



Mandatory vaccination: an individual choice or a matter of public health?

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Romania faces a major epidemic of preventable childhood diseases (especially measles) and low (and decreasing) immunisation coverage of the child population. The crisis was fuelled by a widespread lack of trust in vaccination, concomitant with a lack of adequate vaccine supplies. In April 2017, the government drafted a law regarding mandatory vaccination. The law faces strong opposition, threatening an effective and sustainable solution.

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Description

In Autumn 2016, a significant outbreak of measles occurred in Romania; 1,362 cases were reported (43% of the total cases in the EU, according to the European Centre for Disease Control and Prevention (ECDC)), from a mere 4 cases in 2015. In 2017, Romania became the country with the highest number of cases across the EU (with 3,072 cases reported between April 2016 and April 2017, of which 749 new cases only in the first three months of 2017), followed by Italy and Germany. On 6th June 2017, the National Institute for Public Health in Romania reported 6,616 confirmed cases and 29 deaths due to the disease. Thus, Romania is now becoming a real concern for all other EU countries, especially for those with lower or inadequate immunisation coverage (ECDC, 2017b).

According to the Ministry of Health, in 2014 81.3% of children aged 18 months and under had been vaccinated against tuberculosis (BCG), 76.4% against hepatitis B, 51% against Diphtheria-tetanus-pertussis (DTP), Haemophilus influenza type b (HiB) and Velopharyngeal insufficiency (VPI), and 73% against ROR (Mediafax, April 11th, 2017). For example, in Bucharest, the ROR first dosis vaccination rate decreased from 94% in 2010 to 86% in 2015, while the ROR second dosis vaccination decreased from 93% to 67%. Also, the DTP reached in 2015 a vaccination rate of 75%, from 96% in 2013 (Digi24, 2015). The lack of vaccines is also partially responsible for

the situation. According to the newspaper Ziarul Financiar (24th April 2017), Romania faces an “anomaly of parallel vaccine exports”; so, in 2016, while the vaccine supply was insufficient to meet actual demand, Romania exported 10 million Lei (2.2 million Euros)-worth of vaccines.

It is in this context that, in April 2017, the Ministry of Health drafted a law on mandatory vaccination. The draft law establishes the right of children to health and education, and the responsibility of parents and family doctors to ensure that, under normal circumstances, children are getting the immunisations deemed as mandatory (those listed in the National Immunisation Programme, currently nine vaccines). The draft law is designed to respond to both the epidemiological crisis and the vaccine supply crisis. It stipulates that the Ministry of Health is financially responsible for ensuring that there are enough vaccines to cover a period of at least 18 months. In the meantime, the Minister of Health has signed an order forcing authorised dealers to put on the local market a minimum supply – the number of vaccines needed to respond to the average monthly turnover (Ziarul Financiar, 24th April 2017).

While the idea of introducing a law making certain vaccines compulsory is not new in Romania (it was discussed in 2015 for the first time and there are already legal frameworks that could be enforced), policymakers were not

previously active in this field due to a strong and increasing public opposition to mandatory vaccination. Supported by a series of international public personalities, actors opposing mandatory vaccination range from religious organisations to parents of children who died or supposedly experienced severe conditions due to vaccines. Currently the Coalition for Health, an umbrella for 40 NGOs, sent a memo to the Ministry of Health criticising the draft law as illegal, according to both national and EU legislation (ActiveNews, 20th April 2017). According to the Coalition, nowhere in the world is children's education subject to conditions concerning vaccination, and nowhere are parents sanctioned for not vaccinating their children.

The draft law does not include any specific sanctions in case of refusal. Yet, according to the Ministry of Health (Mediafax, 11th April 2017), some sanctions, not punishments, will be included in the final law, after extensive discussions in parliament and public debates. Parents refusing to vaccinate their children might be, under some circumstances, accused of "bad treatment"; the criminal law stipulates that parents or legal guardians can lose full or partial parental rights, and even face imprisonment for 3 to 7 years, if found guilty of bad treatment against a child.

Outlook & commentary

The draft law regarding mandatory vaccination attempts to address two, more or less related, challenges: extremely low, and continuously decreasing, immunisation coverage (far below the 95% recommended by the World Health Organisation) and a vaccine supply crisis that delays vaccinations and increases the risk of epidemics.

The draft law, facing strong opposition, justifies mandatory vaccination both as a public health policy measure and as a means to ensure children's right to health and education. Opposing organisations in Romania (starting with the Pro Consumer Association (in 2016) and currently the Coalition for Health) argue that individual freedom is being infringed, and free education under threat, while the parents being sanctioned are in fact choosing what they consider to be in the child's best interests. Legal and moral arguments have been formulated back and forth to support and oppose mandatory vaccination. Yet, the statistical argument seems to be gaining ground as the morbidity and mortality due to transmissible preventable diseases is growing.

A law regarding mandatory vaccination could be extremely useful under the current circumstances. Yet, as the Romanian experience in adopting new legislation already showed, its success lies in the nuances and details of its design and implementation. While currently there is a significant need to intervene, the law, if it is to be adopted, has to ensure not only children's generic right to health but also customised protection for each child in his or her particular circumstances.

In the absence of legislation which is both comprehensive and finely-tuned, the chances of effectively implementing a policy to increase immunisation coverage and prevent future outbreaks are slim. Most probably, the best solution to the current crisis of trust, vaccine supplies and preventable morbidity would be to fine-tune the law to respond to various specific situations, and to increase parents' role, not as merely legally liable parties but as co-decision makers and partners in the process.

Further reading

ActiveNews, "[Coalitia pentru sanatate critica legea vaccinarii obligatorii](#)" (The Coalition for Health criticises the law on mandatory vaccination), 20h April 2017.

DIGI24, "[Institutul de Sănătate Publică: Rata vaccinării antirujeolă, oreion și rubeolă a scăzut sub 80% în București și unele județe](#)" (Public Health Institute: The ROR vaccination rate decreased under 80% in Bucharest and some counties), 22nd March 2015.

ECDPC, "[Data on measles outbreak](#)", 2017a.

ECDPC, "[Ongoing outbreak of measles in Romania, risk of spread and epidemiological situation in EU](#)", 2017b.

Mediafax, "[Legea vaccinării: Părinții nu vor fi sancționați dacă nu imunizează copiii](#)" (Law on vaccination: parents will not be sanctioned for not vaccinate their children), 11th April 2017.

"[Proiectul de lege privind organizarea si finantarea activitatii de vaccinare a populatiei](#)" (Draft law regarding the organisation and financing of the vaccination activities), 10th April 2017.

Ziarul Financiar, "[Anomalia exportului paralel in pharma](#)" (The anomaly of parallel exports in pharma), 24th April 2017.

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