



# CRISIS GOVERNANCE FORUM

Rule of Law-Based Policymaking for  
COVID-19 Response and Recovery



16 PEACE, JUSTICE  
AND STRONG  
INSTITUTIONS



COVID-19  
RESPONSE

## COVID-19 RESPONSE AND EQUITABLE ACCESS TO HEALTH

### ONLINE DISCUSSION #1

Friday, 2 October 2020, 14-15:30 CEST

The COVID-19 pandemic is probably the most severe disruption the world has faced in our lifetime, requiring a steep and rapid learning curve for policymakers at all levels of governance. While the impact of the pandemic is multidimensional, and the crisis that it has brought about calls for interrelated policy responses in the political, economic, social and environmental areas, health-related policy making has been and remains a primary concern—a primary factor in determining public perceptions of the timeliness and effectiveness of the overall government response. Experience has shown that the values guiding access to health services and health products, and equity in their actual delivery, have been critical elements influencing public trust in the institutions of governance and affecting public support and engagement in the response.

IDLO launched the *Crisis Governance Forum* last July to provide a platform for policymakers at all levels to exchange experiences related to COVID-19 response and recovery guided by the rule of law. This first thematic online discussion will feature first-hand accounts of initiatives by policymakers and practitioners to extend access to public health services and goods during the pandemic. Global strategists and experts will address policies and measures to maximize equitable access and tackle health disparities in responding to the pandemic and setting the stage for a sustainable recovery. Legal and institutional reforms required to advance toward universal health coverage and better prepare for future outbreaks will also be highlighted during the discussion.

Respect for the rule of law is an essential basis to ensure equitable protection of citizens against the harms caused by the pandemic. A report on *Advancing the Right to Health: The Vital Role of Law*, published in 2018 by IDLO, WHO, the O'Neill Institute for National and Global Health Law at Georgetown University and the University of Sydney Law School, highlights the significance of international norms and standards and of respect for the rule of law in advancing public health, including in health emergencies. The rule of law applies equally to all individuals, institutions, and the State. It ensures accountability for a just, fair, and equitable application of the law and for ensuring equal protection by the law without discrimination. Open governance is a key ingredient in generating public trust and promoting effective health decision-making in the public interest.<sup>1</sup>

<sup>1</sup> See, "Advancing the Right to Health: The Vital Role of Law," <https://www.idlo.int/sites/default/files/pdfs/publications/IDLO%20-%20UniSydney%20-%20O'Neill%20->

Building on these findings, an IDLO Policy Brief on *The Rule of Law and COVID-19* (<https://www.idlo.int/publications/policy-brief-rule-law-and-covid-19>) issued earlier this month has pointed to transparency and accountability of public institutions as crucial factors in managing the pandemic and its aftermath. The Brief puts forward a range of recommendations on policies and priority actions to anchor emergency restrictions in the rule of law and strengthen legal frameworks in the longer term.

Designing and putting effectively into practice just and equitable policy solutions in response to the coronavirus pandemic has proved especially challenging in the face of pervasive, entrenched inequalities. “Inequality--UN Secretary-General, António Guterres has said--defines our time.”<sup>2</sup> COVID-19 has been referred to as an “inequality pandemic” in view of the role it has played in exposing the depth of the disparities that prevail both between and within countries, and the impact that the evolution of the pandemic has had in further exacerbating them.

Already in December 2019 the UN Secretary-General had sought to raise awareness of stark inequalities in the provision of health services recalling that half of the world population has no access to health care.<sup>3</sup> More recently the Secretary General has renewed a strong call for universal health coverage.

The virus poses the greatest risk to, and has disproportionately affected, vulnerable populations: older people, people with pre-existing conditions, as well as racial and ethnic minorities, refugees, and other displaced persons long underserved by health services. The poor, living in squalid, overcrowded urban conditions or homeless, with no access to medical facilities or lacking information needed to minimize the risk of infection, have found it especially hard to take necessary precautions and to protect themselves against the disease<sup>4</sup>. According to the UN Sustainable Development Goals 2020 report, an estimated 71 million people are expected to be pushed back into extreme poverty due to the impact of the pandemic.<sup>5</sup>

Health care workers have taken on the largest social responsibility in the COVID-19 crisis which has taken an enormous toll on the health workforce, especially women, since, globally, they constitute 70% of doctors, nurses and other medical personnel.<sup>6</sup>

Global challenges surrounding health inequalities require strong multilateral commitments. Immunization is widely held as the most likely global end-game scenario for the COVID-19 pandemic. With a rapid rate of global transmission between countries however, it can only be effective if all countries have the possibility of immunizing their

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[%20WHO%20-%20Advancing%20the%20Right%20to%20Health%20-The%20Vital%20Role%20of%20Law%20-%20FULL%20VERSION.pdf](#).

<sup>2</sup> <https://www.nelsonmandela.org/news/entry/annual-lecture-2020-secretary-general-guterres-full-speech>.

<sup>3</sup> <https://www.un.org/press/en/2019/sgsm19909.doc.htm>.

<sup>4</sup> <https://www.ifs.org.uk/publications/14779>.

<sup>5</sup> <https://www.un.org/development/desa/en/news/sustainable/sustainable-development-goals-report-2020.html>.

<sup>6</sup> <https://apps.who.int/iris/bitstream/handle/10665/311314/WHO-HIS-HWF-Gender-WP1-2019.1-eng.pdf>.

population. Advocating for a broad agreement among member states, a number of world leaders have called on the international community to ensure that people across the globe have equal access to a future vaccine for the coronavirus. Development cooperation, with support from a number of intergovernmental and philanthropic organizations, has already led to important steps to support equitable access to vaccines and commodities globally, for example the COVAX Facility launched by the Coalition for Epidemic Preparedness Innovations (CEPI), WHO and GAVI.<sup>7</sup>

This first session of the Crisis Governance Forum will tap into the experiences both of global policymakers and of national actors responsible for the design of public health strategies who will speak to the real-life challenges they have been facing in framing effective health access policies in response to the pandemic. Panelists' interventions and the ensuing interactive discussion will identify obstacles and gaps, highlight good practices, and provide illustrations of "good governance", especially in the context of national and global policies in support of access to health services and products, including vaccines. The dialogue will serve to shine a light on the way forward for tackling inequalities in the domain of public health as a core objective in bringing about greater resilience to future global outbreaks, and building an effective recovery sustained by the principles of equality inherent in the rule of law.

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<sup>7</sup> See for example the COVAX initiative, <https://www.who.int/news-room/detail/24-08-2020-172-countries-and-multiple-candidate-vaccines-engaged-in-covid-19-vaccine-global-access-facility>.



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RESPONSE**

## COVID-19 RESPONSE AND EQUITABLE ACCESS TO HEALTH ONLINE DISCUSSION #1

Friday, 2 October 2020, 8-9:30am EDT / 14-15:30 CEST

### DRAFT AGENDA

#### Introduction

Chair: *Jan Beagle*, IDLO Director-General (3 minutes)

Keynote: *The Rt. Hon. Helen Clark*, former Prime Minister of New Zealand and former Administrator of UNDP (10 minutes)

#### Panel Discussion (30 minutes)

- *Dr. Mariangela Batista Galvao Simao*, Assistant Director-General, Access to Medicines and Health Products, **WHO**
- *Dr. Diane Atwine*, Permanent Secretary, Minister of Health, **Uganda**
- *Dr. Román Macaya-Hayes*, President of the Executive Board of Social Security Fund, **Costa Rica**
- *Prof. Lawrence Gostin*, Director, O'Neill Institute for National and Global Health Law, **Georgetown University**, and Director of World Health Organization Collaborating Center on National & Global Health Law

#### Q&A (30 minutes)

#### Closing Remarks (10 minutes)

- *The Rt. Hon. Helen Clark*, former Prime Minister of New Zealand and former Administrator of UNDP
- *Jan Beagle*, IDLO Director-General