

First Freedoms

HUMAN RIGHTS. CIVIL RIGHTS. RELIGIOUS RIGHTS.

25 December 2017

Director of the Office of International Standards and Legal Affairs of UNESCO
7 place de Fontenoy
F - 75352
Paris 07 SP
France

Kevin Barry, individually and on behalf of
First Freedoms, Inc. (non-profit)
PO Box 1816
New York, NY 10113-1816
United States

Re: Human Rights Complaint against the Italian Republic
Decree Law No.73 (mandatory vaccination law) (1,2)
Via email and regular mail

Dear Director,

I am an individual submitting a complaint to UNESCO's International Standards and Legal Affairs office regarding the Italian Republic's mandatory vaccination law which was passed in June 2017. The mandatory vaccination law violates human rights and bioethics standards set out in the Universal Declaration of Bioethics and Human Rights. I submit this letter on behalf of myself and First Freedoms, Inc., a non-profit organization dedicated to protecting and educating about individual human rights and informed consent.

Decree Law No. 73 violates both Article 6 and Article 3 of the Universal Declaration on Bioethics and Human Rights. This Universal Declaration was unanimously adopted by 193 countries on 19 October 2005. The Italian Republic is among the nations which approved the Declaration.

Decree Law No. 73 violates the Human Rights of the citizens of the Italian Republic.

Article 6 reads as follows:

Article 6 – Consent

1. Any preventive, diagnostic and therapeutic medical intervention is only to be carried out with the prior, free and informed consent of the person concerned, based on adequate information. The consent should, where appropriate, be express and may be withdrawn by the person concerned at any time and for any reason without disadvantage or prejudice. (3)

There is no dispute that vaccination is a preventative medical intervention. Consequently, the Human Rights and Bioethics standards apply and explicitly state that consent to medical interventions like vaccinations may be withdrawn for any reason “without disadvantage or prejudice.” Italy’s Decree Law No. 73 violates Article 6 by providing the following disadvantages for those who do not comply with this law by exercising their human right to informed consent.

Penalties

Violation of mandatory vaccination obligations may result in several adverse consequences for non-compliant parents and guardians, including:

- *administrative fines from €500 to €7,500 (about US\$559-\$8,380);*
- *suspension of parental rights by the local juvenile court; and/or*
- *prohibition from registration of the children in day-care centers or elementary schools, whether public or private.(4)*

The Italian Republic disadvantages those who choose to exercise their human right to informed consent by barring access to public schools and levying (significant) financial penalties. Penalizing parents for exercising their right to informed consent on behalf of their minor children is in violation of human rights and international bioethics standards.

Decree Law No. 73 violates international bioethics standards which apply to the citizens of the Italian Republic.

Article 3 reads as follows:

Article 3 – Human dignity and human rights

- 1. Human dignity, human rights and fundamental freedoms are to be fully respected.*
- 2. The interests and welfare of the individual should have priority over the sole interest of science or society. (3)*

Decree Law No 73 contravenes the bioethics principle that the interests of the individual should have priority over the sole interest of society. I note this principle is the first principle listed in the Declaration, which underscores its importance.

Remedy sought: Cessation of Human Rights violations caused by Decree Law No. 73

I ask that UNESCO's Office of international Standards invite representatives of the Italian Republic to open a dialogue to explain why they did not consider international Human Rights and Bioethics standards when debating Decree Law No. 73. I have seen no evidence in the reporting on this law that the members of the Italian Parliament or Italian Judiciary that they intentionally chose to violate the human rights of their citizens. I believe it is much more likely that the Italian Parliament and Judiciary members were unaware the law violates these standards. However, no matter the degree of culpability, the outcome is the same and Decree Law No. 73 violates the human rights of Italian citizens who exercise informed consent concerning vaccination for their minor children..

In addition to closely following public news reports, I have been in private email contact with Italian citizens. These Italian citizens are leaders who organized mass opposition to Decree Law No. 73. I, and they, have reliable knowledge of these ongoing human rights violations. Education is one of UNESCO's primary fields of competence. Many children in the Italian Republic are in danger of being deprived of a equal public education by Decree Law No. 73.

Section IX, part 22 of the "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law" describes the remedies available for violations of Human Rights.

Section IX, 22 (A) reads as follows:

Section IX: Reparation for harm suffered

22. Satisfaction should include, where applicable, any or all of the following:

(A) Effective measures aimed at the cessation of continuing violations (5)

I understand that the Universal Declaration on Bioethics and Human Rights is non-binding on member states. However, Declarations are "formal and solemn" instruments. There is a "strong expectation that the Members of the international community will abide by them." Declarations are "very rare" and are reserved for "matters of major and lasting importance where maximum compliance is expected."

The Report of the Commission on Human Rights describes the importance of Declarations:

In United Nations practice, a "declaration" is a formal and solemn instrument, suitable for rare occasions when principles of great and lasting importance are being enunciated, such as the Declaration of Human Rights. A recommendation is less formal.

... A "declaration" or a "recommendation" is adopted by resolution of a United Nations organ. As such it cannot be made binding upon Member States, in the sense that a

treaty or convention is binding upon the parties to it, purely by the device of terming it a "declaration" rather than a "recommendation". However, in view of the greater solemnity and significance of a "declaration", it may be considered to impact, on behalf of the organ adopting it, a strong expectation that Members of the international community will abide by it. Consequently, in so far as the expectation is gradually justified by State practice, a declaration may by custom become recognized as laying down Rules binding upon States.

In conclusion, it may be said that in United Nations practice, a "declaration" is a solemn instrument resorted to only in very rare cases relating to matters of major and lasting importance where maximum compliance is expected. (6)

The Italian Republic is, unfortunately, not alone in violating the human rights of its citizenry. France (7) and the United States (8 - California) also recently changed laws regarding vaccination mandates. Italy has a population of approximately 60 million people. France has a population of approximately 65 million people. California has a population of approximately 39 million people. (9). I hope the Committee will investigate why Human Rights and Bioethics standards are being violated on a national scale affecting millions of people.

I believe this letter meets the criteria for submission of human rights complaints set out in paragraph 14(a) of 104 EX/Decision 3.3 (10). If the Committee disagrees, I hope you will offer me an opportunity to amend this letter and to send additional information in support of it. If this Committee is not the proper venue for me to submit this complaint, I ask that you please inform me of the proper venue.

I believe all of the potential domestic remedies available in the Italian Republic have been exhausted. In November 2017, the Constitutional Court rejected an appeal. I do not believe the Court commented on or considered the human rights and bioethics standards which the law violates.(11)

I hope you deem this letter admissible. I look forward to your reply. I also anticipate taking the next steps in cooperation with your office, and representatives of the Italian Republic, to bring these ongoing human rights violations to an end in accordance with the principles set out in the Universal Declaration of Bioethics and Human Rights.

Sincerely,

A handwritten signature in black ink on a light blue background. The signature appears to read "Kevin Barry" in a cursive, slightly stylized script.

Kevin Barry
Individually, and on behalf of First Freedoms, Inc.

References

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4. Italy: Vaccinations for Children Made Mandatory, 13 June 2017
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5. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 21 March 2006
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