

**AMNESTY
INTERNATIONAL**



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Department of Foreign Affairs
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By email

Dear Minister,

Re: COVAX: Global vaccine initiative should fulfil its human rights responsibilities

I write to you regarding the COVAX vaccine initiative. Amnesty International welcomes Irish Aid funding for COVAX. Irish participation in programs like COVAX is vital, but unless production is quickly ramped up around the world to meet global demand, there simply will not be enough supply. Amnesty International, together with Human Rights Watch and Public Citizen call on the COVAX vaccine initiative to incorporate human rights standards and principles of transparency and accountability, publish its contacts with vaccine developers and facilitate sharing of intellectual property to make vaccines swiftly available and affordable for all.

The organisations [wrote](#) to the leadership of COVAX on December 14 with questions related to COVAX human rights policies and practices, and recommendations related to transparency and vaccine availability and affordability, among others. COVAX responded in detail in a March 25, 2021 [letter](#), following a [preliminary response](#) on January 6. However, COVAX should be stronger on human rights and transparency so it can deliver critical, lifesaving vaccines swiftly to the dozens of countries relying on them.

Publishing contracts and prices is important as COVAX has the responsibility to undertake robust human rights due diligence in accordance with the [UN Guiding Principles on Business and Human Rights](#) and the [2008 Human Rights Guidelines for Pharmaceutical Companies in Relation to Access to Medicines](#) that were issued by the UN special rapporteur on the right to health. As part of its human rights due diligence, COVAX should respond to concerns related to supply, manufacturing capacity, the intellectual property landscape, and pricing, and regularly publish results and impacts.

COVAX has said it aims to maintain transparency around its plans and operations except when disclosure would violate confidentiality obligations. Since mid-December, COVAX has increased public disclosures of information related to its work, including vaccine distribution, provided summaries of the Coalition for Epidemic Preparedness Innovations (CEPI)'s funding, and committed to publishing a summary of Gavi's deals for COVAX.

Amnesty International has urged COVAX to publish all contracts surrounding vaccine research and development, and procurement, and to publicly disclose additional details related to country and industry participation, and pricing. However, COVAX responded that its contracts “contain commercially sensitive and proprietary information protected under confidentiality obligations” that cannot be disclosed. Instead of relying on confidentiality clauses, COVAX should ensure that its work is fully aligned with UNICEF’s longstanding practice of [price transparency](#), and publish all its contracts to facilitate accountability over public expenditure, the groups said.

While COVAX said it was “working with manufacturers committed to minimal profit pricing,” it has not yet published details about procurement pricing and profits in its agreements with vaccine developers and manufacturers. COVAX also has yet to publicly commit to verifying such pricing through a third-party audit.

Amnesty International is calling on the Irish government to demand maximum transparency and accountability, including to verify all commitments by companies to supply COVAX at non-profit prices or minimal profit pricing through third-party audits whose results are publicly shared. This is especially important as governments purchase vaccines through COVAX with public money and financing. Publishing contracts and procurement prices is key to providing the public a way to monitor government spending and is a bulwark against conflicts of interest and corruption.

As you know, the facility began delivering vaccine doses in late February. It had only been able to [deliver 49 million doses](#) to over 100 countries as of April 30. It [aims to provide vaccines](#) for at least 20 percent of participants’ populations. It also faces a significant funding shortfall. On April 8, [COVAX announced](#) it needed to raise an additional US\$2 billion to reach its goal of supplying 2 billion doses this year. For countries significantly dependent on COVAX for their vaccines, even achieving this goal is far from the vaccination coverage needed to reach [herd immunity](#). For example, the Africa Centers for Disease Control and Prevention has identified a goal of vaccinating at least [60 percent](#) of Africa’s population by 2022.

Global vaccine distribution has been highly [skewed toward higher-income countries](#). Though nearly 200 countries have started vaccination, more than 87 percent of vaccines have gone to high-income or upper middle-income countries, while only 0.2 percent has gone to low-income countries, according to a [World Health Organization \(WHO\)](#) statement on April 9.

Vaccine supply shortages have severely [hampered](#) and delayed COVAX work. Factors causing the problem include shortages and supply disruptions in raw materials for vaccines needed to bring production to a global scale, the practice by high-income governments of [pre-booking a major surplus of vaccines](#), [exclusive licensing](#), and ever-shifting export policies.

We also urge COVAX to show the way forward in sharing technology and know-how, so the world can build a pandemic resilient future, rather than allowing pharmaceutical corporations to dictate terms. The WHO must push its COVAX partners, Gavi and CEPI, to expect more of the pharmaceutical giants benefiting from their resources.

Expanding and diversifying manufacturing through sharing of intellectual property and open, non-exclusive licensing are key to the success of COVAX in the short- and long-term, the groups said. Amnesty International, Human Rights Watch and Public Citizen urged COVAX to publicly endorse and align its work with the WHO’s Covid-19 Technology Access Pool (C-TAP). COVAX responded that aligning and co-operating with C-TAP “is not an immediate priority,” given the

pressure it faces to meet its vaccine delivery goals this year. COVAX should recognise that the sharing of knowledge and intellectual property is essential to fulfilling its own mission of guaranteeing fair and equitable access for every country in the world. By refusing to engage with initiatives that have the potential to significantly boost global vaccine supply, COVAX seems to be shooting itself in the foot and hampering its very own work.

The WHO has publicly supported the TRIPS waiver proposal. CEPI and Gavi should also publicly support the TRIPS waiver proposal. Some governments have cited their funding commitments to COVAX while continuing to block the waiver proposal, even though the two efforts are [completely different and complementary in nature](#).

However, [COVAX said](#) it does not believe that intellectual property barriers are a key constraint to vaccine distribution and production. Instead, it believes that high start-up costs and complicated production processes are the major impediments. CEPI funds vaccine developers and requests information about patents and legal disputes from its potential awardees but does not publish this information. [CEPI could require awardees](#) to share intellectual property as a condition for receiving funding, and enforce compliance with its equitable access policy more firmly, including by issuing public health licenses, but it has not yet done so. Intellectual property rights experts have [publicly](#) highlighted how [exclusive licensing](#), in which a company decides to whom and on what terms to grant a license to produce their technology, often with restrictive conditions and control over price and volumes, has exacerbated Covid-19 vaccine shortages, especially in the short-term. COVAX should do its due diligence around the concerns raised and take action to remedy any potential risks, in line with international human rights norms.

I urge the Irish government to convey these concerns and calls to the organisations leading COVAX, CEPI, Gavi, the Vaccine Alliance and the WHO.

I look forward to your response and would be grateful for an opportunity to discuss this most urgent and important matter further with relevant officials.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Colm O'Gorman', with a stylized flourish at the end.

Colm O'Gorman
Executive Director

Cc: Minister Stephen Donnelly TD, Minister for Health, Department of Health; Minister Simon Coveney TD, Minister for Foreign Affairs, Department of Foreign Affairs; Charles Flanagan TD, Chair, Oireachtas Joint Committee on Foreign Affairs and Defence; Noel Murphy, Clerk to the Oireachtas Joint Committee on Foreign Affairs and Defence.