsequently, underwent an informal review process, internally and externally. The feedback from this process was made available to participants at the present meeting.

**Katarina Tomasevski, Special Rapporteur on the Right to Education and Professor of Law at the Raoul Wallenberg Institute for Human Rights and Humanitarian Law**, explained how human rights in health had started from the perspective of human rights violations. The Global Programme on AIDS, which began in 1986, became fertile ground for realizing the concrete implications of public health strategies impacting human rights, including the right to privacy, individual autonomy, and information.

Whether we call what we do "mainstreaming" or "integrating" human rights is not important. What matters is that we go upstream- the hard way. It will not suffice simply to change the names of policies from "*human needs*" to "*human rights*." Human needs, which form the basis of the anti-poverty focus of the 90s, similar to that of the 70s, singles out "the poor" as a marginalized and vulnerable population. Penetrating into human rights, by contrast, requires that discrimination be prohibited and eliminated. It recognizes that there are various groups with specific rights- indigenous populations, religious, racial and linguistic minorities, migrants, etc. Women, half of the world's population and 70% of the world's poor, have specific rights. Human rights recognize that discrimination combines and multiplies.

Considering the poor through a human rights lens means that you will not be approaching poverty from a purely economic or developmental perspective. Actions are not grounded in welfare but in the recognition of human rights. This requires an intersectoral approach, necessitating political, economic, and social action underpinned by legal accountability of the state. For example, in considering the right to education, which she does in her capacity as Special Rapporteur on the Right to Education, the intersectoral framework provided by human rights is apparent. There is no use ensuring that girls receive an education if by the time they have completed compulsory schooling, in some countries at the age of 11, women are prohibited from owning land or discriminated against in gaining access to employment. There are limited options but to get married and have children. There must be something for women after education and, therefore, this right cannot be treated in isolation. Human rights thus provide a practical and meaningful framework in which to consider the complex and multifaceted human problems we are now facing.

Human rights also necessitate participatory approaches to decision-making. This does not simply mean democracy; decision-making processes cannot be left to normal political processes policies and practices. Human rights act as a safeguard by spelling out minimum standards for different groups, including those without a voice. An example of such a group is prisoners, who do not represent a powerful or political constituency, but who do indeed have rights.

Gender is another area, which illustrates how a human rights approach addresses power differentials in society, using *equality* instead of *equity*. The concept of equity endorses existing power relations because the question *who* decides is not addressed. Human rights does not like giving anonymous entities power without them being held accountable, which is why *equality* is preferred.

Human rights, historically, started with the elimination of slavery. Today women are being sold and purchased as slaves. There are no statistics about women being traded, about the extent of polygamy and other issues, which have not been considered of interest to governments. Human rights set the framework for monitoring and assessing national practice and thus this often means taking up unpopular issues.

An example in this context is sex education in schools- a subject which antagonizes religious leaders, parents and teachers and has little political support. Before the Convention on the Rights of the Child (CRC), which has achieved near universal ratification, children had no internationally recognized rights. Since the CRC, children have been given a voice. In fact, a core guiding principle of the CRC is the right of the child to express his or her views and the obligation of government to ensure that these are given due weight. In other words, children can now express themselves in wanting sex education.

Finally, she gave an example to illustrate the increased awareness and recognition of human rights globally: Two pieces of legislation recently debated before parliament in a Sub-saharan African country, which concerned land reform and family inheritance and which both excluded women, were blocked by the public on the basis of human rights concerns. Only a few years ago, human rights may not have been considered relevant. In conclusion, therefore, she noted that the “human rights message” was sinking in around the world and that it was in WHO’s advantage to capitalize on this trend.

**Stephanie Grant, Director, Research and Right to Development Branch, OHCHR,** explained that a flowchart of health and human rights would find the WHO Constitution of 1946 as the starting point, followed by the Universal Declaration of Human Rights two years later. The Covenant on Economic, Social and Cultural Rights is another instrument which has the right to health firmly endorsed but has yet to issue a general comment clarifying its scope and content. Three world conferences-- Vienna, Cairo, and Beijing-- have recognized the right to health and now form the consensual basis for discussions in this area. Every country in the world has ratified at least one human rights treaty which includes attention to health-related rights. Governments have agreed to report and to be

held accountable. Although some details are controversial, the framework for dealing with governments within a human rights context is there.

There is a parallel dialogue ongoing in the development arena. Amartya Sen's work on capability leads us to recognize that human rights and human development are interreinforcing- putting people at the center of development. Within the human rights discourse on development, there is a recognition of three core specific rights- food, health and education- which provide a positive intersection of mutually reinforcing benefits. For example, the level of education of women – even primary education- has proved a 20% decrease in infant mortality. A human rights approach to development encompasses: applying human rights standards as a criterion for policy orientation; obligations of governments reflected in legislation as a normative basis; beneficiaries as active subjects; identification of the duties and obligations of those recognizing and realizing human rights; and the principle of accountability.

The Convention on the Rights of the Child (CRC) has taken the whole human rights discussion forward. It has been accepted and ratified by all but two countries in the world- representing nearly universal law. The CRC spells out governmental duties to progressively realize the rights enshrined. This means that governments concerned must take steps within the maximum of available resources. Health services must be available and accessible and meet the health needs of vulnerable populations and groups at risk. In addition, health services must be affordable. In this regard, the Committee on Economic, Social and Cultural Rights, which monitors compliance with economic, social and cultural rights, has adopted a principle of “fair financing.”

Indicators and benchmarks to monitor state compliance with economic, social and cultural rights are being developed and the Committee asks states how the right to participation has been adhered to. Human rights indicators need to be disaggregated to ensure that “vulnerable groups” are not treated as homogenous entities. Governments must develop action plans towards the implementation of economic, social and cultural rights around which to formulate policies. Priorities set at the national level will differ from state-to-state. For example, the South African government included, in the right to health, the question of access to sufficient water. When South Africa adopted legislation on water, it used targets based upon WHO’s minimum water/person and gave the South African Commission the task to oversee the fulfillment of these. South Africa is an example of where human rights have formed the basis for policy development. As Abi Sacks of the South African constitutional court has said: “We tried to develop the idea of rights to empower people, to give them a sense of self-affirmation. The language of rights establishes a framework for the allocation of resources. Without the rights rhetoric, I am afraid we will end up with a totally uncaring market system that will not solve our problems.”

### **III. Dialogue with UN agencies to identify key issues and “best practices” for mainstreaming human rights**

Presentations on experiences of UN agencies for human rights mainstreaming were made by the following:

1. Rebeca Rios-Kohn, Principal Advisor on Human Rights, UNDP, New York
2. Marta Santos Pais, Director of the Evaluation, Policy and Planning Unit, UNICEF, New York UNICEF
3. Alfredo Sfeir-Younis, Special Representative of the World Bank to the UN and WTO in Geneva and Human Rights Focal Point, Geneva
4. Lee Swepston, Chief, Equality and Employment Branch, Human Rights Coordinator
5. Richard Towle, Senior Human Rights Liason Officer, UNHCR, Geneva

#### **Key issues and “best practices” for mainstreaming human rights outlined in the presentations were as follows:**

- *All UN agencies have been mandated to mainstream human rights in their activities*<sup>2</sup> in response to the July 1997 call by the Secretary-General of the UN, as outlined in his report to the General Assembly entitled “Renewing the United Nations: A Programme for Reform” which placed human rights among the core activities of the Organization.<sup>3</sup>
- We should *learn from previous “mainstreaming experiences”* such as the attempt to mainstream environment and sustainable development with meager results but also more positive ones such as the integration of a gender perspective in the UN system.
- Some agencies expressed preference in using the term “*integrating human rights*” instead of “*human rights mainstreaming*” as it was considered less threatening.
- *A stock-taking exercise* is a good starting point for an agency- UNDP outlined its experience in human rights mainstreaming which started with an assessment of ongoing human rights work. This revealed 350 different UNDP activities, which could be classified as human rights activities.<sup>4</sup> This was encouraging and served as a

---

<sup>2</sup> The World Bank noted, however, that a similar commitment to mainstream human rights in economic policy and development was lacking among governments. A majority of countries, spearheaded by Cuba, objected to the terminology of mainstreaming human rights in a resolution on human rights and the right to development last year in New York.

<sup>3</sup> Report on Renewing the United Nations: A Programme for Reform (A/51/950) of 14 July 1997.

<sup>4</sup> Survey of UNDP Activities in Human Rights, Management Development and Governance Division, Bureau for Development Policy, UNDP; August 1999.



platform to use human rights as a stronger basis for the work. It also revealed, however, that human rights was being used for advocacy and was considered relevant in governance work but was not used as a tool for analysis.

- *A human rights policy must craft onto the identity of the organization in question.* It is important to analyze and identify the central ethos of the organization. It is not helpful to characterize yourself as a “human rights, humanitarian organization or development organization”; focus rather on the organization’s mandate and what it does best.
- Also from the outset, it is important to assess what is *the ultimate goal of the strategy*. In other words, it is important to choose the point of departure and stick with it (at least initially.) This means choosing a precise agenda and solidly determining the distinct role of the agency.
- It is important to *instill human rights into the culture of the organization*. The human rights debate needs to be demystified and human rights must be rationalized internally. Human rights provide a structured way of thinking about things and do not have to completely transform the nature of the organization.
- *Human rights were historically feared by many UN agencies as political and controversial.* For example, although persecution is clearly a human rights issue, UNHCR, which originally established itself as a uniquely humanitarian organization, experienced great distrust for fear of human rights undermining operational effectiveness and credibility.
- *All agencies reported that human rights integration is a slow organic process.* A major challenge for UNICEF had been people questioning why anything should be done differently when the organization was already doing well. A fascinating psychological resistance was found among UNICEF staff, consisting of medical personnel, economists and lawyers- all professions with traditional backgrounds.
- *The majority of UN agencies represented have adopted policy papers on human rights.* Some agencies, such as UNICEF, have both internal and external papers.<sup>5</sup> A UNDP policy for human rights was adopted in 1998 and in the same year, UNDP signed an MOU with OHCHR to implement it.<sup>6</sup> At UNHCR, an internal policy paper

---

<sup>5</sup> In the 1990s, UNICEF adopted the Convention on the Rights of the Child (CRC), thereby ensuring that their policy and programmatic work would be guided by the principles and standards established by the CRC, as well as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW.) The 1996 Mission Statement says explicitly that pursuit of the rights of children and of women is a fundamental purpose of the organization. These efforts have led to a restructuring of UNICEF and a rights-based approach to all programming efforts at all levels of its work

<sup>6</sup> Driving forces behind this policy included the 50<sup>th</sup> anniversary of the UDHR; the call by the UN Secretary-General to integrate human rights and Mary Robinson’s leadership. In addition, the right to development, which clearly embraces civil, political, economic, social and cultural rights on an equal footing provided a useful framework for UNDP and revealed that governance work in human rights was not enough. Finally, there were also internal developments in UNDP, which cleared the path for human rights.

was adopted in 1997 by the Senior Management Committee.<sup>7</sup> ILO's policy paper on human rights was adopted in the late 80s.<sup>8</sup>

- *It is important to involve the organization as a whole in the policy formulation.* The decentralization issue in UNICEF meant that medium strategic plans needed to be developed for human rights mainstreaming. Analysis was made at HQ, paralleled with country and regional meetings. In most cases, there was strong convergence. Once the policy process was completed, HQ had to make sure that it was translated into priorities and objectives at HQs, region and country levels.
- Overall, *human rights policy-shaping within UN agencies is an ongoing process.* Speeches of leadership were raised as providing human rights policy orientation. There must be a clear delineation, however, between “marketing yourself as a human rights friendly organization” through non-binding speeches and clearly integrating human rights institutionally as a basis for policy and action.
- *Agencies which divide technical work and more legally oriented work found that a polarization had resulted in the process of human rights mainstreaming.* For example, as a result of UNHCR's heavy workload, a split has occurred between doctrinal traditional approaches and new humanitarian assistance- “let's go there and not get caught up with the legal basis.”<sup>9</sup> Protection and assistance have taken different approaches to human rights; the result being that the former is the main area where human rights have been integrated effectively. ILO also reported a rift between staff involved in standards and those in technical cooperation work for similar reasons.
- *A basic premise for human rights mainstreaming is for the UN agencies to ensure first and foremost that “human rights violations” are not being committed by themselves.*<sup>10</sup> ILO stressed the importance of reviewing and assessing programs in countries to consider the human rights impact. In this regard, ILO reported that the Director General of the ILO had commissioned a study on human rights in its technical work in 1985. This revealed many situations where human rights were a cause for concern and lead to the general motto- “*don't violate rights in your work.*”
- *Any materialization of human rights results in significant shifts in empowerment, creating deep political, social and cultural changes.* This transformation is usually accompanied by enormous resistance, particularly where strong cultural patterns, class structures, cast systems and other ingrained social systems form the basis of the society. Human rights, which provides a voice for women, youth and vulnerable

---

<sup>7</sup> It sets out standards, which UNCHR has an obligation to uphold and implement; what to do with information obtained at field level; and how UNHCR should interact with the UN human rights mechanisms.

<sup>8</sup> Human rights in the ILO are more pervasive than ever. In 1919, ILO adopted international standards for the protection of workers. Now ILO has adopted 182 conventions and has 7,000 ratifications.

<sup>9</sup> Since the Iraq conflict in 1991, there has been a series of conflicts resulting in endless flows of refugees and internally displaced persons, causing UNHCR to be overstretched .

<sup>10</sup> All UN bodies and specialized agencies are required to “periodically assess the impact of their policies and strategies on the enjoyment of human rights”, as stressed in the Vienna Declaration and Programme of Action emanating from the UN World Conference on Human Rights in 1993 and the 1998 Economic and Social Council (ECOSOC) session.

groups which have been discriminated and marginalized by the majority may, therefore, be unpopular among the broader population in countries.

- Human rights cannot be conceived in a vacuum and any agency addressing human rights issues nationally must consider the institutional arrangements and body of rules which make up the governance of a country. The broad spectrum of rights- economic, social, cultural, civil and political demand a wide array of diverse structures. The World Bank emphasized the importance to address the *need for proper governance structures and institutions in the context of realizing human rights at the national level*.
- The *financial implications* of human rights need to be recognized. Human rights require an investment to ensure a sustained commitment from UN agencies. Human rights and cost-effectiveness do not always go hand-in-hand which causes reluctance both from agencies and governments to embrace human rights as a basis for programming.
- *The right to participation* was clearly recognized as a key cross-cutting principle among agencies in human rights integration. UNDP is still tackling what this means in terms of a more proactive policy dialogue and how it can assess whether the beneficiaries are really involved in designing programs. In this regard, UNICEF spoke about the question of *ownership of the development process*, and how the UN generally takes this to mean government ownership. In human rights terms, however, UNICEF focuses on ensuring ownership of the beneficiaries of a development strategy. For example, in Nigeria, a strategy aimed at ensuring access to health services was not effective until the women who were to benefit from it were included in the discussions. This type of “ownership” requires a mutual learning process between the agency and the government, which is necessary for impact at local level and sustainability. A transfer of power occurs to the beneficiaries of the programs and projects in recognizing them as rights-holders.
- *Agencies reported different methods to approach the implementation of their human rights policies*. UNDP, for instance, has identified, three focus areas to best achieve the agency's goals in integrating human rights. The first is providing support for institutions of governance, with an emphasis on building the human rights capacity of these institutions and providing direct support to human rights institutions. The second is developing a human rights approach to sustainable human development. The third is contributing to the human rights policy dialogue and UN conference follow-up.
- *A common challenge among agencies was how to assess the impact of a human rights policy*. UNICEF noted that progress as a result of human rights integration has been reported by the major beneficiaries of programs and projects. The measurement element is the most challenging; a major question being: which part of a population is not being reached; are there invisible children? In this regard, a human rights approach for UNICEF has meant stressing key elements in country work such as the

right to a birth registration; questioning the context in which children live- “do they live with their family?” are there “child headed households”?; and tackling particular child rights problems such as child labor.

- *Most agencies emphasized the need to invest in the internal capacity and training.* UNICEF reported that human rights training has been introduced as a mandatory theme. In addition, meetings at HQs, regional and country offices are regularly held towards a systematic effort to integrate human rights. ILO reported that they had less of a “training attitude.” Instead multi-disciplinary teams were the norm. Standards specialists were present in all technical cooperation projects. The methodology of having an ongoing presence of staff specialized in standards was thus used rather than a general expansion of knowledge-base.
- *The development and peace and security agendas of the UN have embraced human rights.* UNDAF/CCA presents a common development framework for the agencies where human rights is a key component. The peace and security agenda of the UN has also moved in a new direction whereby human rights experts are becoming increasingly present in peace-keeping operations. In this context, UNICEF reported child rights advisors are currently being recruited in UN peace-keeping.
- *The UN World Conferences have also lead to an increased commitment to human rights.* Human rights have been endorsed in the declarations and plans of actions emanating from these events. In addition, they have generated an increased commitment to the international human rights instruments. For example, ILO reported that the 1995 Social Summit lead to a resolution that all countries should ratify four ILO standards: non-discrimination, freedom of association and the right to organize and collective bargaining; forced labour and child labour.
- *Human rights integration can internally affect staff policy.* UNICEF reported that guiding principles aimed at ensuring the rights of staff had also been adopted as part of the organization’s human rights commitment. UNHCR also reported that integrating human rights within the organization had resulted in personnel issues being addressed. In this regard, a Special Adviser on Gender Equity had recently been appointed to explore how rights of men and women within the UNHCR are protected.
- *Integrating human rights in countries was found easier in places where there are functioning legal systems.* UNHCR, for example, has found it easier in Western Europe to use traditional human rights discourse.
- *A lesson shared among agencies was the tendency to preach to the “converted” and the importance of ensuring that top management be included.* A challenge is how to persuade top management that a rights-based approach is not only useful but necessary. Changing attitudes of people was considered overall more important than changing structure.

- *If human rights are too mainstreamed in an organization, they lose specificity. It gets difficult to incorporate principles and details get wrong.*
- *Inter-agency collaboration on human rights was considered potentially mutually beneficial. Collective action among agencies will strengthen the human rights approach in the UN.* For example, a problem such as massive forced labor in Myanmar would be more effectively dealt with when agencies present a common position. In this particular case, ILO's governing body adopted a resolution in accordance with article 23 of its constitution, which urges all agencies to review their policies on how to influence the situation.
- *Each agency's comparative advantage in human rights should be assessed.* UNDP gave as examples its strong field presence and role as a constructive partner as its strengths in human rights. With regard to the latter, UNDP explained that others can expose human rights violations and UNDP can only provide information. A division of labor within the UN system on human rights would be helpful.
- *A credibility gap was reported among most agencies between HQs and the field and the main challenge reported was how to "take the message out into the field."*
- *The importance of documenting and sharing practical examples of how attention to human rights has positively impacted national programs.* An example of how a rights-based approach in refugee assistance was helpful was put forward by UNHCR. The right to adequate housing was considered in the context of repatriation. The question was what this right meant in terms of property restitution and compensation for refugees. In this context, the idea was realized to ensure registration of refugees' names and addresses in their records as they fled. Obtaining this raw information also supports people in their thinking and planning for return.
- *How UN agencies describe how they operate and evaluate work to donors and project themselves to the NGO community is increasingly being done in human rights terms—as a common language. It was noted, moreover, that donors increasingly want activities recast in human rights terms.*
- *Human rights are increasingly being used to fill legal gaps when national legislation fails.* For example, UNHCR has been forced to resort to human rights to consider the standards to which people are entitled to in light of the decreasing role of the refugee protection schemes to afford protection to refugees. Similarly, quality of asylum is variable which is why human rights are used to flesh out minimum level treatment which people are entitled to.
- *The benefit of interacting with the UN human rights treaty monitoring bodies was considered ambiguous.* Agencies reported that the treaty bodies were of varying degree of quality. The importance of ensuring confidentiality in information provided by UN agencies was underlined as an essential criteria for effective cooperation. Conclusions and recommendations by the treaty bodies must be fed-back into civil

society at the national level in order to have an impact. UNICEF noted the most positive experience, among agencies present, in its work with the Committee on the Rights of the Child. UNICEF uses the reporting mechanism as a basis for its own program development by supporting governments who are willing to fulfill their governmental obligations but do not have the capacity to do so.

#### **IV. Discussion of a draft WHO strategy on health and human rights**

*A draft WHO health and human rights strategy paper* was discussed in light of a background document to the informal consultation, which laid out the feedback received from an informal review process. Overall, the draft strategy paper was positively received and agencies present applauded WHO's efforts in this regard. Issues to address in further revisions of the draft strategy document, which were raised by the informal review process prior to the consultation and during the meeting itself, included the following:

- The **international context for health needs to be broadened** and include the role of new market ideologies, globalization and resulting new structures in generating the conditions for ill-health.
- More is needed on human rights **mainstreaming in international peace and security and humanitarian issues** and the overall **relationship between human rights and international humanitarian law, refugee law, and international criminal law** needs to be outlined.
- The **potential conflict between public health and human rights needs to be clarified** in terms of clearly explaining on what grounds public health may limit human rights.
- **The role of civil society needs to be strengthened and with regard to other non-state actors**, mention the proliferation of voluntary human rights codes in the corporate context.
- The **contested allocation of scarce resources** must be addressed and how human rights can contribute to making better decisions in practice.
- Explain the principle of **progressive realization of human rights** and how this translates in practice.
- The relationship between **medical ethics and human rights** must be addressed as many members of the medical profession think that this is one and the same thing.
- More could be said on **generic 'instrumental' arguments for a human rights approach**, i.e. outline some of the most important likely **practical implications** of a human rights approach for WHO/ key likely institutional implications.

## **V. Identifying priority areas and activities for a WHO health and human rights strategy**

*Drawing upon lessons learned and best practices generated from the experiences of other UN agencies, below follows some priority areas and activities for ensuring the integration of health and human rights in WHO<sup>11</sup>:*

1. *Ensure an organization-wide approach-* recognizing that integrating human rights is an incremental process; reaching out to all areas of WHO's work; and ensuring that sustained engagement is maintained with WHO regional and country offices.
2. *Maintain a focused approach* with limited medium-term to long-term goals- WHO's initial key partners will be governments, placing its health and human rights work in the context of national capacity building. In terms of delineating substantive priority areas, within the broad field of health and human rights, WHO may focus its initial to medium term work on the principle of non-discrimination with a view to ensuring that all aspects of this right are fully integrated both within WHO health strategies and government health policies and practices.
3. *A stock-taking exercise* is a good starting point- Health and Human Rights (HHR) is currently interviewing and assessing work in WHO to determine what is ongoing with regard to health and human rights activities. This assessment will also enable WHO to *build on existing experiences-* recognizing that some departments are actively using human rights in their work.<sup>12</sup>
4. Start with the general motto: "*don't violate rights in your work.*" WHO needs to devise *tools and guides* to enable human rights to be integrated at the programmatic level.
5. *Invest in internal capacity building and training-* Organization-wide human rights training tailored to the areas of work of the various departments could be conducted as a stepping stone towards implementation of the strategy.
6. *Inter-agency collaboration on human rights needs to be strengthened.* WHO in dialogue with other UN agencies, is assessing its comparative advantage in human rights as part of its human rights strategy development. Regular dialogue and information-sharing among agencies is an important component for future effective collaboration.
7. *Documenting and sharing practical experiences of how attention to human rights has positively impacted national programs both among UN agencies and as we progress, within WHO, is important.*

---

<sup>11</sup> This section builds upon a summary of the meeting provided by Sofia Gruskin at the end of the consultation.

<sup>12</sup> For example, Child and Adolescent Health (CAH) is collaborating closely with the Committee on the Rights of the Child (CRC) in sharing information to support the monitoring of governmental obligations on health and Reproductive Health and Research (RHR) has begun a similar interaction with the Committee on Economic, Social and Cultural Rights (CESCR.)

8. *Health and human rights pilot projects in countries* may be developed in close consultation with WHO regional and country offices and in cooperation with governments concerned.
9. *Sustained commitment from WHO senior management* to ensure that human rights is upheld as an important cross-cutting issue and given the support necessary to be implemented is a fundamental prerequisite for success.
10. *Structural mechanisms* need to be in place for human rights integration to proceed effectively in WHO. In this regard two key mechanisms require priority attention, recognizing human rights as a cross-cutting issue (*diamond*) in WHO:
  - The *WHO Health and Human Rights Focal Point System* needs to be revisited and improved to ensure that a cross-section of WHO staff are designated as human rights focal points, with specific terms of reference, to act as anchors with their respective departments, clusters and regions.
  - *The Health and Human Rights Working Group (HHRWG)*, consisting of the Human Rights Focal Points, needs to be convened regularly with a view to guiding the mainstreaming process. *Monitoring mechanisms to ensure implementation of the WHO strategy on health and human rights need to be developed from the outset to enable WHO to assess the impact of the strategy.*



**Mainstreaming Human Rights in WHO - An Informal Consultation**  
**WHO, Headquarters, Salle A, 3 - 4 April 2000**

**Agenda**

*Monday 3 April 2000*

**09.00 - 09.30**            **Coffee**

**09.30 - 10.00**        **Opening session**

Chair: Eva Wallstam, Director  
Health in Sustainable Development (HSD)

David Nabarro, Executive Director  
Office of the Director-General

Bertie Ramcharan, Deputy High Commissioner for Human Rights,  
Office of the UN High Commissioner for Human Rights  
(OHCHR)

Daniel Tarantola, Senior Policy Adviser to the Director-General

**10.00 - 12.00**        **Panel presentations followed by discussion**

Moderator: Daniel Tarantola, Senior Policy Adviser to the DG

- (1)    *A rights-based approach to health - what does this mean?*  
Stephanie Grant, Director, Research and Right to  
Development Branch, OHCHR
- (2)    *What is meant by human rights mainstreaming?* Katarina  
Tomasevski, Professor of Human Rights, Raoul  
Wallenberg Institute, Lund University, Sweden
- (3)    *The rights of the child as a basis for programming* Marta  
Santos-Pais, Director of the Evaluation, Policy and  
Planning Unit, UNICEF, New York
- (4)    *The experiences of the UNDP in mainstreaming  
human rights*  
Ms Rebeca Rios-Kohn, Principal Advisor on Human Rights,  
UNDP, New York

**Cont. Monday 3 April 2000...**

**Discussion**

**12.00 - 13.30**

**Lunch**

**13.30 - 14.30**

**Briefing and discussion on group work on WHO Strategy on Health and Human Rights and Plan of Action**

Chair: Nick Drager, Team Coordinator, GCP/HSD

**14.30 - 16.30**

**Group work on strategy and plan of action**

**16.30 - 17.00**

**Reporting back from group work and discussion**

Chair: Nick Drager, Team Coordinator, GCP/HSD

**Tuesday 4 April 2000**

- 09.00 - 09.30**            **Presentations on progress of group work (15 minutes each)**
- 09.30 - 10.45**            **Panel Presentations on human rights mainstreaming**
- Moderator: Nick Drager, Team Coordinator, GCP/HSD
- (1)    *Mainstreaming human rights in economic development-  
some institutional dimensions*  
Alfredo Sfeir-Younis, Special Representative of the World  
Bank to the UN and WTO in Geneva and Human Rights  
Focal Point, Geneva
- (1)    *The experiences of UNHCR*  
Richard Towle, Senior Human Rights Liason Officer,  
UNHCR, Geneva
- (2)    *The experiences of the ILO*  
Lee Swepston, Chief, Equality and Employment Branch,  
Human Rights Coordinator
- Discussion
- 10.45 - 11.00**            **Coffee**
- 11.00 - 12.30**            **Group work on strategy and plan of action**
- 12.30 - 14.30**            **Lunch**
- 14.30 - 15.30**            **Reporting back from group work**
- Moderator: Eva Wallstam, Director, HSD
- 15.30 - 16.00**            **Coffee**
- 16.00 - 17.30**            **Presentation on summary conclusions**
- Sofia Gruskin, Director, Human Rights Programme,  
Francois Xavier Bagnoud Center for Health and Human  
Rights, Harvard School of Public Health, Boston, USA
- Round up discussion
- 17.30**                      **Close**

**Provisional List of Participants**

**UN Agencies**

**Marta Santos Pais**  
Director, Evaluation, Policy and Planning Unit  
UNICEF, New York

**Rick Towle**  
Senior Human Rights Liason Officer  
UNHCR, Geneva

**Rebecca Rios-Kohn**  
Principal Advisor on Human Rights  
UNDP, Geneva

**Marit Gjeltin**  
Human Rights Officer  
UNDP, Geneva

**Bertie Ramcharan**  
Deputy High Commissioner for Human Rights,  
Office of the High Commissioner for Human Rights (OHCHR), Geneva

**Stephanie Grant**  
Director  
Research and Right to Development Branch  
OHCHR, Geneva

**Miriam Tebourbi**  
Human Rights Officer,  
Research and Right to Development Branch, OHCHR, Geneva

**Lee Swepston**  
Chief, Equality and Employment Branch  
ILO, Geneva

**Miriam Maluwa**  
Human Rights Advisor  
UNAIDS, Geneva

**Alfredo Sfeir-Younis,**  
Special Representative of the World Bank to the UN and WTO in Geneva  
and Human Rights Focal Point, Geneva

**External Experts**

**Sofia Gruskin**  
Director,  
Human Rights Programme, Francois Xavier Bagnoud Center for Health and Human Rights,  
Harvard School of Public Health, Boston, USA

**Andrew Clapham**  
Associate Professor of Law

**HEI, Geneva**

**Katarina Tomasevski  
UN Special Rapporteur on Education and  
Professor  
Raoul Wallenberg Institute  
University of Lund  
Sweden**

**Mission of Denmark, Geneva**

**Ulla Lehmann Nielsen**

**WHO Headquarters**

**Anarfi Asamoah-Baah, DGO  
Robert Beaglehole, SDE/HSD  
Fillipa Bergin, FCH/RHR  
Angela Bone CDS/EBV  
Luca Burci, LEG  
Andrew Cassels, DGO  
Magdalena Cerda, NCD/PVI  
Nick Drager, SDE/HSD  
Daphne Fresle, HTP/EDM  
Fernando Gonzalez-Martin, CDS /MSU  
David Heymann, CDS  
Binod Mahanty, CDS/STB  
Nafsiah Mboi, FCH/WMH  
Paola Marchesini, RBM/CDS  
David Nabarro, DGO  
\*Helena Nygren-Krug, SDE/HSD-HHR  
Steven Olejas, SDE/HSD-HHR  
William Onzivu, TFI/NMH  
Margaret Reeves, FCH/CAH  
Sonal Sena, EIPEQC  
Marcus Stahlhofer, FCH/CAH  
Daniel Tarantola, DGO  
Eva Wallstam, SDE/HSD  
Dan Wikler, EIP /EQC  
Asha Williams, EGB/LSC**

**WHO Regional offices:**

**Richard Alderslade, Regional Focal Point for Human Rights, EURO**

\* Meeting organizer and author of meeting report.