

HUMAN RIGHTS COMMITTEE

H. v. Italy

Communication No. 565/1993*/

8 April 1994

CCPR/C/50/D/565/1993*/

ADMISSIBILITY

Submitted by: Dr. A.B. [name deleted]

Alleged victims: R. and M.H. [names deleted]

State party: Italy

Date of communication: 2 November 1993

The Human Rights Committee, established under article 28 of the International Covenant on Civil and Political Rights,

Meeting on 8 April 1994,

Adopts the following:

Decision on admissibility

1. The author of the communication is A.B., an Italian citizen residing in Bolzano (Bozen), South Tyrol, Italy. He submits the communication on behalf of Mr. and Mrs. R. and M.H. and their children, who are said to have fled from Italy to Austria. He contends that the H. family is a victim of violations of their human rights by Italy.

The facts as submitted:

2.1 Mr. and Mrs. H. have consistently refused to let their four children - three boys and one girl - be vaccinated against poliomyelitis, diphtheria and tetanus. In Italy, the vaccination of children against these diseases is mandatory ("**Pflichtimpfung**").

2.2 A.B. notes that the regulations on mandatory vaccinations in Italy expose anyone who

refuses to have his or her children vaccinated to possible sanctions. Possible sanctions include the withdrawal of parental rights with regard to the children's health care and non-acceptance of children by schools, nurseries or other institutions.

2.3 The author contends that traces of formaldehyde and mercury can be found in the vaccines against poliomyelitis, diphtheria or tetanus, substances which are deemed to be dangerous and whose administration through vaccination is said not to be medically justifiable today.

2.4 A.B. further observes that, in the case of the children of Mr. and Mrs. H., several doctors have advised against vaccinations as "too dangerous"; no substantiation in support of this allegation has, however, been provided. All four children were allegedly excluded from their schools or not admitted to other schools. Local and municipal authorities have instituted legal proceedings against the parents, with a view to forcing them to vaccinate their children.

2.5 On 19 October 1993, the Juvenile Court of Trento (Trient) decided, for the second time, to suspend the parents' parental authority and to require the municipal doctor ("**Amtsarzt**") to carry out the vaccinations within 14 days, if necessary forcibly. It is submitted, without further explanation, that Mr. and Mrs. H. have no further possibility of appeal against the judgement of 19 October 1993.

2.6 Finally, A.B. argues that the H. family has had to carry a heavy financial burden as a result of the judicial proceedings instituted by the local authorities. They have had to pay approximately 15,000,000 Lire (approximately 60,000 FF) for legal fees and some 2,000,000 Lire (approximately 8,000 FF) for medical checks on the children ordered by the courts.

The complaint:

3.1 A.B. submits that mandatory or forced vaccinations, based on regulations that have remained virtually unchanged since 1934, constitute a violation of the human rights of the H. family. Furthermore, mandatory vaccinations are said to discriminate against those children whose parents refuse to have them vaccinated. Although the author does not invoke any particular provision of the Covenant, it transpires from his submission that he alleges violations of articles 14, 17 and 26.

3.2 A.B. requests the immediate intervention of the Human Rights Committee with the authorities of the State party, with a view to protecting the rights of the H. family.

Issues and proceedings before the Committee:

4.1 Before considering any claim contained in a communication, the Human Rights Committee must, in accordance with rule 87 of its rules of procedure, decide whether or not it is admissible under the Optional Protocol to the Covenant.

4.2 The Committee begins by noting that A.B. has not provided any proof that he is authorized to act on behalf of Mr. and Mrs. H. and their children. In the absence of a power

of attorney or other documented proof that the author is authorized to act on behalf of the alleged victims, the Committee must conclude that A.B. has no standing under article 1 of the Optional Protocol.

5. The Human Rights Committee therefore decides that:

(a) The communication is inadmissible under article 1 of the Optional Protocol;

(b) This decision shall be communicated to the author and, for information, to the State party.

[Adopted in English, French and Spanish, the French text being the original version. Subsequently to be issued also in Arabic, Chinese and Russian as part of the Committee's annual report to the General Assembly.]

*/ All persons handling this document are requested to respect and observe its confidential nature.

*/ Made public by decision of the Human Rights Committee.