

Michelle Winthrop
Director of Policy,
Development Cooperation and Africa Division,
Department of Foreign Affairs

28 July 2021

By email

Dear Ms Winthrop,

Pursuant to the letter from Minister of State Colm Brophy of 1 June, I would very much welcome the opportunity to meet at your convenience. In advance of the meeting, please see Amnesty International's recommendations regarding the Irish government's human rights obligations vis-à-vis the global shortage of COVID-19 vaccines. As you will know, the World Health Organization (WHO)'s Director General has called for a massive global effort to vaccinate at least 10 per cent of the population of all countries by September, and at least 30 per cent by the end of the year. However, the COVAX Facility, a global initiative to provide COVID-19 vaccines to low- and middle-income countries, is falling short on its deliveries due to lack of supply, while rich countries continue to hoard surplus supplies well beyond their requirements.

THE URGENT NEED TO REDISTRIBUTE COVID-19 VACCINES GLOBALLY

Given the current global inequality regarding access to vaccines and COVAX's inability to deliver to countries according to schedule, there are major concerns around if and how quickly any more doses will arrive in countries, especially those experiencing surges infections that have led to third and fourth waves of COVID-19. In fact, on June 26, COVAX announced that it had no doses of AstraZeneca, SII (Serum Institute of India), and J&J (Johnson & Johnson) vaccines in stock for distribution. In June, Amnesty International launched two press statements on [Nepal](#) and [Afghanistan](#) which document the COVID-19 public health crisis amid vaccine shortages, and the failure of COVAX to be able to respond adequately to the crisis.

Amnesty International's briefing, ['Struggling to Breathe- The Second Wave of Covid-19 in Nepal', cited in the above mentioned press statement](#) documents the public health crisis faced by Nepal since April 2021 as the second wave of COVID-19 in the country wreaked havoc on its fragile health system. To date, Nepal has only fully vaccinated less than three percent of its population, while some wealthy countries that could redistribute much-needed vaccines enjoy over 50 per cent vaccination coverage. Although countries like China, USA and Japan have recently pledged to provide vaccines to Nepal, this is not a solution for the long term so additional deliveries and stronger measures are necessary.

Amnesty International called on the Afghan authorities in the press statement, ['Afghanistan: Oxygen and vaccines urgently needed as Covid-19 infections surge'](#), to procure the required vaccines with support from the international community and the COVAX programme, either through existing funding and support mechanisms or through the government budget.

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According to a World Bank announcement, sufficient budget should already exist to vaccinate 40 per cent of the population, half of which should be covered by COVAX and the other half covered by funds from the World Bank and the Afghanistan Reconstruction Trust Fund. The Asian Development Bank has also committed around \$50m USD to support vaccinations and other COVID-19 related programmes. However, as of 27 July 2021, Afghanistan has received 4,968,000 vaccine doses, including 3.3 million doses of Johnson and Johnson, from the Indian Government, Chinese Government and the United States of America Government and the COVAX Facility, which can only fully inoculate about 4 million of Afghanistan's 39 million people, representing only 10.2 per cent of its population.

Unfortunately, these are not uncommon scenarios. Many other countries face acute vaccine shortages, which can only be resolved in the long term by ensuring that intellectual property rights are not a barrier to much-needed increased global production by a wider range of manufacturers and fair distribution across countries. This includes agreeing to a 'waiver' on certain aspects of the World Trade Organization (WTO)'s TRIPS agreement for the production of COVID-19 health products, and supporting knowledge and technology transfer mechanisms such as the WHO's COVID-19 Technology Access Pool (C-TAP) and the WHO mRNA transfer hub, among other measures.

IRELAND'S INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Ireland has signed and ratified every international treaty relevant to the enjoyment of the highest attainable standard of physical and mental health (right to health), which is enshrined in several international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 15 of the ICESCR establishes the right to enjoy the benefits of scientific progress and its applications (right to science). This right is examined and developed by the UN Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment 25 on Science and Economic, Social and Cultural Rights adopted in April 2020. In terms of implementation of ESC rights, the Article 12.1 of ICESCR, clearly states that governments must "take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources with a view to achieving progressively the full realisation" of these rights.

The CESCR, in its General Comment 14, has made it clear that the obligation of states under Article 12.2 of ICESCR includes the prevention, treatment and control of epidemics and other diseases by making relevant technologies available and implementing and/or enhancing relevant immunisation programmes and other strategies. Moreover, these measures are "obligations of comparable priority" to core obligations of the right to health so states cannot justify non-compliance. In sum, access to vaccines fall squarely within the state's comparable core obligations as they play an essential role in curbing communicable diseases.

Within the context of COVID-19, the CESCR's [Statement on the Coronavirus Disease \(COVID-19\) Pandemic and Economic, Social and Cultural Rights](#) specifically highlighted that "pandemics are a crucial example of the need for scientific international cooperation to face transnational threats" and its General Comment 25 states that all people should have equal access to the applications of scientific progress, without discrimination. Just as importantly, the CESCR has reiterated that states must undertake extraterritorial obligations to support other states so they can fulfil their human rights duties. This may be through proactive measures to assist other states in upholding the right to health, as well as refraining from obstructing any efforts that other governments may take to do so, such as hoarding vaccine supplies. In light of these standards, Amnesty International urges Ireland to take specific measures to ensure that it is fulfilling its international human rights obligations.

RECOMMENDATIONS

Ireland and the international community must fulfil their obligation to ensure international cooperation by adequately supporting global mechanisms such as COVAX thereby enabling all countries, including lower-income ones such as Nepal and Afghanistan, to have adequate supplies of vaccines to protect their populations – at the very least those most at-risk - immediately. Per the above, Amnesty International urges Ireland to fulfil its international human rights obligations, by implementing the following immediate recommendations:

- Urgently share additional vaccine doses and encourage others to do the same, preferably through initiatives such as COVAX so all countries have fair access to COVID-19 vaccines and can immunise their population in a timely fashion, especially priority groups who are most at risk;
- Support the WTO TRIPS waiver and use its voice within the EU to advocate for a change in the EU position in support of the TRIPS waiver proposal;
- Support knowledge and technology sharing mechanisms, such as the World Health Organization (WHO)'s COVID-19 Technology Access Pool (C-TAP) and the WHO mRNA transfer hub;
- Publish comprehensive data and information on the current stockupcoming deliveries, pending orders, and orders under negotiation of COVID-19 vaccines for Ireland, including dates and brands in question.

I note that that some of these recommendations fall outside the remit of the Development Cooperation and Africa Division and I reiterate them here as they are necessary to address this global crisis.

Thank you for your urgent attention to these concerns within the remit of the Development Cooperation and Africa Division and request that you advocate to other relevant Divisions and Departments that all these recommendations are addressed.

I look forward to your response.

Yours sincerely,

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

Colm O'Gorman
Executive Director