

# Do children have a right to immunization?

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## Rights and Responsibilities

In the last 10 years, great advances have been made in developing and introducing new vaccines and expanding the reach of immunization programs. Currently, vaccination prevents an estimated 2.5 million deaths each year (UNICEF, *Annual Progress Report*, 2013). Protected from the threat of vaccine-preventable diseases, immunized children have the opportunity to thrive and a better chance of realizing their full potential.

However, immunization is not only an opportunity – it is also an essential human right. The international community, through the United Nations, has written, signed and ratified thirteen legally-binding international conventions to protect human rights and clarify the responsibilities that all people have in assuring these rights are realized.

All human rights are:

- ❑ **Inherent and universal:** *innate to all people, regardless of ethnic origin, beliefs and practices, geographic location, sex, age or income level*
- ❑ **Indivisible and interdependent:** *meaning no right is superior or inferior to any other; they are all equally important*
- ❑ **Inalienable:** *No one can take them away*

In addition, every human right includes a human responsibility for respecting, protecting, and fulfilling that right.

- ❑ **Right:** *Immunization is a core component of the human right to health*
- ❑ **Responsibility:** *Immunization is an individual, community and government responsibility*

## International Convention for Economic, Social and Cultural Rights

The International Convention for Economic, Social and Cultural Rights (ICESCR) states that everyone has a right to “the enjoyment of the highest attainable standard of physical and mental health” (Article 12). It further explains that all countries that ratify the ICESCR (all but 33 nations) are responsible to undertake four steps to respect, protect and fulfill this right:

1. *Provide for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;*
2. *Improve all aspects of environmental and industrial hygiene;*
3. *Prevent, treat and control epidemic, endemic, occupational and other diseases;*
4. *Create conditions which would assure to all medical service and medical attention in the event of sickness.*

The first and third steps require countries to expand equitable immunization coverage.

## Convention on the Rights of the Child

The Convention on the Rights of the Child (CRC) is applicable to all persons under the age of 18 years. Article 6 (Survival and Development) of the CRC states that children have the right to live, and governments have a responsibility to ensure that children survive and develop healthily. As immunization has been shown to save lives, protect health and prevent developmental delays, children therefore have a right to immunization and government has a responsibility to make it available, regardless of where children live or what their social and economic circumstances are.

Additionally, Article 3 (Best Interests of the Child) and Article 5 (Parental Guidance) require that governments assist parents to fulfill their roles as nurturers of children, and states that “the best interests of the child must be the primary concern in making decisions that may affect them.” Both articles are a direct challenge to parents’ withholding from their children a medical intervention with known and proven lifelong benefits – i.e. immunization.

All countries in the world – except the USA and Somalia – have signed and ratified the CRC.

## Progressive Realization of Rights

According to General Comment No.7 on the Right to Health (ICESCR, Article 12), countries are not legally required to have fulfilled all human rights at the time they sign and ratify a UN convention. By signing and ratifying a convention, however, they are legally bound to demonstrate progressive realization of the human rights enshrined in the convention.

Therefore, a country is not in violation of the convention if it does not have 100% immunization coverage. *It does violate its legal obligations if it does not demonstrate (1) annual improvements in immunization coverage; (2) increasing efforts to expand immunization; and (3) adequate and increasing funding for immunization.*

Countries that violate an international convention can be – and have been – brought to trial at the International Criminal Court in the Hague and other regional courts.

## For more information

- [The International Convention on Economic, Social and Cultural Rights](#)
- [The Convention on the Rights of the Child](#)
- [General Comment No. 14 on the Right to Health](#)
- [The Human Rights based Approach to Cooperation for Women and Children](#) (UNICEF)