

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# THE “COVID-19 RESPONSE” RESOLUTION PASSED AT THE 73<sup>RD</sup> SESSION OF THE WORLD HEALTH ASSEMBLY

On 19 May 2020, a resolution entitled “COVID-19 response” was passed at the World Health Assembly.<sup>1</sup> The resolution covered a range of issues relevant to the COVID-19 pandemic and states’ responses to it, including the key leadership role of WHO and the need for its sustainable funding; access to and fair distribution of all quality, safe, efficacious and affordable essential health technologies and products, the need to ensure respect for human rights and fundamental freedoms, the protection of health workers and other relevant front line workers, and the importance of women’s participation and gender mainstreaming in the decision making around the response. It also called for an investigation into the origin of the virus and a stepwise process of impartial, independent and comprehensive evaluation of the WHO-coordinated international health response “at the earliest opportunity”.

## INTERNATIONAL COOPERATION AND THE DEVELOPMENT AND DISSEMINATION OF A VACCINE

The resolution calls for “*the universal, timely and equitable access to and fair distribution of all quality, safe, efficacious and affordable essential health technologies and products including their components and precursors required in the response to the COVID-19 pandemic as a global priority, and the urgent removal of unjustified obstacles thereto; consistent with the provisions of relevant international treaties including the provisions of the TRIPS agreement and the flexibilities as confirmed by the Doha Declaration on the TRIPS Agreement and Public Health*”.<sup>2</sup> It also calls on member states to “[c]ollaborate to promote both private sector and government-funded research and development, including open innovation, across all relevant domains on measures necessary to contain and end the COVID-19 pandemic, in particular on vaccines”. It also called on international organizations and other relevant stakeholders to “[w]ork collaboratively at all levels to develop, test, and scale-up production of safe, effective, quality, affordable diagnostics, therapeutics, medicines and vaccines for the COVID-19 response, including, existing mechanisms for voluntary pooling and licensing of patents to facilitate timely, equitable and affordable access to them”.

It is encouraging to see this global commitment towards promoting the development of a vaccine and facilitating access to the vaccine for all persons. This should be the foundation of any future multi-lateral initiatives on this issue, which should ensure that any vaccines for COVID-19 are available, accessible and affordable for everyone, free from discrimination. Ignoring the importance of universal access to the vaccine would be catastrophic. States must assess their intellectual property laws, and any international or regional intellectual property regimes they are part of, to ensure that these do not form a barrier to the availability and affordability of vaccines for all persons whether within their country or in other countries. Intellectual property laws and regimes must not become a barrier to the urgent production for all people of any vaccines developed for COVID-19.

## INTERNATIONAL COOPERATION AND FINANCIAL ASSISTANCE

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<sup>1</sup> The text of the draft resolution, A73/CONF./1 Rev.1 which was adopted by consensus, can be read at the following link: [https://apps.who.int/gb/ebwha/pdf\\_files/WHA73/A73\\_CONF1Rev1-en.pdf](https://apps.who.int/gb/ebwha/pdf_files/WHA73/A73_CONF1Rev1-en.pdf).

<sup>2</sup> The Agreement on Trade-Related Aspects of Intellectual Property Rights is an agreement between members states of the WTO around the regulation of intellectual property. The Doha Declaration is a follow up commitment that affirms, amongst other things, that ‘the TRIPS Agreement does not and should not prevent Members from taking measures to protect public health’. More information available here: [https://www.who.int/medicines/areas/policy/doha\\_declaration/en/](https://www.who.int/medicines/areas/policy/doha_declaration/en/)

The resolution also “[r]eiterates the importance of urgently meeting the needs of low- and middle-income countries in order to fill the gaps to overcome the pandemic through timely and adequate development and humanitarian assistance”. It recognized “with deep concern the impact of high debt levels on countries’ ability to withstand the impact of the COVID-19 shock”.

It is crucial that the resolution recognized the importance of international cooperation and assistance in devising a global and long-lasting solution to the pandemic. States that have the resources to provide financial support to countries unable to effectively respond to the COVID-19 pandemic and its fallout have an obligation to do as a matter of urgency. This can include financial support to mechanisms that are pooling funding for a global COVID-19 response, increased official development assistance, and financial support to international organizations involved in the COVID-19 response. Where necessary, options around debt relief should be on the table to ensure that obligations to repay sovereign debt do not prevent states from ensuring access to essential levels of people’s health, livelihoods, and other human rights. The provision of this financial assistance must be commensurate with needs – both between and within countries. It must also be consistent with human rights law and take into account the specific needs of marginalized groups and those at heightened risk.

Following the World Health Assembly, it is essential that states act on the commitments outlined in the resolution and take urgent and concrete steps to support the development of a vaccine for COVID-19 that is available to all persons, across all countries, free from discrimination. Inability to pay must never be a reason why someone does not access the vaccine. Furthermore, states should act on their obligation to provide international cooperation and assistance to collectively contain, mitigate and defeat the COVID-19 pandemic and protect human rights

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