



# General Assembly

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## Human Rights Council

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Agenda item 3

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

### **Written statement\* submitted by Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2021]

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\* Issued as received, in the language(s) of submission only.



## On the Right to Development

APG23 welcomes all the reports presented at the 48th regular session of the Human Rights Council related to the right to development, namely the report of the Working Group on the Right to Development on its twenty-first session<sup>1</sup> where APG23 actively participated intervening also on behalf of the Catholic Inspired NGOs working group on the right to development of the Geneva Forum,<sup>2</sup> the Annual report of the Expert Mechanism on the Right to Development,<sup>3</sup> the report on the “Biennial panel discussion of the Human Rights Council on the right to development”<sup>4</sup> where the main representative of our Association intervened as a panellist and the report of the Secretary-General and the United Nations High Commissioner for Human Rights on right to development.<sup>5</sup>

All the existing mechanisms and mandates on the right to development are not overlapping at all but greatly contribute, being complimentary, in deepening the different facets of this right and keep higher the relevance and urgency of its implementation in the Human Rights Council and the UN System.

In particular, we would like to focus on the thematic study of the Expert Mechanism entitled “Operationalizing the right to development in achieving the Sustainable Development Goals” and on the report of Secretary-General and OHCHR because both are specifically elucidating the importance of operationalizing the right to development in the current times of the COVID-19 pandemic.

COVID-19 virus has put the world in turmoil causing a pandemic that, with its devastating impact on the life and livelihoods of people across the world and its effects on health, social fabric, economics etc., represents the most serious, uncertain crises faced by humanity in recent history.

COVID -19 has exacerbated existing inequalities within and across countries to the extent that they can no longer be ignored. This phenomenon, together with pre-existing trends of global environmental change, disproportionate power structures, demographic changes, technological innovations and gender inequality has abruptly unveiled unsustainable political and social determinants of health alongside the structural national and international obstacles to development.

The huge impacts of the COVID-19 crisis have further diminished prospects for achieving the SDGs, with the greatest adverse impacts falling on countries and people least able to protect themselves, and already at greatest risk of being left behind.

With the COVID-19 pandemic and the already existing threat of climate change, Member States are confronted at a litmus test on their commitment to promote, respect and fulfil human rights and to achieve sustainable development and peace.

The pandemic has greatly shown the interconnectedness of our world and the urgency of what the UN Secretary General, Mr Guterres, calls the action of: “Either we stand together, or we fall apart”.

In the resolution of the General Assembly A/RES/74/270 adopted on 2 April 2020, Member States have recognized that “the COVID-19 pandemic requires a global response based on

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<sup>1</sup> A/HRC/48/64.

<sup>2</sup> The working group on right to development of the Catholic Inspired NGOs of the Geneva Forum (CINGO) is composed by: Associazione Comunità Papa Giovanni XXIII, Association Points-Cœur, Caritas Internationalis – International Confederation of Catholic Charities, Company of the Daughters of Charity of St. Vincent de Paul, Dominicans for Justice and Peace – Order of Preachers, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, International Organization for the Right to Education and Freedom of Education, International Movement of Apostolate in the Independent Social Milieus, New Humanity, Teresian Association and International Volunteerism Organization for Women, Education and Development (VIDES).

<sup>3</sup> A/HRC/48/62.

<sup>4</sup> A/HRC/48/22.

<sup>5</sup> A/HRC/48/26.

unity, solidarity and renewed multilateral cooperation”. Such words will be empty if not followed by deeds.

An example of the lack of solidarity and multilateral cooperation, is what is happening with the complex issue of vaccines against COVID-19. Having safe and effective vaccines within a year of the first reported cases is a historic scientific achievement due mostly to the sharing of information within the scientific community and to an enormous release of financial resources by governments and other stakeholders.

Apart from the fact that a vaccine against Covid-19 should be ethically considered a common good, a more equitable distribution of COVID-19 vaccines would help to contain the pandemic sooner, and thus minimise the risk of new variants of the virus arising, against which existing vaccines might be less effective. Therefore, it is quite clear that if the available vaccines are not everywhere, this pandemic runs the risk of remaining with us for a long time.

So far, the distribution of vaccines around the world has been tragically unfair with only 1.2% of people in low-income countries that received at least one dose.<sup>6</sup>

The WHO and partners have launched the COVAX initiative, which is the vaccines pillar of the Access to COVID-19 Tools (ACT) Accelerator, an innovative global collaboration to accelerate the development, production, and equitable access to COVID-19 tests, treatments, and vaccines. This initiative aims to accelerate the development and manufacture of COVID-19 vaccines, and to guarantee fair and equitable access for every country in the world. The overarching logic of COVAX is that no country should vaccinate more than 20% of its population until all countries have vaccinated 20% of their populations, in accordance with principles of global equality.

However, many high-income countries have opted not to purchase their vaccines via COVAX and instead have sought to gain priority access to abundant quantities of COVID-19 vaccines by striking advance purchase agreements with developers. Moreover, some high-income countries are still reluctant to accept the proposal promoted by India and South Africa to temporarily waive some of the World Trade Organization provisions on intellectual property rights during the pandemic.

Yet, on March 30, 2021, the President of the European Council, Charles Michel and the Director-General of the World Health Organization, Dr. Tedros Adhanom Ghebreyesus made an open call for an international treaty on pandemics. This proposal claims to be guided by a spirit of collective solidarity and received the support of 23 countries, the majority of them European.

Hence, it is legitimate to wonder: how can some of these governments be in favour of a treaty on pandemics but at the same time label the recognition of the right to international solidarity as a rhetoric move and oppose a treaty on the right to development, which is so fundamental for a progress towards social justice?

APG23 fully agrees with the recommendations made by the Expert Mechanism on the right to development in the above-mentioned study and especially recommendation k) that sounds: “States must accelerate the operationalization of the right to development in mobilizing the means of implementation of the Sustainable Development Goals through international cooperation, global solidarity and shared responsibility for responding to and recovering from the COVID-19 pandemic. In particular, States must operationalize COVID-19 vaccines as a global public good, refrain from vaccine nationalism to ensure equitable access to vaccines to all persons and peoples everywhere; strengthen the COVAX facility, C-TAP mechanism and other relevant initiatives; and agree upon the necessary waivers to the Agreement on Trade-related Aspects of Intellectual Property Rights”. As the report of the SG/OHCHR clearly affirms in paragraph 45, “Vaccines have become the new frontier in the struggle for equality”. On March 1, 2021, the Expert Mechanism on the Right to Development, jointly with the Special Rapporteur on the right to development and other experts, issued a press release, where they urged WTO members to cooperate on TRIPS waivers and vaccines to protect global public health.<sup>7</sup> Furthermore, the Independent Expert

<sup>6</sup> <https://ourworldindata.org/covid-vaccinations>.

<sup>7</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26817&LangID=E>.

on human rights and international solidarity, Mr. Okafor recommended that States urgently withdraw any health-care-related measures and actions that might violate binding international solidarity, especially any hoarding of vaccines, therapeutics and diagnostics, as well as support explicit exemptions of COVID-19 diagnostics, therapeutics and vaccines from certain provisions of the TRIPS Agreement.<sup>8</sup>

The Human Rights Council, at its 46th regular session, adopted without a vote the resolution A/HRC/46/14 entitled “Ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease (COVID-19) pandemic”. It 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.

APG23 echoes the call of all UN Experts, reaffirming the urgency to consistently embrace solidarity in the fight against the pandemic by the entire international community. Likewise, it is necessary to speedily proceed with the implementation of the right to development. People in the world, especially the most vulnerable, cannot and should not wait any longer!

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<sup>8</sup> A/HRC/47/31