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# Preventing vaccine discrimination

**Reply to Recommendation**[1]: Recommendation 2240 (2022)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2240 (2022) "Preventing vaccine discrimination". The recommendation has been brought to the attention of the governments of the member States and forwarded to the relevant committees for information and possible comments.[2]

2. Whilst the height of the Covid-19 pandemic has passed, the Committee of Ministers concurs with the Assembly on the need to "reflect on the impact of requirements to use Covid passes and in particular vaccine passes on human rights and fundamental freedoms", in case new public health measures of a similar nature may be deemed necessary in the future. The Committee of Ministers welcomes the fact that health crises are at the heart of the first thematic report of the Observatory for History Teaching in Europe (OHTE), and strongly hopes that the history of pandemics, medical progress, the development of vaccines and other public health measures will be better taught to the younger generations, in order to strengthen their level of preparedness in the face of epidemic risk.

3. The Committee of Ministers can inform the Assembly that its Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO) maintains an ongoing reflection on ways to be better prepared and resilient to future threats and to ensure that the human rights and fundamental freedoms of all individuals are promoted and protected. A statement on "Covid-19 and vaccines: ensuring equitable of access to vaccination during the current and future pandemics" was issued by the CDBIO. Vaccine discrimination also increases the risk of counterfeit vaccines and counterfeit anti-Covid passes going on sale: the Committee of Ministers welcomes the opinion on the application of the Medicrime Convention in the context of counterfeit Covid-19 vaccines, and calls on member States that have not yet done so to ratify the "Medicrime Convention". In a statement on human rights considerations relevant to a "vaccine pass" and similar documents, the Council of Europe Committee on Bioethics (DH-BIO) called for careful deliberation on the challenges raised by such a pass. It pointed out in particular that "subject to the possibility for everyone to access vaccination, the differentiated treatment of vaccinated or immunised persons and those who cannot prove such a status in the exercise of individual freedoms and access to some services would be likely to bring the principle of non-discrimination into play. This includes risks of discrimination in relation to the right to freedom of movement and to freedom of assembly, but also rights to privacy and risks of stigmatisation as underlined by the Secretary General in her information document on "Protection of human rights and the "vaccine pass"".

4. The CDBIO also regularly exchanges information and best practices on these issues with other international organisations, such as the United Nations, the World Health Organization (WHO), and the European Union. It also co-operates with other international organisations and bodies as outlined in its

1. Adopted at the 1469th meeting of the Ministers' Deputies (14 June 2023).
2. The Steering Committee for Human Rights (CDDH), the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO), the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal data (T-PD), the Governmental Committee of the European Social Charter and the European Code of Social Security (GC), the European Committee of Social Rights (ECSR) and the European Committee on Pharmaceuticals and Pharmaceutical Care (CD-P-PH).

Strategic Action Plan on Human Rights and Technologies in Biomedicine (2020-2025) and enjoys longstanding co-operation with the WHO. Furthermore, the Council of Europe is an associated member of the UN Inter-Agency Committee on Bioethics (UNIACB) where it exchanges information and co-ordinates relevant activities with UN agencies.

5. Finally, the Committee of Ministers underlines that reflection on the impact of "Covid passes", and in particular vaccine passes, on human rights and fundamental freedoms from vaccinated or immunised persons and those who are not (regardless of the reason), should also take into account the jurisprudence of the European Court of Human Rights, which points to the fact that vaccination protects both those who receive it and also those who cannot be vaccinated for medical reasons and are therefore reliant on herd immunity for protection against serious contagious diseases (see the judgment of the European Court of Human Rights in the case of *Vavřička & otrs v. Czech Republic*, app. no. 47621/13 et al, Grand Chamber, 8 April 2021).