

Access to medicines and vaccines

Full-day intersessional seminar on good practices, key challenges and new developments relevant to access to medicines and vaccines

8 December 2021 | 10:00-12:00 and 14:30-16:30 (CEST)

Hybrid meeting on **Zoom** / Room XX Palais des Nations, Geneva, Switzerland

Concept Note

Objectives:

As requested by Human Rights Council [resolution 41/10](#), the seminar will consist in an exchange on good practices, key challenges and new developments relevant to access to medicines and vaccines as one of the fundamental elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. It will explore:

- The key human rights challenges in the context of the COVID-19 pandemic, with a special focus on developing countries and persons living in poverty and in situations of vulnerability;
- Particular challenges of the COVID-19 pandemic for the enjoyment of their human rights by those living in poverty, children and other persons in vulnerable situations, including older persons, persons with disabilities, women, girls, migrants, minorities, LGBTIQ and persons deprived of their liberty.
- The impact of the COVID-19 pandemic and vaccine inequity in terms of growing inequalities, with a particular emphasis on the requirement of the right to the highest attainable standard of physical and mental health to eliminate vaccine inequality;
- Global cooperation and measures that can be adopted in order to improve the universal access to health as a fundamental human right, including access to medicines, medical products, assistive technologies, palliative care and treatments, as well as more advanced technologies;
- Ways and means to increase transnational research and exchange of knowledge in research, development and innovation between developed and developing countries in order to diversify sources of production of medical products and innovation in health, particularly in the context of public health emergencies such as the COVID-19 pandemic.

Panellists & participants:

The list of key-note speakers and panellists is being finalized in partnership with the main sponsor of the resolution.

The event is open to Member States, relevant United Nations bodies, agencies, funds and programmes, treaty bodies, special procedure mandate holders, national human rights institutions, civil society, the private sector and other relevant stakeholders.

Format: The seminar will focus on two different thematic areas, starting with an overall opening segment, introductions of the theme by the panellists followed by an interactive discussion.

Panel I (10:00 to 12:00 CEST): Human rights challenges in the context of the Covid-19 pandemic, with a special focus on developing countries, particularly their poorest and most vulnerable populations

Panel II (14:30 to 16:30 CEST): Global cooperation and measures to improve the universal access to health as a fundamental human right

The intersessional seminar will be held in a hybrid format. Participants are required to register via Indico (<https://indico.un.org/event/XXX/>) Online participants will receive the link to join the event, shortly before it starts. Please remember to indicate in the registration form whether you wish to intervene as a speaker during the Questions & Answers sessions.

Information regarding participation, including the submission of statements for the interactive discussion, and technical guidance as well as the online platform hosting the event, is available separately. Simultaneous interpretation will be available in six languages (Arabic, Chinese, English, French, Russian and Spanish).

Outcomes: **The anticipated outcomes of this seminar include:**

- A **deeper understanding** of the key human rights challenges faced in the context of the Covid-19 pandemic and the growing inequalities, including as a result of COVID-19 measures and vaccine inequity;
- **Creative exchange and sharing of good practices** on how to increase transnational research and exchange of knowledge in research, development and innovation between developed and developing countries;
- **Facilitation of action and recommendations on** to foster global cooperation and measures to improve the universal access to health as a fundamental human right, including access to medicines and vaccines;
- A **summary report** of the intersessional seminar discussion to the Human Rights Council at its forty-ninth session.

Background: Every human being is entitled to the enjoyment of the highest attainable standard of physical and mental health conducive to living a life in dignity. Health is a fundamental human right indispensable for the exercise of other human rights. The human right to health is a justiciable right recognized by several international human rights instruments,¹ including the Universal Declaration of Human Rights² and the International Covenant on Economic, Social and Cultural Rights (ICESCR)³. The Constitution of the World Health Organization also recognizes the enjoyment of the highest attainable standard of health as a fundamental right of every human being, without distinction of race, religion, political belief, economic or social condition.

States have the obligation to respect, protect and fulfil the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, which includes a duty to ensure access to affordable medicines, recognizing the essential importance of international co-operation and technical assistance to this effect. While the right to health imposes an immediate obligation to provide access to essential medicines, States also

¹ See articles 11(f) and 12 of the Convention on the Elimination of All Forms of Discrimination against Women, article 28 of the International Convention on the Protection of Migrant Workers and their Families, article 5(e) (iv) of the Convention on the Elimination of All forms of Racial Discrimination, article 24 of the Convention on the Rights of the Child and article 25 of the Convention on the Rights of Persons with Disabilities.

² Article 25.1.

³ Article 12.

remain obliged to the progressive realization of access to all health technologies. Nevertheless, even with the great potential of science and technology to advance health care, at least one third of the world population has no regular access to medicines.

Vaccine inequality and the lack of access to COVID-19 vaccines and medicines has intensified inequalities within and among countries. The COVID-19 pandemic has eroded years of progress achieved around the world on the 2030 Agenda for Sustainable Development, with vulnerable and marginalized bearing the brunt and at most risk. The impact of the pandemic on economic and social rights has been well documented, as has its impact on low-income earners, the poor and those in precarious employment.⁴ Existing structural and systemic discrimination and pervasive inequalities, which harm millions of people and hold back every society continue to be aggravated.

Existing structural and systemic discrimination and pervasive inequalities, which harm millions of people and hold back every society continue to be aggravated. The impact on the most marginalized, including women, children, older persons, persons with disabilities, LGBTI, people living in extreme poverty, minorities and indigenous peoples, is the most severe.

In October 2020, the Human Rights Council adopted [resolution 45/14](#) in which it calls upon all States to continuously analyze the impact of the COVID-19 pandemic on their objectives to achieve equality. It further calls upon States to ensure protection for those most affected, including access to safe, quality, effective and affordable healthcare and services and medical supplies, including access to medicines and vaccines, and to leave no-one behind. It recognizes the importance of and the need for greater international cooperation to further reduce inequality within and among States and to increase capacity-building support to countries with the most constrained resources.

Universal and equitable access to vaccines is a critical determinant for how States can control the pandemic and build back better. Human Rights Council [resolution 41/10](#) calls upon States to promote access to safe, effective, quality and affordable medicines and vaccines for all, including through the use to the full of the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), which provide flexibility for that purpose, while recognizing that the protection of intellectual property is important for the development of new and innovative medicines and vaccines, and the concerns about its effects on prices and public health. It also calls upon States to continue to collaborate, as appropriate, on models and approaches that support the delinkage of the cost of new research and development from the prices of medicines, vaccines and diagnostics for diseases that predominantly affect developing countries, including emerging and neglected tropical diseases, so as to ensure their sustained accessibility, affordability and availability and to ensure access to treatment for all those in need.

The Secretary-General has called for a global vaccine plan to double vaccine production and ensure universal and equitable distribution of the vaccines using the COVAX facility as a platform. Without international cooperation and the required financing to roll out COVID-19 vaccines and treatments available and affordable to all, the road to recovery looks bleak.

As emphasized by the High Commissioner for Human Rights vaccines must be treated as global public goods available to all, especially those most in need. A resilient recovery calls for equitable access to COVID-19 vaccines. An emphasis on policies grounded in human rights that address inequalities and build social justice will not only build stronger inclusive economies but will help reach those furthest behind.⁵

⁴ See <https://undocs.org/A/HRC/46/19>

⁵ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27278&LangID=E>

In March 2017, the Human Rights Council convened a panel discussion, during its thirty-sixth session, to exchange views on good practices and key challenges relevant to access to medicines as one of the fundamental elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. This seminar will provide an opportunity for States and other stakeholders continue their exchanges and to share reflections and information on good practices and concrete national experiences relevant to access to medicines and vaccines, particularly in the context of the COVID-19 pandemic.

Background documents:

- [Human Rights Council resolution 41/10](#) of 19 July 2019 entitled “Access to medicines and vaccines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”
- *Impact of the coronavirus disease (COVID-19) pandemic on the enjoyment of human rights around the world, including good practices and areas of concern*, Report of the United Nations High Commissioner for Human Rights ([A/HRC/46/19](#), March 2021)
- *Central role of the State in responding to pandemics and other health emergencies, and the socioeconomic consequences thereof, in advancing sustainable development and the realization of all human rights*, Report of the Office of the United Nations High Commissioner for Human Rights ([A/HRC/47/23](#), May 2021)
- [WHO Road Map for Access to Medicines, Vaccines and other Related Health Products 2019–2023](#)
- [General Assembly resolution 73/3](#) of 10 October 2018 entitled ‘Political declaration of the high-level meeting of the General Assembly on the fight against tuberculosis’
- [General Assembly resolution 73/2](#) of 10 October 2018 entitled ‘Political declaration of the third high-level meeting of the General Assembly on the prevention and control of non-communicable diseases’
- [General Assembly resolution 71/3](#) of 5 October 2016 entitled ‘Political declaration of the high-level meeting of the General Assembly on antimicrobial resistance’
- United Nations Secretary-General’s High-level Panel on Access to Medicines ([web page](#)) and [the Panel’s report on promoting innovation and access to health technologies](#) (September 2016)
- [Human Rights Council resolution 32/15](#) of 1 July 2016 entitled “Access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”
- [General Assembly resolution 70/1](#) of 25 September 2015 entitled “Transforming our world: the 2030 Agenda for Sustainable Development”
- Report of the 2015 Social Forum on Access to Medicines ([A/HRC/29/44](#))
- Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, on access to medicines ([A/HRC/23/42](#))
- Committee on Economic, Social and Cultural Rights, General comments [No. 14](#) (2000) and [No. 17](#) (2006)
