

"There should be no secrecy in a pandemic" - Health Justice Initiative's senior researcher

The Health Justice Initiative launched litigation in the Gauteng High Court in Pretoria, in an effort to make expert Covid-19 pandemic advice and decisions public. The matter centres on access to information that furthers transparency and accountability, which will set a rigorous precedent for future pandemics.



Source: [Flxabay](#)

The respondents in these proceedings are the minister of health, the information officer of the National Department of Health, the minister of co-operative governance and traditional affairs, the minister of sports, arts and culture, and the South African Medical Research Council.

This follows the launch of legal proceedings launched by the HJI in February 2022 for the disclosure of all Covid-19 vaccine procurement agreements.

The minister of health and the National Coronavirus Command Council (NCCC) have been guided by the 'minister's advisors' who either serve on various ministerial advisory committees (MACs) or provide advice outside of formal MAC structures.

The HJI is seeking relief from the courts in order to access information on who the expert advisors are, what advice they provided and how this informed government's decision-making process.

The HJI also wants to establish if there are any instances where expert advice was not followed or deviated from. Additionally, the HJI is seeking clarity on the decision processes and rationale for vaccinating elite athletes, sports administrators and others ahead of their age cohort through the specially set up Sisonke vaccine programme.

Dr Marlise Richter, senior researcher at the HJI explains that: "Although we are happy that President Ramaphosa committed South Africa to Covid-19 interventions based on 'science and evidence', at the same time the public needs to know on what evidence, and on whose advice, government decisions and interventions were based.

"The public has a right to know whether the recommendations of any or all of the expert advisory committees were considered and followed. And, if not, what the rationale was for departing from it.



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

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"The management of the current pandemic and also future pandemics requires ethical and evidence-based decision-making based on accepted public health principles and research in the context of scarce resources. 'Pandemic readiness' requires that clear and transparent processes are put in place to ethically and fairly allocate scarce public goods to those who most urgently require it."

Richter says: "We believe that government departments and all research and regulatory bodies should have open decision-making processes. Where 'queue jumping' in accessing Covid-19 vaccines has happened, the public has a right to know how such authorisation came about and what reasons were provided for deviating from public health and ethical guidance on prioritisation.

"There was a national policy of vaccinating per age cohort which was not followed – to benefit people other than healthcare workers in a time of scarce vaccine supplies.

"Although, the HJI made numerous requests for information to all parties through the Promotion of Access to Information Act (PAIA) from mid-2021 onwards, the South African Health Product Regulatory Authority (Sahpra) is the only organisation that responded to the HJI and provided all requested information.

"The remaining respondents have either ignored the formal requests or provided insufficient information.

Looking for answers

The HJI is seeking:

- The names of all the minister's advisors. Copies of all expert advisories and recommendations related to: a) vaccinating people with co-morbidities; b) vaccine selection and use; c) priority group eligibility criteria, including any relevant departmental frameworks; d) the non-use of the Covishield (AstraZeneca-University of Oxford) vaccine and the details surrounding its sale or donation;
- Copies of all requests and regulatory/ethics/other approvals to permit so called 'special groups' to proceed with vaccination ahead of their respective age cohorts in 2021, including under the Sisonke programme. Special groups include government officials and certain sports teams and administrators.

Litigation should always be a last resort. However, it is necessary as the HJI's requests for information have fallen on deaf ears. "We urge the respondents to publish all relevant information, as it is a matter of public importance. There should be no secrecy in a pandemic."

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