

Report of the second meeting of the Review Committee regarding amendments to the International Health Regulations (2005) (in person)

24 – 28 October 2022, Geneva, Switzerland

The Review Committee regarding amendments to the International Health Regulations (2005) (hereafter, the [Review Committee](#) or RC) met for its second meeting from 24 to 28 October 2022, in Geneva, Switzerland. The Committee met daily from 9 am to 5:30 pm. In addition, on 27 October the Committee held a meeting at WHO Headquarters with Member States, the United Nations and its specialized agencies and other intergovernmental and non-governmental organization, in accordance with Article 51.2 of the International Health Regulations (2005) (IHR). The draft agenda and list of participants are presented as annexes 1 and 2 at the end of this report.

The WHO Secretariat opened the meeting to welcome the Committee members and handed the floor to the Legal Counsel and the representative of the Office of Compliance, Risk Management and Ethics, for administrative and legal matters.

The meeting was then handed over to the Chair, Dr Patrick Amoth, who first asked the Committee members to approve the report of their first meeting, which is now available [here](#). Then The Chair reviewed the objectives of the meeting, which were:

1. To agree on the methodology for analyzing the proposed amendments to the IHR submitted by Member States and for formulating technical recommendations in accordance with Article 50.1.(a) of the IHR.
2. To initiate the analysis of proposed amendments and formulation of technical recommendations.
3. To meet with WHO Member States / States Parties to the IHR, the United Nations and its specialized agencies, and other relevant intergovernmental organizations or nongovernmental organizations in official relations with WHO.
4. To review and agree on the next steps in the work plan of the Committee.

Before moving to discuss the method of work, the Committee raised some questions for clarification with regards to its terms of reference, the expected output of its work and the relationships between the two related Member States processes – the [Intergovernmental Negotiating Body](#) (INB) and the [Working Group on IHR Amendments](#) (WGIHR).

The Secretariat recalled the mandate of the Review Committee under Article 50.1(a) of the IHR, and Decision WHA75(9), which was to “make technical recommendations regarding amendments to the Regulations”. In this regard, it was clarified that Review Committee is not expected (nor mandated) to propose amendments to the IHR, but it can make recommendations in case reformulations to improve clarity or addressing inconsistencies in the proposed amendments may be deemed to support the work of the WGIHR, as provided by its Terms of reference. Subsequently, in accordance with Decision WHA75(9), Member States will examine all the proposed amendments, taking into account the technical recommendations of the Review Committee submitted to the Director-General by mid-

January 2023, and WGIHR will propose a package of amendments for the considerations of the 77th World Health Assembly in May 2024.

With regards to potential overlap between proposed amendments and issues currently being considered by the INB, the Secretariat clarified that, when issues that seem to be addressed by both the INB and the proposed amendments to the IHR are identified, the Review Committee would flag them, but would not pre-empt in its assessment where such issues should be best placed, since this remains a Member States' decision.

The Committee also held extensive discussions with regards to the overarching purpose of the IHR to contribute to global health security, in particular in relation to the international spread of diseases.

Method of work

Following a presentation from the Secretariat on proposed criteria for systematic analysis of proposed amendments and for formulating the technical recommendations, the Committee agreed to use a simple template to examine systematically all of the proposed amendments, using the following criteria, in line with its terms of reference:

- **Appropriateness** – is the amendment suitable for achieving the intended purpose of this Article and other related IHR provisions? /
- **Clarity** – does the amendment improve the clarity of the Article's intention?
- **Consistency** - is the amendment in line with the scope, purpose and other IHR provisions, the WHO Constitution and relevant existing international legal instruments? Are there new articles that may require amendment for the applicability of amended article?
- **Feasibility** – can the amendment be implemented, in operational and legal terms?
- **Other considerations include *inter alia*:**
 - Is the issue addressed by the proposed amendment consistent with other WHO instruments?
 - Does the amendment propose new terms that require definition?
 - Does the amendment identify gaps or new elements for the consideration of Member States?
 - Consideration of appropriate mechanisms allowing for the monitoring of compliance with the article intended to be amended.

At this meeting, the Review Committee conducted a first assessment of the proposed amendments using this template and the foregoing criteria for the following articles: 1-13; 43, 44 and 53.

Open meeting – 27 October 2022

In line with Article 51.2 of the IHR, an open session was held on 27 October at WHO Headquarters with Member States, the United Nations and its specialized agencies and non-State Actors in official relations with WHO. Member States that submitted proposals for amendments were given an opportunity to present the rationale underlying their proposals to the Review Committee. The Chair of the Review Committee presented the agreed method of work, as well as the proposed approach for formulating the final technical recommendations. A question-and-answer session gave Member States and the Review

Committee a chance to clarify issues, raise further questions, and discuss the Committee's future work and how its recommendations would inform related ongoing processes. The calendar for upcoming meetings of the Review Committee was also presented, including the additional opportunities for interactions with stakeholders during the upcoming face to face meetings of the Review Committee.

Conclusions

In its concluding session, the Committee expressed some preliminary reflections on the proposed amendments and the Committee's analysis of them:

- The Committee is impressed by the attention to detail and constructive focus of many of the amendments proposed by Member States and is especially mindful that these represent the views of more than half of WHO's 194 Member States, as some of the proposals were submitted on behalf of larger groups of countries.
- The Committee aims to address systematically in its final report the various elements of its Terms of Reference. These include matters such as consistency with the WHO Constitution and other Articles of the IHR 2005, the desirability of any consequential amendments and definitions, as well as the expected consequences of the proposed amendments.
- In addition to its formal mandate, the Committee resolved to be as transparent as possible and to provide advice that is both relevant and useful to Member States. In both its methods of work and its final report, the Committee will fully respect the prerogatives of the WGHRWGHR as a Member State-led process.
- The Committee is conscious of the extensive and thorough analysis of the IHR undertaken by the [Review Committee on the Functioning of the International Health Regulations \(2005\) during the COVID-19 Response](#). Therefore, where appropriate, the Committee will take due regard of the findings of [their report](#).
- Many of the proposed amendments are relatively straightforward and unlikely to require detailed analysis. However, some proposals are quite complex. In a few instances, overlapping or conflicting amendments have been proposed for the same topic or Article. These will require the Committee's careful consideration in order to deliver on its Terms of Reference.
- The Committee's preliminary conclusion is that for many amendment proposals it should be able to provide analysis and technical recommendations that will assist Member States. It is also possible, however, that for some of the proposed amendments the Committee may be able to provide only general comments and a collective assessment of the potential advantages and disadvantages.
- In any event, the Committee pledges to be constructive and to provide the best possible advice to inform the deliberations of Member States. Wherever possible the Committee will aim to provide clear technical guidance.

Committee Members will continue the preliminary analysis of remaining articles for completion before its next (virtual) meeting, which will be held 16 to 17 November 2022.

The meeting was adjourned on Friday 28 October at 16:30, Geneva time.

Provisional Agenda

International Health Regulations (2005) (IHR) Review Committee regarding the Amendments to the IHR (RC)

Second Meeting Geneva Switzerland, 24-28 October 2022

Objectives of the meeting

1. To agree on the methodology for analyzing the proposed amendments and for formulating the technical recommendations.
2. To initiate the analysis of proposed amendments proposed and formulation of recommendations.
3. To meet with WHO Member States / States Parties to the IHR, United Nations and its specialized agencies, and other relevant intergovernmental organizations or nongovernmental organizations in official relations with WHO.
4. To review and agree on the next steps in the work plan of the RC.

Time GMT +2	Monday, 24 October 2022
08:30-09:00	Connection to the meeting via Zoom (for those Members and WHO staff unable to attend in person)
09:00-09:10	Convening / opening of meeting (DG or designee)
09:10-09:30	<p>Administrative matters</p> <ul style="list-style-type: none"> • Background on IHR, the RC and its mandate, organization and operations, obligations (WHO/LEG) • Institutional requirements such as the role and status of Members and Advisers and issues in relation to Declarations of Interests and Confidentiality Undertaking (WHO/CRE) <p>Handover to Chair</p> <ul style="list-style-type: none"> • Presentation of the objectives of the meeting • Adoption of the Report of the First Meeting
09:30-10:30	<p>General considerations on proposed amendments</p> <ul style="list-style-type: none"> • Tour de table of committee members
10:30-11:00	Coffee break
11:00-12:30	<p>Methodology for analyzing the proposed amendments and for formulating the recommendations</p> <ul style="list-style-type: none"> • Secretariat's presentation on proposed methodology (20 min) • Tour de table of committee members
12:30-14:00	Lunch break
14:00-15:30	Analysis and recommendations of proposed amendments to Articles 1-4 Purpose and scope, principles and responsible authorities
15:30-15:45	Coffee break
15:45-17:30	Analysis and recommendations for proposed amendments to Articles 5-13 Information and public health response
17:30	Adjourn
18:00-19:00	Welcome cocktail

Time GMT +2	Tuesday, 25 October 2022
08:30-09:00	Connection to the meeting via Zoom (for those Members and WHO staff unable to attend in person)
09:00-10:30	Analysis and recommendations for proposed amendments to Articles 5-13 Information and public health response (continued)
10:30-11:00	Coffee break
11:00-12:30	Analysis and recommendations for proposed amendments to Articles 5-13 Information and public health response (continued)
12:30-14:00	Lunch break
14:00-15:30	Analysis and recommendations of proposals for amendments to Article 15-18 Recommendations
15:30-15:45	Coffee break
15:45-17:15	Analysis and recommendations of proposals for amendments to Article 44 - Collaboration and assistance and NEW Annex 10
17:15-17:30	<ul style="list-style-type: none"> • Any request for technical support from the WHO Secretariat • Proposals for adjustments to the agenda of the meeting
17:30	Adjourn

Time GMT +2	Wednesday, 26 October 2022
08:30-09:00	Connection to the meeting via Zoom (for those Members unable to attend in person)
09:00-10:30	Analysis and recommendations of proposals for amendments to Article 44 - Collaboration and assistance and NEW Annex 10 (continued)
10:30-11:00	Coffee break
11:00-12:30	Analysis and recommendations of proposals for amendments to Article 44 - Collaboration and assistance and NEW Annex 10 (continued)
12:30-14:00	Lunch break
14:00-15:30	Analysis and recommendations of proposals for amendments to Article 53 new Compliance/Implementation Committee
15:30-15:45	Coffee break
15:45-17:30	Preparation for the meeting with WHO Member States / States Parties to the IHR, United Nations and its specialized agencies and other intergovernmental organizations and non-governmental organizations in official relations with WHO
17:30	Adjourn

Time GMT +2	Thursday, 27 October 2022
	Meeting with WHO Member States / States Parties to the IHR, United Nations and its specialized agencies and other intergovernmental organizations and non-governmental organizations in official relations with WHO
09:00-09:30	Connection to the meeting via Zoom (for those Members and WHO staff unable to attend in person)
09:30-09:40	Convening / opening of meeting (DG or designee)
09:40-10:00	Overview of the Review Committee mandate and current method of work <ul style="list-style-type: none"> • Presentation by the Chair of the Review Committee on IHR amendments
10:00-11:30	Opportunity for Member States that proposed amendments to provide the rationale for their amendments <ul style="list-style-type: none"> • Statements by Member States
11:30-12:30	Questions and answers (moderated by the Secretariat)
12:30-14:00	Lunch break (sandwiches at WHO)

Time GMT +2	Thursday, 27 October 2022
14:00-14:30	Take home messages following the meeting with WHO Member States / States Parties to the IHR, United Nations and its specialized agencies and other intergovernmental organizations and non-governmental organizations in official relations with WHO
15:30-15:45	Coffee break
15:45-17:30	<ul style="list-style-type: none"> • Take home messages (continued if needed) • Any request for technical support from the WHO Secretariat • Proposals for adjustments to the agenda of the meeting
17:30	Adjourn

Time GMT +2	Friday, 28 October 2022
08:30-09:00	Connection to the meeting via Zoom (for those Members and WHO staff unable to attend in person)
09:00-10:30	Analysis and recommendations of proposals for amendments to: <ul style="list-style-type: none"> • Article 43 – Additional health measures • Article 45 – Treatment of personal data • Article 48 – Terms of reference and composition of the Emergency • Article 49 - Procedures for the Emergency Committee • Article 53 – Procedures for Standing Recommendations • Article 54 – Reporting and Review • Article 56 – Settlement of disputes
10:30-11:00	Coffee break
11:00-12:30	Analysis and recommendations of proposals for amendments to (continued): <ul style="list-style-type: none"> • Article 43 – Additional health measures • Article 45 – Treatment of personal data • Article 48 – Terms of reference and composition of the Emergency • Article 49 - Procedures for the Emergency Committee • Article 53 – Procedures for Standing Recommendations • Article 54 – Reporting and Review • Article 56 – Settlement of disputes –
12:30-14:00	Lunch break
14:00-15:30	Analysis and recommendations of proposals for amendments to: <ul style="list-style-type: none"> • Article 19 – General obligations • Article 23 - Health measures on arrival and departure • Article 31 - Health measures relating to entry of travellers • Article 35 - General rule • Article 36 - Certificates of vaccination or other prophylaxis Annex 6 - Model International Certificate of Vaccination or Prophylaxis
15:30-15:45	Coffee break
15:45-16.45	<ul style="list-style-type: none"> • Agree on the next steps in the workplan for the Review Committee • Suggestions for the agenda of the Third Meeting of the RC, 16-17 November 2022 (virtual, each day from 12:00 to 17:00 GMT+1) • Any request for technical support from the WHO Secretariat
16:45-17:00	Closing of the meeting

Annex 2. Provisional List of participants

Provisional List of Participants

International Health Regulations (2005) (IHR) Review Committee regarding the Amendments to the IHR (RC)

Second Meeting Geneva Switzerland, 24-28 October 2022

Members of the Review Committee

Name and Nationality(ies)	Affiliation
Mohammad ABDELFAHATTAH Egypt	Undersecretary for Preventive Affairs, Preventive Medicine Sector, Ministry of Health and Population, Cairo, Egypt
Obijiofor AGINAM Nigeria	Principal Visiting Fellow, United Nations University, International Institute for Global Health, Kuala Lumpur, Malaysia Adjunct Research Professor of Law and Legal Studies, Carleton University, Ottawa, Canada Visiting Research Fellow, United Nations University, Institute on Comparative Regional Integration Studies, Bruges, Belgium
Mohannad AL-NSOUR (apologies for first three days) Jordan	Executive Director, Eastern Mediterranean Public Health Network (EMPHNET), Amman, Jordan
Patrick Omwanda AMOTH (Chair) Kenya	Acting Director General for Health, Ministry of Health, Nairobi, Kenya
Lucille BLUMBERG (apologies for first three days) South Africa	Deputy Director at the National Institute for Communicable Diseases (NICD), National Health Laboratory Service, and founding head of the Division of Public Health Surveillance and Response
Gian Luca BURCI Italy, Switzerland	Adjunct Professor of international law and Academic Adviser in the Global Health Centre, Graduate Institute of International and Development Studies, Geneva, Switzerland Director of the joint LLM on Global Health Law and Governance, Graduate Institute of International and Development Studies, Geneva, Switzerland, and Georgetown Law School, Washington DC, United States of America
Cherita DAVIS-MOXEY (apologies) The Bahamas	Lead, Planning & Policy Unit, Ministry of Health & Wellness, The Bahamas
Andrew FORSYTH New Zealand	Manager, Public Health Strategy, Ministry of Health, New Zealand

H.E. Ambassador Juan José GÓMEZ-CAMACHO (Vice-Chair) Mexico	Senior Fellow, Foreign Policy Institute, School of Advanced International Studies, Johns Hopkins University, Washington DC, United States of America
Lawrence GOSTIN United States of America	Professor, Founding O'Neill Chair in Global Health Law, and Faculty Director, O'Neill Institute for National and Global Health Law, Georgetown University, Washington DC, United States of America
Roojin HABIBI Canada	Research Fellow, Global Strategy Lab, York University, Toronto, Canada Fellow, Canadian International Council Lecturer, Lincoln Alexander School of Law, Toronto Metropolitan University, Toronto, Canada
George HARINGHUIZEN The Netherlands	Chief Legal Officer, Centre for Infectious Disease Control, National Institute for Public Health and the Environment (RIVM), Bilthoven, The Netherlands
Hani JOKHDAR (apologies) Saudi Arabia	Deputy Minister for Public Health, Ministry of Health, Riyadh, Saudi Arabia
Yang LIU China	Assistant Professor, Law School, and Director of the Center for Global Law and Strategy, Law and Technology Institute, Renmin University of China, Beijing, China
Rana SAFDAR (apologies for first three days) Pakistan	Chief, Field Epidemiology & Disease Surveillance Division, National Institute of Health, Islamabad, Pakistan
Aalisha SAHUKHAN Fiji	Head of Health Protection, Ministry of Health and Medical Services, Suva, Fiji
Sandhya Dilhani SAMARASEKERA Sri Lanka	Consultant Community Physician, Quarantine Unit, Ministry of Health, Colombo, Sri Lanka
Vyacheslav SMOLENSKIY Russian Federation	Deputy Head, Federal Service for Surveillance on Consumer Rights Protection and Human Wellbeing (Rosпотребнадзор), Moscow, Russian Federation
Sunita SREEDHARAN India	Lawyer and Registered Patent Agent, New Delhi, India
Clare WENHAM (Rapporteur) United Kingdom	Associate Professor of Global Health Policy, Department of Health Policy, London School of Economics and Political Science, London, United Kingdom

WHO Global Secretariat

Name	Affiliation
Michael J. RYAN	Executive Director, WHO Health Emergencies programme, WHO, HQ
Jaouad MAHJOUR	Assistant Director-General, WHO Health Emergencies Preparedness (WEP/WHE)
Steven SOLOMON	Principal Legal Officer, International, Constitutional, and Global Health Law/DGO, WHO headquarters (WHO/HQ)
Carmen DOLEA	Unit Head IHR Secretariat, WHO headquarters (WHO/HQ)
Roberta ANDRAGHETTI	Technical Officer, IHR Secretariat, WHO headquarters (WHO/HQ)
Fernando GONZALEZ-MARTIN	Technical Officer, IHR Secretariat, WHO headquarters (WHO/HQ)
Helge HOLLMEYER	Technical Officer, IHR Secretariat, WHO headquarters (WHO/HQ)
Magdalen RABINI	Technical Officer, IHR Secretariat, WHO headquarters (WHO/HQ)
Veronique DERUAZ	Assistant Data management IHR Secretariat, WHO headquarters (WHO/HQ)
Jasmin DIAN	Assistant to Unit, IHR Secretariat, WHO headquarters (WHO/HQ)
Mary STEPHEN	Technical officer, IHR an emergency preparedness, WHO Regional Office for Africa (WHO/AFRO)
Tamara MANCERO	Adviser, IHR, Regional Office for the Americas (WHO/AMRO) / Pan American Health Organization (PAHO)
Dalia SAMHOURI	Program Area Manager, Country Health Emergency Preparedness & IHR, Regional Office for the Eastern Mediterranean (WHO/EMRO)
Ihor PEREHINETS	Technical Advisor health Security, Country Health Emergency Preparedness and IHR, Regional Office for Europe (WHO/EURO)
Maung Maung HTIKE (virtual)	Technical Officer, Country Health emergency preparedness and IHR, Regional Office for South-East Asia (WHO/SEARO)
Nam Phuon NGUYEN (virtual)	Technical Officer, Pandemic Preparedness, Regional Office for the Western Pacific (WHO/WPRO)
Olla SHIDEED	Executive Officer, Office of the ADG/WPE, WHO headquarters (WHO/HQ)
Anne HUVOS	Unit Head, Pandemic Influenza Preparedness, WPE/WHE WHO headquarters (WHO/HQ)