Společnost pacientů s následky po očkování, z. s.

Prague, Czech Republic
20th January 2016

The Registrar
The European Court of Human Rights
Council of Europe
F-67075 Strasbourg Cedex
France

Association for Vaccine Injured Patients and its relationship to the future decision of the European Court of Human Rights in Strasbourg ("ECHR")

I.
Association for Vaccine Injured Patients in the context of the repressive vaccination policy in the Czech Republic

The Association for Vaccine Injured Patients is an organization of patients, their relatives and others who have been affected by adverse effects of vaccines. The aim of the organization is to help the affected patients with associated health, social and legal issues.

Our assistance to the affected families is focused on facilitation of the information flow between the family, health care providers, government authorities, Ministry of Health and schools with the aim to ensure appropriate health care, adequate help from the authorities and school integration for the child and the family.

The Association was formed as a consequence of civic activities evolving since 2014, questioning contents of the amendment of the Act No. 258/2000 Coll. on Protection of Public Health that was under discussion throughout the year. The new proposal was designed to strengthen repressions against non-vaccinated, semi-vaccinated or alternatively vaccinated children (children not complying exactly with the rigid mandatory vaccination schedule) by increasing the fines significantly. At that time, many parents of vaccine injured children were visiting local politicians to share their perspective and experience with the aim to persuade them to change Section 50 of the Act and allow the non-vaccinated, semi-vaccinated or alternatively vaccinated children attend kindergarten or other forms of preschool education.

These parents in cooperation with the Patients Association of the Czech Republic published two brochures named „How the system of vaccination affected the lives of some families" that presented one hundred stories of families affected by health issues, socially or economically. These stories have much in common and show all the objections to the current vaccination schedule in the Czech Republic from the perspective of Czech parents and children. Most of the stories end with wording such as: "the child will not be able to attend the kindergarten", "the mother will not be able to have a job and the family will lose one income", however, these families rather change their lifestyle than risk the possibility of health issues in their children. Two of the stories are translated in the attachment no.I . Both brochures are attached (in the original language).

Currently ECHR is facing a decision on the interpretation of the rules of the Convention for the Protection of Human Rights and Fundamental Freedoms ("Charter"). This decision will significantly affect all children, parents and families whose relationship and access to compulsory vaccination, currently being promoted by the Czech Republic on its territory, is critical and different from the views of political leaders, government bodies and some professional associations.

We are defending the interests of parents and children who have a valid reason to be apprehensive of the

mandatory blanket vaccination program extensively enforced by the Czech Republic. Naturally, these families are more concerned about vaccination due to their previous negative or even tragic personal experience with the adverse effects of vaccination. Lots of scientific research proves that some individuals could be genetically predisposed to develop severe vaccine adverse effects. The level of risk and severity can be observed in connection with certain vaccine adverse effects experienced previously in the already vaccinated individual or in another family member – a sibling or parent. Despite new findings in scientific research, this objectively more vulnerable group of parents and children has been so far completely ignored by the health policy authorities of the Czech Republic.

To achieve even very low epidemiologic benefit for the public, the Czech vaccination policy completely ignores the individual situation of these families, their fears and reasonable concerns. Even though these families have already been negatively affected by the vaccination program they have been forced to complete the mandatory vaccination or the children would be excluded from children's groups and kindergartens. Families are forced to conform to the rigid vaccination schedule and risk health issues in their other children. There are several cases of families with vaccine injured children who were persuaded or who finally conformed to the repressive measures and vaccinated their second child. Shortly after the vaccination this child showed signs of permanent health injury or development issues. The third child, who the parents refused to vaccinate remained healthy, but cannot attend kindergarten or other children's groups. Such children are forbidden up to the age of 18 attend any summer camp or other field trips with their schoolmates. These unvaccinated children have even been explicitly labelled as „parasites“ on the vaccinated children's groups by a regional court in the Czech Republic. They also declared the presence of an unvaccinated child in the group to be a discrimination of the vaccinated children and thus in conflict with the law.

Our members, the parents and children we defend have to resist the highly manipulated majority of the Czech public. This extreme opinion polarisation is created by the repressive policy of the state and a strong tradition of medical status. Authorities and medical society representatives take a very uncompromising approach to physicians who resist the vaccination paradigm and try secretly or publicly help the unfortunate and helpless families with vaccine injured family members. Playing a crucial role in this situation is a vast, long-term and professional mass media manipulation of the public opinion, funded by vaccine producers and distributors.

For the above reasons our members and families feel fundamentally affected in their goals and interests. Our aim is to protect them against marginalization and politically motivated social exclusion. In the field of vaccination the Czech Republic represents within Europe a modern-day dictatorship denying basic democratic principles and values including fundamental human rights and freedoms. We dare to choose such strong words when we see a completely different approach by the politicians, experts and public in most European developed countries to the affected families and children. In all neighbouring countries with the Czech Republic where the epidemiologic situation is the same, the unvaccinated children can attend all children's groups without any problem. Neither political leaders, nor the professional medical community prevent this and consider it to be necessary. All the families with negative or even tragic experience with effects after vaccination are free to not immunize their other children or choose to vaccinate according to an individual schedule. These children are not labelled as „parasites“, the families are not vilified in media and, most importantly, the children are not being expelled from all children's groups and can live normal lives as everyone else. These differences among European countries in the approach to the unvaccinated individuals are all in plain sight and there is no rational or exact foundation for them.

II.

The mechanism of human rights violations and penalties in the Czech Republic

The rules of the Charter, as consistently interpreted by the ECHR, allow to restrict fundamental rights and freedoms guaranteed by the Charter only if it is objectively necessary for the protection of public health in a democratic society. It is the professional community and the representatives and authorities in human medicine and medical sciences who must decide on the need to do so and properly and convincingly justify such a decision. In the Czech Republic the expert reasoning is not disclosed to the public, its content is

completely unknown to the independent critics, the decision-making methodology and input information and data are not to be provided to anyone. It is highly likely that some of the reasoning and methodology does not exist at all. This state of affairs has a definite cause. That is an absolutely unfettered power of the national executive to these technical issues and to decision making by subordinate legislation such as a decree.

1) Sanctions

If the child is not vaccinated, for example, because of concerns about the health of the child, the situation can be evaluated by the physician as neglect of a child. In this case the doctor has an obligation to report the family to the Social-legal Protection of Children Authority (SPCA) to investigate. Not only that the family is threatened by questioning from SPCA but each legal representative of the child is under a threat of financial penalty up to 10.000,- (ten thousand) CZK, i.e. half of the average monthly wage of a Czech citizen. When the child has two legal representatives, the family faces the fine twice. This fine is imposed by the Regional Public Health Authority (RPHA), an authority for public health protection. RPHA has the right to ask the doctor to provide information about the child, and doctors can be fined if they did not cooperate (letter b) and c) par. 51 of Law 258/2000 Coll). The law does not impose an obligation to the doctor to report the unvaccinated individuals. However, in practice, it often happens and thus the doctors are violating medical confidentiality according to the law on health services. There are further sanctions for families that are trying to protect the health of their child in the form of excluding the unvaccinated child from children's groups, pre-school education as per par. 50 of Law 258/2000 Coll, field trips and other trips with a group of children (par 9 of Act 258/2000 Coll.) Such children are systematically excluded from society. They are denied the right to preschool education, thus in the Czech Republic children's fundamental rights are not respected-the right to health and pre-school education.

2) Strict vaccination policy

The current system of vaccination policy may damage a range of individuals who, due to their health status, should not be vaccinated according to the fixed vaccination schedule. They should have the possibility to be vaccinated according to an individual vaccination schedule, which generally does not happen.

Strictness of the system is given by the deadlines stipulated in the decree by which each vaccine must be administered. These periods should be followed by the general pediatrician. In the Czech Republic every child is in the care of their pediatrician, who should know the condition of his patient. By law, the pediatrician is obliged to administer vaccination if they do not vaccinate without a reason, they face a fine of 1.000.000,- CZK without a reason means without a contraindication temporary or permanent, the issue will be discussed below. Pediatrician obviously cannot vaccinate against the will of the parents. Then the penalty does not apply to the pediatrician, but to the family, see above.

During vaccination the pediatrician must respect the health of the patient, who should be perfectly healthy to handle the vaccination without complications. In case of small children, who have to get at least 4 vaccinations within 3 years (to be able to board the nursery), this can sometimes be a problem to administer all vaccination in time, especially in children with eczema, middle ear infection, chronic cough, neurological damage etc.

For admission to the kindergarten a child must be vaccinated by a hexa-vaccine, at least in the schedule 2 + 1 doses and MMR (measles, mumps, rubella) 1 dose. NIKO (National Committee for Immunization, an advisory body to the Ministry of Health, which issues recommendations to the Ministry of Health on the issues of vaccination), however, continues to advise the hexa-vaccine in the schedule 3 + 1 doses and 2 doses of MMR. In total the child should get 6 vaccines during 3 years, according to vaccination schedule followed by most pediatricians.

3) Common practice

From experience we know that children at risk that are sensitive to vaccination and are threatened with grave consequences after vaccination, the tight time line is impossible to keep. Moreover, this approach does not correspond to the principle of "lege artis". Unfortunately, it often happens that the physical and mental condition of the child is not taken into account by pediatricians. The important thing for them is that the vaccination is administered within the deadline and the parents are told that they need to have the child vaccinated in order to have the child accepted in the kindergarten so that the parents can go to work. Pediatricians need to have the child vaccinated not to risk a fine of 1.000.000,- (one million) CZK. We know about cases when a pediatrician pushes parents by reporting them to SPCA for care neglect or to RPHA.

4) Insufficient education of pediatricians, trivialization of ADVERSE Effects of vaccination

Unfortunately, we can say that a large quantity of practical pediatricians in the Czech Republic is not sufficiently familiar with the latest information on adverse effects of vaccines. We have seen cases when the link between vaccination and febrile convulsions that happened three days after vaccination, had been denied, by both the practical pediatrician who carried out the vaccinations and the physician who accepted the baby with the convulsions to the hospital. However, that is a serious complication referred to in the Summary of Product Characteristics (SPC) and according to the law both doctors should have reported this event (as stated in Section 51 letter a) of Act 258/2000 Coll., Physician is obliged to report even suspicion of NU, failing that, he could be fined up to 100.000,- (one hundred thousand) CZK. The law does not indicate which authority is determined to enforce this obligation. We raised a query to the Ministry of Health which body is determined to do so, however we have not received a reply up to date)

We encountered similar ignorance of the law and the obligation to report adverse effects in cases of unconsciousness, epilepsy, severe worsening of eczema with hospitalization, bronchitis, and others. Today, most pediatricians deny or do not know that autoimmune disease in the family, allergies, eczema, previous vaccination with febrile convulsions or prolonged crying, faulty neurological development, eg. cerebral palsy, epilepsy, muscular hypotonia with subsequent rehabilitation and many more are all risk factors in vaccination and in combination with vaccination can lead to very serious conditions such as damage to the immune, and nervous system and in the worst cases, death. Unfortunately, it is not a common knowledge among pediatricians what can be identified as adverse effects. Connection with vaccination is usually denied and the result is that the injured child is a victim of the pediatrician ignorance. The family is forced to continue the vaccination because of deadlines a decree prescribed by the decree, even though the health condition already suggests that the child may not cope with further vaccination. In these cases, the pediatrician should correctly describe the health condition and contraindicate further vaccination until recovery of the patient, to the full stabilization of health. This occurs only in cases of contagious diseases when vaccination is postponed until the child is considered to be healthy. However, in cases of repeated infections when the child is actually in a state of continuous recovery, their real health state is often disregarded and the pediatrician vaccinates despite the rules of safe vaccination. Most pediatricians do not know that even eczema and allergies can manifest as acute diseases, not of contagious nature, but of immune system nature. The same as they do not know that neurological imbalance needs time and rehabilitation to stabilize and consequently many children are vaccinated despite the acute ongoing difficulties and thus exposed to a higher risk of further adverse effects of vaccination.

In case of eg. febrile convulsions after vaccination we are trying to communicate with pediatricians to report the adverse effect so that the child is entitled to an individual vaccination schedule at least. In one case of unconsciousness within one week after vaccination when the physicians denied any suspicion of relation or link to vaccination, the child was threatened with the standard vaccination schedule as opposed to the individual schedule, which could be fatal in this situation. Understandably, the parents are not open to risk the health of their child but if the doctors do not recognize the link, they do not back up their little patient and do not confirm contraindication to vaccination. Thus the child will either be exposed to additional risk of repeated loss of consciousness and other damage after vaccination or will not be vaccinated from the will of the parents and will not be admitted to the kindergarten as a consequence. The system forces the parents through social and economic mechanisms to cause potential damage to the health of their children. Parents do not have a choice to protect the health of their child other than officially refuse vaccination and the whole family gets into a problem with the system as described above. However,

in our opinion, in a system, where there is no room for free decisions about health of an individual, the Convention of Fundamental Human Rights is being violated.

5) PERMANENT CONTRAINDICATIONS - divergence of interpretation of the CONSTITUTIONAL COURT AND PRACTICE

From Section 50 results that an exception for the entry of an unvaccinated child to kindergarten is apart from confirmation to be immune to all 9 diseases also a permanent contraindication to vaccination. Doc. MD. Vojtěch Thon, Ph.D. (Department of Clinical Immunology and Allergology) stated to the notion of permanent contraindication following: "Contraindication but also indication of any procedure in medicine is always evaluated for the patient at the current moment in time, according to the patient's clinical status. This is true for any medical procedure, including the administration of a particular vaccine. I.e. the contraindication either exists or does not exist, always at that particular time. In medicine, there is nothing quite permanent. It should be sufficient to confirm contraindications without further specification."

Although there exist a decision of the Constitutional Court Pl.US 16/14 (paragraph 93 et seq.) which states that the designation of "permanent contradiction" should be also used when a child's health condition prevents administration of the vaccine in long-term, irrespective of whether in the medical certificate there is indicated the term "permanent contradiction," the practice of many kindergartens is different. In reality children who lack some of the 9 compulsory vaccinations are not being accepted despite their current state of health does not allow them to be vaccinated. Often their health condition worsened after the previous vaccination. Although there have been several appeals of parents against the decision of kindergartens to the regional authorities, the Ministry of Health does not act and leaves this obvious discrimination unnoticed. Also the Ministry of Health does not unite the decision-making process of kindergartens by issuing an official position. In Appendix no. 1 there is a response of the Deputy Minister of Health and Chief Public Health Officer Dr. CR. Valenta to the request of one family for an official position to the provided medical certificate that says: "XX patient cannot be vaccinated due to the medical indication with the vaccine for measles, rubella and mumps. " Yet, they have not been accepted into the kindergarten. We provide a quote from the response of MD. Valenta: "In the provided medical certificate from your attending physician there is not stated that the child has a permanent contraindication to vaccination against mumps, measles and rubella. In the document provided there is stated a medical indication, not the permanent medical contraindication to the vaccination specified above. "The response of the Ministry of Health is in a direct conflict with the above stated decision of the Constitutional Court.

Contraindication is used in practice relatively scarcely, whether by general pediatricians or specialist pediatricians like neurologists, immunologists, dermatologists, despite it could help to many children with chronic problems associated with vaccination. General pediatricians are using contraindications only during an infectious disease or severe exacerbation of immune and neurological disease. Moderately severe case of eczema is not considered to be a contraindication because the child is treated with corticosteroids and looks apparently healthy. However, corticosteroids do not cure eczema. They only reduce immunity since its hyper-stimulation is the cause of the eczema. After discontinuation of the medication, severe deterioration of the state is likely. Such deterioration may happen due to vaccination as vaccination stimulates the immune system in the auto-aggressive manner. Thus vaccination may unfortunately trigger allergies, eczema, asthma, and autoimmune diseases. In a similar manner the health of children who had neurological reactions after vaccination-febrile convulsions, dysphasia (speech disorder), various paralyses, encephalitis and other neurological conditions described as consequences of vaccination is treated. Instead of additional vaccination being contraindicated, the children are hospitalized and vaccinated under a blanket of anti-epileptics, sedatives, antihistamines, antipyretics. We believe that such procedures is unethical and certainly not according to the medical rule of PRIMUM NON NOCERE – (first, do not harm) especially when we realize that it is risking the health of small children for preventative and not curative procedure. Obviously, the rule FIRST, VACCINATE is valid in the Czech Republic.

Contraindications that are acknowledged by the officer of the Regional Public Health Authority (RPHA) as a sufficient reason allowing a child to attend the kindergarten without the complete vaccination, are known in practice only from specialist physicians. General pediatricians do not issue such a contraindication even

though they can. No matter if due to ignorance, indifference or fear of a conflict with RPHA. They might not be able to justify their decision and would face a million-dollar fine mentioned above. Unfortunately, we have seen a case when a specialist dermatologist issued a contraindication to further vaccination due to a severe eczema, but the general pediatrician refused to respect it and wanted to continue the vaccination. Specialists often do not know what health conditions they can recognize as a contraindication, because there is not unified information specifying the reasons for contraindications. There is no compliance with doctor's obligation to protect the health of their patients and the right for the individual treatment decisions based on the current condition of the patient either. Even the specialist pediatricians avoid contraindication recognition, although they are the ones who really can require an individual vaccination schedule, recognize contraindications, provide time for the safe vaccination approach, while allowing the child to attend the kindergarten.

6) The polarization of society

Repressive health policy based on hiding content of professional justification and on an unlimited decision-making power of the executive and which is not subject to the public parliamentary debate, requires protection from the public outrage. This protection is secured in the Czech Republic mainly by four mechanisms:

a) very aggressive approach of authorities and representatives of the medical society towards the doctors in the field. It is the intimidation of doctors with the intention to make them feel afraid and not cooperate and not help the parents to effectively prevent the extensive national vaccination policy. So in 2013, a professional organization - Czech Medical Chamber ("CMC") - which can withdraw a license to practice medicine, released to the media a clearly threatening statement:

In a letter dated September 19, 2013 addressed to the head hygienist and the health minister in resignation, the president of CMC MD. Milan Kubek informs about the professional opinion of the Scientific Board of the Chamber, which clearly rejects denial of the importance of vaccination and overrating the adverse effects of vaccination. "CMC considered questioning the benefits of vaccination by doctors as practice" non-lege artis ", meaning the procedure would conflict with the highest scientific knowledge. The doctor who questions the benefits of vaccination, or even refuses to vaccinate, not only violates the Act no. 372/2011 Coll., On health services and health service terms and conditions(§ 4, para. 5), but also the Code of Ethics of the Czech Medical Chamber (§ 2 para. 1) and the Convention on Human Rights and Biomedicine (Article 4) "

However, article 4 (of the Convention) is about professional standards and does not affect the obligation to vaccinate everyone regardless of their health status. Conversely, in the Czech Republic article 2 has been violated, since it does not take into account the individual's health state and is putting the interests of the society above it despite the interest has not been scientifically proven. CMC thus questions the practice of physicians in other European countries.

b) Then there is a wide media manipulation in favor of vaccination, which is undercover funded by manufacturers and distributors of vaccines through their communications agencies. The aim is to socially dishonor all parents who refuse to fully comply with the national vaccination policy and also dishonor representatives of criticism and opposition. Unfortunately, this negative media campaign is very effective and so-called "vaccination rejectionists" - for example, parents who already have one handicapped child after vaccination - become targets of a broad social ridicule and humiliation. Within this vicious media campaign there are being used tools of high social danger, for example, a non-profit organization strongly promoting vaccination and declaring its absolute independence is created and controlled by traders with vaccines and financed from their funds.

c) The third pillar of protection to the unjustified repressive national vaccination policy is, unfortunately, the national judiciary. The Constitutional Court of the Czech Republic plays a key role here. The Court issues vaccination decisions under the influence of politics and apparently against its previously settled case laws, as there had been, for example, very rare but important dissenting opinions such as dissenting opinion of the constitutional court judge Kateřina Šimáčková (see Annex).

d) The fourth pillar of protection is the intentional disinformation publicly distributed directly by the state authorities and authorities of the state as such.

There is one example of such a distribution of official disinformation by the Ministry of Health of the Czech Republic that for the current epidemic of whooping cough and repeated local epidemics of mumps "vaccination rejectionists" are responsible. Quote from a brochure "Patient Advisor" distributed directly by the Ministry of Health on its website: p. 62: "Vaccination is one of the most effective preventive measures in human history. Czech immunization schedule ranks among the most sophisticated calendars in Europe and in the world. However, recently, we are facing an outbreak of anti-vaccination activities. In this situation there has been a decrease in vaccination rates and consequently increase in incidence of certain previously successfully controlled infectious diseases, such as pertussis, mumps or measles. "

In accordance with scientific findings, the global problem with pertussis was caused by the failure of the new acellular vaccines. Local epidemics of mumps, which regularly take place also in the vaccinated population, are caused by a too rapid decline in the protective effect of the vaccination. "Vaccination rejectionists ", including parents and families with negative or even tragic experience with vaccination are publicly, and even by the government authorities of the Czech Republic, labeled as the culprits of all the problems and difficulties, for which can objectively be made accountable the weaknesses of products of the strongly favored pharmaceutical industry.

7) The reasons for the lack of education

One of the reasons why the pediatricians do not receive adequate information on adverse reactions to vaccines is their education. Education is primarily organized by clubs of the general pediatricians with expertise, financial and media supportof the pharmaceutical companies. On the website of association of general practitioners for children and adolescents and organization of general practitioners for children and adolescents is listed as a general partner pharmacological company Glaxo Smith Kline, vaccine manufacturers, which greatly benefited from the set system because it provides de facto guaranteed sale of 400.000 (four hundred thousand) doses of the hexa-vaccine and 200.000 (two hundred thousand) doses of Priorix per year and therefore has a strong interest in maintaining the system guaranteeing such good sales. The President of the Association of general practitioners for children and adolescents CR (AGCPA CR) MUDr.Alena Šebková said that 20% of pediatricians are trained per year and the goal is to train all pediatricians in the coming years. Among the information to pediatricians can be found e.g. that when vaccination is administered it does not weaken the immune system. It is scientifically proven that a part of the immune system is weakened at the expense of another part being hyper-stimulated. That's why infectious diseases with severe progression occur after vaccination and that would not occur if there was no imbalance of the immune system by vaccination. Pediatricians are obviously missing this information, as well as a range of adverse effects and possibilities and obligations related to contraindications. It is not surprising, because for the vaccine manufacturer, which is the general partner of the educator, is mentioning the risks and side effects of its products at the most inappropriate.

Head of the Department of Practical medicine for children and adolescents of the Institute of Postgraduate Medical Education (IPME) in Prague and a member of the Committee of Association for Immunisation of the Czech Medical Chamber MD. Hana Cabrnochová is well known by the positive relationship with the pharmaceutical lobby and repeatedly publicly denies the frequency of adverse effects stating that during the ten years of her medical practice has seen only one serious case of adverse effects - febrile convulsions. Then it is not surprising that she does not know and does not recognize the effects of vaccination and so do probably not even her students. According to the SPC, the incidence of serious adverse effects is much higher than the above mentioned doctor said, has seen. On the website of this doctor there is not a single note on adverse effects.

In 2014, on the grounds of the Medical Faculty in Prague (1st MF of Charles' University) there was a dispute between the Department of Neurology and Clinic of Hygiene and Epidemiology because of adverse effects of vaccines. The neurologists in lectures to the undergraduate students mentioned serious adverse effects of vaccines, ASIA syndrome (Autoimmune / inflammatory Syndrome Induced by Adjuvants). Students then reproduce this knowledge in front of hygienists who, however, denied such risks associated with

vaccination. A dispute between the heads of the clinics followed this event and eventually resulted in a joint workshop with a vague conclusion. The whole situation shows that the current and future doctors do not receive adequate information determining objective approach to vaccination. Whether we are experiencing a conviction of unconditional safety and the need for vaccination and thus ignorance of scientific evidence of our leading hygienists or a strong influence of the pharmaceutical lobby, we do not know.

8) Violation of principles of safe vaccination

A major problem in the vaccination of children's is non-compliance with the principles of safe vaccination. The common practice is that the pediatricians administer the hexa-vaccine, even when the child has a mild viral infection or a low fever (37°C), therefore, not a condition in which the patient is ideally healthy. Pediatrician's argument is that SPC allows this practice. MD. Škovránková from the Vaccination Centre stated that this practice is meant to be used in areas of the world where the doctor is not able to see the patient every week but maybe only once every six months. For these situations it was allowed to vaccinate despite the increased risk of adverse effects due to the combination with an ongoing infection. However, in our conditions this practice is not necessary, on the contrary, it is a striking NON LEGE ARTIS (illicit) procedure.

The parents are being offered optional vaccination against pneumococcus along with the mandatory vaccination by hexa-vaccine. Concurrent administration of the vaccines is in accordance with the SPC of each of the vaccine. However, it is also stated in the SPC that in case of concurrent administration of Infanrix Hexa and Prevenar 13 there was reported an increased percentage of adverse reactions as fever higher than 38 ° C, seizures (with or without fever) or hypotonic-hypo-responsive episodes. It is a common practice that despite this warning, pediatricians vaccinate both vaccines at once automatically, regardless of the child's health condition. The President of AGCPA MD. Šebková defended this "common practice" in children's clinics in front of witnesses and argued that there were no problems in her practice and that SPC allows the concurrent administration.

We can see that some information from SPC is used according to the needs of the system, while others are not highlighted at all like, for example, adverse effects to be reported which does not happen as the case of febrile seizures mentioned above.

We believe that especially the important authorities among hygienists, pediatricians, their associations and those who lead the education of other physicians should monitor the safety of vaccination, highlight the potential risks and truthfully communicate that information to their students and responsibly protect their patients.

The state should act with the same level of responsibility since it declares the vaccination to be mandatory. The state should provide sufficient legal space for gentle approach leading to safe vaccination. It should not be enforced by means of sanctions thereby creating a health risk which can subsequently result in violating the human rights of its citizens.

9) Responsibility for the adverse effects

The state should also take responsibility for the adverse effects. However, the corresponding legislation is still missing. The chief hygienist has confirmed working on the concept of the compensation fund in the media already in June 2014. Only in January 2015 has started a comparison with neighboring countries. Upon the request of the Constitutional Court to draw up such legislation, the Ministry of Health promises that the Act could be valid no sooner than in 2017.

III.
Development of the vaccination policy in the Czech Republic

Non-profit organizations in the Czech Republic compared the 31 developed countries in Europe in the fundamental aspects of their vaccination policies. The aspects compared were firstly the number of

compulsory vaccination and secondly the extent of repression of unvaccinated children. The differences were so huge that it absolutely cannot be explained by medical or epidemiological differences among the countries.

People do not have to be doctors or lawyers to easily understand the status and its nature. No one can explain to the parents in the Czech Republic why it is an imperative that it is their children who cannot attend the kindergarten if they are missing even one of nine vaccinations when in the neighboring Federal Republic of Germany and Austria vaccination against these diseases is not even compulsory. In neighboring Poland and the Slovak Republic the children must also be compulsorily vaccinated, but when the parents refuse, their unvaccinated child is not punished by the state by being excluded from kindergartens and summer camps. NGOs have transferred this situation in Europe into clear graphic diagrams.

The proposed methodology of scoring the rate of repression of fundamental human rights in individual countries then showed that the Czech Republic is probably the most extremist in vaccination policy of all 31 evaluated countries in Europe.

Parents ask for their children safe medical care including vaccination. In terms of adverse effects they are often better informed than general pediatricians who are generally unfamiliar with them, deny them and become untrustworthy as well as the top experts in pediatrics and hygiene who do not listen to the parents and are less able to respond to the increasing number of injured children (allergies, asthma, eczema , immunodeficiency, behavioral, speech and learning disorders, post-vaccination encephalopathy, hypotonia). The society is increasingly polarized, the family is not backed up both in the law and the doctor and despite their negative experience they are called in the media “vaccination rejectionists”. Since the beginning of our civic activities, the situation has gotten worse for many families. Children were being expelled from kindergartens, kindergartens and other children’s groups are heavily controlled by the Authority for Public Health.

During the year 2015, there has been discussed an amendment to Act No. 258/2000 in the Parliament with a proposal e.g. of a fine up to 3.000.000,- (three million) CZK to a doctor who would not vaccinate (finally the fine is up to 1 million CZK) and up to 500.000,- CZK for a kindergarten, which would accept a child without complete mandatory vaccination etc. There has even been raised a proposal to exclude the regular immunization from the regime of needing the free and informed consent which results in the possibility to administer vaccinations without the informed consent and even against the will of the child’s parents. The proposal would allow vaccination of children without the consent of and against the will of their parents, which does not exist in any Western or Eastern European country. Thanks to civic activity, this proposal was finally withdrawn. In June 2015 the Senate discussed the bill and returned it with amendments to the House of Commons. The amendments concerned the abolition of the requirement to present a certificate of vaccination for field trips and recreational trips and enable admission into the kindergarten or similar facility for the unvaccinated children. It would be only mandatory to submit a document with information what vaccinations were administered to the child (including no vaccination). However, the Senate's proposal was voted down in the House of Commons and the Act 258/2000 Coll. was approved as amended, which is actually stricter than the previous amendment.

The promised discussion of the Ministry of Health with the public happens in the form of a Working Commission for the issues of vaccination, which over the period of 8 months of its existence got together 3 times. The Commission numbering about 30 people includes only 2 members of the public. The outputs only describe the current status but do not deliver any results to the public. The ECHR verdict in favor of the complainants would certainly have an impact on further development of this discussion, enforcement and settlement of fundamental rights of the child.

IV.
Significance and consequences of the decision of the ECHR

When the ECHR translates the rules of the Charter that:

The Czech Republic violated the Charter when virtually with no reservations enforces all nine of the mandatory vaccinations as a condition of participation of children in children collectives and groups, solely

on the basis of subordinate legislation (a decree) of which the content and scope is not liable virtually to any democratic debate in the Czech Republic, the decision of the ECHR will be for parents and their children with adverse effects after vaccination favorable. In this case the Czech Republic will be forced to apply the democratic principles in relation to their vaccination policy. The state will be forced to pass its repressive measures, which are currently solely dictated by the executive branch, to a wider public and political discussion. It will be forced to transparently expose their professional justification to criticism of many ideological and interest groups. Such a debate has not been open in the Czech Republic so far. The vast majority of European countries has already been through the debate a long time ago and did not tolerate their executive body unfettered power over human rights in this area.

When the ECHR translates the rules of the Convention that:

The Czech Republic has not violated the Charter, and its repressive measures against unvaccinated children conform to the Charter and its objectives, it will be a very adverse decision for the parents and their children living in the country. In this case, the situation in the Czech Republic will not only change for the better but it may even get significantly worse. Such a decision of ECHR would open door to the national lobby for drafting and adopting other similar repressive measures. (For example, all unvaccinated or partially vaccinated children could be prevented to participate in all sports and recreational clubs and sports or training camps.) Subsequently it opens the way to achieve the same effects and implications in all other European countries. Pharmaceutical and medical lobbies will get the strongest possible argument to try and enforce similar measures in the jurisdictions at the national level in their own countries. In many countries, the expert public considers such repression to unvaccinated children in conflict with the Charter and with national constitutions. Therefore there are no such pressures.

We are aware of the fact that ECHR has an obligation to interpret the rules of the Charter, regardless of national circumstances, and with a definitive validity for all states.

Our association would be very happy to reach for their members and Czech families with children affected by vaccination, only what has long been available for the parents and the children in all neighboring European countries. We believe that it is an entirely legitimate claim. Therefore, we have truthfully described to ECHR the consequences that the Czech Republic achieved on its territory by its legal system and subordinate regulations in the hope of change. One of the impulses would certainly be an interpretation of the Charter in favor of the complainants.

Thank you for the opportunity to comment on the issue.

Kind Regards

Václav Hrabák

The President of the Association for Vaccine Injured Patients