

The HJI launches litigation for disclosure of SA's Covid-19 vaccine contracts

The Health Justice Initiative (HJI) has launched legal proceedings for the disclosure of all Covid-19 vaccine contracts entered into and any applicable agreements with relevant companies and entities.



Source: [Pexels](#)

This follows an access to information request to the National Department of Health which was refused.

The HJI is aware that the South African government, likely acting through the National Department of Health, entered into agreements with manufacturers and/or suppliers for the supply of Covid-19 vaccines.

The public does not know the content of these agreements.

South Africa has administered at least 30.5 million vaccines already, which substantiates that contracts for the supply of vaccines must exist. At least R10bn was allocated in 2021 for purchasing vaccines.

Non-disclosure agreements in conflict with public policy

"There has been no public disclosure of the contracting parties and HJI cannot determine them with certainty because of the multiple parties involved. We also tried to get the contracting parties' identities, but our requests were ignored and refused," Fatima Hassan, head of the HJI said.

"Public procurement of public goods requires contractual transparency, the HJI believes. It is in the public interest to know what our government agreed to, when and with whom, at what price, and of course, why. Secrecy and the lack of transparency on decision-making during the Covid-19 crisis undermines the robust management of the pandemic and also could lead to public distrust and even vaccine hesitancy," she said.

"We believe that it is vital for agreements with global pharmaceutical companies to be in the public domain for the sake of transparency, accountability and to foster public trust. In our view, it is not enough for our government and the vaccine companies to try to say that these contracts are 'secret' in a pandemic."

Confidentiality not aligned with a constitutional democracy

"Unelected private corporations and other entities who benefit from public resources should not be able to rely on 'confidentiality' in a constitutional democracy. It is regrettable that we have to try to expose their identities as well, through the courts, after our repeated requests were denied."

The HJI has argued in its legal papers that the public has a right to know what the terms and conditions of each contract are. In addition, disclosure is necessary as media and other reports have also shown that:

- * South Africa may be paying comparatively inflated rates for Covid-19 vaccines;
- * The South African government had to grant a broad indemnification against all claims of liability to benefit vaccine manufacturers;
- * South Africa was prevented from imposing export restrictions for vaccines filled and finished here by certain vaccine companies.

The HJI believes that litigation should always be a last resort. The group therefore hopes that the South African government through the National Department of Health will publish all relevant vaccine contracts immediately – as it is a matter of grave public importance.

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