

PRESS RELEASE

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Special rules for vaccinated people?

In its Ad hoc Recommendation published today, the German Ethics Council addresses the question of whether a vaccination against Covid-19 may or even must lead to special rules for vaccinated people. At present, the Ethics Council considers it unacceptable to lift state restrictions on civil liberties on an individual basis, not least because the possibility that vaccinated people may still spread the virus cannot be excluded with sufficient certainty.

Since the start of the vaccination programme, and before, there has been controversial discussion as to whether restrictions on civil liberties – decreed by the state for infection control purposes – should be lifted for persons vaccinated against Covid-19. Regarding far-reaching restrictions on social, economic and cultural life, the German Ethics Council emphasises that these are only justified as long as the care of seriously ill Covid-19 patients threatens to acutely overburden the health care system. To the extent that this risk can be successfully reduced, pandemic control measures that involve serious infringements of basic rights must be withdrawn for all. If at all, lifting civil liberty restrictions prior to this exclusively for vaccinated people could at most be justified if it were sufficiently certain that they could no longer spread the virus. However, questions of justice and concerning potential consequences for acceptance of the vaccination strategy would also have to be considered. In any case, it is still reasonable to expect vaccinated people to comply with comparatively less intrusive measures such as distancing rules and the obligation to wear face masks.

When considering to what extent private providers should be, or can be, prevented from restricting access to the goods and services they offer to vaccinated people, freedom of contract must be taken into account. In principle, individuals and private companies are free to decide with whom they conclude a contract. Restrictions of this freedom can be justified if offers are indispensable for a principally equal basic participation in social life.

The German Ethics Council maintains that neither the state nor employers or service providers should impose special obligations regarding occupation-related or public welfare activities on vaccinated individuals, so as not to create counter-incentives to vaccination.

The overall critical view of possible special rules for people vaccinated on a voluntary basis does not, however, extend to the residents of nursing homes, facilities for the elderly or disabled, or hospices. The curfews and the limitations on visits and contacts that apply in such facilities should be lifted for residents once they have been vaccinated. In view of the considerable burdens that this group of people has already experienced in the course of the pandemic, this can be ethically justified.

The German version of the Ad hoc Recommendation “Special Rules for Vaccinated People?” is available on the German Ethics Council website at <https://www.ethikrat.org/fileadmin/Publikationen/Ad-hoc-Empfehlungen/deutsch/ad-hoc-empfehlung-besondere-regeln-fuer-geimpfte.pdf>. An English translation will be published soon.

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