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

Azerbaijan*, ** Ecuador* and Turkey*: draft resolution

49/... 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,

Emphasizing that States need to ensure that all human rights are respected, protected and fulfilled while combating the pandemic and that their responses to the COVID-19 pandemic respect and are in full compliance with their obligations under international law, including international humanitarian law and international human rights law,

Recalling also General Assembly resolutions 74/270 of 2 April 2020, 74/274 of 20 April 2020, 74/306 of 11 September 2020, 74/307 of 11 September 2020 and 76/175 of 16 December 2021, Human Rights Council resolutions 41/10 of 19 July 2019, 44/2 of 21 July

* 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.



2020 and 46/14 of 23 March 2021, World Health Assembly resolutions WHA73.1 of 19 May 2020 and WHA74.7 of 31 May 2021, as well as World Health Assembly decision 74(16) of 31 May 2021, and the statement made by the President of the Human Rights Council on 29 May 2020,¹

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 to promote well-being for all at all ages, to achieve gender equality and to reduce inequalities within and among countries,

Recognizing that the 2030 Agenda for Sustainable Development is guided by the purposes and principles of the Charter, including full respect for international law, and is grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and is informed by other instruments, such as the Declaration on the Right to Development,

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,

Recognizing further that universal health coverage implies that all people have access without barrier or 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,

Recognizing that the availability of vaccines, medicines, health technologies and health therapies is critically important to 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 coronavirus disease (COVID-19) vaccines,

Expressing its serious concern over the disparity between developing countries and developed countries in terms of the distribution and administration of COVID-19 vaccines, which is one of the major factors preventing the entire international community from ending the acute phase of the COVID-19 pandemic 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 or supported the administration of safe and effective COVID-19 vaccines, including through the COVAX Facility, as well as the initiatives to support an inclusive recovery from the COVID-19 pandemic, 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 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”,²

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,

¹ A/HRC/PRST/43/1.

² General Assembly resolution 74/2.

bearing in mind that everyone has the right to enjoy the broader social 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 safe and effective COVID-19 vaccines for strengthening safe vaccines markets in order to minimize negative effects in all affected States and to avoid the emergence of new variants,

Taking note of the guidance issued by the treaty bodies³ and the special procedures and mechanisms of the Human Rights Council on States' human rights obligations in the context of the COVID-19 pandemic, and the joint statement issued by several special procedure mandate holders on universal access to vaccines, medicines, health technologies, diagnostics and health therapies,⁴

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 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,⁵

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, in terms of both 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 and safety are fundamental to tackling the pandemic, and expressing its concern about the fact that the unequal distribution of vaccines delays the end of the acute phase 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, in a manner that is consistent with its human rights obligations and that contributes to 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-

³ See E/C.12/2020/2 and E/C.12/2021/1.

⁴ Office of the United Nations High Commissioner for Human Rights, "Universal access to vaccines is essential for the prevention and containment of COVID-19 around the world", statement by UN Human Rights Experts, 9 November 2020.

⁵ A/HRC/49/35.

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 ableism and a greater risk of COVID-19 infection and have higher mortality rates, and 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, such as 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,

Emphasizing the need for full respect for and the protection and fulfilment of human rights, and stressing that there is no place for any form of stigmatization, discrimination, racism and xenophobia in response to the pandemic, further exacerbating the negative impact on the right to health, including mental health,

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

Noting with concern the uneven access to quality, timely, safe, efficacious and affordable COVID-19 vaccines and the difficulties that a large number of countries face supplying and administering them to their populations, stressing the important role of the Access to COVID-19 Tools (ACT) Accelerator initiative, Global VAX, and of other relevant initiatives that are aimed at accelerating development, production, equitable and timely 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 remains 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 extensive immunization against COVID-19 is a global public good for health in preventing, containing and hindering transmission, and in bringing the pandemic to an end,

1. *Emphasizes* the urgent need to ensure the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and to facilitate 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 to take the necessary steps to safeguard and protect health and care workers at all levels, including their physical and mental health, especially in health emergencies, through the equitable distribution of personal protective equipment, therapeutics, vaccines and other health services, effective infection prevention control and occupational safety and health measures within a safe and enabling work environment that is free from racial and all other forms of discrimination;

3. *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;

4. *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;

5. *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;

6. *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, and to bring the pandemic to an end, by ensuring the availability of safe, quality, efficacious, effective, accessible and affordable vaccines;

7. *Calls upon* States and other relevant stakeholders to remove unjustified obstacles, resulting in an unequal distribution in access to COVID-19 vaccines 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, and to promote the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

8. *Urges* States to facilitate the production, trade, acquisition, access to 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;

9. *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;

10. *Calls upon* States and all relevant stakeholders to promote research and capacity-building initiatives, and 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;

11. *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;

12. *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, 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;

13. *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, to support the equitable distribution of diagnostics, therapeutics and vaccines and to 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;

14. *Encourages* States and other stakeholders to voluntarily share technology and support the development of voluntary patent pools, such as the World Health Organization COVID-19 Technology Access Pool (C-TAP);

15. *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;

16. *Requests* all States, international organizations and relevant stakeholders to commit to transparency in all matters relating to the production, distribution and fair pricing of vaccines, in accordance with national and regional legal frameworks, and urges States to take immediate steps to prevent speculation and undue export controls and stockpiling that may hinder affordable, timely, equitable and universal access for all countries to COVID-19 vaccines;

17. *Recognizes* the immense logistical challenges posed by the lack of infrastructure for 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;

18. *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;

19. *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 and good practices and key challenges in affordable, timely, equitable and universal access to and distribution of quality, safe, efficacious and affordable COVID-19 vaccines and the impact on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, to submit the report to the Human Rights Council, at its fifty-second session, to be followed by an interactive dialogue, and to provide an oral update thereon to the Council at its fifty-first session;

20. *Decides* to remain seized of the matter.
