



Assemblée générale

Distr. générale
25 février 2022
Français
Original : anglais

Conseil des droits de l'homme

Quarante-neuvième session

28 février-1^{er} avril 2022

Point 3 de l'ordre du jour

**Promotion et protection de tous les droits de l'homme,
civils, politiques, économiques, sociaux et culturels,
y compris le droit au développement**

Communication de la Commission des droits de l'homme des Philippines*

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* Institution nationale des droits de l'homme accréditée avec le statut « A » par l'Alliance mondiale des institutions nationales des droits de l'homme.

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Written Statement of the Commission on Human Rights of the Philippines for the 49th session of the Human Rights Council: Panel on Access to COVID-19 vaccines (res. 46/14)

The Commission on Human Rights of the Philippines (hereafter “the Commission”),¹ submits its written statement for the 49th Session of the Human Rights Council focusing on agenda item 3 on the Panel on access to COVID-19 vaccines.

This submission focuses on vaccination programs’ ongoing efforts, challenges and government responses, and the goal of achieving universal access to COVID-19 vaccination. As part of its mandate, the Commission promotes greater and more equitable access to vaccines, guided by the dignity and rights of all people.

This report also takes into consideration local and international articles from government, civil society, the media, and the international non-governmental organizations.

COVID-19 vaccine roll-out

Two years into the pandemic, the Philippines recorded a total number of cases to 3,619,633, as of February 8, 2022. Active cases account for 105,550 of the total cases, with 3,459,462 total recoveries and 54,621 total deaths.²

In March 2021, the Philippines began its COVID-19 vaccination rollout with the aim of attaining herd immunity in the next five (5) years. The Department of Health (DOH) reported 129,125,464 COVID-19 vaccine doses administered (counted individually, including boosters), with 60,145,895 people fully vaccinated, as of 07 February 2022.³ The national government has urged all regional offices and local government units to set up vaccination operations.

Since the beginning of the vaccination rollout, local government units (LGUs) have been proactive in fighting misinformation that leads to increased vaccine hesitancy.⁴ In July 2021, the World Health Organization (WHO) Philippines commended local governments and chief executives for implementing targeted strategies and vigorous outreach operations to reach senior citizens. Best practices noted include the use of various media platforms to disseminate proactive, timely, and correct information on vaccination registration, including information on where and when they may get vaccinated, available vehicle services, dedicated lanes, and senior-only immunization days.⁵

¹ As the National Human Rights Institution (NHRI) of the Philippines, the CHRP has the mandate vested by the 1987 Constitution of the Republic of the Philippines and the Paris Principles to promote and protect the full range of human rights including civil and political rights, and economic, social and cultural rights. It has the responsibility to regularly report and monitor human rights situations and violations, and recommend steps in advancing the realization of human rights and dignity of all. The Commission has “A”-status accreditation from the Sub-Committee for Accreditation. It is a member of the Global Alliance of National Human Rights Institutions (GANHRI).

² Department of Health, COVID-19 Case Tracker, available at <https://doh.gov.ph/covid19tracker> (last accessed: 08 February 2022).

³ ABS-CBN News, Philippines: COVID-19 Vaccine Tracker, available at <https://news.abs-cbn.com/spotlight/multimedia/infographic/03/23/21/Philippines-covid-19-vaccine-tracker>, from Department of Health (last accessed: 08 February 2022).

⁴ Commission on Human Rights of the Philippines, “Statement of the Commission on Human Rights on local government efforts to speed up vaccination”, 05 June 2021, available at <https://chr.gov.ph/statement-of-the-chr-spokesperson-atty-jacqueline-ann-de-guia-on-local-government-efforts-to-speed-up-vaccination/> (last accessed: 08 February 2022).

⁵ World Health Organization, “WHO Philippines expresses concern at the low COVID-19 vaccination rate among senior citizens in some LGUs amid rising threat from new variants”, 30 July 2021, available at <https://www.who.int/philippines/news/detail/30-07-2021-who-philippines-expresses-concern-at-the-low-covid-19-vaccination-rate-among-senior-citizens-in-some-lgus-amid-rising-threat-from-new-variants> (last accessed: 10 February 2022).

The launch of drive-thru COVID-19 vaccination sites⁶ and house-to-house vaccination⁷ for bedridden residents, among other initiatives, go a long way toward reducing COVID-19 transmission and reducing the number of cases among the most vulnerable, such as persons with disabilities, the older persons, and the indigent groups.

In a statement, the Commission emphasized the importance of vaccine information reaching marginalized groups in remote areas, as well as persons with disabilities. Sign language interpreters and translations of vaccine-related issuances and announcements must be made available. Equality and non-discrimination must be mainstreamed in the COVID-19 vaccination program.⁸

The Commission received reports of unscrupulous individuals profiting from people's desire to get vaccinated - creating schemes to gain profit from the sale of COVID-19 vaccinations, and promising to give vaccination slots or schedules in exchange for money.⁹ The Commission stresses that individuals excluded from the priority list that jump the vaccination queue by selling and purchasing vaccine slots, not only violate the principle of equitable vaccine distribution, but also compromise the country's obligation under the COVID-19 Vaccines Global Access (COVAX) agreement to provide free and succeeding vaccine allocations for agreed upon groups.

The Commission commends the move of the former Chief of the Philippine National Police, Police General Guillermo Eleazar, on the dropping of charges against the whistleblower on the "vax for sale".¹⁰ This move by the PNP will help allay the fears of the public that publishing or posting on social media anything critical of the administration is dangerous.

Some local executives had already imposed stricter measures to prevent the spread of the more virulent Delta variant. These measures essentially function as coercive vaccination programs. In Lapu-Lapu City in Cebu, for instance, the city mayor signed Executive Order No. 2021-040 on 26 July 2021 allowing only vaccinated individuals to enter public and private markets, including department stores, supermarkets, and convenience stores starting 25 August 2021.¹¹

Similarly, on 15 September 2021, the local chief executive of Davao City also issued Executive Order No. 45, series of 2021 (EO 45, s. 2021) which requires all employees of the Local Government of Davao City to be vaccinated.¹² EO 45, s. 2021 further provides for sanctions for employees who refuse to be vaccinated.

⁶ In Paranaque, Manila, Cavite, Davao, Valenzuela, Marikina, Caloocan, Laguna, Quezon, Rizal, and Borongan City.

⁷ Manila, Taguig, Muntinlupa, Pampanga, Bacolod, and Laguna.

⁸ Krissy Aguilar, Inquirer.net, "COVID-19 vaccine info drive for marginalized, PWDs pushed", 28 May 2022, available at <https://newsinfo.inquirer.net/1438127/covid-19-vaccine-info-drive-for-marginalized-pwds-pushed>, (last accessed: 10 February 2022).

⁹ Department of Interior and Local Government (DILG), "DILG-CAR beefs up effort vs 'vaccines for sale' scheme", 13 September 2021, available at <https://www.dilg.gov.ph/regional-news/DILG-CAR-beefs-up-effort-vs-vaccines-for-sale-scheme/NR-2021-1120>, (last accessed: 10 February 2022).

¹⁰ Dexter Cabalza, Inquirer, "PNP junks case vs vax for sale tipster," 13 June 2021, available at <https://newsinfo.inquirer.net/1445372/pnp-junks-case-%E2%80%8Dvax-for-sale-tipster> (last accessed: 08 February 2022); CNN Philippines, "PNP to drop cases vs. businesswoman tagged in vaccine slot for sale," 12 June 2021, available at <https://cnnphilippines.com/news/2021/6/12/PNP-withdraw-case-Nina-Cabrera-vaccine-slot-for-sale.html> (last accessed: 08 February 2022); Philippine National Police, "PNP Files Raps vs. 3 in Vaccine/Vaccination Slot Sale," 9 June 2021, available at <https://pnp.gov.ph/index.php/news-and-information/4457-pnp-files-raps-vs-2-behind-vaccine-vaccination-slot-sale> (last accessed: 08 February 2022).

¹¹ Lorraine Ecarma, Rappler, "Lapu-Lapu City to impose 'no-vaccine, no entry' policy in markets", available at <https://www.rappler.com/nation/lapu-lapu-city-to-impose-no-vaccine-entry-policy-markets-starting-august-2021/>, (last accessed: 10 February 2022).

¹² City of Davao Executive Order No. 45, Series of 2021 or "An Order Mandating the Vaccination of All City Government of Davao Plantilla, Job Order, Contract Of Service, And Volunteers For Covid-19 And Stipulating Sanctions For The Refusal Of Such", available at <https://www.davaocity.gov.ph/wpcontent/uploads/2021/09/EO-AN-ORDER-MANDATING-THE-VACCINATION-OF-ALL-CITYGOVERNMENT-OF-DAVAO-PLANTILLA-JOB-ORDER-AND->

This Commission also received information that the City Administrator of another city in the Visayas issued an order that only employees who are fully vaccinated shall be allowed to report for work and only fully vaccinated individuals shall be allowed to transact business in the city hall.¹³

The Commission stated in its advisory that mandatory COVID-19 vaccination should only be considered as a last resort and only if necessary and proportionate to the achievement of herd immunity and protecting the most vulnerable.¹⁴

According to a recent study conducted by Social Weather Stations (SWS) from 12 to 16 December 2021, vaccine hesitancy stood at 8% in December 2021, compared to the 18% which was recorded in September 2021. All age groups were affected by this decline: from 14% to 6% among 18 to 24 years old, from 17% to 5% among 25 to 34 years old, from 17% to 6% among 35 to 44 years old, from 20% to 8% among 45 to 54 years old, and from 18% to 14% among 55 and older.¹⁵

The Commission lauds all vaccination expansion efforts by the government, civil society, NGOs, and private sector, and hopes to see a continuous decline in vaccine hesitancy. The right to information on matters of public concern is crucially linked to the realization of an individual's right to health in times of a pandemic. Enabling individuals to make sound decisions based on facts is the right way to decrease vaccine hesitancy among the public. A testament to the importance of information dissemination is the high vaccine acceptance rate amongst constituents in Iloilo City. The success of their vaccine rollout demonstrates how well-informed individuals are in the best position to make decisions on their health and well-being.¹⁶

In its statement in December 2021, on the push to make COVID-19 vaccination mandatory and its implications on people's human rights, the Commission reaffirms its support towards initiatives to mitigate the pandemic's effects while adhering to human rights standards and principles. The government and relevant stakeholders must ensure that vaccines are made available in a way that is acceptable to the public and that current laws and human rights standards are adhered to.¹⁷

Development and ongoing efforts

One promising initiative of the government includes the country's participation and strong support for the global medical and scientific facility called COVID-19 Vaccines Global Access (COVAX) facility. This is designed to guarantee rapid, fair, and equitable access to

CONTRACT-OF-SERVICE-PERSONNELFOR-COVID-19-AND-STIPULATING-SANCTIONS_FOR-THE-REFUS.pdf (last accessed: 10 February 2022).

¹³ Inayan, Mythra Amor. "Re: Requesting for Assistance Again." Received by Khrisna P. Sunico, 27 Aug. 2021.

¹⁴ CHRP website "Human Rights Advisory on Mandatory COVID-19 Vaccination, CHR (V) A2021-006", available at <https://chr.gov.ph/wp-content/uploads/2021/12/CHR-V-A2021-006-Advisory-on-Mandatory-COVID-19-Vaccination.pdf>, (last accessed: 14 February 2021).

¹⁵ Office of the Presidential Adviser on the Peace Process, "Social Weather Stations survey shows significant decline in vaccine hesitancy among Filipinos", available at <https://peace.gov.ph/2022/01/sws-survey-shows-significant-decline-in-vaccine-hesitancy-among-filipinos/> (last accessed: 08 February 2022).

¹⁶ Commission on Human Rights of the Philippines, "Statement of the Commission on Human Rights on local government efforts to speed up vaccination", 05 June 2021, available at <https://chr.gov.ph/statement-of-the-chr-spokesperson-atty-jacqueline-ann-de-guia-on-local-government-efforts-to-speed-up-vaccination/> (last accessed: 08 February 2022).

¹⁷ Commission on Human Rights of the Philippines, "Statement of the Commission on Human Rights on the push to make COVID-19 vaccination mandatory and its implications on people's human rights", 03 December 2021, available at <https://chr.gov.ph/statement-of-the-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-push-to-make-covid-19-vaccination-mandatory-and-its-implications-on-peoples-human-rights/> (last accessed: 08 February 2022).

COVID-19 vaccines worldwide.¹⁸ In June 2021, the country pledged to contribute US\$1 million to the world's collective investment.¹⁹ As of 04 February 2022, the total number of vaccines of different brands that arrived in the Philippines through the COVAX facility was 64,930,300, namely Pfizer, Moderna, Johnson & Johnson, and AstraZeneca.²⁰ The Commission recognizes the government's efforts in facilitating this ground-breaking worldwide collaboration..

The "Bayanihan, Bakunahan" program, a 3-day vaccination drive against COVID-19 aimed at increasing vaccination momentum and protecting everyone's right to health, is another laudable national government endeavor. This program will be conducted for the third time this February 2022. With the goal of achieving herd immunity, the Commission expresses its support for this initiative, guided by human rights standards.²¹

Additional vaccination sites were given by several local governments in collaboration with relevant stakeholders, focusing on eco-zones, industrial parks, universities, and schools. Because of the expanded list of vaccination locations, especially in remote and hard-to-reach areas, as well as greater awareness and adequate information of COVID-19 vaccine, the country's vaccination coverage is seen to improve.²²

The Philippine Red Cross (PRC) intensified its COVID-19 vaccination campaign this year through the deployment of their Bakuna Buses, Bakuna Centers, and Bakuna teams all around different local government units such as Cagayan, Lucena, Iligan, Basilan, Agusan del Norte, Sultan Kudarat, and Bataan, administering about a million doses to over 800,000 people. This recent initiative by PRC is a cooperative program to prepare for the new normal and open up the economy in the near future.²³

Around 600 people from at-risk populations, such as the homeless and survivors of gender-based violence and sexual exploitation, received their second dose of the COVID-19 vaccination in October 2021. They were the beneficiaries of a collaboration between the UPD COVID-19 Task Force (UPDTF), the Quezon City local government, and a consortium composed of the CHR, the United Nations Population Fund (UNFPA), the World Health Organization (WHO), the Department of Health (DOH), the Coalition Against Trafficking in Women – Asia Pacific (CATWAP), Kariton Coalition, the Arnold Janssen Kalinga Foundation, and the Samaritana Transformation Ministries. They were transported from centers in Manila and Quezon City to the immunization site, where they were given Sinovac dosages provided by the DOH. They were also given food and grocery packs to fulfill their needs for the day.²⁴

¹⁸ Arianne Merez, ABS-CBN News, "*Philippines joins global facility that ensures COVID-19 vaccine access*", available at <https://news.abs-cbn.com/news/07/24/20/Philippines-joins-global-facility-that-ensures-covid-19-vaccine-access> (last accessed: 08 February 2022).

¹⁹ Philippine Mission to the United Nations and Other International Organizations, GOVPH, "*Philippines Adds USD 1M to its contribution to COVAX AMC*", available at <https://genevaphm.dfa.gov.ph/philippine-mission-s-press-releases/900-philippines-adds-usd-1m-to-its-contribution-to-covax-amc> (last accessed: 08 February 2022).

²⁰ ABS-CBN Investigative and Research Group, ABS-CBN News, "*Philippines: COVID-19 Vaccine Tracker*", available at <https://news.abs-cbn.com/spotlight/multimedia/infographic/03/23/21/Philippines-covid-19-vaccine-tracker>, from Department of Health (last accessed: 08 February 2022).

²¹ Commission on Human Rights of the Philippines, "*Statement of CHR Spokesperson, Atty. Jacqueline Ann de Guia, on welcoming the national COVID-19 3-day vaccination drive*", 16 November 2021, available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-welcoming-the-national-covid-19-3-day-vaccination-drive/> (last accessed: 08 February 2022).

²² Lade Jean Kabagani, Philippine News Agency, "*Bayanihan*" 3 to administer 5M vaccine doses", available at <https://www.pna.gov.ph/articles/1167140> (last accessed: 08 February 2022).

²³ Manila Bulletin Latest Updates, "*PH Red Cross intensifies COVID-19 vaccination amid case surge*", available at <https://mb.com.ph/2022/01/28/ph-red-cross-intensifies-covid-19-vaccination-amid-case-surge/> (last accessed: 08 February 2022).

²⁴ Anna Regidor, University of the Philippines, "*UP helps consortium vaccinate the homeless*", 17 December 2021, available at <https://upd.edu.ph/up-helps-consortium-vaccinate-the-homeless/> (last accessed: 08 February 2022).

The national government has begun administering COVID-19 jabs to children aged five to eleven years this February 2022, with six existing Metro Manila sites.²⁵ As part of the new vaccine expansion program, a city government has framed its vaccination program for minors as a "superhero carnival against the virus," a unique strategy to complement the pediatric vaccination initiative on encouraging minors to have them vaccinated and reduce vaccine hesitancy among the age group. The program also provides prizes such as balloons and loot bags after inoculation.²⁶ At the current rate of Vaccination, the Philippines will be able to vaccinate 70% of the target population by 7 May 2022.

Push for Universal Access to COVID-19 vaccine

Following the rapid development of COVID-19 vaccines, the quest for universal access is the next development initiative of the national government. In a pre-recorded virtual video presentation delivered to the United Nations (UN) General Assembly, President Duterte backed the UN's call for worldwide solidarity against COVID-19. He emphasized the importance of increased cooperation and the push for universal access to safe and effective COVID-19 vaccines and technologies between countries and within their own constituencies in order to combat the spread of the disease.²⁷ Coordinated international plans and efforts were also given emphasis.²⁸

The quest of expediting global immunization, reallocating resources to areas of highest need, and ensuring that critical health care infrastructure are in place, are few of the long-term developing strategies that the national government is planning into. As part of their efforts, the national government collaborated with the Brazilian government to promote and ensure that the COVID-19 vaccine will be made available to everyone, especially as the world continues to battle the pandemic.²⁹

With the combination of effective public health policies and COVID-19 immunization, the Commission considers that this is the most effective way to end the pandemic.³⁰ As a result, the Commission applauds the government's COVID-19 vaccination program, "no wrong door policy". This policy allows Filipinos to be vaccinated anywhere in the country and is considered as a way to speed up efforts and ensure that there remains ample allocation of #Vaccine4All.³¹

²⁵ Philippine Information Agency, "Vaccine czar: Gov't to roll out vaccination for minors aged 5 to 11 years next month", 25 January 2022, available at <https://pia.gov.ph/press-releases/2022/01/25/vaccine-czar-govt-to-roll-out-vaccination-for-minors-aged-5-to-11-years-next-month> (last accessed: 08 February 2022).

²⁶ Christopher Lloyd Caliwang, Philippines News Agency, "Taguig turns vax hub into 'carnival' as jabs for kids kick off", available at <https://www.pna.gov.ph/articles/1167181> (last accessed: 08 February 2022).

²⁷ CNN Philippines, "Duterte calls for universal access of safe and effective COVID-19 vaccines before UN body", available at <https://cnnphilippines.com/news/2020/12/4/Duterte-calls-for-universal-access-of-safe-and-effective-COVID-19-vaccines-before-UN-body.html> (last accessed: 09 February 2022).

²⁸ Sunstar Manila, "UN urged to ensure universal access to Covid-19 vaccines", available at <https://www.sunstar.com.ph/article/1871113/manila/local-news/un-urged-to-ensure-universal-access-to-covid-19-vaccines> (last accessed: 09 February 2022).

²⁹ Manila Bulletin Latest News, "Duterte: PH to work with Brazil on universal access to coronavirus vaccine", available at <https://mb.com.ph/2021/02/11/duterte-ph-to-work-with-brazil-on-universal-access-to-coronavirus-vaccine/> (last accessed: 09 February 2022).

³⁰ Commission on Human Rights of the Philippines, "Statement of CHR Spokesperson, Atty. Jacqueline Ann de Guia, on the push to make Covid-19 vaccination mandatory and its implications on people's human rights", 03 December 2021, available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-push-to-make-covid-19-vaccination-mandatory-and-its-implications-on-peoples-human-rights/> (last accessed: 09 February 2022).

³¹ Commission on Human Rights of the Philippines, "Statement of CHR Spokesperson, Atty. Jacqueline Ann de Guia, on the latest vaccination numbers and the policy of non-segregation", 23 June 2021, available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-latest-vaccination-numbers-and-the-policy-of-non-segregation/> (last accessed: 09 February 2022).

The Commission recognizes that ensuring global access to COVID-19 vaccinations will be challenging. Several COVID-19 vaccines have now been authorized or approved for human use, with many more in the last stages of clinical research. However, to achieve global control of COVID-19 vaccines, licensed vaccines must be developed on a large scale, priced reasonably, and distributed globally so that they are available where they are needed and widely distributed in local communities.³²

The Commission reminds the government that informed choice is the key to protecting the right to health and that it has a responsibility to continue to promote and disseminate the benefits of vaccination rather than resorting to fear or force to protect the public from COVID-19.³³ The plan of universal access to COVID-19 vaccines is the only outcome for all of us to win together as one.³⁴

³² National Center for Biotechnology Information, “Challenges in ensuring global access to COVID-19 vaccines: production, affordability, allocation, and deployment”, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7906643/> (last accessed: 09 February 2022).

³³ Commission on Human Rights of the Philippines, “Statement of CHR Spokesperson, Atty. Jacqueline Ann de Guia, on the policy to bar unvaccinated individuals from public support”, 12 January 2022, available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-policy-to-bar-unvaccinated-individuals-from-public-transport/> (last accessed: 09 February 2022).

³⁴ Commission on Human Rights of the Philippines, “Statement of CHR Spokesperson, Atty. Jacqueline Ann de Guia, on the latest vaccination numbers and the policy of non-segregation”, 23 June 2021, available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-the-latest-vaccination-numbers-and-the-policy-of-non-segregation/> (last accessed: 09 February 2022).