



Written by [Veronika Kyrylenko](#) on April 9, 2021

Compulsory Vaccination Is “A Necessary Measure in a Democratic Society,” the EU Court Rules

The European Court of Human Rights (ECHR) has backed the Czech Republic in its requirement for mandatory preschool vaccinations. In the [ruling](#) on *Vavříčka and Others v. the Czech Republic*, the court determined that legally enforced vaccinations are a necessary measure in a democratic society and are in the “best interests” of everyone.

In what started as a relatively routine case, Czech citizen Pavel Vavříčka challenged his country’s vaccine requirement for young children, after being fined for refusing to have his son and daughter vaccinated against tetanus, Hepatitis B, and polio. Vavříčka claims the law infringed on his family’s right to a private life. Five other families filed similar suits after their children were denied admission to preschools or nurseries as a result of not getting the required vaccines.

The court, however, decided that the refusal of the local childcare institutions to admit unvaccinated children was not a violation of the right to a private life. Indeed, Article 8 of the [European Convention on Human Rights](#), which concerns the right to a private life, specifies, “There shall be no interference by a public authority with the exercise of this right *except* such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, or the economic well-being of the country” (which is, of course, paradoxical and undermines the whole idea of privacy). In this spirit, the court admitted that even though compulsory vaccination places a certain burden on an individual, societal benefits outweigh that concern.

Calling vaccines “one of the most successful and cost-effective health interventions” known to medicine, the ECHR remarked that the dynamics of herd immunity make it important to achieve a high rate of vaccination. The inability of some children to be vaccinated for medical reasons, the court said, makes it more important to reach “a very high vaccination rate” to protect against contagious diseases.

The ruling specifies that “immunization is a core component of the human right to health and an individual, community and governmental responsibility.”

This ruling is at least eyebrow-raising, since one of the “key aspects” of the right to health, as [specified](#) by the World Health Organization (WHO), is health “freedoms,” such as “the right to be free from non-consensual medical treatment.”

Immunization is not mentioned as a “core component” of the right to health, yet the WHO claims that it



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is states' responsibility to ensure the provision of healthcare, including immunization programs.

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The WHO also [notes](#) that “the right to health also means that everyone should be entitled to control their own health and body,” and that’s the reason for the organization’s promoting of “people-centered care.” The right of every person to refuse medical treatment is considered one of the most fundamental rights concerning bodily autonomy and our essential nature itself. Moreover, it is easy to point to examples, both [historical](#), [dystopian](#), and [ongoing](#), of why the right to refuse medicine is so important.

In the best Orwellian tradition, the European Court of *Human Rights* produced a *government* right, entitling government with a right to control human health and the human body in the name of the “best interests of society.”

Although the case specifically focused on child vaccinations and was brought to the court before the coronavirus outbreak, the ruling could have wider implications on the ability of European states to vaccinate their populations against COVID-19. Though until now there has been little suggestion in most countries that COVID vaccines will be mandatory, recent rollouts of “[coronavirus passports](#)” make clear that governments are headed in that direction.

The European Commission has [proposed](#) allowing people to travel freely throughout the Schengen zone, which is now [practically](#) under lockdown, if they have vaccine passports — digital proof that one has been vaccinated against COVID-19, received a recent negative COVID test result, or recovered from the virus.

These passports would allow people to attend large events, including cultural gatherings, sporting events, and entertainment venues. Rollout trials [are set](#) to begin soon in the U.K. Moreover, Denmark, Sweden, and Estonia [are in the process of](#) implementing similar passports, as well. Spain and Greece, whose tourism-dependent economies desperately need a robust summer travel season, are considering opening up travel to U.K. and Israeli to citizens who can prove their vaccination status.

Countries such as France and Germany, however, are voicing concerns over the passports in regard to their discriminatory nature. Belgium’s acting foreign minister Sophie Wilmès [tweeted](#) that while the idea of a standardized European vaccine verification system was a good one, there should be “no question of linking vaccination to the freedom of movement around Europe,” and that “the principle of non-discrimination is more fundamental than ever since vaccination is not compulsory and access to the vaccine is not yet generalized.”

There is definitely something rotten in the states of Europe, which once presented the world with ideas of “natural” human rights, such as freedom, life, and private property. Those rights, as was once believed, are not dependent on the laws, customs, or beliefs of any particular culture or government, and are therefore universal and inalienable, meaning they cannot be repealed or restrained by laws. Thus, individuals make a “social contract” to establish government that protects their natural rights; at least these ideas have been at heart of dominant moral and political theories and practices throughout modern Western history, until recently.

Today, the European shift toward authoritarianism and unapologetic restriction of natural human rights no doubt makes John Locke, Thomas Hobbes, and Jean-Jacques Rousseau spin in their graves.



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