



# General Assembly

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### **Human Rights Council**

#### **Forty-sixth session**

22 February–23 March 2021

Agenda item 3

#### **Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Azerbaijan\*,\*\* Ecuador,\* Paraguay,\* Turkey\* and State of Palestine\*: draft  
resolution**

#### **46/... Ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease (COVID-19) pandemic**

*The Human Rights Council,*

*Guided by the purposes and principles of the Charter of the United Nations,*

*Stressing that States bear the primary responsibility to respect, protect and fulfil human rights and fundamental freedoms,*

*Recalling that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction of any kind,*

*Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination,*

*Recalling other relevant international human rights instruments, including the Declaration on the Right to Development, and the Vienna Declaration and Programme of Action, in which it is established that all human rights are universal, indivisible and interdependent and interrelated,*

*Recalling also General Assembly resolutions 74/270 of 2 April 2020, 74/274 of 20 April 2020, 74/306 of 11 September 2020 and 74/307 of 11 September 2020, Human Rights Council resolutions 41/10 of 19 July 2019 and 44/2 of 21 July 2020, World Health Assembly resolution WHA 73.1 of 19 May 2020 and the statement made by the President of the Human Rights Council on 29 May 2020,<sup>1</sup>*

\* State not a member of the Human Rights Council.

\*\* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

<sup>1</sup> A/HRC/PRST/43/1.



*Reaffirming* General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, and the Sustainable Development Goals enshrined therein, in particular the commitment made by all States to ensure healthy lives and promote well-being for all at all ages, to achieve gender equality and to reduce inequalities within and among countries,

*Recognizing that the availability of vaccines, medicines, health technologies and health therapies is an essential dimension of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,*

*Noting* that, since the beginning of the vaccine roll-out, the majority of all vaccines administered have been concentrated in high-income countries, while low-income countries still lag behind in gaining access to COVID-19 vaccines,

*Expressing its serious concern* over the disparity between developing countries and developed countries in terms of the distribution of COVID-19 vaccines, which prevents the entire international community from achieving the complete elimination of COVID-19 as soon as possible, and also further hampers progress in the realization of the 2030 Agenda for Sustainable Development,

*Recognizing* the need to tackle health inequities and inequalities within and among countries through political commitment, international cooperation and policies, including those that address the social, economic and environmental determinants of health,

*Welcoming* the global initiatives promoting global solidarity in response to the pandemic, including the efforts of countries that have supplied COVID-19 vaccines, and recalling the thirty-first special session of the General Assembly, in response to the COVID-19 pandemic, held on 3 and 4 December 2020, the high-level meeting of the General Assembly on universal health coverage, held on 23 September 2019, and the political declaration of the high-level meeting, entitled “Universal health coverage: moving together to build a healthier world”,<sup>2</sup>

*Recognizing* that the encouragement and development of international partnerships and cooperation in the scientific and cultural fields contribute to the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, bearing in mind that everyone has the right to enjoy the benefits of scientific progress and its applications,

*Recognizing also* the importance of international cooperation and effective multilateralism in ensuring that all States, in particular developing States, including the least developed States, have affordable, timely, equitable and universal access to COVID-19 vaccines in order to minimize negative effects in all affected States and to avoid the resurgence of the pandemic,

*Recognizing further* that universal health coverage implies that all people have access without discrimination to nationally determined sets of needed promotive, preventive, curative, palliative and rehabilitative essential health-care services and essential, safe, affordable, effective and quality medicines and vaccines, while ensuring that the use of these services does not expose users to financial hardship, with special emphasis on the poor, vulnerable and marginalized segments of the population,

*Reaffirming-Stressing* the importance of improving the transparency of markets for medicines, vaccines and other health products across the whole value chain, and *taking into consideration* noting World Health Assembly resolution WHA72.8 of 28 May 2019,

*Taking note* of the guidance issued by the treaty bodies and the special procedures of the Human Rights Council on States’ human rights obligations in the context of the COVID-19 pandemic, in particular the statement issued on 15 December 2020 by the Committee on Economic, Social and Cultural Rights, on universal and equitable access to COVID-19 vaccines,<sup>3</sup> and the joint statement of several special procedure mandate holders, entitled

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<sup>2</sup> General Assembly resolution 74/2.

<sup>3</sup> E/C.12/2020/2.

“Universal access to vaccines is essential for the prevention and containment of COVID-19 around the world”,

*Acknowledging with appreciation* the guidance note issued on 13 May 2020 by the Office of the United Nations High Commissioner for Human Rights, on human rights-compliant responses to the COVID-19 pandemic, and the guidance note issued by the Office on 17 December 2020, on human rights and access to COVID-19 vaccines,

*Taking note* of the report of the United Nations High Commissioner for Human Rights on the impact of the COVID-19 pandemic on the enjoyment of human rights around the world, including good practices and areas of concern,<sup>4</sup>

*Reaffirming* the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, which requires that States take the steps necessary to prevent, treat and control epidemic, endemic, occupational and other diseases and to create the conditions that would assure medical services and medical attention for all in the event of sickness,

*Deeply concerned* about the negative impact of the COVID-19 pandemic on the enjoyment of human rights around the world, and emphasizing the importance of human rights in shaping the response to the pandemic, both in terms of the public health emergency and the broader impact on people’s lives and livelihoods,

*Underscoring* that equitable access to health products is a matter of global priority and that the availability, accessibility, acceptability and affordability of health products of assured quality are fundamental to tackling the pandemic, and expressing its concern about the fact that the unequal distribution of vaccines delays the ending of the pandemic,

*Reaffirming* the fundamental role of the United Nations system in coordinating the global response to control and contain the spread of COVID-19 and in providing support to States, and in this regard acknowledging the crucial leading role played by the World Health Organization,

*Emphasizing* the central role of the State in responding to pandemics and other health emergencies, and the socioeconomic consequences thereof, and in advancing sustainable development and the realization of human rights,

*Recognizing* the primary responsibility of States to adopt and implement responses to the COVID-19 pandemic that are specific to their national context and that emergency measures taken by Governments in response to the COVID-19 pandemic must be necessary, proportionate to the evaluated risk, applied in a non-discriminatory way, have a specific focus and duration and be in accordance with States’ obligations under applicable international human rights law,

*Deeply concerned* about the disproportionate and negative impact of the COVID-19 pandemic on the enjoyment of human rights by women and girls and on gender equality worldwide, including due to the increased incidence of domestic violence and interrupted access to sexual and reproductive health, and underscoring the need to ensure a human rights-based and gender-responsive approach to recovery, mindful in particular of the need to ensure the full enjoyment by women and girls of their human rights,

*Recognizing* that persons with disabilities face a greater risk of COVID-19 infection and have higher mortality rates, as well as face aggravated barriers to access to timely and quality health care and services,

*Deeply concerned* that the COVID-19 pandemic perpetuates and exacerbates existing inequalities and that those most at risk are persons in vulnerable and marginalized situations, including older persons, migrants, refugees, internally displaced persons, persons with disabilities, persons belonging to minorities, indigenous peoples, persons deprived of their liberty, homeless persons and persons living in poverty, and recognizing the need to ensure non-discrimination and equality, while stressing the importance of age-responsive, gender-responsive and disability-sensitive measures in this regard,

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<sup>4</sup> A/HRC/46/19.

*Noting with concern* the uneven access to quality, safe, efficacious and affordable COVID-19 vaccines and the difficulties that a large number of countries face in gaining access to and supplying them to their populations, stressing the important role of the Access to COVID-19 Tools (ACT) Accelerator initiative, as well as other relevant initiatives that are aimed at accelerating development, production and equitable access to COVID-19 diagnostics, therapeutics and vaccines to all countries and at strengthening health systems, and recognizing in particular its vaccines pillar, the COVID-19 Vaccine Global Access (COVAX) Facility, which will be key to ensuring an equitable global distribution of vaccines to all States,

*Recognizing* that the COVID-19 pandemic requires a global response based on unity, solidarity and multilateral cooperation, to ensure that all States, in particular developing States, including the least developed countries, have unhindered, timely, fair and equitable access to safe diagnostics, therapeutics, medicines, vaccines and essential health technologies and their components, as well as equipment, bearing in mind that immunization against COVID-19 is a global public good for health in preventing, containing and stopping transmission, in order to bring the pandemic to an end,

1. *Emphasizes* the urgent need for ensuring the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and for facilitating the development of robust health systems and universal health coverage, encompassing universal, timely and equitable access to all essential health technologies, diagnostics, therapeutics, medicines and vaccines in response to the COVID-19 pandemic and other health emergencies, in order to ensure full access to immunization for all, in particular persons and groups in vulnerable situations, as a matter of global priority for all States;

2. *Calls upon* States and other relevant stakeholders to take appropriate measures to guarantee the fair, transparent, equitable, efficient, universal and timely access and distribution of safe, quality, efficacious, effective, accessible and affordable COVID-19 vaccines and to enable international cooperation;

3. *Calls for* intensified international cooperation and solidarity to contain, mitigate and overcome the pandemic and its consequences, including the human rights implications, through responses that are people-centred, gender-responsive, multidimensional, coordinated, inclusive, innovative, swift and decisive at all levels, with full respect for human rights, including by supporting the exchange of information, scientific knowledge and best practices and enhancing maintenance capacity, in particular to assist people in vulnerable situations, including all migrants, and the poorest and most vulnerable countries, to build a more equitable, inclusive, sustainable and resilient future and to realize the 2030 Agenda for Sustainable Development;

4. *Encourages* States to work in partnership with all relevant stakeholders to increase research and development funding for vaccines and medicines, leverage digital technologies and strengthen the scientific international cooperation necessary to combat COVID-19 and to bolster coordination, including with the private sector, towards the further development, manufacturing and distribution of diagnostics, antiviral medicines, personal protective equipment and vaccines, while adhering to the objectives of quality, efficacy, safety, equity, accessibility and affordability;

5. *Recognizes* the importance of tools to achieve extensive immunization against COVID-19 as a global public good for health in preventing, containing and stopping transmission, in order to bring the pandemic to an end, by ensuring the availability of safe, quality, efficacious, effective, accessible and affordable vaccines;

6. *Calls upon* States and other relevant stakeholders to remove unjustified obstacles restricting the export of COVID-19 vaccines, resulting in an unequal distribution in access to them between developed and developing countries, and to promote equitable global distribution and universal access to vaccines, in order to further the principles of international cooperation and solidarity, to end the current pandemic and to promote the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

7. *Urges* States to facilitate the trade, acquisition, access and distribution of COVID-19 vaccines, as a crucial element of their responses to the pandemic, to ensure the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and to support the administration of vaccines to address the pandemic, in accordance with international human rights obligations and the Sustainable Development Goals and other international legal frameworks, taking into account the principles of non-discrimination and transparency;

8. *Reiterates* the call for States to continue to collaborate, as appropriate, on models and approaches that support the delinking of the cost of new research and development from the prices of medicines, vaccines and diagnostics for diseases, to ensure their sustained accessibility, affordability and availability and to support access to treatment for all those in need;

9. *Calls upon* States and all relevant stakeholders to promote research and capacity-building initiatives, as well as to enhance cooperation on and access to science, innovation, technologies, technical assistance and knowledge-sharing, to ensure universal, equitable and affordable access for all persons to COVID-19 vaccines, including through improved coordination among mechanisms, especially with developing countries, in a collaborative, coordinated and transparent manner and on mutually agreed terms, in response to the COVID-19 pandemic and towards advancing the realization of the Sustainable Development Goals;

10. *Urges* States to leverage digital technologies for the response to COVID-19, including in support of efficient, transparent and robust immunization, addressing the socioeconomic impact of COVID-19, paying particular attention to digital inclusion, patient empowerment and the right to privacy and protection of personal data;

11. *Reaffirms* the right of States to use the provisions of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and the flexibilities therein, as reaffirmed in the Doha Declaration on the TRIPS Agreement and Public Health,<sup>5</sup> in which it is recognized that the agreement should be interpreted and implemented in a manner supportive of the right of States to protect public health, in particular to promote access to medicines for all, to facilitate access for all to COVID-19 vaccines and to bolster coordination, including with the private sector, towards the rapid development, manufacturing and distribution of vaccines, while adhering to the objectives of transparency, efficacy, safety, equity, accessibility and affordability;

12. *Calls upon* States, other partners and donors to urgently support funding and close the funding gap for the Access to COVID-19 Tools Accelerator and its mechanisms, such as the COVID-19 Vaccine Global Access (COVAX) Facility, support the equitable distribution of diagnostics, therapeutics and vaccines and further explore innovative financing mechanisms aimed at ensuring affordable, timely, equitable and universal access to, and the fair distribution of, COVID-19 vaccines for all and the continuity and strengthening of essential health services;

13. *Calls upon* the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the right of everyone to enjoy the benefits of scientific progress and its applications, including through access to medicines that are affordable, safe, efficacious and of quality and through financial and technical support for and training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

14. *Requests* all States, international organizations and relevant stakeholders to commit to transparency in all matters related to the production, distribution and fair pricing of vaccines, [in accordance with national and regional legal frameworks](#), and urges States to immediately take steps to prevent, ~~within their respective legal frameworks~~, speculation and undue export controls and stockpiling that may hinder affordable, timely, equitable and universal access for all countries to COVID-19 vaccines;

<sup>5</sup> World Trade Organization, document WT/MIN(01)/DEC/2.

15. *Recognizes* the immense logistical challenges posed by the lack of infrastructure related to the distribution of vaccines in developing countries, including the least developed countries, and calls for greater assistance and building the capacities of developing countries, including through effective training programmes in vaccine delivery in this regard;

16. *Strongly urges* all States to refrain from taking any economic, financial or trade measures that may adversely affect equitable, affordable, fair, timely and universal access to COVID-19 vaccines, in particular in developing countries;

17. *Requests* the United Nations High Commissioner for Human Rights, in consultation with States, United Nations agencies, funds and programmes, in particular the World Health Organization, the special procedures of the Human Rights Council, the treaty bodies, civil society organizations and other stakeholders, to prepare a report on the human rights implications of the lack of affordable, timely, equitable and universal access and distribution of COVID-19 vaccines and the deepening inequalities between States, including the related vulnerabilities and challenges and the impact on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, for submission to the Human Rights Council, at its forty-ninth session, and to provide an oral update thereon to the Council at its forty-eighth session;

18. *Decides* to hold, at its forty-ninth session, a half-day panel discussion on the matter and requests the Office of the High Commissioner to make the discussion fully accessible to persons with disabilities.

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