



Announcement of a Grand Chamber case on duty of routine childhood vaccination in the Czech Republic

The European Court of Human Rights will be adjudicating a **Grand Chamber** case¹, **Vavříčka and Others v. the Czech Republic** (application no. 47621/13 and five other applications detailed below), at a public hearing on 8 April 2021 at 11 a.m. in the Human Rights Building, Strasbourg.

On account of the Covid-19 health crisis, the parties will attend by videoconference as the building is not open to the public. The video recording of the judgment delivery will be available the same day on the Court's website (www.echr.coe.int).

The case concerns the general duty to vaccinate children according to a statutorily defined schedule and the consequences of the parents' failure to comply with that duty.

Principal facts and complaints

Application no. 47621/13 (*Vavříčka v. the Czech Republic*) was lodged on 23 July 2013 by Pavel Vavříčka, a Czech national who was born in 1965.

In 2003 Mr Vavříčka was fined for refusing to have his two children, then aged 14 and 13, vaccinated against poliomyelitis, hepatitis B and tetanus, as required under domestic law (the Public Health Protection Act no. 258/2000 and Decree of the Ministry of Health no. 439/2000). The appeals lodged by Mr Vavříčka against the decision were dismissed by the domestic courts.

Application no. 3867/14 (*Novotná v. the Czech Republic*) was lodged on 9 January 2014 by Markéta Novotná, a Czech national who was born in 2002.

The applicant's parents agreed to have her vaccinated against all diseases for which vaccination was compulsory, except for measles, mumps and rubella (MMR) as they had doubts about this vaccine. In 2006 the applicant was admitted to nursery school. Two years later, having been informed by the paediatrician that the applicant had not received the MMR vaccine, the head teacher decided to reopen the admission procedure and to refuse her admission. The applicant unsuccessfully challenged the head teacher's decision in the domestic courts, which took the view that the applicant had failed to establish any disproportionate interference with her fundamental rights: her continued attendance at the nursery school was capable of endangering the health of others, and the right to health protection took precedence.

Application no. 73094/14 (*Horných v. the Czech Republic*) was lodged on 16 November 2014 by Pavel Horných, a Czech national who was born in 2008.

Having suffered from various health problems, the applicant was not vaccinated, his parents arguing that this was due to the lack of an individualised vaccination recommendation by his paediatrician. No minor-offence proceedings were however taken in connection with his vaccination status. In 2011, at the time of the applicant's enrolment in nursery school, the paediatrician certified in writing that the applicant had not been vaccinated. Despite this a handwritten note was added that he "was not lacking any regular vaccination prescribed by law". Be it as it may, in the same year, he was

1. Grand Chamber judgments are final (Article 44 of the Convention).

All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

refused admission to nursery school because he had not proved that he had been vaccinated. Appeals against this decision were unsuccessful.

Applications nos. 19306/15 and 19298/15 (*Brožík v. the Czech Republic and Dubský v. the Czech Republic*) were lodged by Adam Brožík and Radomír Dubský on 16 April 2015. The applicants are Czech nationals who were born in 2011.

The applicants' parents refused to have them vaccinated against some of the illnesses defined by law on the grounds of their beliefs and convictions. In 2014 the head teacher refused to admit the applicants to nursery school, stating that compulsory vaccination constituted a permissible restriction of the right to freely manifest one's religion or belief because it was a necessary measure for the protection of public health and the rights and freedoms of others. The applicants unsuccessfully challenged this decision and sought an interim measure to enable immediate enrolment in the establishment.

Application no. 43883/15 (*Roleček v. the Czech Republic*) was lodged by Prokop Roleček, a Czech national who was born in 2008.

The applicant's parents, who are biologists, set out an individual vaccination plan for him, according to which he was vaccinated against some of the illnesses later than required by law and not vaccinated against others. In 2010 the head teachers of two nursery schools refused to admit the applicant on the grounds that the conditions laid down in the relevant Law (no. 258/2000) had not been met. The applicant challenged this decision, but his appeal was dismissed.

Complaints

The applicants rely on a number of Articles of the European Convention on Human Rights, in particular Article 8 (right to respect for private and family life) and Article 9 (freedom of thought, conscience and religion) of the Convention, and Article 2 of Protocol No. 1 (right to education) to the Convention.

Procedure

The applications were lodged with the European Court of Human Rights between 2013 and 2015. On 7 and 9 September 2015 the Czech Government were given [notice](#)² of these applications, with questions from the Court. The Chamber to which these cases had been allocated relinquished jurisdiction in favour of the Grand Chamber on 17 December 2019. A hearing took place on 1 July 2020.

The Governments of France, Germany, Poland and Slovakia and several organisations were granted leave to intervene in the written proceedings as third parties.

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Press contacts

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² In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges may decide to bring to the attention of a Convention State's Government that an application against that State is pending before the Court (the so-called "communications procedure"). Further information about the procedure after a case is communicated to a Government can be found in the Rules of Court.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.