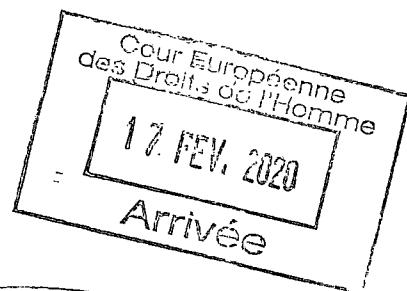


ROZALIO

Rodiče za lepší informovanost
a svobodnou volbu v očkování, z.s.

ROZALIO, z. s.
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The Registrar of the ECHR
The European Court of Human Rights
Council of Europe
F-67075 Strasbourg Cedex
France

11th February 2020

GRAND CHAMBER

Written comments regarding 47621/13 Vavřička v. the Czech Republic and 5 other applications

Dear Sir/Madam,

ROZALIO association – Parents for better public awareness and free choice in vaccination – is a non-profit organization founded in 2007 by a group of parents not satisfied with the existing situation concerning compulsory vaccination. There are more parents every year who want to know more about vaccination, they question the necessity of some vaccinations and their timing and feel their inalienable right to decide about their children and matters concerning them freely and on the basis of a sufficient amount of information.

Possible ruling of the European Court of Human Rights in favour of complaining parties can contribute to our goals to be fulfilled, meaning that the effort for high vaccination coverage in the Czech Republic would not be achieved only by repressive measures, as it is currently the case, but for parents to have the option to decide about the vaccination of their child and their health freely, well-informed and responsibly.

Rozalio's activities focus on two main areas:

1. Consulting, supporting parents when solving problematic situation with vaccination and possible assistance when communicating with public institutions.
2. An effort to affect vaccination policy of the state, while communicating with deputies, with the Ministry of Health and other institutions' officials, proposing possible changes to vaccination system and calling attention to examples of bad practice shared directly by parents.

I.

The majority of parents we encounter do not refuse to vaccinate their kids completely, but they ask for an individual approach and vaccination in different schemes than uniformly prescribed by Czech legislature. They care for the health of their children and approach vaccination with caution, because they are aware that just like other medicine also vaccination can have undesirable effects. A big group are parents of children who have been health stigmatized and children who have experienced adverse events after vaccination. These definitely want an individual approach for their children.

Parents also often do not know how to communicate with doctors or officials who do not treat them with respect. The Ministry of Health has not yet produced any quality information source – a portal where you could find comprehensive information parents look for. Our state, instead of trying to offer vaccination options, reckons that high vaccination coverage will be secured by strict sanctions and zero tolerance policy against individual families. **However, this approach leads to an increasing distrust in vaccination system in a significant number of parents.**

It is the parents who have the greatest interest in vaccination to be done as warily as possible and in all the specifics of their child to be taken into account. We are therefore convinced that parents

should be involved in the decision-making process and be its equal part. Repressing and pressing parents, which is happening, unfortunately decreases the trust in vaccination as such. Repressions also disrupt the relationship of trust between parents and paediatricians.

II.

The possibility of free and informed parent's decision is prevented by the existence of Public Health Protection Act. It imposes vaccination obligation under a threat of a financial sanction and, at the same time, forbids the children who have not been vaccinated properly to access any preschool facilities both public and private. It also bans children from participation in school trips, retreats – children camps, skiing trainings etc.

Financial sanctions

Each of parents face criminal procedure and can be fined up to CZK 10,000 for refusing vaccination as such but also parts of compulsory vaccination. Exceptions from compulsory vaccination were admitted by Constitutional Court first in 2011 and 2015.

Constitutional Court stated in its ruling related to constitutionality of compulsory vaccination, file number III. of constitutional court 449/06 of 3 February, 2011 that there must be exceptions, when vaccination cannot be sanctioned or otherwise enforced - especially for the reasons of faith, convictions or conscience of parents or other constitutionally relevant reasons. The ruling of Constitutional Court file number. I. CC 1253/14 of 22 December, 2015 first outlined also the so-called conscientious objection to compulsory vaccination and set conditions under which the reservation can be acknowledged and vaccination obligation does not have to be enforced in the concrete case.

Quoting Constitutional Court ruling:

45. The insistence of reasons given as a part of conscientious objection to compulsory vaccination remains undoubtedly subjective. It is the "here and now" which prevents us from unexceptional submitting to the order of law. The variety of contents of the objections cannot be defined easily; undoubtedly the conviction that there can be irreversible damage to health of a close person can potentially be one of them. If it is a legal guardian for a minor, specific aspects of their interest for not conducting vaccination need to be taken into account.

51. ...It needs to be emphasized that the exception from a legal obligation can be considered only in extraordinary cases, closely connected to a person subject to vaccination obligation or to the people close to them (highly undesirable response to former vaccinations of this person, their child etc.).

44. ...Clause 15 para.1 of the freedom of conscience or convictions of the bearers of a fundamental right remains an immanent aspect of the case. The often-repeated argument about vaccination as an intervention to bodily integrity in accordance with clause 7 para. 1 of Convention cannot be disregarded, although not only the untouchability of a person is at stake here, but also (and maybe even more) the aspect of injected vaccine with long-term effects to the body with consequences for person's health in accordance with clause 31 of Convention. In all cases, these are fundamental rights eligible for mutual measure against each other (optimization).

Naturally, there are also parents in the Czech Republic who refuse to vaccinate for religious reasons, Constitutional Court admits this as well:

50. Surely, the freedom of conscience, belief and conviction is autonomously applied only in private, even intimate area. In case of outer expression, in public space, it cannot be deprived of explicitly modified (cf. clause 16 para. 4 of Convention) and implicitly present limitations. Thus, also refusing compulsory vaccination for religious reasons and belief, which cannot be fully excluded based on specific circumstances, must remain a restrictively perceived exception...

In 2011, proceedings for offences stopped being initiated in the Czech Republic, parents were not sanctioned for refusing vaccination or partial vaccination. Proceedings for offences were initiated in 2018 and parents are fined. Some parents justify their decision by conscientious objection. This objection

has not been acknowledged in any case neither by the administrative body, i.e. regional public health office, or the body of appeal, the Ministry of Health. Since the verdict of Constitutional Court acknowledging conscientious objection, nobody has been granted it. Institutions do not want to respect the finding of Constitutional Court and when parents decide they do not want to grant parents the option to decide for partial vaccination or no vaccination for serious reasons.

Conscientious objection has never been taken into account even when admitting children to preschools. No child who would not have proper vaccination has ever been admitted to optional preschool education, even if for their serious adverse events, or adverse events of their siblings or parents. The objection is not acknowledged even in these cases.

Participation in preschool education

Only a child that is properly vaccinated against 9 diseases, hexavaccine in a scheme 2 + 1 and a dose of MMR vaccine, can be admitted to a public and private preschool. Amendments to Public Health Protection Act are currently being discussed so that vaccination against B type hepatitis would not be required for these facilities. Proper vaccination required for attending preschool would then be against eight diseases, while compulsory vaccination still requires vaccination against nine diseases.

An exception for a child, who does not have all compulsory vaccination to be admitted, is a confirmation of permanent contraindication. However, it happens often that health condition preventing vaccination is not considered permanent by a doctor. In case a child has, for example, serious problems with their immune system, digestion or suffers from neurological or severe skin problem, which are not considered as contraindication for vaccination by doctors, it is a temporary contraindication.

Anaphylaxis after a prior dose of a certain vaccine or its elements and severely immunocompromised individuals (permanent contraindication only to live vaccines) belong to permanent contraindications.

Temporary contraindications are, for example, epilepsy, cancer, leukaemia, generalized atopic eczema, progressive encephalopathy, multiple sclerosis relapse, neurological disorders (including seizures, cerebral palsy and arrested development), thrombocytopenia etc.

Already in 2014, Constitutional Court interpreted in their finding file number Pl. ÚS 16/14 that it is not necessary to insist on the literal definition "permanent contraindication", but it will suffice when it is proved that the child's health condition does not allow for the vaccine to be administered. Unfortunately, even this interpretation of Constitutional Court has not contributed to a change of situation and public health officials still require to have an explicit confirmation that the contraindication is permanent. Therefore, it happens that even children who are not vaccinated for health reasons acknowledged by a doctor cannot attend a preschool and when a preschool admits them, they are forced to exclude them after inspection by public health authorities and pay a fine for admitting a child like that. Parents are forced to stay at home with a child or pay high amounts of money for an individual care for the child.

It is only now, at the beginning of 2020, when the modification of term "permanent contraindication" to just "contraindication" started to be discussed when amending the law. Up to now, hundreds to thousands of children are discriminated for being ill. We have recently learnt from a deputy minister that the Ministry of Health will prepare accompanying documents to law in order to be able to specify granting contraindication for entry to a preschool. They are planning to define that contraindication is a health condition preventing vaccination administration for more than a year. Again, this is a requirement set to the detriment of health disabled children. Health condition of a child developing quite fast at a young age is unstable and unpredictable. Therefore, to know for sure that a contraindication will last for more than a year is hard and doctors will not want to issue such confirmations. It is thus possible that some children will still be little ill for contraindication but too ill for vaccination.

The planned amendment to law concerning contraindication is designed in particular because of our long-term pressure and pointing out cases of faulty practice. We initiated a petition to remove discrimination

of children in access to children groups with compulsory vaccination, which has been physically signed by over five thousand people in five months and signatures keep on coming. However, we do not momentarily know how the practice will be set. To get a contraindication with an ill child so that they could be admitted to preschool education has been, and according to the Ministry of Health, will be problematic. Parents deal with a decision whether to vaccinate their child despite their health problems and be entitled for admission to a preschool or not to undergo vaccination for an increased risk and then to stay at home with their children.

The whole strict legislature sounds utterly absurd in comparison with all neighbouring countries with similar epidemiology. However, these do not require vaccination for accessing children groups.

There is another trial by European Court of Humans Rights when a child has been expelled from preschool despite having a confirmed contraindication

A complaint was lodged against the Czech Republic with the European Court of Human Rights for expulsion of a child from preschool. This child had a contraindication confirmed by a doctor (extensive eczema), still expulsion of the child from preschool was requested after inspection from regional public health office. The doctor confirmed her decision and diagnosis stating that it is not suitable to vaccinate the child in their current health condition. The representative of regional public health office disputed the opinion of the doctor and decided that this health condition is not enough for contraindication and the child was to be vaccinated or expelled from preschool. The parents appealed against the verdict and sued in court. However, the court found the opinion of public health office correct in contrast to the opinion of the doctor who took care of the child from their birth and is familiar with the health condition of the child in detail.

Public but also private facilities are in the danger of a fine of up to CZK 500,000 by regional public health office if they accept a child that would not be fully vaccinated. So far, the fines given have been significantly lower, but public health officials, organizers and ministries do not hesitate to threaten the heads of preschools and children groups by these high fines.

The state argues that it is the protection of children's health in preschools that is the condition for proper vaccination, but this rule applies only for children to 5 years of age, therefore to the time when a child becomes a preschooler and the situation completely changes. The Czech Republic introduced compulsory preschool education from 2017/2018, which means that from 5 years, all children must go to preschool together regardless of their vaccination state. By introducing compulsory preschool attendance, the restriction of admission of partially vaccinated and non-vaccinated children has proven to be completely nonsensical. The Public Health Protection Act states that the obligation to admit only vaccinated children does not apply for facilities where the attendance is compulsory, which applies for the last year of preschool. Four-year old and younger children that are not vaccinated properly cannot attend preschool, while five-year-olds have to.

Now it has been 2.5 years from the introduction of compulsory last preschool year, when groups in preschool tend to be of mixed ages and the situation is just as good as before the introduction – experiences are good, there have been no negative changes in preschools.

If it were necessary to protect children in preschool and there would be a real risk, the state would not admit to have not fully vaccinated or non-vaccinated preschool children in them! The current situation shows that the point of this measure is only a repression to enforce full vaccination, which, however, leads in particular to the discrimination of children and ill-founded meddling with the rights of citizens, not the protection of their health.

Participation in school trips (schools in nature) and retreats

Other repressive measures include the fact that children without proper vaccination are banned from school trips and retreats. According to law, retreat is an organized stay of 30 and more children to the age of 15 for a time period longer than 5 days. Its purpose is to strengthen children's health and increase their physical fitness. Retreat can therefore be a camp or skiing training. If 29 children participated in a retreat, vaccination is not required. If a school organizes an event called "school in nature", vaccination is always

required regardless of the length of stay or a number of children. If a child has incomplete vaccination, they are excluded and punished for their parents' decision.

If a school or scout's camp organizer admit just one child lacking just one vaccination, there is a risk of a fine of up to CZK 30.000. Again, Czech legislature defining this measure in vaccination is in conflict with logic here, without this legislature being founded in epidemiology. The Ministry of Health has never presented justification of proper vaccination for school trips and retreats.

These sanctions that harm in particular the interests of children and impose a significant burden for school facilities, camp organizers and events for children are absolutely unparalleled in the European region.

An amendment is currently in discussion to abolish the restrictions of the vaccination condition for participation in a school trip as a part of amending the Public Health Protection Act. However, in all other events (retreats) where 30 and more children participate for a period of longer than 5 days, the condition of proper vaccination remains. When the amendment is passed, there will be a state of some relief for schools and children in them, but organizers of camps, skiing training and similar events will still be forced to discriminate some children without any reasonable explanation and without them finding it necessary. They therefore become an enforcing tool of vaccination policy against their will.

All the above mention bans from participation in groups of children are, according to the Ministry of Health, a punishment for parents for disrespecting the law and a tool to enforce vaccination. Unfortunately, children in particular are punished for this and they have no influence on the decision of their parents.

III.

In the Czech Republic, repressions against parents who do not vaccinate and those who require individual vaccination calendar keep on rising.

The condition of compulsory vaccination for preschools was introduced in 2001.

The condition of proper vaccination for schools in case of school trips was introduced in 2003.

Children groups originated in 2014 as an alternative to preschools, with the condition to accept only children who are vaccinated properly.

Conditions for preschools have become stricter in 2015:

- creches, preschools, children groups to be fined up to CZK 500,000 for admitting a child without proper vaccination
- schools and organizers of retreats for kids of up to CZK 30,000 for a kid that is present at the event and not vaccinated.

These repressive measures are reflected in vaccination coverage of the Czech Republic in a negative way, and, clearly, the trust in the system of vaccination decreases with increasing repression.

Having mentioned the prepared amendment to Public Health Protection Act, it needs to be pointed out that the currently prepared amendments to Public Health Protection Act mentioned above and mentioning the harsh consequences of the legislature are presented by deputies in a form of amendments. The Ministry itself did not consider it necessary to propose any of these amendments despite the fact that we have consulted the problems with "permanent contraindication" or missing vaccination against hepatitis B with them for a long time. In the end, the Ministry has unwillingly accepted some of the proposals of deputies.

The main part of this year' proposal by the Ministry for the law to be amended is a stricter and increased repression. The amendment suggests that the conditions for accepting children in all kinds of facilities are "straightened", so that there will be no chance for partially vaccinated or non-vaccinated children to be among their peers. These children have a very limited option to visit any preschool facility. Parents therefore self-organize small groups, completely independent on any financial support from the state, unregistered in a registry of preschool facilities or in some forest preschools. The Ministry wants to subject

these groups to vaccination inspections and they even want the vaccination condition to be set also for nannies watching over more than one child.

It is a question how the vaccination is supposed to increase with this measure, when previous repressions only decreased the trust in the vaccination system.

IV.

A big group of children who fall under the cases where the exception from vaccination should be applicable are children with health disabilities. They need an individual plan, delay in vaccination or a specific approach to vaccination. It is them that are hit hard by the condition of proper vaccination. Their parents decide not to vaccinate precisely according to the compulsory vaccination calendar because their conscience will not allow that or they are convinced about the risks of vaccination.

There are not registries for individual diseases in the Czech Republic (only oncological and diabetological registry), so neither we nor the state have an overview about the number of the chronically-ill. Patients in medical care can partially help us to have an overview (medical care – continuous monitoring of patients with a specific chronic disease). Their numbers can be learned about at the Institute of Health Information and Statistics of the Czech Republic (ÚZIS). However, those are available only to 2015. Czech Health Statistics Yearbooks do not list the number of children in medical care from 2016.

All diagnoses are included in patients in medical care. It cannot be uncovered yet how many among them are children with allergies, asthma, epilepsy, autoimmune diseases, neurological problems, oncology patients. For those, individual approach to vaccination is crucial. The numbers are low and increasing every year (every year's summary states: "*The increase in numbers of children and youth with different allergic symptoms continues.*").

	2008	2009	2010	2011	2012	2013	2014	2015
Total of children to 15 years of age in medical care (in thous.)	501	522	534	375	597,4	638	638	638

Source: Czech Health Statistics Yearbooks (ÚZIS) <https://www.uzis.cz/category/tematicke-rady/zdravotnicka-statistika/deti-dorost>

V.

Another group of children that are not completely vaccinated are children with adverse reactions to vaccination. Parents are afraid to vaccinate them again because they have former negative experience.

State Institute for Drug Control states that there were approximately 1-5 % serious adverse events reported in 2018. Only approximately 1.4 % of the total number of doctors in the Czech Republic reported, the number of adverse events is therefore higher in reality.

Overview of adverse events to vaccines from compulsory vaccination

	2014	2015	2016	2017	2018
Hexavalent vaccines	195/174	418/N/A	273/229	229/205	226/177
MMR vaccines	89/85	195/N/A	139/127	124/113	132/96
Vaccines against pertussis, diphtheria and tetanus (revaccination at 5 years of age)	242/143	229/N/A	155/121	77/61	144/94

Source: Information newsletter of State Institute for Drug Control (total number/serious adverse events)

Many of these children or their siblings were not vaccinated or received limited vaccination, or stopped vaccinating after underwent problems, always only because of fear for the health of a child. Although this reason is fully understandable and legitimate, it is not accepted in the Czech Republic. These parents and children face the consequences – health, financial and sanctions (a fine, inability to go to preschools and leaving for school trips).

VI.

The punishment in a form of denying preschool education or being banned from participating in school events or summer camps impacts most severely children and their families, but also school heads and leaders of children groups, teachers, preschool facility education authorities and camp organizers.

The impact on families is enormous. One of the parents is limited in returning back to work, often loses it, because they have to stay home with their children to the age of 5, it limits their career growth or their work continuity.

There is a multiplied risk of not being able to find their place in the labour market also in later years for women who usually tend to stay at home with children. Single parents find themselves in the worst situation, under the biggest pressure. They need to choose vaccination for their children in unsuitable health condition for existential reasons, to make sure a child gets admitted to preschool and the parent can provide for them financially.

The families that are forced to live on one salary for several years often deal with financial crisis. Part of the families have to use social allowance; they fall in the category of low-income families and are endangered by social exclusion.

Children of foreign workers on short-term and mid-term projects in the Czech Republic are also a problem as they cannot be placed for their different vaccination schemes. According to law, anyone with residence permit in the Czech Republic or residing in the Czech Republic for more than 90 days is bound by compulsory vaccination, which includes the condition of proper vaccination in children to be admitted to preschools or to participate in retreats. Children with different vaccination schemes from abroad thus cannot be admitted to preschools and the stay and work in the Czech Republic gets more complicated for their parents.

Another unjustified stakeholder are heads of preschools, leaders of children groups, managers of retreats who have become an enforcing tool for vaccination policy of the state. Their duty is to “enforce” vaccination for their activity, not to admit children to their facilities or exclude them from some events. They face huge administrative load in administration procedure, threat of fines for admitting children, very unpleasant part of explaining to parents why they will not admit their child and appeals from parents. People working with children do this work because they have positive relationship to children and it is them who are forced

to discriminate against them. They have nothing in common with vaccination agenda, they do not have training in the topic and get no renumeration for communicating it or solving it.

VII.

We described repressive steps against those who do not keep to the compulsory vaccination calendar above. What remains is to briefly describe vaccination system of the Czech Republic as such.

Doctors are legally bound to offer and perform vaccination. Even when parents express interest in individual vaccination, doctors do not have the option to offer different vaccines than those designed for compulsory vaccination. Although more vaccines are registered in the Czech Republic, only one hexavaccine (Hexacima) and one MMR vaccine (Priorix) are used (with exceptions).

These two vaccines are paid for by the state, different options need to be paid by parents. Although they vaccinate against compulsory diseases, but in a different scheme, they are not reimbursed for these vaccines. In 2017 and 2018, health insurance companies even refused to cover for compulsory vaccination by vaccines reimbursed by the state to those children whose vaccination was only postponed by their parents. It surely was yet another factor for increasing the distrust. Thanks to our work, this illegal practice has been stopped and some of the parents have been even able to get the money they paid for compulsory vaccination back from health insurance companies. The Ministry of Health has not been able to make health insurance companies change their practice which was in conflict with Public Health Insurance Act. Nonetheless, the situation with reimbursement is still not fully settled and health insurance companies refuse to cover for hexavaccine applied to children older than 2 years of age. The Ministry of Health does not deal with this treatment from health insurance companies.

On the contrary, the Ministry even advises health insurance companies to require the payment for potential treatment of a disease, against which a child should have been vaccinated and to use section 55 of Public Health Insurance Act with interpretation that they have committed an unlawful act. Many parents refuse vaccination for child's health problems, but the Ministry does not press insurance companies to take the reasons for refusal into account. It is just another adding fuel to the fumes, when the public loses the trust in Czech system of vaccination only faster.

The purchase and distribution of vaccines in the Czech Republic is a non-transparent and problematic area, there is only one company that has a monopoly for import of vaccines for compulsory vaccination. Regional public health offices (state institutions) were in charge of supplying vaccines to mid of 2009. Subsequently, there was an amendment to law and at the time a small company Avenir was chosen to ensure distribution, while distribution companies with experience, capital and built distribution network did not succeed, even in later selection proceedings. Office for the Protection of Competition fined seven health insurance companies in 2019 for discriminative selection proceedings for supplier of vaccines in 2018, as a winner was clear beforehand – the current distributor of vaccines, Avenir.

Czech doctors are not trained in work with individual vaccination scheme. Education seminars for doctors are led only one way: how to make parents accept compulsory plan by compulsory vaccines by means of directive treatment, threatening, mocking for inexperience or for worries about a child, to reporting to child welfare office dealing with parental neglect. Surely it does not happen in all surgeries, but this is quite frequent way of dealing with parents who require individual approach. It immensely disrupts the relationship of trust between parents and doctors and the trust in vaccination as such.

Czech compulsory vaccination scheme is quite extensive: obligation to vaccinate against hepatitis B, which is basically non-communicable among children or vaccinating by hexavaccine from week 9 and immediately followed by MMR vaccine, where the time span is only 6 months to complete the vaccination scheme.

Some experts do not approve of the existing vaccination scheme fully and recommend changes. The Ministry of Health refuses these changes, does not take incentives from the public and experts in consideration, does not lead any discussion. A consulting body of the Ministry – National Immunization

Board (NIKO) – a group of 9 people decide about vaccination behind closed doors – without any control from the public which can lead to asserting other interests than the health of children and economical drawing of funding from public health insurance. We have long criticized personnel composition of the board. Many expert representations are missing in the board, there is no neurologist, immunologist, neonatologist, therefore pieces of expertise that are very important for assessment, proposal of changes and expert recommendations. It is crucial to have experts taking a direct care of children damaged by vaccine on the board. Those are therefore familiar with these cases with regard for the objections to vaccination. These are mostly connected with possible adverse events.

There is no platform introduced in the Czech Republic for communication about vaccination between general public and experts: doctors, experts and recipients of care – parents and patients. The Ministry established a working commission for the problems of vaccination in 2015. 3 organizations representing patients and children's parents were present among the 20 commission members. This working commission has met only five times, has not issued any standpoint or recommendation, has never been officially abolished, but has not met since 2018 and their activity is no longer counted with. Neither general public nor organizations dealing with vaccination have an official possibility to bring experience from practice and propose changes. Good results cannot be reached without an effort to solve the problem both from the perspective of experts and patients.

Deriving from experience from abroad, the most efficient way seems to be more intensive communication of higher quality with legal guardians of children through experts, the possibility of choice and certain variability of vaccination schemes. However, there is no quality, well-structured source of information in the Czech Republic. Both the Ministry of Health and expert associations fail in this. Information is fragmented on many portals of state institutions and some cannot be found at all. Parents refusing to stick to the strict compulsory vaccination are viewed as misled people influenced by conspiracy theories and anti-vaccine movement, but quality comprehensive information are not offered in turn and nobody is interested in their reasons and decisions.

The Czech Republic has been failing so far in introducing the responsibility of the state for vaccination-related injury, which is criticized also by Constitutional Court. In fact, there is currently a bill about compensation for compulsory vaccination-related injury waiting to be passed after many years. Rozalio has actively expressed their comments to the creation of law. However, it is a question what its concrete application in practice will be. Nonetheless, the Ministry has already announced that they will not be reimbursing anyone in retrospect and that they expect reimbursement for a maximum of 5 cases a year.

WHO removed the status of "measles-free" country from the Czech Republic in 2019. It needs to be explained that an increased number of measles cases was in particular among adults who were vaccinated as children. Children had a small representation among the ill and patient zero (from whom the infection spread) was always an adult. Developed immunity after vaccination was to blame, not non-vaccinated children.

VIII.

From a case study: Attitudes of Parents Refusing Compulsory Vaccination of their Children, the Crisis of Trust in Biomedical Knowledge

"Nevertheless, the conclusions of my research show that the decisions to refuse some or all vaccinations of their children is not a mindless decision, exaggerated response to rumour or a product of favouring their own lifestyle to the health of their own children. It is a complicated process when individuals define and evaluate risks, build strategies to tackle uncertainty and by means of an imperative of personal responsibility discipline themselves. Parents critical to vaccination in a way become an expression of will to health and changes in functioning of modern biopolitics [cf. Rose 2001]. In this regard, the criticism of compulsory vaccination needs to be perceived as an expression of change in role an individual should take on in relation to their health and healthcare system."

PhDr. Jaroslava Hasmanová Marhánková, Ph.D., Faculty of Philosophy, University of West Bohemia in Pilsen – Attitudes of Parents Refusing Compulsory Vaccination of their Children: the Crisis of Trust in Biomedical Knowledge,
http://sreview.soc.cas.cz/uploads/680e5dca482c7a08e72490c3f4b4df0e2da4e3b3_14-2-02Hasmanova16.indd.pdf

IX.

In conclusion, the above-mentioned facts need to be summed up. Parents who are afraid of vaccine adverse events or wish for an individual approach for their child often face pressure to vaccinate precisely according to ministerial decree. There is no debate, no options. Parents are then sanctioned for their decision by a high fine and by not being able to place their child in a state or private preschool or a children group. Their child cannot participate in either school trips or camps and is thus excluded from a group without this measure having grounds in epidemiology. A child is excluded from a group also in the case when a doctor has confirmed that their health condition does not allow for vaccine to be administered, but it is not a permanent contraindication.

These sanctions are the only tool the Czech Republic uses to secure public health protection. The Ministry does not use different means which are common in neighbouring countries: e.g. quality information available, the possibility to choose vaccines or information campaign. These create the environment of trust and are enough to ensure necessary vaccination coverage of children's population also in case of voluntary vaccination. To the contrary, vaccination coverage decreases every year in the Czech Republic, almost in direct proportion to growing sanctions.

Forcing children with health problems to vaccinate according to calendar only because the system is not willing to deal with children individually and the highest goal is vaccination coverage and observance of the system is most shameful.

As stated above, there is a risk of financial sanction in the amount of up to CZK 10,000 and a child not admitted to preschool in the Czech Republic. In accordance with valid legislature, one act cannot be sanctioned more times. This has been happening in the Czech Republic for many years, still our laws have not been modified in accordance with this rule.

The Slovak Republic refused to introduce the condition of proper vaccination for admitting children to pre-schools. Slovak Ministry of Health submitted a proposal to amend a law. They were inspired by Czech legislative design and they literally copied the Czech law restricting children's admission to preschools. However, there is an important fact that together with this proposal, the Ministry of Health of the Slovak Republic simultaneously proposed to abolish fines for not vaccinating, justifying it by the fact that one act cannot be punished twice. This proves that fundamental rights and freedoms are violated in the Czech Republic. The obligation of proper vaccination for preschools was in the end refused by the National Council of the Slovak Republic, the main argument being that it will lead to segregation of children in access to education.

We are convinced that the information stated in our *amicus curiae* will contribute to wider understanding of the problem of Czech vaccination system by the European Court of Human Rights and will support the statement of the complaining party that the Czech Republic violates the rights guaranteed by Convention of Human Rights and The Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine by their actions.

Martina Suchánková, chair of ROZALIO

