

Mandatory Vaccinations of Children in Poland: Legal Problems in the Context of Medical Law

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ABSTRACT

Mandatory vaccinations of children in Poland have aroused much public controversy for years. The high activity of anti-vaccination movements has resulted in an increase in the percentage of parents who do not want their children to be vaccinated. This results in a high epidemic risk, which is becoming increasingly dangerous during the COVID-19 pandemic. In 2019 alone, nearly 50,000 unvaccinated children were recorded. In comparison, in 2010, there were only less than 10,000 of them.

Mandatory vaccinations of children in Poland have been placed in an administrative procedure. Interestingly, evading this obligation is an offence, not an administrative tort. Offences in Poland have a separate procedure and are situated in the criminal law sense of *largo*. This fragmentation of the procedures for enforcing the obligation to vaccinate causes significant difficulties in the practical application of the law, which results in a reduction in the effectiveness of mandatory vaccinations of children in Poland.

The question arises as to how to protect public health effectively against the spread of infectious diseases. It seems that protective vaccination for diseases such as measles is an effective preventive measure.

The paper presents a model for mandatory vaccinations of children in Poland. Administrative and criminal regulations on the implementation of the obligation to vaccinate are presented. The doctrine and judicature on this issue are also presented. The paper shows the legal problem in the social context.

Keywords: mandatory vaccination, right to health, public health, offence, evasion of mandatory vaccination