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The Permanent Mission of Australia to the United Nations and other International Organisations in Geneva, presents its compliments Office of the High Commissioner for Human Rights in Geneva and has the honour to transmit herewith a response from Australia to the joint communication JOL AUS 3/2021 on unequal access to COVID-19 vaccines, medicines, health technologies, diagnostics and health therapies within and between countries.

The Permanent Mission of Australia to the United Nations and other International Organisations in Geneva avails itself of this opportunity to renew to Office of the High Commissioner for Human Rights the assurances of its highest consideration.



GENEVA
14 December 2021

Response to Joint Communication from Special Procedures, Office of the High Commissioner for Human Rights – JOL AUS 3/2021 on unequal access to COVID-19 vaccines, medicines, health technologies, diagnostics and health therapies within and between countries

Question one: Views of the government on the proposed temporary waiver of TRIPS protections to ensure that intellectual property rights do not become a barrier to the effective enjoyment of the fundamental human rights.

The Australian Government will support a TRIPS waiver and remains committed to delivering an outcome in the WTO. The Australian Government continues to engage constructively with its partners in the WTO to find common ground on a positive, tangible and consensus driven outcome. If passed, a TRIPS waiver would send a powerful message of global solidarity and affirm the right of all WTO members to overcome any IP-specific barriers that emerge in responding to COVID-19.

Question two: Information about relevant national policies, laws and practices, including the use of compulsory license orders under the TRIPS Agreement, to produce and distribute vaccines in the public interest, to scale up production of vaccines and treatments against COVID-19 and to open up more opportunities for dissemination to a larger number of the population.

The Australian Government has implemented the TRIPS Agreement's compulsory licensing rules in its domestic law. The Australian Government has made clear that it supports the use of compulsory licensing wherever necessary in responding to COVID-19.

Question three: Ways in which the government supports efforts for international economic and scientific cooperation and international solidarity to avoid vaccine hoarding and to ensure global vaccine procurement and distribution, to provide financial and technical assistance to governments of low- and middle-income countries to address the human rights consequences of the current crisis (ie by strengthening the capacity of the health systems of such countries to produce vaccines themselves and to distribute them in an equitable manner).

The Australian Government is supporting international efforts to facilitate greater global access to vaccines. We joined with other nations at the G20 in aiming to vaccinate 70% of the global population by mid-2022. Towards this goal we have pledged to provide 60 million vaccine doses to countries in the Pacific and Southeast Asia – as at 12 December, we had delivered over 10 million. We are complementing our bilateral dose sharing with AUD130 million in support for the COVAX Advance Market Commitment (AMC). We are part of the Quad group of nations' efforts share 1.2 billion doses with low- and middle-income countries. We are providing AUD623 million in support of equitable access for vaccine roll-outs in our region. Australia is committed to working with partner governments to monitor and address issues of equity and mitigate discrimination, leveraging national vaccination strategies and priorities.

Question four: Laws and policies of the government on full transparency in its contracts with pharmaceutical companies purchasing vaccines, including all elements of vaccine development, procurement and provision to ensure the government complies with international law and that its related responsibilities can be effectively monitored and enforced, especially regarding the pricing policies and the human rights impact of indemnification clauses, as well as the partial or full built-in immunity clauses for the case of adverse side effects of vaccines.

Australia supports efforts to promote contract transparency in a manner consistent with international rules. We recognise there is a need to significantly increase synergies between public and private sectors and multilateral institutions, to enhance global development and production of COVID-19 vaccines.