

Joint written statement from the NCD Alliance<sup>1</sup> and Sightsavers<sup>2</sup> following the open plenary session with relevant stakeholders on 21<sup>st</sup> March 2024:  
**recommendation for the definition of “persons in vulnerable situations”**,  
Article 2 of the revised draft of the negotiating text of the WHO Pandemic Agreement (document [A/INB/9/3](#))

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Recognising that persons with disabilities or existing health conditions are among those hardest hit by the COVID-19 pandemic, and an estimated 60 to 90 % of deaths from COVID-19 are associated with one or more comorbidities such as non-communicable diseases, our organisations are concerned that these populations are being overlooked in the latest proposed text for the agreement.

**We are particularly concerned about the definition of “persons in vulnerable situations” in Article 2 of the revised draft of the negotiating text.**

The current definition, limited narrowly to those ‘with disproportionate increased risk of infection, severity, disease or mortality’, is not aligned with the WHO Constitution which defines health as ‘a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity’.

A more comprehensive definition is needed to align the pandemic agreement with the right to health and to incorporate the breadth of health inequities and associated risks and vulnerabilities resulting from a pandemic, such as discrimination and disrupted access to essential health and support services. This is crucial to deliver on equity as a principle, objective and outcome of the pandemic agreement, and important to ensure appropriate scope of Articles 6 and 17.

**To address this concern, we propose the following wording for the definition of “persons in vulnerable situations,” which draws upon General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12 of the Covenant):**

“Persons in vulnerable situations” means individuals, groups or communities with a disproportionate increased risk of **[ADD: the non-enjoyment of the right to health]** including persons at increased risk of infection, severity, disease or mortality in the context of a pandemic;

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<sup>1</sup> [NCD Alliance](#) is an NGO in official relations with the WHO. It is a civil society network working across sectors to accelerate action on NCDs to promote health, protect rights and save lives.

<sup>2</sup> [Sightsavers](#) is an NGO in official relations with WHO, and works in over 30 countries to promote the inclusion and rights of persons with disabilities and to prevent avoidable blindness.