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**69th Session of the UN Committee on Economic, Social and Cultural Rights**

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INTERNATIONAL COMMISSION OF JURISTS' STATEMENT TO THE COMMITTEE ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS ON THE OPENING OF ITS 69<sup>th</sup> SESSION

**Submitted 10 Feb 2020**

*Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952 and active on five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.*

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## International Commission of Jurists' Statement to the Committee on Economic, Social and Cultural Rights on the Opening of its 69<sup>th</sup> Session

1. The International Commission of Jurists (ICJ) applauds the concerted efforts of the Committee on Social, Economic and Cultural Rights (CESCR) to provide guidance to States about the fulfillment of their obligations under the ICESCR in responding to the COVID-19 pandemic. Both the CESCR's statement on COVID-19 and ESCR (April 2020)<sup>1</sup> and its subsequent statement on universal and equitable access to COVID-19 vaccines (Dec 2020)<sup>2</sup> have fast become rallying points for human rights defenders around the world working to enforce human rights under trying circumstances.
2. In addition, the authoritative interpretations of the Covenant provided by the CESCR's General Comment on the Right to Health,<sup>3</sup> and the timeously published General Comment on Science,<sup>4</sup> will, if seriously taken on board by States, make invaluable contributions to the realization of Covenant rights even as States struggle to respond to the pandemic.
3. However, despite this Committee's best efforts, in many countries governments continue to fail to make provision to meet their minimum core obligations under the right to health.

**In light of this, the ICJ calls on the CESCR to make use of the Convention's State reporting procedure to provide crucial and specific guidance to individual States on how best to ensure compliance with their Covenant obligations related to the right to health in the context of COVID-19.**

4. In addition, the ICJ wishes to draw to the Committee's attention some key concerns, by way of example, focusing on the vital issues of vaccine access and access to justice, and urge the Committee to remind States of their obligations in these areas.

### A. STATE OBLIGATIONS TO PROCURE VACCINES

5. Tanzanian President John Magufuli has described vaccines as "dangerous", and the Health Minister Dorothy Gwajima has confirmed that the "government has no plans to receive the Covid vaccine". Alongside **Tanzania, Burundi, Eritrea and Madagascar** have reportedly refused even free access to vaccines through COVAX.<sup>5</sup>

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<sup>1</sup> CESCR, Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights E/C.12/2020/1 (17 April 2020), available at: <https://undocs.org/E/C.12/2020/1>.

<sup>2</sup> CESCR, Statement on universal and equitable access to vaccines for the coronavirus disease (COVID-19) E/C.12/2020/2 (15 Dec 2020), available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/2020/2&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/2020/2&Lang=en).

<sup>3</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12 of the Covenant)*, 11 August 2000, E/C.12/2000/4, available at: <https://www.refworld.org/docid/4538838d0.html>.

<sup>4</sup> General comment No. 25 (2020) on science and economic, social and cultural rights (article 15 (1) (b), (2), (3) and (4) of the International Covenant on Economic, Social and Cultural Rights) (April 2020) E/C.12/GC/25, available at: <https://undocs.org/E/C.12/GC/25>.

<sup>5</sup> The Wall Street Journal, Tanzania Shunned Lockdowns. Now It's Rejecting Covid-19 Vaccines (3 February 2021), available at: <https://www.wsj.com/articles/tanzania-shunned-lockdowns-now-its-rejecting-covid-19-vaccines-11612364606>; UNICEF "Madagascar Country Office Humanitarian Situation Report No. 4", available at:

**States Parties should acknowledge explicitly that: access to vaccines is a necessary condition for the enjoyment of the right to health and other Covenant rights, that vaccines are a public good, and everyone's entitlement. States Parties should comply with their legal obligation under the Covenant to take measures toward securing vaccine access for their populations.**

## **B. STATE OBLIGATIONS TO PRODUCE AND IMPLEMENT COMPREHENSIVE ROLL OUT PLANS**

6. All States have an obligation “to take all the measures necessary, to the maximum available resources, to guarantee access to vaccines for COVID-19 to all persons, without discrimination”. Consistent with CESCR’s jurisprudence, this obligation clearly includes a duty to develop, publish and implement comprehensive vaccine acquisition, storage and distribution plans.<sup>6</sup>
7. In **Zimbabwe**, however, the human rights organization ZimRights has approached the High Court seeking an order requiring the government to budget for and produce a vaccine roll out plan for the country.<sup>7</sup> In **South Africa**, the Health Justice Initiative has contemplated similar litigation,<sup>8</sup> and continues to criticize the adequacy of government plans.<sup>9</sup> In many States little or no information is provided to the public about the States’ vaccine procurement and distribution plans.<sup>10</sup>

**States Parties should formulate and publicize comprehensive vaccine procurement and distribution plans consistent with their Covenant obligation to ensure access to health information.<sup>11</sup>**

## **C. NON-DISCRIMINATORY ACCESS TO VACCINES**

8. Without advanced access to States’ vaccine acquisition and roll out plans, individuals and groups seeking to enforce Covenant rights are unable to do so. There is a real risk, for example, that States’ roll out plans will discriminate against disadvantaged and marginalized groups either explicitly or

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<https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Madagascar%20Country%20Office%20Humanitarian%20Situation%20Report%20No.%204%20-%201%20January-31%20December%202020.pdf>, p. 3.

<sup>6</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12 (Art. 2 of the International Covenant on Economic, Social and Cultural Rights))*, 11 August 2000, E/C.12/2000/4, available: <https://www.refworld.org/docid/4538838d0.html>, paras 43(d)(e),(f), 44(b), 54-55.

<sup>7</sup>NewsDay,ZimRights demands COVID-19 vaccine roll-out plan (5 February 2021), available at: <https://www.newsday.co.zw/2021/02/zimrights-demands-covid-19-vaccine-roll-out-plan/>. The matter was struck off the roll for a lack of urgency, a decision which has been appealed by ZimRights. See: <https://twitter.com/ZimRightsLIVE/status/1359437954331140096?s=20>.

<sup>8</sup> IOL, State’s vaccine plans could be challenged by Health Justice (19 December 2020), available at: <https://www.iol.co.za/pretoria-news/news/states-vaccine-plans-could-be-challenged-by-health-justice-initiative-9c351278-7630-4c0f-95c9-499f31f127c0>.

<sup>9</sup> Daily Maverick, Health Justice Initiative, Vaccine Equity, Access and Allocation (4 December 2020), available at: <https://www.healthjusticeinitiative.org.za/post/vaccine-equity-access-and-allocation>.

<sup>10</sup> Vaccine procurement and distribution – the continent’s next big Covid-19 test (9 Feb 2021), available at: <https://www.dailymaverick.co.za/article/2021-02-09-vaccine-procurement-and-distribution-the-continent-next-big-covid-19-test/>.

<sup>11</sup> WHO SAGE Roadmap for Prioritizing uses of COVID-19 Vaccines in the Context of Limited Supply, Version 1.1 (13 November 2020), available at: [https://www.who.int/docs/default-source/immunization/sage/covid/sage-prioritization-roadmap-covid19-vaccines.pdf?Status=Temp&sfvrsn=bf227443\\_2](https://www.who.int/docs/default-source/immunization/sage/covid/sage-prioritization-roadmap-covid19-vaccines.pdf?Status=Temp&sfvrsn=bf227443_2).

in their impact. For example, it was initially reported that in **South Africa** vaccines would only be made available to South African citizens, and not to “undocumented” foreign nationals.<sup>12</sup> Concern remains that documentary requirements to access vaccines may discourage “undocumented migrants” from seeking vaccination.<sup>13</sup> The authorities’ vaccine distribution strategies in **Mexico**<sup>14</sup> and **Colombia** gave rise to similar concerns, although Colombia appears to have reversed its decision.<sup>15</sup>

9. While allowing Palestinian residents of East Jerusalem access to vaccines, **Israel** continues to deny it to Palestinians living in the Occupied Palestinian Territories, particularly, in the West Bank and Gaza, with the Israeli Health Minister Yuli Edelstein claiming “Palestinians have to take care of their own health”,<sup>16</sup> despite international law obligations to ensure such access in coordination and cooperation with State of Palestine authorities<sup>17</sup>

**States Parties should provide disaggregated data on vaccine access for all marginalized and disadvantaged persons in their territory and illustrate compliance with their obligation to ensure equal and non-discriminatory access to vaccines under Article 2 of the Covenant.**<sup>18</sup>

#### **D. STATES PARTIES OBLIGATIONS TO REALIZE THE RIGHT TO HEALTH “INDIVIDUALLY AND THROUGH INTERNATIONAL ASSISTANCE AND CO- OPERATION”**

10. Under Article 2 of ICESCR, as detailed in the *Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights*, States must “elaborate, interpret and

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<sup>12</sup> Daily Maverick, “Migrants in SA fear being excluded from the COVID-19 vaccination campaign” (5 February 2021), available at: <https://www.dailymaverick.co.za/article/2021-02-05-migrants-in-sa-fear-being-excluded-from-the-covid-19-vaccination-campaign/>

<sup>13</sup> Human Rights Watch, “Ensuring Equitable COVID-19 Vaccine Distribution in South Africa” (3 February 2021), available at: <https://www.hrw.org/news/2021/02/03/ensuring-equitable-covid-19-vaccine-distribution-south-africa>. Daily Maverick, “South Africa belongs to all who live in it, and so does the right to be vaccinated against Covid-19”, available at: <https://www.dailymaverick.co.za/article/2021-02-10-south-africa-belongs-to-all-who-live-in-it-and-so-does-the-right-to-be-vaccinated-against-covid-19/>.

<sup>14</sup> Amnesty International, “Mexico: Vaccination registry excludes important sectors of the population by requesting CURP and jeopardizes public health” (5 February 2021), available at: <https://www.amnesty.org/en/latest/news/2021/02/mexico-registro-vacunacion-excluye-importantes-sectores-poblacion/>.

<sup>15</sup> The Guardian, “Alarm at Colombia plan to exclude migrants from coronavirus vaccine” (22 December 2020), available at: <https://www.theguardian.com/global-development/2020/dec/22/colombia-coronavirus-vaccine-migrants-venezuela-ivan-duque>;

UNHCR-IOM, Joint Press Release, UNHCR and IOM welcome Colombia’s decision to regularize Venezuelan refugees and migrants (8 February 2021), available at: <https://www.unhcr.org/news/press/2021/2/60214cf74/unhcr-iom-welcome-colombias-decision-regularize-venezuelan-refugees-migrants.html>.

<sup>16</sup> BBC, “COVID-19: Why are Palestinians not getting vaccines?” (5 February 2021), available at: <https://www.bbc.com/news/55800921>.

<sup>17</sup> Israel/OPT: UN experts call on Israel to ensure equal access to COVID-19 vaccines for Palestinians (14 January 2021), available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26655&LangID=E>.

<sup>18</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 20: Non-discrimination in economic, social and cultural rights (Art. 2, of the International Covenant on Economic, Social and Cultural Rights)*, 2 July 2009, E/C.12/GC/20, available at: <https://www.refworld.org/docid/4538838d0.html>, <https://www.refworld.org/docid/4a60961f2.html>, para 2.

apply” all “relevant international agreements and standards in a manner consistent with their human rights obligations” and “take action, separately, and jointly through international cooperation, to respect the economic, social and cultural rights of persons within their territories and extraterritorially”.<sup>19</sup>

11. Many States, however, by their actions or omissions, continue to impede global access to vaccines.<sup>20</sup> Far too few States have supported global collaborations essential to ensuring equitable vaccine access, such as the WHO’s COVID-19 Technology Access Pool (C-TAP), and **South Africa** and **India’s** waiver proposal (IP/C/W/669) to the WTO’s Trade Related Aspects of Intellectual Property Rights (TRIPS) Council.
12. Only 40 of the WHO’s nearly 200 Member States have endorsed C-TAP, which is aimed at facilitating the transparent sharing of COVID-19 health technology related knowledge, intellectual property and data, including vaccines.<sup>21</sup>
13. Similarly, despite CESCR’s endorsement<sup>22</sup> and support from a range of UN Special Procedures,<sup>23</sup> many States – particularly those in the Global North – continue to actively oppose the proposal for the WTO to waive the “implementation, application and enforcement” of TRIPS provisions for the purposes of COVID-19 “prevention, containment or treatment”.
14. The consequence is a continuing divide in vaccine access between Global North and Global South countries, with low-income countries barely having begun the process of vaccination, and many having no access to vaccines at all.<sup>24</sup> Some States have already vaccinated significant proportions of their populations and have more than enough vaccines to do so several times over.<sup>25</sup> At the same time, **South Africa**, for example, has been widely reported to have had to pay more than double the amount paid by many European countries for Oxford-AstraZeneca vaccine.<sup>26</sup>

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<sup>19</sup> Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights (2011), available at: [https://www.etoconsortium.org/nc/en/main-navigation/library/maastricht-principles/?tx\\_drblob\\_pi1%5BdownloadUid%5D=23](https://www.etoconsortium.org/nc/en/main-navigation/library/maastricht-principles/?tx_drblob_pi1%5BdownloadUid%5D=23), Principles 17, 19.

<sup>20</sup> UN expert says global coordination and more equitable sharing of COVID-19 vaccines key to recovery (22 Jan 2021), available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26683&LangID=E>.

<sup>21</sup> Website of the COVID-19 Technology Access Pool, <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/global-research-on-novel-coronavirus-2019-ncov/covid-19-technology-access-pool> (accessed 27 January 2021).

<sup>22</sup> Statement on universal and equitable access to vaccines for the coronavirus disease (COVID-19) E/C.12/2020/2 (15 Dec 2020), available at:

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/2020/2&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/2020/2&Lang=en).

<sup>23</sup> Statement by UN Human Rights Experts Universal access to vaccines is essential for prevention and containment of COVID-19 around the world (9 Nov 2020), available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26484&LangID=E>.

<sup>24</sup> Human Rights Watch, “Not helping low-income countries get the vaccine could come back to haunt” (3 February 2021), available at: <https://www.hrw.org/news/2021/02/03/not-helping-low-income-countries-get-vaccine-could-come-back-haunt-us-0>.

<sup>25</sup> Launch & Scale Speedometer, “February 8, 2021, Weekly Vaccine Research Update - Summary of Last Week’s Major Developments” (8 February 2021), available at: <https://launchandscalefaster.org/COVID-19>.

<sup>26</sup> Aljazeera, “South Africa to pay 2.5 times more than EU for COVID vaccine” (22 January 2021), available at: <https://www.aljazeera.com/news/2021/1/22/s-africa-to-pay-2-5-times-more-than-eu-for-virus-vaccine>.

15. In addition, on receipt of such vaccines, it became evident that the vaccines provided expired much sooner than anticipated.<sup>27</sup> This is of broader concern on the continent, as 90 million doses of the Oxford-AstraZeneca vaccine are due to be delivered to African countries,<sup>28</sup> with WHO Africa Director Dr Matshidiso Moeti indicating “we cannot afford to waste even a single dose of these vaccines”.<sup>29</sup>

**States Parties should explain how they have complied with international co-operation obligations with respect to equitable access to vaccines for all people in all countries. States should illustrate the adequacy of measures taken to ensure that companies do not prevent vaccine access or significantly obstruct affordable access to vaccines for all.**

#### **E. ACCESS TO EFFECTIVE REMEDIES, INCLUDING JUDICIAL REMEDIES**

16. In some countries, the continued access has proven invaluable in the fulfilment of Covenant rights in the context of COVID-19. In **Nepal**,<sup>30</sup> **Lesotho**,<sup>31</sup> **Zimbabwe**<sup>32</sup> and **India**,<sup>33</sup> for example, courts have handed down decisions relating to access to PPE for healthcare workers.
17. In **Nepal**, in particular,<sup>34</sup> the Supreme Court has made orders in relation to: management of quarantine facilities; the operation of private health facilities; the rights of detained persons; and the provision of COVID-19 related health services free of charge.

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<sup>27</sup> TimesLive, “SA’s Covid-19 vaccines are expiring earlier than planned — and we only found out when they got to the country” (7 February 2021) available at: <https://www.timeslive.co.za/news/south-africa/2021-02-07-sas-covid-19-vaccines-are-expiring-earlier-than-planned-and-we-only-found-out-when-they-got-to-the-country/>

<sup>28</sup> COVAX expects to start sending millions of COVID-19 vaccines to Africa in February (4 February 2021), available at: <https://www.afro.who.int/news/covax-expects-start-sending-millions-covid-19-vaccines-africa-february>

<sup>29</sup> Dr Matshidiso Moeti (@MoetiTshidi) (“Africa has watched other regions start #COVID19 vaccination campaigns from the side-lines for too long. This planned roll-out is a critical first step to ensuring the continent gets equitable access to vaccines. We know no one will be safe until everyone is safe”). (Twitter Post), available at: <https://twitter.com/MoetiTshidi/status/1357390202684211203?s=20>.

<sup>30</sup> Id.

International Commission of Jurists, “The Right to Health: Redirecting the “Unconstitutional Path” of Nepal’s COVID-19 Responses” (November 2020), available at: <https://www.icj.org/wp-content/uploads/2020/11/Nepal-Right-to-health-Advocacy-analysis-brief-2020-ENG.pdf>, pp 23-28.

<sup>31</sup> Khanyo Frise, “COVID-19 and Africa Symposium: The State’s Duty to Provide PPE to Health Workers in Lesotho” (8 December 2020), *OpinioJuris*, available at: <http://opiniojuris.org/2020/12/08/covid-19-and-africa-symposium-states-response-to-covid-19-in-africa/>; Lesotho Medical Association and Another v Minister of Health and Others (CONST. CC NO: 19/2019) [2020] LSHC 14 (24 June 2020), available at: <https://lesotholii.org/ls/judgment/high-court/2020/14>.

<sup>32</sup> Zimbabwe Lawyers For Human Rights “Fighting Coronavirus; High Court Orders Govt to Protect Frontline Health Practitioners and Equip Public Hospitals With Medication to Stem Epidemic” (14 April 2020), available at: <https://www.zlhr.org.zw/?p=2004>.

<sup>33</sup> *Jan Swasthya Abhiyan and Anr. v. State of Maharashtra and Ors.*, (2020) PIL-CJ-LD-VC-21-20, available at: <https://bombayhighcourt.nic.in/writereaddata/weborders/PDF/O120620200902.pdf>

<sup>34</sup> International Commission of Jurists, “The Right to Health: Redirecting the “Unconstitutional Path” of Nepal’s COVID-19 Responses” (November 2020), available at: <https://www.icj.org/wp-content/uploads/2020/11/Nepal-Right-to-health-Advocacy-analysis-brief-2020-ENG.pdf>, pp 23-28.

18. Challenges to the legality of “lockdown” regulations have been adjudicated in several countries, including, **New Zealand**,<sup>35</sup> **Malawi**,<sup>36</sup> **Kosovo**,<sup>37</sup> **South Africa**,<sup>38</sup> **Namibia**,<sup>39</sup> **Colombia**,<sup>40</sup> **Australia**<sup>41</sup> and **Canada**.<sup>42</sup>
19. Despite this, many States have taken measures with the stated intent to respond to the COVID-19 pandemic that have severely curtailed access to justice. The role of the judiciary in ensuring access to effective remedies for human rights violations,<sup>43</sup> including ICESCR violations, is “even more important in times of emergency”.<sup>44</sup> CESCR’s jurisprudence on the right to health, specifically, has affirmed as much.<sup>45</sup>

**States Parties should provide information about the functioning of judicial and non-judicial mechanisms and how effective compliance with judicial and administrative decisions related to ICESCR rights is ensured. Court proceedings online,<sup>46</sup> and, where necessary to secure meaningful access to justice, in person, must continue.<sup>47</sup>**

<sup>35</sup> *Borrowdale v Director-General of Health* [2020] NZHC 2090 19 August 2020, available at: <https://www.courtsofnz.govt.nz/cases/borrowdale-v-director-general-of-health-1-1>.

<sup>36</sup> Tim Fish Hodgson, “COVID-19 and Africa Symposium: Lockdowns, Separation of Powers and the Right to Social Security in Malawi (Part 1)” (8 December 2020), *OpinioJuris*, available at: <http://opiniojuris.org/2020/12/08/covid-19-and-africa-symposium-lockdowns-separation-of-powers-and-the-right-to-social-security-in-malawi-part-1/>; Tim Fish Hodgson, “COVID-19 and Africa Symposium: Lockdowns, Separation of Powers and the Right to Social Security in Malawi (Part 2)” (8 December 2020), *OpinioJuris*, available at: <http://opiniojuris.org/2020/12/08/covid-19-and-africa-symposium-lockdowns-separation-of-powers-and-the-right-to-social-security-in-malawi-part-2/>.

<sup>37</sup> Constitutional review of Decision No. 01/15 of the Government of Republic of Kosovo, of 23 March 2020, (6 April 2020) AGJ1543/20, available at: [https://gjk-ks.org/wp-content/uploads/2020/04/ko\\_54\\_20\\_aqi\\_ang.pdf](https://gjk-ks.org/wp-content/uploads/2020/04/ko_54_20_aqi_ang.pdf).

<sup>38</sup> *Duwayne Esau and Others v Minister of Co-operative Governance and Traditional Affairs and Others* (611/2020) [2021] ZASCA 9 (28 January 2021), available at: <http://www.saflii.org/za/cases/ZASCA/2021/9.pdf>.

<sup>39</sup> Mutandwa, “COVID-19 and Africa Symposium: Lockdowns, the Right to Work and the Rule of Law in Namibia” (8 December), *OpinioJuris*, available at: <https://ohrh.law.ox.ac.uk/separated-locked-down-and-unequal-the-grey-hair-revolutions-resistance-to-draconian-quarantine-in-colombia/>.

<sup>40</sup> Oxford Human Rights Hub, “Separated, Locked Down, and Unequal: The Grey Hair Revolution’s resistance to draconian quarantine in Colombia” (14 August), available at: <https://ohrh.law.ox.ac.uk/separated-locked-down-and-unequal-the-grey-hair-revolutions-resistance-to-draconian-quarantine-in-colombia/>.

<sup>41</sup> *Loiello v. Giles* [2020] VSC 722 (2 November 2020), available at: <https://www.google.com/url?q=http://classic.austlii.edu.au/au/cases/vic/VSC/2020/722.html&sa=D&source=editors&ust=1612806468988000&usq=AFOjCNG8kGe0JawC9JmGlkZRGaMGfh4iqw>.

<sup>42</sup> *Taylor v. Newfoundland and Labrador*, 2020 NLSC 125 (17 September 2020), available at: <https://www.canlii.org/en/nl/nlsc/doc/2020/2020nlsc125/2020nlsc125.html>.

<sup>43</sup> International Commission of Jurists, “The right to a remedy and reparation for gross human rights violations – 2018 update to Practitioners’ Guide No 2” (22 November 2018), available at: <https://www.icj.org/the-right-to-a-remedy-and-reparation-for-gross-human-rights-violations-2018-update-to-practitioners-guide-no-2/>.

<sup>44</sup> Organization of American States, Press Release, Joint declaration on access to justice in the context of the COVID-19 pandemic (27 January 2021), available at:

[https://www.oas.org/fr/CIDH/jsForm/?File=/en/iachr/media\\_center/PReleases/2021/015.asp](https://www.oas.org/fr/CIDH/jsForm/?File=/en/iachr/media_center/PReleases/2021/015.asp); International Commission of Jurists, Briefing Note: The Courts and COVID-19 (5 May 2020), available at: <https://www.icj.org/wp-content/uploads/2020/04/Universal-ICJ-courts-covid-Advocacy-Analysis-brief-2020-ENG.pdf>

<sup>45</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12 (Art. 2 of the International Covenant on Economic, Social and Cultural Rights))*, 11 August 2000, E/C.12/2000/4, available: <https://www.refworld.org/docid/4538838d0.html>, para 59.

<sup>46</sup> International Commission of Jurists, “Videoconferencing, Courts and COVID-19 Recommendations Based on International Standards” (November 2020), available at: <https://www.icj.org/wp-content/uploads/2020/11/Universal-videoconferencing-courts-and-covid-Advocacy-2020-ENG.pdf>

<sup>47</sup> *Id.*

## F. RELEVANT ICJ RESOURCES ON COVID-19

“Human Rights in the time of COVID-19: Front and Centre – ICJ news, articles, op-eds, legal blogs, videos”: <https://www.icj.org/human-rights-in-the-time-of-covid-19-front-and-centre/>

“The ICJ recommends that the African Union acknowledge that COVID-19 vaccines are a “public good” and all States must ensure access to these vaccines in order to realize the human rights of their inhabitants”: <https://www.icj.org/wp-content/uploads/2021/02/Africa-ICJ-Vaccine-Access-Submission-2020-ENG.pdf>.

“Living Like People Who Die Slowly: The Need for Right to Health Compliant COVID-19 Response”: <https://www.icj.org/wp-content/uploads/2020/09/Universal-Global-Health-COVID-19-Publications-Reports-Thematic-Reports-2020-ENG.pdf>

“Videoconferencing, Courts and COVID-19 Recommendations Based on International Standards”: <https://www.icj.org/wp-content/uploads/2020/11/Universal-videoconferencing-courts-and-covid-Advocacy-2020-ENG.pdf>

“Courts and COVID-19”: <https://www.icj.org/wp-content/uploads/2020/05/Universal-ICJ-courts-covid-Advocacy-Analysis-brief-2020-ENG.pdf>

“The Right to Health: Redirecting the “Unconstitutional Path” of Nepal’s COVID-19 Responses”: <https://www.icj.org/wp-content/uploads/2020/11/Nepal-Right-to-health-Advocacy-analysis-brief-2020-ENG.pdf>

“Promoting Non-Citizens’ Right to Work in South Africa”: <https://www.icj.org/wp-content/uploads/2020/04/South-Africa-Non-Citizens-Right-to-Work-Advocacy-Analysis-Brief-2020-ENG-.pdf>

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