

# Submission on the COVID-19 Public Health Response Act by No Forced Vaccines

## Introduction to No Forced Vaccines

No Forced Vaccines was formed in April 2011. Our members include a large range of health professionals as well as parents and grandparents. Some members are parents of children whose health has been damaged by vaccination.

No Forced Vaccines members hold a variety of opinions about vaccination; however all seek to maintain the human right to choose whether or not to be vaccinated, and for parents to make decisions concerning vaccination on behalf of their minor children.

No Forced Vaccines has contributed submissions to previous select committee hearings that relate to vaccination, for example, to the 2012 “Inquiry into improving health outcomes and preventing child abuse with a focus from preconception until three years of age” (Our submission may be read here: [https://www.parliament.nz/resource/mi-nz/50SCHE\\_EVI\\_00DBSCH\\_INQ\\_11221\\_1\\_A239186/9e2640cef12c6740f68afe4ddab203e69d43bbf2](https://www.parliament.nz/resource/mi-nz/50SCHE_EVI_00DBSCH_INQ_11221_1_A239186/9e2640cef12c6740f68afe4ddab203e69d43bbf2))

Other submissions by No Forced Vaccines may be found on the following page of our website: <http://www.noforcedvaccines.org/category/submissions/>

**No Forced Vaccines is contributing to the Select Committee Inquiry on the COVID-19 Public Health Response Act 2020 because of the potential for the Act to be used to introduce coerced or mandatory vaccination to New Zealand and because another part of Section 11 of the Act impinges on people’s right to informed choice and to give informed consent in relation to health care services.**

## The COVID-19 Public Health Response Act 2020 could be used to make vaccination against COVID-19 mandatory

The COVID-19 Public Health Response Act 2020 does not mention vaccination.

However, to quote from (a) from Section 11 of the Act (<http://www.legislation.govt.nz/act/public/2020/0012/latest/LMS344177.html>) the Minister or the Director-General “may make an order” for “1 or more of the following purposes” including to “require persons to take any specified actions, or comply with any specified measures, that contribute or are likely to contribute to preventing the risk of the outbreak or spread of COVID-19...”

Section 11 of the Act goes on to specify a long list of specified actions, which I have copied in full at the end of this submission.

The full text of Clause (a) of Section 11 is:

“to require persons to refrain from taking any specified actions that contribute or are likely to contribute to the risk of the outbreak or spread of COVID-19, or require persons to take any specified actions, or comply with any specified measures, that contribute or are likely to contribute to preventing the risk of the outbreak or spread of COVID-19, including (without limitation) requiring persons to do any of the following:”

I have highlighted the words “without limitation” as I believe that the inclusion of these words makes the potential meaning of this Section of the Act so broad ***that it could be used to encompass the mandating of vaccination should the government decide that compulsory vaccination should be part of its response to COVID-19.***

Any sort of mandatory or coercive vaccination policy is not compatible with human rights.

The NZ Bill of Rights recognises New Zealanders (and other people residing in NZ) have the right “to refuse to undergo any medical treatment”.

<http://www.legislation.govt.nz/act/public/1990/0109/latest/DLM225509.html>

Given that vaccination is a medical treatment any Act that could be used to mandate vaccination of the NZ population (or specific groups within the population) is not compatible with the Bill of Rights.

## **The COVID-19 Public Health Response Act 2020 is arguably incompatible with the right not to be subjected to medical or scientific experimentation without consent:**

If vaccination with a COVID-19 vaccine were to be made mandatory under the COVID-19 Public Health Response Act 2020, the right to refuse to undergo any medical treatment would not be the only right that could be violated.

The NZ Bill of Rights recognises New Zealanders (and other people residing in NZ) have the right “not to be subjected to medical or scientific experimentation without that person's consent.”

<http://www.legislation.govt.nz/act/public/1990/0109/latest/DLM225508.html>

The rush to develop vaccines for COVID-19 means that at least one company is not adhering to the usual lengthy process through which vaccines are developed, and in the case of the company reported on below, the synthetic messenger RNA (mRNA) technology used to create the vaccine could be considered to be experimental.

<https://www.livescience.com/coronavirus-vaccine-trial-no-animal-testing.html>

The Moderna vaccine has been reported to have caused significant adverse effects in some people who participated in a clinical trial of the vaccine:

<https://childrenshealthdefense.org/news/vaccine-trial-catastrophe-moderna-vaccine-has-20-serious-injury-rate-in-high-dose-group/>

<https://childrenshealthdefense.org/news/modernas-guinea-pig-sickest-in-his-life-after-being-injected-with-experimental-vaccine/>

No Forced Vaccines recognises that many New Zealanders would welcome the announcement of a vaccine for SARS-CoV-2 becoming available in New Zealand given the high level of concern about possible future COVID-19 outbreaks in New Zealand – and what any outbreak(s) could mean for people’s health and the New Zealand economy.

It is to be hoped that any SARS-Cov-2 vaccine that may be allowed to be marketed in NZ will first have undergone comprehensive testing that shows it does not cause severe adverse effects.

***Also, if new, essentially experimental methods of production are being used to manufacture any components of the vaccine, this fact should be disclosed to potential recipients so that they can make an informed decision about whether or not they wish to receive the vaccine.***

## **The COVID-19 Public Health Response Act 2020 and the Code of Health and Disability Services Consumers’ Rights**

Under the Code of Health and Disability Services Consumers’ Rights (the Code), people in New Zealand have the following rights in relation to medical/healthcare treatments and any services that they may require because they have a disability.

These rights include:

Right 2: The right to freedom from discrimination, coercion, harassment, and exploitation.

Right 6: The right to be fully informed.

Right 7: The right to make an informed choice and give informed consent.

<https://www.hdc.org.nz/your-rights/about-the-code/code-of-health-and-disability-services-consumers-rights/>

Further concerns regarding the COVID-19 Public Health Response Act 2020 arise in relation to Right 2 of the Code of Health and Disability Services Consumers’ Rights. In the section of the Act titled “11 Orders that can be made under this Act” it would seem that people could be required to:

“report for medical examination or testing in any specified way or in any specified circumstances”  
(viii)

In the context of Section 11, this clause (viii) is obviously designed to be coercive and conflicts with the “right to freedom from discrimination, coercion, harassment, and exploitation” that people should be able to expect when accessing healthcare services.

Section 11 uses the words “require” and “comply” to make it very clear that in the context of this section the *unspecified* “medical examination” and again *unspecified* “testing” is compulsory. This is potentially ominous as it is obviously in conflict with the right to make decisions about one’s own medical care.

A compulsory medical examination has implications for privacy and bodily autonomy, too, and could potentially be traumatising, particularly for people who have previously experienced violations of bodily autonomy such as survivors of assault, sexual assault and/or domestic abuse.

Other potential issues with this part of the Act (Section 11 (viii)) is that chest CT scans may be used as part of an assessment for COVID-19 and having a chest CT entails substantial radiation exposure. CT scans can provide useful (and in some cases lifesaving) information. However, given the potential cancer risk from ionising radiation it is important that people give free and informed consent prior to undergoing this test and are not subject to coercion. (A valid exception to this general rule is when these scans are used as part of care in a medical emergency in which a patient is unconscious or not otherwise capable of giving informed consent.)

## Implications for Parents’ Rights

As the COVID-19 Public Health Response Act 2020 applies equally to children as well as adults, the Act as it stands potentially allows for the vaccination of minor children without parental consent as well as for the children to be subjected to medical examinations and tests without parental consent. Parents are the natural guardians of their minor children and their rights to make decisions about their children’s medical care should be respected.

## Conclusion and Recommendations

No Forced Vaccines recommends that the words “without limitation” be removed from Section 11 of the COVID-19 Public Health Response Act 2020 in order to protect adults and children from the potential threat of the Act being used to introduce mandatory vaccination.

The NZ Ministry of Health and Medsafe should ensure that any and all vaccines approved for use in NZ will have undergone rigorous safety testing and the results of that testing be available to the public and health professionals.

Also, if any COVID-19 vaccine that is allowed to be marketed in NZ contains any constituents that have been manufactured through any sort of novel process that could be considered to be experimental (such as through the use of synthetic mRNA, for example) the Ministry of Health and Medsafe should include this information prominently in information materials for health professionals and the public. Such a policy will ensure that people in New Zealand who wish to receive any such vaccine understand that it could be considered experimental (given the use of a new technology in its manufacture for which the long term safety cannot yet be known or assured)

and are therefore giving their informed consent prior to receiving the vaccine and are not therefore being subjected to what could otherwise effectively be medical experimentation without their informed consent.

***Thank you for reading this submission.***