



TOPIC SIX | ENSURING UNIVERSAL ACCESS TO COVID-19 DIAGNOSIS, TREATMENT, AND PREVENTION

Main Takeaways

- Governments must ensure any and all health products are freely and promptly available to everyone without discrimination and that vulnerable and marginalized communities receive access first.
- International cooperation is essential to ensure that COVID-19 interventions are as widely and equitably available as possible. This will mean removing intellectual property barriers, cooperating on development and distribution, and (for richer countries) providing financing to ensure global availability.
- Pharmaceutical companies should meet their human rights responsibilities by ensuring that prices of diagnostics, treatments, and vaccines do not present a barrier to access.

Why is this topic important in the context of COVID-19?

As well as having clear life-or-death implications for millions of people around the world, the development and availability of diagnostics, treatments, and prevention tools (such as a vaccine) for COVID-19 are crucial for any full and fair economic recovery. Regular social and economic activity will be impossible until then.

Cases of COVID-19 are increasing dramatically in the Global South. This is particularly worrying given relatively weaker health systems in low- and middle-income countries. Over the last several decades, austerity programs, often enacted at the prompting of international financial institutions, have eroded the ability of many health systems to adequately and equitably deliver treatments to those in need.

In all countries, COVID-19 is disproportionately affecting already marginalized communities. For example, in the USA, Black and Latinx individuals are many times more likely to die from COVID-19 than white people. Marginalized communities already experience worse baseline health indicators due to existing socioeconomic disparities, driven by economic and financing choices that implicitly deem some lives more worthy of protection than others.

These groups are also vastly overrepresented among essential workers in fields such as nursing, care work, sanitation, and food processing. Ensuring that the communities with the greatest need are first in line to receive any potential vaccine or therapeutics, and have unimpeded access to diagnosis, is a human rights and moral imperative.

History has shown that we cannot rely solely on markets to make this happen. Without sustained, concerted government efforts to make prevention, diagnosis, and treatment available and accessible

on a global scale, the mistakes of previous pandemics may be repeated. In the case of HIV/AIDS, tuberculosis, and viral hepatitis, delays and obstacles to widespread diagnostics and treatment resulted in the preventable deaths of millions of people. To avoid this scenario, governments will need to radically re-evaluate the principles and priorities underpinning their health financing and how they cooperate internationally.

What is being proposed?

A broad range of proposals are currently under deliberation. They can be categorized around how vaccines, treatments, and diagnostic tools should be developed, distributed, funded, and priced.

Developing diagnostics, treatments and vaccines as global public goods: Governments should support purposive development of science and technology to address COVID-19. Purposive development means 1) investing in COVID-19 research and development; 2) attaching pro-access safeguards to public funding agreements in order to ensure that the results of research—whether knowledge, data, or tangible tools such as new therapeutics and vaccines—are available and accessible to those who need them most; 3) directing funding toward innovation designed to meet the rights and needs of individuals and communities most affected by COVID-19 (for example, developing a vaccine that can be stored without refrigeration); and 4) creating opportunities for public participation in scientific decision making.

Ensuring equitable distribution: Governments and international organizations should eliminate or reduce barriers to international cooperation to ensure safe and effective vaccines and therapeutics can be made available as quickly as possible. Pooling resources and knowledge is one crucial

element of this. For example, governments should require that recipients of public research funding share COVID-19-related health technology, data, and intellectual property with the World Health Organization COVID-19 Technology Access Pool (C-TAP), which aims to promote the “broad sharing of the benefits of scientific advancement and its applications based on the right to health.”

As civil society groups have long advocated, intellectual property barriers should be eliminated to ensure maximum access to treatments at the lowest possible prices. For example, international agreements protect governments’ ability to make use of certain flexibilities—such as compulsory licensing—to prevent intellectual property rules from inhibiting broad availability and accessibility of diagnostics, treatments and vaccines.

At a minimum, States should not enact export bans on COVID-19 health technologies, form contracts with developers that exclude purchase by other governments, or hoard promising vaccines, tests or therapies. The recent example of the United States buying current and future stock of the drug *remdesivir* from Gilead is contrary to this imperative.

Providing prevention, diagnosis, and treatment for free: In line with the calls for a People’s Vaccine, the eventual vaccine for COVID-19 should be patent free and made free of charge to everyone, with first priority given to frontline workers, disproportionately vulnerable and marginalized groups. Countries with weaker health systems should be prioritized.

The vaccines and treatments are global public goods and should be financed as such. To make this a reality, dramatically increased funding for public healthcare systems will be necessary, with financing on the basis of ability to pay. This means progressive taxation within countries (see [Topic 3](#)), but also rich countries providing financing to ensure the vaccine is available to all countries in line with the duty of international cooperation.

Many of the health technologies currently under development by private pharmaceutical and biotech firms have relied on government research and funding. The public should benefit from this investment made on their behalf (via free access to products), rather than allowing pharmaceutical companies to reap profits from publicly-financed innovation.

What are the human rights arguments in favor of these proposals?

Most of the world’s governments have signed binding treaties that commit them to taking concrete

steps to guarantee **the right to health**, the right to enjoy the benefits of **scientific progress**, and the right to an **adequate standard of living** for all, without discrimination. They must do so using the *maximum of their available resources* (see [Topic 1](#)).

In accordance with these obligations, States must allocate sufficient resources to their health systems, and in particular support universal availability of and access to tools for the prevention, treatment, and control of infectious diseases. The right to enjoy the benefits of scientific progress obligates States to invest in the development of health technologies and to ensure their equitable diffusion.

The obligation to cooperate internationally to realize human rights (see [Topic 2](#)) is also crucial here. Inclusive, global cooperation is essential to ensure any medicines, vaccines, or diagnostics are equally available to all people around the world. Steps such as providing debt relief and increased financial support to poorer countries are a core part of this (see [Topic 4](#)).

The United Nations Guiding Principles on Business and Human Rights call for businesses to ensure that they respect rights, States to ensure that they protect human rights against corporate abuse, and for both to ensure remedy in case of violations (see [Topic 5](#)). The final report of the UN Secretary General’s High Level Panel on Access to Medicines elaborates on State obligation and private sector responsibility in this regard.

Equitable and effective access to vaccines, diagnostics, and treatments for COVID-19 is itself guaranteed by human rights and will also be essential to realize a vast range of rights, including the right to life, to health and to an adequate standard of living. Taking action on the proposals above will be necessary to make this a reality.

Critical Questions

- ▶ What percentage of GDP is health financing equivalent to? How does it compare to other budget items such as military spending or debt financing?
- ▶ What percentage of GDP is spent on health research and development?
- ▶ How will your government support the purchase and distribution of diagnosis, treatment and vaccines to guarantee maximum availability and accessibility, and that they reach the most disadvantaged first?
- ▶ Is your government ensuring that private companies provide universal access to products they develop?
- ▶ What steps has your government taken to reduce potential intellectual property or other barriers to access?