



February 3, 2021

Ms. Gloria D. Steele

Acting Administrator, U.S. Agency for International Development

Re: *Amnesty International requests for equitable distribution of COVID-19 health products worldwide*

Dear Acting Administrator Steele:

On behalf of Amnesty International and our more than 10 million members and supporters worldwide, we [welcome](#) President Biden's executive actions to remain in the World Health Organization ("WHO") and to join the Access to COVID-19 Tools Accelerator ("ACT") and the COVID-19 Vaccine Global Access (COVAX) Facility. Through ACT and COVAX, the U.S. government should work with the international community to ensure that [distribution of COVID-19 vaccines](#) is equitable in all regions of the world regardless of countries' income levels and people's race, ethnic origin, citizenship, sex, gender identity and expression, sexual orientation, religion, or other characteristics.

In December 2020 [Amnesty International](#) published a report titled *A FAIR SHOT: Ensuring Universal Access to COVID-19 Diagnostics, Treatments, and Vaccines*. The report sets forth recommendations concerning the COVAX pillar, WHO Fair Allocation Framework, COVAX facility, intellectual property ("IP") rights, World Trade Organization, and COVID-19 Technology Access Pool ("C-TAP"). In addition, I published a January 2021 article on [InterAction](#), laying out *An International Human Rights Framework to COVID-19: Why We Must Prioritize Vaccine Distribution for Those Most at Risk*.

1. The U.S. should join the WHO's COVID-19 Technology Access Pool.

The U.S. government has already ordered more than 20 percent of the [world's supplies of vaccines](#) currently in phase 3 clinical trials, enough to immunize the entire U.S. population [four times over](#). Meanwhile, [70 lower income countries](#) may only be able to

vaccinate 10 percent of their populace against COVID-19 in 2021 unless governments and the pharmaceutical industry take urgent action to produce enough doses.

The international community cannot tackle the pandemic if lower income countries are denied [access to vaccines](#) because they cannot afford the vast number of doses higher income countries have secured. ACT-A and COVAX, while useful emergency tools, can at best provide a fraction of the total doses of vaccine that are needed, which is particularly important given the more easily transmissible variants that are circulating. They cannot secure the increase in supply that is needed to ensure that all nations can vaccinate sufficient proportions of their populations.

To that end, the U.S. should join the WHO's COVID-19 Technology Access Pool ("C-TAP"), a voluntary sharing platform created to foster greater collaboration around intellectual property rights, thereby increasing availability and affordability of COVID-19 diagnostics, treatments, and vaccines.

2. The U.S. should support the proposed World Trade Organization TRIPS waiver for COVID-19 health products.

There is an urgent need to adopt a multilateral approach for providing universal fair access to COVID-19 diagnostics, treatments, and vaccines. The current intellectual property ("IP") system has failed to deliver the COVID-19 products in sufficient quantities to those who most need it. [Ample evidence](#) demonstrates that IP rights have hampered the distribution and provision of COVID-19 health products for people globally. [Almost 70 countries are on track to vaccinate no more than one in 10 of their populations](#) in 2021.

The U.S. government should assess IP laws, policies, and practices and ensure that they are not a barrier to the availability and affordability of COVID-19 medical products for all people worldwide. The U.S. government should respect the spirit of the Doha Declaration on The Agreement on Trade-Related Aspects of Intellectual Property Rights ("TRIPS") and Public Health, and the proposed World Trade Organization Waiver from Certain Provisions of the TRIPS Agreement for the Prevention, Containment and Treatment of COVID-19. We urge the Biden administration to engage in constructive negotiations with other WTO member states, with a view to adopting the proposal at the March 10 meeting of the WTO General Council.

The proposed TRIPS waiver will provide a framework for eliminating such barriers. The waiver will be time-bound for a specified period and is [supported](#) by the WHO and a [group of UN independent human rights experts](#). The majority of low and middle income countries – whose populations face years before vaccines arrive – are also supportive.

In addition, the U.S. government should refrain from making bilateral agreements that may affect [the global supply of a vaccine](#). Any public funding to companies should be conditional on terms and conditions being publicly disclosed, in line with principles of transparency and accountability.

We look forward to your response and welcome the opportunity to discuss this matter further. Please do not hesitate to contact me at 202/281-0017 or jlin@aiusa.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerome L. Li".

National Director, Advocacy and Government Affairs

202/281-0017