In the face of unequal access to covid-19 vaccines, intellectual property rules must be suspended

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More than 60 undersigned organisations urge World Trade Organisation (WTO) member states and other international organisations to ensure equitable and universal access to the covid-19 vaccine [1] an unprecedented medical breakthrough that has the potential to bea literal lifesaver. But this humane innovation will not benefit humanity if the greed of some of the big pharmaceuticals companies prevails. For this reason, it is imperative to suspend intellectual property rules related to pharmaceuticals that may diminish symptoms or covid-19 transmission.

Over a year into the pandemic, the figures are not encouraging. The Americas remain the region with the highest number of deaths and the most cases of infection (1,348,214 deaths as of 7 April), with Latin America accounting for more than 800,000 lives lost, representing over a quarter of deaths worldwide. Brazil, with over 13 million cases, has 336,947 deaths, followed by Mexico with 204,985 deaths, Colombia with 64,524, Argentina with 56,634 and Peru with 53,411 [2]. In addition, some of the new variants are more transmissible and have more severe symptoms.

Covid-19 vaccines should be a common good in the service of humanity. Yet today there are profound inequities between the Global North and the Global South in access to vaccines. Countries such as Britain and Canada have procured enough supplies to give each person four vaccine doses. As of mid-February, only 10 countries had administered 75% of available vaccines while in Latin America, Chile is the most vaccinated country on the region with 21.58% vaccinated [3]. The rest of the countries in the region do not even reach 2.5%; Colombia has vaccinated only 0.79% of its population despite being one of the countries with the highest number of cases of infection in the region [4].

Despite the existence of initiatives such as COVAX, existing efforts to distribute vaccines doses more equitably are not sufficient, as few Latin American countries have thus far received doses thanks to this mechanism [5].

Faced with the need for at least 70% of the world's population to be immunised to overcome the pandemic, more than 90 countries, led by India and South Africa, have joined together to propose to the World Trade Organisation (WTO) the temporary suspension of intellectual property on technologies, medicines and vaccines against covid-19 [6], favouring the exchange of knowledge and experience, as well as the authorisation to produce generic medicines and supplies. This suspension of patents on certain products would allow for increased volume production and greater global distribution.

At the WTO meeting on this issue a few days ago, the United States along with the European Union, the United Kingdom, Japan, and Australia blocked the initiative. The issue will be discussed again in April. Unanimity is needed for the item to be accepted.

FIDH and the undersigned organisations consider it essential for WTO member states to vote in favour of the temporary suspension of patents on covid-19 vaccines to ensure rapid immunity from this pandemic, a

scourge that seriously affects the enjoyment and exercise of human rights of people in the region.

This call for a waiver on the application of intellectual property rights as a means of securing States' obligations to take all the necessary measure to ensure the right to health in the Covid-19 context has been supported by numerous UN human right mechanisms, including the Committee on Economic, Social and Cultural Rights and UN Special Procedures. It is shameful that the latest UN Human Rights Council resolution on ''ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease pandemic'' falls short of calling for this waiver due to political pressure from the same states that are blocking its adoption at the WTO.

We consider that the arguments of the states blocking this agreement are unfounded:

First, they argue that this suspension would undermine the intellectual property incentive for vaccine research. In reality, the requested suspension is limited in time and scope as it is intended to facilitate global access to covid-19 related products. In addition, most vaccine companies have already received extensive R&D support from governments, reducing the need for patent monopolies (which are supposed to offset large upfront capital expenditures). Paradoxically, more than 7 billion euros of public funds have been used to support big pharma research on covid-19 vaccines [7].

Second, they imply that there is not enough capacity in the South to produce the vaccines. This claim is unfounded, as there are numerous companies specialising in generic remedies around the world that could produce the vaccines.

For all these reasons, we call on all states to accept the temporary suspension of WTO intellectual property rules related to pharmaceuticals that may reduce covid-19 symptoms or infections.

The covid-19 vaccine must be harnessed as a common good. The scientific knowledge that has led to such remarkable innovation must continue to serve development, humanity, and peace.

P.S.

- Justiça Global (Brazil)
- Movimento Nacional de Direitos Humano – (MNDH Brazil)
- Asociación Pro Derechos Humanos – APRODEH (Peru)
- CEDAL – Centro de Derechos y Desarrollo (Peru)
- Centro de Políticas Públicas y Derechos Humanos-Perú Equidad
- Corporación Colectivo de Abogados José Alvear Restrepo-CAJAR (Colombia)
- Instituto Latinoamericano de Servicios Legales Alternativos ILSA (Colombia)
- Acción Ecológica (Ecuador)
- Fundación regional de Asesoria en Derechos Humanos – INREDH (Ecuador)
- Comisión Ecuménica de Derechos Humanos, CEDHU (Ecuador)
- Centro Nicaragüense de Derechos Humanos (CENIDH) (Nicaragua)
- Comité de Familiares de Detenidos Desaparecidos en Honduras (COFADEH) (Honduras)
- Centro de Investigación y Promoción de los derechos humanos-Ciprodeh (Honduras)
- CNDH Comisión Nacional de los Derechos Humanos (Dominican Republic)
- Comisión de Derechos Humanos de El Salvador (CDHES) (El Salvador)
- Centro de Acción legal en Derechos Humanos (CALDH) (Guatemala)
- Comision Mexicana de Defensa y Promoción de los Derechos Humanos - CMDPDH (Mexico)
- Liga Mexicana por la Defensa de los Derechos Humanos (LIMEDDH) (Mexico)
- Comité de Acción Jurídica (CAJ) (Argentina)
- Centro por la Justicia y el Derecho Internacional - CELS (Argentina)
- Center for Constitutional Rights – CCR (United States)
- Programa Venezolano de Educación – Acción en Derechos Humanos – PROVEA (Venezuela)
- Observatorio Ciudadano (Chile)
- CEJIL Centro por la Justicia y el Derecho Internacional

- Corporación Humanas-Chile
- CODHES —consultoría para los derechos humanos y el desplazamiento forzado,Colombia
- Asociación Interamericana para la Defensa del Ambiente - AIDA (regional)
- Movimiento Autónomo de Mujeres, Nicaragua.
- Comité Permanente por la Defensa de los Derechos Humanos, Ecuador
- Étnica Integral(La fei)
- Amnistía Internacional
- Mujeres Libres COLEM, AC- Grupo de Mujeres de San Cristóbal de las Casas, AC
- Red por los Derechos de la Infancia en México (REDIM)
- Paz y Esperanza (Perú)
- AlertaVenezuela
- Abogadas y Abogados para la Justicia y los Derechos Humanos, A. C
- Women's Link Worldwide
- Centro de Documentación en Derechos Humanos "Segundo Montes Mozo S.J." (CSMM)
- Defensa de Niñas y Niños - Internacional, DNI Costa Rica
- Agrupación Ciudadana por la despenalización del aborto en El Salvador
- Pro-Búsqueda
- Washington Office on Latin America
- Equipo de Reflexión, Investigación y Comunicación de la Compañía de Jesús en Honduras
- Acción Solidaria
- CIVILIS Derechos Humanos
- Fundación Myrna Mack de Guatemala
- Colectivo de Derechos Humanos Nicaragua Nunca Más
- Synergía, Iniciativas para los derechos humanos
- Corporación Jurídica Libertad de Colombia (Medellín)
- Centro de Promoción y Defensa de los Derechos Sexuales y Reproductivos - Promsex. basados en Perú
- Coordinadora de Derechos Humanos del Paraguay (CODEHUPY)
- Centro Internacional para Investigaciones en Derechos Humanos (CIIDH)
- Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP)
- Seguridad en Democracia (SEDEM)
- Unidad de Protección a Defensoras y Defensores de Derechos Humanos Guatemala (UDEFEGUA)
- Convergencia por los Derechos Humanos
- CODEVIDA, Coalición de organizaciones por los derechos a la salud y la vida.
- COFAVIC
- Conectas Direitos Humanos
- Observatório Direitos Humanos e Crise Covid 19 (Brazil)
- Terra de Direitos (Brazil)

Footnotes

[1] Report from FIDH and 22 of its member organisations, "With Covid-19, It's High Time for New Social Compact in Latin America." https://www.fidh.org/en/region/americas/with-covid-19-it-s-high-time-for-new-social-compact-in-latin-america

[2] Figures obtained on 7 April 2021 from the website : https://coronavirus.jhu.edu/map.html

[3] Except for the United States with 17.99%, Uruguay with 2.78% and Costa Rica with 3.21% of its population fully vaccinated. https://coronavirus.jhu.edu/region/uruguay ; https://coronavirus.jhu.edu/region/costa-rica https://coronavirus.jhu.edu/region/united-states

[4] https://coronavirus.jhu.edu/region/colombia

[5] COVAX is one of the three pillars of the ACT Accelerator launched by the World Health

Organisation, the European Commission and France in response to the pandemic. The main objective is to ensure fair and equitable access to diagnostics, treatment and vaccines for covid-19 globally.

[6] El País article on the subject, “Choque entre el norte y el sur por las patentes covid-19.” https://elpais.com/planeta-futuro/2020-12-10/choque-entre-el-norte-y-el-sur-por-las-patentes-covid-19.html

[7] BBC. “Covid vaccines: Will drug companies make bumper profits?” https://www.bbc.com/news/business-55170756