

HEALTH



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COVID Vaccine is a Human Right

By Alejandro Luna | Wed, 01/27/2021 - 09:26

On Jan. 22, 2021, Mexican President Andrés Manuel López Obrador indicated that he would authorize private companies and local governments to purchase vaccines to prevent COVID-

19. Since the beginning of the first regulatory approvals of vaccines in Mexico, the president has stated that he was not going to oppose the commercialization of the vaccine in the private sector.

However, the importation of medicines, vaccines and regulated products requires full compliance with certain formalities for the importation of these supplies and the corresponding sanitary authorizations. In this case, the responsibility to review and approve such authorization is on the Commission for the Protection Against Sanitary Risks (COFEPRIS), a dependency that today has a new head, Dr. Gabriel Alfredo Cortés Alcalá.

There is a difference between not prohibiting and formally authorizing the vaccine. There is also a greater issue concerning the availability of the vaccine, which goes beyond decrees and wills. In a global pandemic, the demand far exceeds production capacities, especially when dealing with these types of supplies (vaccines), which require safety, efficacy and quality conditions to be in full compliance.

Obtaining a fair, equitable and global distribution of the vaccine will not be an easy challenge for humanity and requires the cooperation of all the sectors involved, each within the scope of their activities and responsibilities, including governments, pharmaceutical companies, distributors, health professionals and hospitals, as well as the responsible behavior of the population.

While it is true, as of this writing, that there are more than 15 COVID-19 vaccines in phase 3 of research and more than 237 in development, it is also true that in the US and Mexico, only three vaccines have acquired regulatory approval: the BNT162b2 from Pfizer and BioNtech; Moderna's mRNA-1273; and AstraZeneca/Oxford's ChAdOx1 nCoV-19.

In populations such as Mexico, with more than 120 million individuals, it will not be easy to ensure the desired fair, equitable and timely distribution for all Mexicans who need to be vaccinated. For this reason, the news issued by the president of Mexico that he will authorize the states and the private sector to purchase the vaccines is welcome. However, it is important to point out that the right to vaccination in a timely manner, as well as its access in the public and/or private sectors, is not a free concession from this government, or from any other government or political party. The access to health and vaccines is a right ... a human right.

Human rights are inherent to all people, without any distinction of nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other condition. In addition to the principles of universality and nondiscrimination, human rights are interrelated, interdependent and

indivisible. That is to say, you cannot respect some but not others, not even randomly, because some influence the enjoyment of others.

The right to life is perhaps the original fundamental right, since many of the other fundamental rights depend on the guarantee and conservation of this right. In this context, and considering the indivisibility of fundamental rights, the right to health protection is much more than the absence of disease or having access to medical care. It is a fundamental right that touches all aspects of life and that is why it is so important to understand health in the broadest and most progressive manner possible.

The Universal Declaration of Human Rights was proclaimed by the General Assembly of the United Nations in Paris, on Dec. 10, 1948, as a common ideal for all peoples and nations, which establishes for the first time the fundamental human rights that must be protected throughout the world and that constitute the rights and freedoms to which every human being can aspire in an inalienable way and under conditions of equality. In this context, the right to life constitutes the basic right, and the right to health protection must be understood as a right to the enjoyment of a broad range of facilities, goods, services and conditions necessary to achieve the highest possible level of health.

The International Agreement on Economic, Social and Cultural Rights and its Optional Protocol are the international instruments of the Universal System for the Protection of Human Rights of the United Nations System that regulate the protection of economic, social and cultural rights, while the International Covenant on Civil and Political Rights regulates the protection of those rights.

Both pacts were approved on Dec. 16, 1966, by the General Assembly of the United Nations. Both treaties develop the content of the Universal Declaration of Human Rights and are mandatory for the states that have expressed their consent to be bound by them, as is the case of the Mexican State, which adhered on March 23, 1981, entering into force in our country on May 12 of that year. For their part, economic, social and cultural rights are considered material equality rights by means of which it is intended to achieve the satisfaction of people's basic needs and the highest possible level of dignified life.

In November 1994, the Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador" entered into force, which was ratified by the Mexican State on March 8, 1996. Article 10 of the Additional Protocol to the

American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador" expressly establishes as a right, the following:
"total immunization against the main infectious diseases ..."

Article 4 of our Mexican Constitution guarantees the right to health protection for all people. The General Health Law regulates the right to health protection, establishes the bases and modalities for access to health services and the concurrence of the federation and the federal entities in matters of general health, which is applicable in the entire Mexican republic and its provisions are of public order and social interest. In this regard, article 27 of the General Health Law establishes that, for the purposes of the right to health protection, basic health services are those referring to the availability of medicines and other essential health supplies.

Specifically, for vaccines, the Mexican Health Law recognizes the high relevance of opportune inoculation and establishes an abbreviated and prioritized regimen for vaccination approvals and campaigns as established in article 157 bis of the Mexican Health Law.

In order to guarantee access to medicines and health protection, the general rule established by the General Health Law, and the Regulation of Health Supplies, for the purposes of medicines is that authorized and available medicines are acquired and commercialized in Mexico. In this context, the Health Regulation provides an exception to meet the principle of access to health, humanitarian and compassionate care, providing that, if there is no product in Mexico, it can be purchased abroad for emergencies or emergency-related reasons.

In conclusion, the government's desire to provide free vaccines for all Mexicans is welcome, as well as the recent announcements in which it is said that the states and private initiative will be authorized to purchase the vaccine, which implies greater opportunities for access to them. However, in the short term and in the most complicated part of the pandemic in our country, derived from high demand, the problem of shortage of the vaccine worldwide must first be addressed.

Worldwide shortage of the vaccine is a matter that does not depend on this government. Its prerogative and main responsibility is the effectiveness and timeliness in which the corresponding health authorizations for the importation of vaccines will be received, processed and resolved, ensuring that the procedures are simple and fast, in addition to taking care of third-party rights and especially, those matters related to safety, efficacy and quality. In the regulatory apparatus, it is where concessions, proactivity and efficiency are expected from our government, because timely inoculation is a right, not a concession.

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