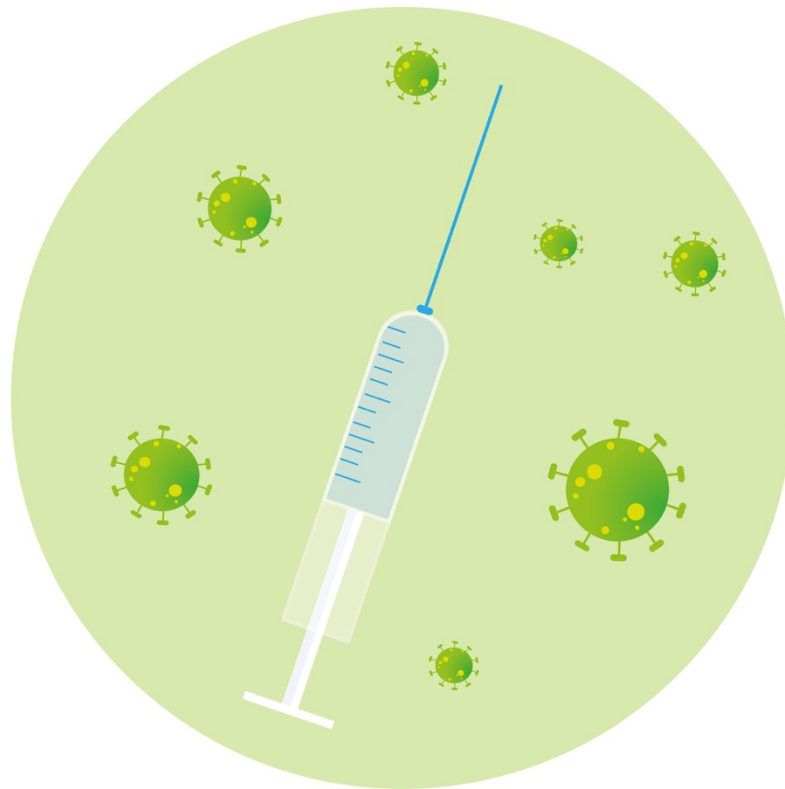


THE SECOND OXFORD STATEMENT ON INTERNATIONAL LAW PROTECTIONS OF THE HEALTHCARE SECTOR DURING COVID-19: SAFEGUARDING VACCINE RESEARCH



As the COVID-19 crisis continues to affect millions of individuals around the world, the development of a vaccine becomes an essential component of States' responses to the pandemic. A vaccine may not only save lives but also mitigate the socio-economic impact of the disease by allowing individuals to interact and work more safely.

Noting that, whilst the coronavirus pandemic and its consequences unfold, medical and research facilities in several countries have been targeted by malicious cyber operations, and that seemingly minor intrusions can disrupt or harm the availability or integrity of the data which could, among other things, compromise the ability to conclude clinical trials, obtain approval for them or manufacture or distribute an eventual vaccine,

Further noting that, because scientific development is now highly dependent on information and communications technologies spread across the globe, such harmful cyber activity may undermine States' and global efforts to contain and recover from the COVID-19 pandemic and its side-effects,

Bearing in mind that COVID-19 is a highly contagious disease that respects no national borders, making international solidarity essential to restoring global health security,

Considering that the discovery and widespread provision of a safe and effective COVID-19 vaccine could save not just lives, but also economic livelihoods around the world,

Noting [the Oxford Statement on the International Law Protections Against Cyber Operations Targeting the Health Care Sector](#) conclusion that '[a]ny interference with the provision of health-care, including by cyber means, risks further loss of life as thousands continue to die every day',

And emphasizing that — even if the specific application and interpretation of international law to the technologies, knowledge and data used in the process of vaccine development require fleshing out — COVID-19 vaccine, research, manufacture, and distribution are both essential medical services and part of States' critical infrastructure that must be protected by international law,

Guided by these considerations, we agree that, currently, the following rules and principles of international law protect the research, manufacture and distribution of COVID-19 vaccine candidates against harmful cyber operations. We encourage all States to consider these rules and principles when developing national positions as well as in the relevant multilateral processes and deliberations:

1. *As affirmed in the first Oxford Statement, international law applies in its entirety to cyber operations by States including those that target the healthcare sector and essential medical facilities. These facilities include vaccine research, trial, manufacture and distribution facilities, other*

research paths to therapies and preventative measures, together with their technologies, networks and data, particularly clinical trial results, and other research.

2. International law prohibits cyber operations by States that have significant adverse or harmful consequences for the research, trial, manufacture, and distribution of a COVID-19 vaccine, including by means that damage the content or impair the use of sensitive research data, particularly trial results, or which impose significant costs on targeted facilities in the form of repair, shutdown, or related preventive activities.
3. International humanitarian law requires that at all times parties to an armed conflict: (a) respect and protect medical facilities, transport and personnel, including those involved in COVID-19 vaccine research, trial, manufacture and distribution; (b) refrain from disrupting the functioning of COVID-19 vaccine research, trial, manufacture and distribution facilities in any way, including through cyber operations; and (c) take all feasible precautions to prevent and avoid, or at least minimize, incidental harm caused by cyber operations to those facilities, and (d) take all feasible measures to facilitate their functioning and prevent their being harmed, including by cyber operations.
4. Outside of armed conflict, international law imposes negative and positive obligations on States vis-à-vis other States and individuals that afford comprehensive protection to the research, trial, manufacture, and distribution of COVID-19 vaccine candidates.
5. States must take all feasible measures to prevent, stop and mitigate malicious cyber operations against the data or technologies used for COVID-19 vaccine research, trial, manufacture or distribution which they know or should have known emanate from their territory or jurisdiction.
6. States' positive duties to ensure civil and political rights under international law require them to protect COVID-19 vaccine research, trial, manufacture and distribution to individuals subject to their jurisdiction.
7. The fulfilment of social, cultural and economic rights under international law requires States during a pandemic: (a) to ensure the manufacture and distribution of a COVID-19 vaccine in a lawful, fair, equitable, affordable and non-discriminatory manner; and (b) to cooperate to facilitate access to the vaccine by other countries.

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