

INTERPELLATION TO MINISTERS

To Minister of Justice Gunnar Strømmer (M)

2023/24:172 The status of human rights

Before the government carelessly surrenders the sovereignty of Sweden to the WHO and gives up human rights, the government should critically analyse the WHO based on the accumulated scientific documentation now available after the COVID-19 pandemic. The conclusions should establish what the WHO has done well and contributed positively to public health and what the WHO has failed to do in its recommendations to the world.

As important as it is to understand the success of the spread of WHO's recommendations, we also need to understand the legal implications of the process we are now engaged in, which for some unfathomable reason seems to be kept secret from the public. Morten Walløe Tvedt, Professor of Law at Innlandet University (Lillehammer), has recently written a welcome opinion on the issue of legal developments within the WHO.

The opinion is a legal review and analysis of the draft pandemic treaty and the proposed amendments to the International Health Regulations (IHR).

"This legal opinion provides a legal review and analysis of the draft new pandemic treaty and the proposed amendments to the International Health Regulations (IHR), both of which are currently being negotiated by the WHO. Member States have proposed amendments to the IHR. These proposals form the background to the ongoing negotiations and these deliberations. The partial results of the now five completed IHR negotiation meetings are kept secret.

International health regulation is about the world's response to what is called 'a threat to public health of international concern'. The IHR system is that only the WHO Secretary-General can declare that the world is in such a situation. The Secretary-General appoints the members of the Advisory Group. Deciding whether the world or a region is in "a threat to public health of international concern" is at the sole discretion of the Secretary-General.

One of the biggest changes in the IHR is that the recommendations of the WHO Director-General will be made more legally binding, and not just advisory, to countries dealing with "a public health threat of international concern". Five legal rules make the recommendations binding on Member States to implementation.

1. First, it has been proposed that the Secretary-General's "recommendations" should no longer be "non-binding".

2. Secondly, it is proposed that Member States should be obliged to initiate and implement 'recommendations' 'without delay'. This wording means that what appears to be a recommendation is treated as an obligation in its implementation.

3. The third set of rules, which makes the recommendation more binding, is that the IHR is proposed to oblige all Member States to adopt laws and procedures enabling the IHR to implement without delay what the Secretary General has recommended.

4. The fourth set of rules is that Member States must have designated or established administrative bodies to translate the "recommendations" into legally binding rules at national level.

5. The final proposal, which constitutes the fifth set of rules, is for the WHO to establish a compliance committee responsible for monitoring whether countries have faithfully followed the recommendation of the WHO Secretary-General. An important proposed change is that the rule on the principles of implementation of the IHR has been proposed to be amended.

At present, the principles guiding the implementation of the IHR and the decisions taken are as follows: the Regulations shall be implemented "with full respect for human dignity, human rights and fundamental human freedoms". It is proposed to delete these three principles.

This proposal will reduce the importance of human rights for the IHR in the future. It is proposed to replace the requirement to respect human rights with "avoid unnecessary interference with human rights".

This raises the question of who should assess and decide what constitutes a necessary interference with a human right. In legal language, there is a big difference between "implementing the IHR and recommendations with full respect for human rights" versus avoiding unnecessary interference with human rights. Taken together, these two amendments represent a clear weakening of the status of human rights.

A conclusion is, the existing 2005 IHR rules, together with the proposed new commitments, will mean that Member States will be obliged under international law to use the WHO digital passport for travel data and health information. The rules also mean that the World Health Assembly (WHA) will be able to change the technical aspects of international travel. The WHO decides which vaccines can be included in the digital passports. This also gives the Secretary-General the legal authority to select the vaccine manufacturers and types to be used worldwide, although the proposed amendment does not formally transfer the authority to select certain vaccines over others. Since only vaccines approved by the WHO can be included in such a global passport, the Secretary-General has great authority over which vaccines are selected internationally.

The number of proposals is high. It is difficult to see the big picture. The WHO and national ministries keep the proposed changes to the IHR secret. This legislative process thus takes place with very little democratic debate and discussion. What future health legislation will look like is negotiated in closed and secretive rooms. This leads to a deterioration of democracy. Once an amendment to the IHR has been adopted by the WHA, it automatically becomes binding on all Member States that do not object within an applicable deadline (it was 18 months but is now 10 months).

By joining the IHR in 2005, countries have also chosen to commit to this particular form of binding. This means that what the countries agree to put forward as a proposal in January 2024, and possibly adopt by a two-thirds majority in May 2024, can become binding on countries without the involvement of national parliaments in the process. It is important to note that it is only when you read all the existing rules, the proposed changes and the proposed additions together that you get the full picture of the direction the proposals will take the WHO and international health law."

I would therefore like to put the following questions to Minister of Justice Gunnar Strömmer:

1. Can the minister, within his area of responsibility, explain whether Sweden will support the five legal rules in the negotiations that make the recommendations binding for the member states to implement, such as that recommendations should no longer be non-binding?
2. Is the Minister aware of any analysis from the WHO regarding WHO's recommendations during the pandemic, and if so, has the Minister taken any action within his area of responsibility as a result of the

analysis?

3. Does the Minister consider that a revision of the IHR and the new health regulation (Pandemic Treaty) will lead to a deterioration in the status of human rights and, if so, is the Minister prepared to take any initiatives in his area of responsibility as a result?
4. Does the Minister intend, within his area of responsibility, to give the WHO a mandate to decide that Sweden will provide "necessary assistance, both financial and material" to other countries and organizations as Sweden's position in the negotiations?
5. Does the Minister intend, within his area of responsibility, to give the WHO a mandate to define and prohibit what the WHO considers to be disinformation, even if this would affect the Swedish Freedom of the Press Act?
6. Will the Minister, within his area of responsibility, work to ensure that Sweden signs a pandemic treaty even though many details have not yet been specified?

.....Elsa Widding (-)

Transmitted under mandate Lena

Lindbäck