

# Europe rights court backs obligatory vaccinations

April 8 2021, by Hervé Asquin With Stuart Williams In Paris

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The European Court of Human Rights ruled on Thursday that

democratic governments can make vaccinations obligatory, in a landmark judgement rejecting complaints brought by Czech families penalised for refusing compulsory jabs for their children.

It is the first time, since its creation in 1959, that the ECHR delivered a judgement about compulsory vaccination against [childhood diseases](#).

Experts say it could have implications for COVID-19 vaccination policies although the Czech cases were lodged between 2013-2015, well before the current pandemic, and concern the vaccination of young children.

"The... measures could be regarded as being 'necessary in a democratic society'" the court ruled, saying that the Czech health policy was consistent with the "best interests" of children.

"The objective has to be that every child is protected against serious diseases, through vaccination or by virtue of herd immunity," it added.

As a result, the court ruled there had been no violation of Article 8 on the right to respect for private life of the European Convention on Human Rights.

The decisions by the Czech authorities were "fully consistent with the rationale of protecting the health of the population."

The decision was handed down by the Strasbourg-based court's highest instance, the Grand Chamber which is composed of 17 European judges, and cannot be appealed. It was passed by 16 votes to 1.

## **'Legitimate aims'**

Experts said the decision was above all a blow to so-called "anti-vax"

movements in Europe who oppose all vaccines on principle, and is particularly timely as the COVID-19 pandemic is still raging worldwide with immunity through vaccination the only clear solution.

This judgement "reinforces the possibility of a compulsory vaccination under conditions of the current COVID-19 epidemic," Nicolas Hervieu, a legal expert specialising in the ECHR, told AFP.

The judgement endorses "the principle of social solidarity which can justify imposing vaccination on everyone, even those who feel less threatened by the disease, when it comes to protecting the most [vulnerable people](#)," added Hervieu, who teaches at Sciences Po university in Paris.

In the Czech Republic, there is a general legal duty to vaccinate children against nine diseases, including diphtheria, tetanus, whooping cough, hepatitis B and measles.

The case had been filed to the ECHR by Czech parents who were fined for failure to comply with this vaccination duty or whose children were denied admission to nursery school for the same reason.

The applicants alleged that the consequences of non-compliance were incompatible with their right to respect for their private life.

The court found that the Czech authorities "pursued the legitimate aims of protecting health as well as the rights of others".

It noted that "vaccination protects both those who receive it and also those who cannot be vaccinated for medical reasons and are therefore reliant on herd immunity for protection against serious contagious diseases."

## Governments wary

The need for a large level of herd immunity to quell the COVID-19 pandemic has prompted debate about the need for possible compulsory vaccinations in the face of scepticism among some populations worldwide about inoculations.

Experts say people turning down vaccinations on principle will create immense risks of future COVID-19 outbreaks but governments have so far been extremely wary of even mulling compulsory [coronavirus](#) vaccinations.

The recent reports of potentially fatal blood clots in a small number of people given the AstraZeneca COVID-19 [vaccine](#) have made the issue even more sensitive.

"I do not believe in compulsory vaccination for this (COVID-19) vaccine because above all we have to be very honest and very transparent," French President Emmanuel Macron said in December.

"We do not know everything about this vaccine as we do not know everything about this virus."

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