

Ms Zsuzsanna Jakab
Deputy Director-General of the WHO; Interim Director of the UHC & Life Course section

Dr Agnès Soucat
Director of the WHO Department Health Systems Governance and Financing

Mr David Clarke
Team leader for UHC and health systems law, Department of Health Systems Governance and Financing

World Health Organisation
Geneva
Switzerland

24 May 2021

Dear Ms Jakab, Dr Soucat, Mr Clarke,

We are writing regarding World Health Organisation's [Strategy Report](#): "*Engaging the private health service delivery sector through governance in mixed health systems*". We write on behalf of a group of undersigned organisations working on public health and human rights.

We appreciate the engagement that we have had to date with Mr David Clarke and his team to clarify the content and nature of the report. We welcome the team's openness to collaborate with civil society in the next steps regarding the operationalisation of the Strategy Report. As public health and human rights organisations working to ensure equitable, universal access to healthcare, we do however have several concerns with the content of the Strategy Report itself. In the attachment we have detailed our concerns for your consideration. We have summarised some of the key points below.

Firstly, we note with concern that the content of the Strategy Report is being operationalised without prior discussion and approval by the World Health Assembly (WHA). Despite the importance and sensitivity of the issue, the WHO is ambiguous about the status of the document. Although the document contains the disclaimer indicating that the document "*contains the report of the Universal Health Coverage Partnership and does not necessarily represent the decisions or policies of WHO*" (p. 2), it spells out implementation steps over the next seven years (p. 34). Thus, the assumption is that the WHO has established an agreed position on the underlying values and positions behind these steps. However, it appears from our conversations that the only mandate of the WHO on this issue stems from the 2000 World Health Report, which is outdated and lacks the necessary authority to be the basis for the WHO to take important steps on such a critical issue. We are therefore concerned that the concrete policy recommendations contained in the document are being promoted without the necessary democratic debate and support from the WHA.

Secondly, we are also concerned about some of the content of the report. For example, it is not informed by relevant human rights norms and standards. As a result, human rights tools that are crucial to the issue, such as human rights impact assessments; the articulation with States' obligations to provide quality public healthcare; and the obligation to monitor, regulate and ensure remedies in case of violations of the right to health, are not incorporated in the document. Moreover, the document is not aligned with human rights guidelines in the context of private involvement in healthcare provision.

Thirdly, while we recognise the efforts you made in this regard, we are concerned that in practice there was little consultation and lack of diversity of civil society organisations during the discussions of the strategy – which could in large part be due to the fact that the consultations took place during COVID-19. Given the importance and the sensitivity of the issue, we believe that adopting such a strategy requires a more robust and proactive engagement with a range of stakeholders, where the actors engaged are transparently listed, and there is an open and democratic discussion before moving to operationalisation.

Given these concerns, the undersigned organisations respectfully call on the WHO to consider the following steps:

1. Set up a truly **open** and **inclusive consultative process** to define the organisation’s position on the issue of private sector engagement.
2. Take all measures to ensure **a democratic debate** and **approval** of any position on private sector before moving to any implementation.
3. Ensure that any private sector strategy is clearly aligned with **the right to health**, international human rights law, and WHO’s commitment to promote **quality public healthcare**. In this regard, it should not encourage **commercialisation of healthcare** in any direct or indirect way.
4. Clarify the **status** of the December 2020 Strategy Report in WHO’s communication as an expert opinion, as it is stated in the disclaimer, and not as a WHO strategy.

We would like to state our interest and openness in accompanying and supporting the WHO on any of those steps.

We look forward to hearing from you,

Global Initiative for Economic, Social and Cultural Rights

Global Justice Now

Initiative for Social and Economic Rights

OXFAM

People’s Health Movement

Public Services International

STOPAIDS

WEMOS