

Principles & Guidelines on

Human Rights & Public Health Emergencies

Concluding Workshop Agenda & Information
Brocher Foundation, 17-18 January 2023

BACKGROUND

The International Health Regulations (IHR) set the legal foundation for international cooperation on infectious disease outbreaks. Adopted under the World Health Organization (WHO), the IHR must be implemented with respect for the dignity, human rights and fundamental freedoms of persons, in accordance with prevailing international human rights treaties. These human rights treaties recognize that, during national emergencies, governments may be required to restrict some individual rights to ensure the wellbeing of the public.

Such human rights restrictions may only be justified under limited conditions, which are articulated by the 1984 Siracusa Principles on the Limitations and Derogations Provisions in the International Covenant for Civil and Political Rights (Siracusa Principles). Developed through consensus among jurists convened by the International Commission of Jurists (ICJ), the Siracusa Principles are recognized by a wide range of stakeholders, including the WHO, as an authoritative statement of standards that must guide governments when they seek to limit certain human rights obligations during national emergencies. The Siracusa Principles, however, fall short of addressing the legal and ethical challenges inherent in public health emergencies, as revealed by the COVID-19 pandemic. These unique health challenges include, among other things, the scientific uncertainty underpinning government responses to new public health threats, the inherent risks for individuals due to the long-term use of public health surveillance technologies, and the imperative for global solidarity to overcome a pandemic threat.

In response to shortcomings in the Siracusa Principles, the Global Health Law Consortium and the ICJ embarked on the development of a new set of *Principles and Guidelines on Human Rights and Public Health Emergencies* (the 'Principles'). A preliminary draft of the Principles was discussed at an interim expert convening in Italy in November 2021, scholars, practitioners and advocates in human rights and global health law. The invited experts agreed to revise the draft Principles based on virtual regional dialogues with human rights defenders at the frontlines of local COVID-19 responses.

Subsequently, the ICJ and the Consortium held over six virtual regional consultations with human rights defenders at the frontlines of local responses to the COVID-19 pandemic. From June to August 2022, consultations were held with subject-matter experts based in North



America and Europe, Sub-Saharan Africa, Middle East and North Africa, Asia-Pacific, Australia and New Zealand, and Latin America. The draft Principles were translated into three additional languages (French, Spanish, and Arabic) and simultaneous interpretation was made available during the virtual consultations in Portuguese and Spanish. The results from regional consultations were deliberated in a meeting of the consultation leads in Nairobi, Kenya, and led to six regional reports as well as a revision of the Principles in November 2022.

In 2022, the Brocher Foundation agreed to host the Concluding Workshop on these Principles. The Workshop aims to finalize the Principles, taking stock of key findings from regional consultations, and subsequent expert consultations. Confirmed Workshop participants include experts who are affiliated with universities and organisations from around the world and consist of established and emerging scholars and practitioners of global health law and human rights law. Participants will join the Workshop either virtually or in-person from Canada, Chile, Germany, India, Italy, Japan, Kenya, Malaysia, The Netherlands, South Africa, Switzerland, Taiwan, the United Kingdom, and the United States.

The post-Workshop, final version of the Principles will represent a consensus-based clarification and consolidation of international human rights law and standards guiding the prevention of, preparation for, response to, and recovery from public health emergencies.

AGENDA

Monday, January 16, 2023

- 11:00 – Arrival of guests checking in onsite
16:00 – 17:30 Optional hike – *for guests staying onsite*
19:00 Dinner at the Brocher Foundation – *for guests staying onsite*

Tuesday, January 17, 2023

- 09:00 – 09:15 **Welcome & opening remarks**
Benjamin M. Meier, *Chair, Global Health Consortium*
Sam Zarifi, *Secretary General, International Commission of Jurists*
- 09:15 – 09:45 **Principles overview, workshop objectives & expected outcomes**
Roojin Habibi, *Principles Rapporteur*
- 09:45 – 10:45 **General group remarks & reflections**
Moderated by Ian Seiderman & Tim Fish Hodgson
- 10:45 – 11:00 Refreshments
- 11:00 – 12:30 **In-Depth Group Study: Obligations of non-State actors in the context of public health emergencies**
Moderated by Tim Fish Hodgson & Rocio Quintero
See P&Gs Sections I, II, III, IV, V & VI
- 12:30 – 13:30 Lunch
- 13:30 – 15:00 **In-Depth Group Study: Extraterritorial obligations in the context of public health emergencies**
Moderated by Benjamin M. Meier & Judith Bueno de Mesquita
See P&Gs Sections II, III, VI
- 15:00 – 15:15 Refreshments
- 15:15 – 16:45 **In-Depth Group Study: Between proportionality and precaution in public health emergency preparedness and response**
Moderated by Pedro Villarreal & Roojin Habibi
See P&Gs Sections IV & V
- 16:45 – 17:30 **Closing questions & remarks**
Moderated by Luciano Bottini Filho
- 19:30 **Dinner onsite at the Brocher Foundation**

Wednesday, January 18, 2023

- 09:00 – 09:30 **Day One Recap & Day Two Objectives**
Moderated by Sharifah Sekalala
- 09:30 – 10:30 **General group remarks & reflections**
Moderated by Sharifah Sekalala & Roojin Habibi
- 10:30 – 10:45 Refreshments
- 10:45 – 12:15 **In-Depth Group Study: Realization of the right to health in the context of public health emergencies**
Moderated by Judith Bueno de Mesquita & Tim Fish Hodgson
See P&Gs Sections IV
- 12:15 – 13:15 Lunch
- 13:15 – 14:45 **In-Depth Group Study: Human rights imperatives in the upstream prevention of public health emergencies**
Moderated by Alicia Ely Yamin & Luciano Bottini Filho
See P&Gs Sections IV
- 14:45 – 15:00 Refreshments
- 15:00 – 16:00 **In-Depth Group Study: Linkages between the Principles & global health law reforms**
Moderated by Gian Luca Burci & Lawrence O. Gostin
- 16:00 – 16:30 **Group reflections on the limitations of the Principles & critical perspectives**
Moderated by Rocio Quintero
- 16:30 – 16:45 Refreshments
- 16:45 – 17:30 **Mobilizing and disseminating the Principles & closing remarks**
Moderated by Ian Seiderman & Roojin Habibi
- 18:00 **Check out and departure via Shuttle to Gare Cornavin**
- 19:30 **Optional dinner at Auberge de Savièse**

WORKSHOP PARTICIPANTS

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VENUE



The Brocher Domain

Built in 1884, the Villa Brocher was renovated in 2010 in accordance with the rules of art and respect for heritage. The Brocher Foundation's grounds cover nearly three hectares on the shores of Lake Geneva in Hermance, near Geneva. Also facing the Jura Mountains, the Brocher Center is a haven of peace. As such, it offers an ideal setting for retreats and advanced scientific meetings. The park, with its lime, chestnut, tulip, maple and pine trees, is an inexhaustible source of inspiration and an area conducive to reflection. The Gloriette with its Doric columns – a pavilion overlooking Lake Geneva – represents a peaceful place, lulled by the waves.

The Brocher Center

The conference room of the Brocher Center can accommodate up to 60 people. It can be adapted to host smaller groups around a round table. Equipped with the latest audio-visual equipment for conducting state-of-the-art conferences, it also offers an unobstructed view of the lake and the Jura through its bay windows.

The Orangery

This Art Nouveau style building is composed of a single volume, rectangular in shape, with large windows. The openings, large semi-circular bays, are made of ironwork and polychrome glass. It overlooks a rose garden.

The Woodland Pavilion

From a warehouse for wood and garden tools, the former "lumberyard" became a residential pavilion with two bedrooms and a studio.

At the time of its construction, it housed a dovecote. This function, which has not been used for many years, is still visible in the openings of the facade, which now have only a decorative function.

CO-ORGANIZERS & FUNDERS



The Global Health Law Consortium brings together leading scholars and academics in global health law to build the field of global health law, provide authoritative interpretations of legal instruments in global health, and facilitate research that draws on collaboration and partnership.



Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems.



The Brocher Foundation is internationally recognized as one of the best forums for discussion of all issues the ethical, legal and social issues of new medical developments and health policies. Its main objective is to host researchers from around the world to work and organize workshops and academies.

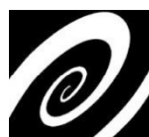
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