



INCLO members join the call for universal access to COVID-19 vaccines and support the temporary TRIPS waiver proposal

5 May 2021

The undersigned members of the International Network of Civil Liberties Organizations (INCLO) join the urgent international call for universal, equitable and affordable access to COVID-19 vaccines, particularly in the context of the stark inequality in the global distribution of the vaccines already produced and ordered.

The current pattern of distribution has led to most vaccines being reserved for and being delivered to developed and high income countries. In contrast, many lower income countries have either not seen any vaccination programme rolled out or their programmes lag behind significantly. The slow and inequitable distribution of vaccines is having dire consequences for billions of people. In addition to the challenges presented by new COVID-19 variants, which may be less responsive to current vaccines, the global COVID-19 pandemic has already had dramatic consequences: as of 5 May 2021, there have been 153,954,491 confirmed cases and 3,221,052 deaths, according to the [World Health Organization](#) (WHO). As staggering as these figures are, they are but one facet of the crisis that has deepened existing health and economic inequalities across the world

Universal, equitable and affordable access to COVID-19 vaccines is essentially urgent.

As recently [affirmed](#) by the United Nations Committee on Economic, Social and Cultural Rights, “access to a vaccine for COVID-19 that is safe, effective, and based on the best scientific developments is an essential component of the right to the enjoyment of the highest attainable standard of physical and mental health and the right to enjoy the benefits of scientific progress”.

The right to health is a fundamental right and states have made a commitment to ensure all have access to the highest attainable level of health, globally. In practice, this means states must prioritize the available resources and mechanisms at their disposal to ensure access to COVID-19 vaccines for all persons, without discrimination. In order to avoid entrenching health isolationism, the production and distribution of vaccines must be organized through international cooperation and assistance, which includes sharing the benefits of scientific progress.

However, these human rights obligations are not being currently honored by some states. The insufficient supply of vaccines and its deeply unequal global distribution necessitates urgent additional measures.

Therefore, we believe that one immediate first step to ensure universal and equitable access to COVID-19 vaccines is to adapt intellectual property regulations, governed by the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement, to respond to the exceptional circumstances of the COVID-19 pandemic. As [noted](#) by several UN human rights experts, "The TRIPS Agreement can and should facilitate the protection of public health on a global scale, promote self-sufficiency of all members, and not be a barrier to accessibility of COVID-19-related medicines and vaccines." Therefore, states have a duty to prevent intellectual property and patent legal regimes from undermining the enjoyment of economic, social and cultural rights.

Some countries have proposed that World Trade Organisation rules on intellectual property rights be **temporarily** waived so they are no longer blocked from using patented technologies to manufacture and deliver COVID-19 vaccines, diagnostics, and treatments. This **limited, targeted and temporarily waiver proposal** has already been supported by over 100 countries. In addition to UN human rights experts, WHO, the UN Expert Mechanism on the Right to Development and an increasing number of scientific and humanitarian organizations have also expressed support for the waiver.

INCLC members join the growing international support in favor of the TRIPS waiver proposal and call on our governments to endorse this proposal. We affirm the call for international solidarity and for immediate, universal and equitable access to COVID-19 vaccines for all.

Signatories:

1. Agora International Human Rights Group (Agora/Russia)
2. American Civil Liberties Union (ACLU)
3. Association for Civil Rights in Israel (ACRI)
4. Canadian Civil Liberties Association (CCLA)
5. Centro de Estudios Legales y Sociales (CELS/Argentina)
6. Dejusticia (Colombia)
7. Egyptian Initiative for Personal Rights (EIPR)
8. Human Rights Law Network (HRLN)
9. Human Rights Law Centre (HRLC/Australia)
10. Hungarian Civil Liberties Union (HCLU)
11. Irish Council for Civil Liberties (ICCL)
12. Kenya Human Rights Commission (KHRC)
13. KontraS (Indonesia)
14. Legal Resources Centre (LRC/South Africa)