

IHRP Final Report 2018: Pan American Health Organization  
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This summer I spent 12 weeks at the Office of the Legal Council (LEG) of the Pan American Health Organization (PAHO) in Washington DC. PAHO is the oldest specialized international health organization in the world and serves as the regional office of the Americas for the World Health Organization. I was supervised by Dr. Ignacio Ibarra, the Advisor for health-related law at LEG.

My main project during my fellowship was to produce a 30-page report on a legislative and regulatory approach to the prevention and control of non-communicable diseases (NCDs) in the English-speaking Caribbean. The purpose of the report was to determine the legal authority and capacity at the regional level and at the country level to respond to health issues, with a focus on NCDs. My report consisted of: an analysis of the Treaty of Chaguaramas (the “RTC”), the regional integration treaty establishing the Caribbean Community (CARICOM); a case study of domestic health-related legislation and policy in Jamaica; and a discussion of how CARICOM and CARICOM Member States could better respond to health through legislative and regulatory measures. There are 15 Member States under CARICOM.

Through the process of developing and writing this report, I learned about basic principles of international law, the right to health, and legislative interpretation. One thing I found really interesting was the dualist system of international law often used in common law countries where a country must enact domestic legislation to put an international law into force within the country. I consulted with the human rights legal advisor at PAHO for my report, who provided some perspective about the degree of Caribbean Member States’ compliance with international human rights obligations, including the right to health, in reality. For more information about what the right to health really means and what the right includes, I invite those interested to read

General Comment 14 of the Committee on Economic, Social and Cultural Rights: <http://www.refworld.org/pdfid/4538838d0.pdf>. The International Covenant on Economic, Social and Cultural Rights is widely considered as the central instrument for the right to health.

I became familiar with much of the academic literature on public health law from my research. I include here a definition of public health law advanced by Lawrence Gostin, a leading expert in the field, which provided the basis for my report:

*“Public health law is the study of legal power and duties of the state to assure the conditions for people to be healthy (to identify, prevent, and ameliorate risks to health in the population) and the limitations on the power of the state to constrain the autonomy, privacy, liberty, proprietary, or other legally protected interests of individuals for the common good. The prime objective of public health law is to pursue the highest possible level of physical and mental health in the population, consistent with the values of social justice.”*

(Source: Public Health Law: Power, Duty, Restraint by Lawrence Gostin)

With this definition in mind, it can be seen that law can advance the right to health through ensuring an enabling environment where people can live healthy lives. To address NCDs in particular, regulatory measures target the four major NCD risk factors including alcohol abuse, tobacco use, unhealthy eating, and physical inactivity. I focused on unhealthy eating for my report; examples of regulations aiming to reduce unhealthy eating are nutritional labelling requirements and imposing taxes on sugar-sweetened beverages.

Two key findings of my report are:

- The RTC, being an economically-driven treaty, provides a limited and indirect mandate to address health issues. Specifically, CARICOM Member States have the mandate to act on health issues as part of efforts to increase “**functional cooperation**” (as defined in the RTC) across the region. Additionally, CARICOM has the authority to address health on grounds of **consumer protection**.
- The Caribbean Court of Justice is responsible for interpreting and applying RTC provisions and any decisions made under the RTC. The Court held in the 2013 case of *Shanique Myrie v The State of Barbados* that human rights law principles should be considered and applied when interpreting the RTC. This may open up the possibility for the right to health to be considered by the Court in a future case.

While at LEG, I was able to assist with some other in-house legal work of PAHO such as workplace harassment cases, licencing contracts, and vetting of outside entities that PAHO intends to collaborate with or receive funding from. In reviewing investigation evidence of workplace sexual harassment allegations, I read PAHO’s Staff Rules and Regulations and its Harassment Policy, where I was exposed to some unique responsibilities of international civil servants such as being politically neutral. Additionally, I learned about the procedural nuances of an international organization. For example, as an organization associated with the United Nations, PAHO is immune from legal challenge from domestic courts. As it relates to allegations and charges of workplace harassment, PAHO employees can appeal charges against them to the Administrative Tribunal of the International Labour Organization, which is the final means of appeal for employees.

I was also lucky to be able to observe some of the week-long Executive Committee Meeting held at PAHO headquarters, which essentially is a planning meeting for the Directing Council Meeting happening in September 2018. Representatives of 9 Member States gather at the Executive Committee Meeting to finalize the agenda for the much larger Directing Council Meeting. PAHO staff presented to Member States progress on technical documents and other programmatic initiatives. It was interesting to observe interactions between Member States and see diplomacy in action.

What I truly appreciated about my experience at PAHO were being able to learn about a career that combined the law and international health fields, and connect with those working in this area. As someone who comes from a public and international health background, this was an eye-opening and valuable experience I will take with me as I progress in my own legal career.

PAHO is centrally located in D.C., right by the Lincoln Memorial. I loved working and living in D.C. this summer and hope to be back soon! My experience at PAHO was extremely rewarding and I am so grateful to the International Human Rights Program for making this opportunity possible.