

STATEMENT

INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

STATEMENT BY THE DIRECTOR-GENERAL, MS JAN BEAGLE

16TH WORLD CONGRESS ON PUBLIC HEALTH

PLENARY SESSION: LEADING THE WAY TO A HEALTHIER WORLD

Wednesday, 14 October 2020

Professor Signorelli, Dr Azzopardi Muscat, fellow panelists and distinguished Congress delegates,

It is a great pleasure to address the 16th World Congress on Public Health.

IDLO is the only global intergovernmental organisation exclusively devoted to promoting the rule of law and sustainable development. We work at the global and national levels, and have experience working in more than 90 countries. We work to raise awareness about the role of the rule of law in advancing the right to health, and in creating conditions for people to live safe and healthy lives.

IDLO's belief in the key role of the rule of law in promoting sustainable development and equity is rooted in 30 years of operational experience.

Working with UNAIDS and other UN system partners, we have supported more than 25 lower and middle-income countries to strengthen human rights-based responses to HIV and AIDS and protect the most vulnerable.

Today, together with the World Health Organization, we are assisting countries in East Africa and South Asia to reform legal frameworks to promote healthy diets and physical activity to address non-communicable diseases.

Also, with WHO, we have recently launched a pilot initiative to build national legal capacity to respond to public health emergencies and other public health threats, such as COVID-19, which has exposed entrenched inequalities in all societies.

During the past months, our focus has been on supporting our programme countries and advocating for responses to the pandemic that prioritise equitable access to public services, and extend to all the protection of the law.

Under international law, the highest attainable standard of physical and mental health is a human right, and public health is a critical function of the State. There is no area of public health which does not, in some way, depend on the rule of law and good governance.

Think about infectious diseases, and the social determinants of vulnerability to HIV infection for women and girls.

We know that the law can be both an obstacle to accessing health services – as when vulnerable populations are criminalized. However, the law can also facilitate access – as when discrimination is prohibited.

Consider the Framework Convention on Tobacco Control. The 'E' in the Convention's MPOWER framework stands for 'enforcing bans on tobacco advertising, promotion and sponsorship.' This requires strong linkages between public health and justice sector authorities.

Consider also falsified and substandard medicines – a widespread problem affecting many countries – including the global North with internet sales of dangerous, fake products. These products can kill, and discredit public perceptions about the quality of both branded and generic products alike.

Many countries have adequate laws regulating medicinal drugs, but enforcement is often weak. Fake drugs must incur strong criminal penalties, including the confiscation of the proceeds of crime.

Consider also the growing burden of mental health conditions and the role of the police, who are often first responders. It is far better that people in crisis are provided with health care, than incarcerated. Law enforcement authorities must be trained and work in partnership with mental health services.

And finally, consider perhaps the greatest challenge of our time – climate change.

The Congress co-chairs have recognised the importance of this massive global threat in assigning a Congress Track to environmental health, climate change and the Sustainable Development Goals. Consider how law and justice are central to climate change mitigation and adaptation, and to framing responses which minimise the impact on the most vulnerable. In these times of social and economic stress, the 'civic space' for sharing information, dialogue and peaceful dissent, must be protected by law.

These are all reasons why we speak of 'an enabling legal environment' for universal health coverage, and why United Nations Sustainable Development Goal 16 – on peace, justice and strong institutions - is critical to the attainment of UHC.

So, how can we improve the enabling legal environment for health, and ensure broad support for legislative and policy measures necessary to protect public health? Clearly, public health leadership is key.

Firstly, we need to define what public health leadership in law and justice looks like. We need an affirmation from public health champions and institutions that good laws, and the capacity to implement them, are essential to achieve public health goals.

In July this year, my colleague and friend, Dr Tedros, stated that 'a strong foundation of law for health is more important now than ever before.' He was launching the COVID-19 Law Lab, which IDLO has since joined. The COVID-19 Law Lab will support States to establish and implement strong legal frameworks to manage the pandemic.

The second way we can strengthen the enabling legal environment for health is to do a better job of supporting public health schools, and law schools, to work together in building competency in public health law. An understanding of the role of the law, and where to get advice when needed, must be a recognised competency for all public health professionals.

I commend the Association of Schools of Public Health in the European Region (ASPHER) for including law in the model list of core competencies for the public health professional. This is what

public health leadership looks like, and it will reorient public health teaching, research and practice across Europe.

There are welcome initiatives in all regions. For example, at the University of Dodoma in Tanzania, the School of Law and the College of Health Sciences are already collaborating in the teaching of public health law.

This subject will be discussed at the World Leadership Dialogue event tomorrow on Public Health, Law and the 2030 Agenda: The Vital Role of Law in Advancing Public Health. Professor Lawrence Gostin of the O'Neill Institute for National and Global Health Law at Georgetown University and Professor Rhonda Wanyenze, Dean of Makerere University School of Public Health in Uganda, will talk about their experiences, sharing good practices that should inspire leadership in other academic institutions.

Working with WHO, IDLO is supporting schools of law and public health in East Africa and South Asia to collaborate in the development of public health law teaching materials. The collaboration is grounded firmly in the human rights-based approach to public health law, which emphasises the participation of communities in the design and implementation of legal solutions that affect them.

This brings me to my third and final point. Another way that we can improve the enabling legal environment for health is to ensure that civil society is fully engaged – governments need to be held accountable to adopt and implement evidence-based laws and policies to address public health challenges. As we have seen with tobacco control, for example, powerful commercial interests may seek to undermine legal reform.

Governments need civil society engagement and support for legislative and policy measures necessary to protect public health. We have seen this clearly in the context of COVID-19. Public confidence in institutions of governance, and their fairness in service delivery, is a critical factor in the effectiveness of a country's response.

In conclusion, let us recall that public health and law are both disciplines with research, knowledge and traditions spanning millennia. Each has guiding principles such as 'first, do no harm' and 'innocent until proven guilty.' Both have unifying visions such as 'Universal Health Coverage' and 'Justice for All'. And both these visions are captured in the UN's Sustainable Development Goals and grounded in international human rights law.

Building interdisciplinary bridges between legal and public health professionals is essential to achieving Universal Health Coverage. We can and must learn to work together better. This year, COVID-19 has challenged all of us to seek new partnerships and ways of working. Together, we can lead the way to a healthier world and rebuild stronger, more resilient societies.

The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.