

# 29th PAN AMERICAN SANITARY CONFERENCE

## 69th SESSION OF THE REGIONAL COMMITTEE OF WHO FOR THE AMERICAS

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### **E. HEALTH AND HUMAN RIGHTS: PROGRESS REPORT**

#### **Background**

1. This report summarizes progress made under the Health and Human Rights concept framework adopted by the Member States of the Pan American Health Organization (PAHO) at the 50th Directing Council (document CD50/12 and Resolution CD50.R8 [2010]) (1, 2).
2. This report is based on an analysis of technical cooperation provided by the Pan American Sanitary Bureau (PASB) in different areas in accordance with the commitments undertaken in Resolution CD50.R8. Various sources have been used for the analysis, including PAHO resolutions and strategies, international human rights instruments, and progress made with several projects that take a human rights approach, taking into consideration that the Member States have the sovereign right to sign and ratify any international human rights instruments they deem to be relevant.

#### **Update on progress achieved**

3. Resolution CD50.R8, Health and Human Rights, establishes six specific areas of technical collaboration<sup>1</sup> in which the PAHO Member States undertake to use, within their respective national frameworks, international human rights instruments applicable to them

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<sup>1</sup> The six areas of technical collaboration are: 1) strengthen the technical capacity of the health authority to evaluate and oversee the implementation of the applicable international human rights instruments related to health; 2) support the formulation of health policies and plans consistent with the applicable international human rights instruments related to health; 3) support PAHO's technical cooperation in the formulation, review, and reform of national health plans and legislation; 4) promote and strengthen training programs for health workers on the applicable international human rights instruments; 5) formulation and possible adoption of legislative, administrative, educational, and other measures on protecting the right to the enjoyment of the highest attainable standard of health and other related human rights; and 6) dissemination of information to address stigmatization, discrimination, and exclusion of groups vulnerable situations.

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in accordance with the specific obligations of each Member State. Resolution CD50.R8 has facilitated the following progress:

- a) The mainstreaming of human rights in PAHO Governing Bodies documents through collaboration with the technical units in subjects related to access to universal health, healthy life course, maternal mortality, social determinants, noncommunicable diseases and related risk factors, and the health of groups in situations of vulnerability.
- b) The Directing Council's adoption, in 2013, of the concept paper (3, 4) on Addressing the Causes of Disparities in Health Service Access and Utilization for Lesbian, Gay, Bisexual, and Trans (LGBT) Persons, which was an important milestone in the work done with human rights instruments, complementing Resolution CD50.R8.
- c) The use of international human rights instruments has helped enact laws, as appropriate to each country, that incorporate international human rights standards that have implications for the right to health and other related human rights in areas such as patients' rights (Chile), prevention of violence against women (Nicaragua), and prevention of all forms of discrimination based on gender or sexual orientation (El Salvador).
- d) Human right training has been complemented by national and subregional workshops, in collaboration with the corresponding Member States, to encourage implementation of Resolution CD54.R9 (2015), Strategy on Health-related Law (5). This strategy establishes four fundamental lines of action to facilitate and promote the formulation, implementation, or revision of legal and regulatory frameworks based on promoting, respecting, and protecting human rights.<sup>2</sup>
- e) PASB has established the Commission on Equity and Health Inequalities in the Region of the Americas, led by the Institute of Equity in Health (IHE) (6, 7). The purpose of the Commission is to take a multidisciplinary approach to further understanding the main factors that contribute to health inequalities. To this end, and within a human rights framework, the Commission will analyze variables related to gender identity and equality, sexual orientation, ethnicity, and race, among others.
- f) PASB has engaged in technical collaboration with the Member States of the Organization of American States (OAS). Between 2011 and 2015, it has provided technical assistance to the OAS in formulating legal provisions related to the health and development of older persons. This effort concluded with the adoption by the OAS of the Inter-American Convention on Protecting the Human Rights of Older

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<sup>2</sup> In accordance with Resolution CD54.R9, the four lines of action that guide technical cooperation of the Office are: 1) actions on health determinants; 2) actions to promote, disseminate, and exchange strategic information on health-related law; 3) actions for universal access to health and universal health coverage; and 4) actions to strengthen coordination between the health authority and the legislative branch and other sectors.

Persons (8), which entered into force on 11 January 2017. This Convention is the first international treaty on the subject.

- g) According to data compiled by the Special Olympics organization<sup>3</sup> between 2014 and 2015 (9), 48.2% of persons with intellectual disabilities suffered a disorder related to the skin or nails, 69% of adults suffered from overweight or obesity, 51% had signs of gingivitis, and 27% did not pass hearing tests. In order to address this situation, PASB has helped to strengthen the technical capacities of the health authorities who so requested, in support of the review or formulation of policies, plans, and laws concerning persons with disabilities, in accordance with the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities and the Convention on the Rights of Persons with Disabilities (10, 11).

#### **Action Necessary to Improve the Situation**

4. In light of the progress made by many Member States of the Region of the Americas in the incorporation of certain international human rights instruments into their health-related policies and legislation, with the support of PASB, the Member States who so decide are urged to continue this work and step up efforts with a view to:

- a) Strengthening collaboration with human rights ombudsmen and the legislative and judicial branches of the PAHO Member States in order to coordinate their actions through a human rights approach that promotes and protects health, including from the perspective of the right to health where nationally recognized. This can be done by developing regulatory frameworks to protect human rights and by removing legislative barriers that penalize certain behaviors.
- b) Intensifying efforts so that issues involving human rights, gender, ethnicity, and the social, economic, environmental, political, and cultural determinants that contribute to the enjoyment of the highest attainable standard of health are aligned with regional priorities and the global commitment to achieve the Sustainable Development Goals (SDGs).
- c) Strengthening the role of PASB in relation to the commissions and bodies created by human rights treaties, such as the Inter-American Commission on Human Rights (IACHR), United Nations agencies, and the Special Procedures.
- d) Promoting the use of international human rights instruments, as appropriate, as a conceptual and legal framework for all health-related issues.

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<sup>3</sup> Special Olympics is the largest sports organization in the world devoted to children and adults with intellectual disabilities. Its *Unified Sports*® program offers training and competition to more than 5.3 million athletes and partners in almost 170 countries. The *Special Olympics Healthy Athletes*® program offers health services and information to more than 1.7 million extremely needy athletes in more than 130 countries.

- e) Strengthening the technical capacity of the health authorities, upon their request, to promote programs to train health workers about international human rights instruments applicable to persons with intellectual disabilities.

### **Action by the Pan American Sanitary Conference**

5. The Conference is asked to take note of this progress report and make any recommendations it deems pertinent.

### **References**

1. Pan American Health Organization. Health and Human Rights (concept paper) [Internet]. 50th Directing Council of PAHO, 62nd Session of the Regional Committee of WHO for the Americas; 2010 Sep 27-Oct 1; Washington, DC. Washington, DC: PAHO; 2010 (document CD50/12) [cited 2017 Feb 17]. Available from: <http://www2.paho.org/hq/dmdocuments/2010/CD50-12-e.pdf>
2. Pan American Health Organization. Health and Human Rights [Internet]. 50th Directing Council of PAHO, 62nd Session of the Regional Committee of WHO for the Americas; 2010 Sep 27-Oct 1; Washington, DC. Washington, DC: PAHO; 2010 (Resolution CD50.R8) [cited 2017 Feb 17]. Available from: <http://www2.paho.org/hq/dmdocuments/2010/CD50.R8-e.pdf>
3. Pan American Health Organization. Addressing the Causes of Disparities in Health Service Access and Utilization for Lesbian, Gay, Bisexual and Trans (LGBT) Persons (concept paper) [Internet]. 52nd Directing Council of PAHO, 65th Session of the Regional Committee of WHO for the Americas; 2013 Sep 30-Oct 4; Washington, DC. Washington, DC: PAHO; 2013 (document CD52/18) [cited 2017 Feb 17]. Available from: <http://iris.paho.org/xmlui/handle/123456789/4411>
4. Pan American Health Organization. Addressing the Causes of Disparities in Health Service Access and Utilization for Lesbian, Gay, Bisexual and Trans (LGBT) Persons (concept paper) [Internet]. 52nd Directing Council of PAHO, 65th Session of the Regional Committee of WHO for the Americas; 2013 Sep 30-Oct 4; Washington, DC. Washington, DC: PAHO; 2013 (Resolution CD52.R6) [cited 2017 Feb 17]. Available from: <http://iris.paho.org/xmlui/handle/123456789/4434?show=full>
5. Pan American Health Organization. Strategy on Health-related Law [Internet]. 54th Directing Council of PAHO, 67th Session of the Regional Committee of WHO for the Americas; 2015 Sep 28-Oct 2; Washington, DC. Washington, DC: PAHO; 2015 (Resolution CD54.R9). [cited 2017 Feb 17]. Available from: <http://iris.paho.org/xmlui/handle/123456789/28390>

6. Pan American Health Organization. Commission on Equity and Health Inequalities in the Region of the Americas [Internet]. [cited 2017 Feb 17]. Available from: [http://www2.paho.org/hq/index.php?option=com\\_content&view=article&id=12006%3Apano-launches-high-level-commission-on-inequality-and-health-in-the-americas&catid=1443%3Aweb-bulletins&Itemid=135&lang=en](http://www2.paho.org/hq/index.php?option=com_content&view=article&id=12006%3Apano-launches-high-level-commission-on-inequality-and-health-in-the-americas&catid=1443%3Aweb-bulletins&Itemid=135&lang=en)
7. Pan American Health Organization. Strategic Plan of the Pan American Health Organization 2014-2019 [Internet]. 53rd Directing Council of PAHO, 66th Session of the Regional Committee of WHO for the Americas; 2014 Sep 29-Oct 3; Washington, DC. Washington, DC: PAHO; 2014 (Official Document No. 345) [cited 2017 Feb 17]. Available from: <http://iris.paho.org/xmlui/handle/123456789/7654>
8. Organization of American States. Inter-American Convention on Protecting the Human Rights of Older Persons (A-70) [Internet]. Forty-Fifth Regular Session of the General Assembly; 2015 Jun 15; Washington, DC; OAS General Secretariat; 2015 [cited 2017 Feb 17]. Available from: [http://www.oas.org/en/sla/dil/inter\\_american\\_treaties\\_A-70\\_human\\_rights\\_older\\_persons.asp](http://www.oas.org/en/sla/dil/inter_american_treaties_A-70_human_rights_older_persons.asp)
9. Special Olympics (2016), Healthy Athletes Software. For more information on a selection of indicators in six disciplines and results by gender, age, world group and region, see: “Healthy Athletes Prevalence Report: 2015 Update”. Available from: <http://media.specialolympics.org/resources/research/health/Healthy-Athletes-Prevalence-Report.pdf>
10. Organization of American States. Interamerican Convention on Elimination of all forms of Discrimination against Persons with Disabilities (A-65). [Internet]. Twenty-Ninth Regular Session of the General Assembly; 1999 Jun 7; Guatemala City, Guatemala; OAS General Secretariat; 1999 [cited 2017 Feb 17]. Available from: <http://www.oas.org/juridico/english/treaties/a-65.html>
11. United Nations Organization. Convention on the Rights of Persons with Disabilities (A/RES/61/106). [Internet]. Sixty-first session of the General Assembly; 13 December 2006 [cited 21 July 2017]. Available from: <http://www.un-documents.net/a61r106.htm>

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