

A World Health Assembly resolution
on the Human Right to Health
Concept Paper

Purpose of the HRH Resolution: To operationalize the human rights approach to which WHO is already committed as one of its core principles within WHO and in State's practice.

Text of the WHA HRH resolution: While the text of the resolution will ultimately be decided upon by States in their negotiations, over the past five years States have contributed their ideas to a working draft that has recently been condensed into a more political manageable draft resolution that is attached. While this resolution does not include everything that all parties would like it does evidence at least a minimum common denominator upon which negotiations can build.

Why introduce a resolution at the January EB meeting? WHO is in the midst of a reform driven by its Member States. While all of its Member States have agreed to achieve the right to the highest attainable mental and physical health for person under their jurisdiction either in a legally binding treaty and/or in their own domestic laws, the WHO has not reflected the right to health as priority. Nevertheless, there has been a building to use a rights-based approach to health. For example, Member States have adopted the following recent instruments confirming their commitment to the rights-based approach to health: WHA Res. "Sustainable Health Financing Structures and Universal Coverage" (May 2011); UNGA Political Declaration on Non-Communicable Diseases (Sept.2011); Rio Declaration on Social Determinants of Health (Oct. 2011) and PAHO Res. "Health and Human Rights" (Sept. 2010).

How much additional investment will this resolution cost? The implementation of this resolution by the WHO Secretariat is likely to cost no extra expenditures. Within WHO there are already almost two dozen full-time staff who have the right to health among their terms of reference. Because WHO has not prioritized the right to health these staff are often very limited in their ability to work in this field. A resolution would empower WHO staff to contribute to Member States efforts to achieve the right to health. They could play a more active role in collecting and advising Member States on best practices, encouraging cooperation among Member States, and helping Member States to make the best effort possible to achieve the right to health for their people. The cost of implementation of such a resolution at national level is already underway and is dependent on a Member States' available resources. As all Member States have already committed to the rights-based approach to health they are already investing in the achievement of the right to health, this resolution would provide additional guidance and assistance in Member States' effort to achieve the right to health.

Summary of the Value-Added of a WHA Resolution on the Right to Health:

- ✓ Reaffirm an important commitment of all Member States at a crucial time for WHO.
- ✓ Reaffirm the commitment to the social determinates of health and the MDGs concerning health.
- ✓ Ensure that the right to health remains a priority for WHO, especially the WHO Secretariat.
- ✓ Help the WHO Secretariat to use the existing resources it has committed to the right to health as effectively and efficiently as possible, including its already adopted policy of mainstreaming human rights.
- ✓ Serve as a guiding principle for the drafting of the two strategies mandated by the Executive Board.
- ✓ Encourage the WHO Secretariat to engage States' cooperation with each other.
- ✓ Empower WHO to better engage with international and regional human rights mechanisms
- ✓ Reiterate the commitment to the HRH by the States that are WHO.
- ✓ Focus WHO's strategy for health on the concept of human dignity and equality.