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July 19, 2016

Dear Health Minister Philpott,

Re: correspondence 16-005993 - 954

Thank you very much for your reply of July 12, 2016. In your reply, you state, "*Provinces and territories are also responsible for **establishing vaccination requirements and enforcing mandatory school policies** in their effort to prevent serious illnesses - including many that are easily spread in schools and daycare centres*"

Your letter implies that vaccination is "mandatory" for school attendance. This is in direct conflict with the Public Health Agency of Canada, Canadian Law and international human rights agreements.

The [Public Health Agency of Canada's Canada Communicable Disease Report Volume: 23S4 - May 1997](#) states, "*Unlike some countries, **immunization is not mandatory in Canada; it cannot be made mandatory because of the Canadian Constitution.** Three provinces require proof of immunization for school entrance: Ontario and New Brunswick for diphtheria, tetanus, polio, measles, mumps, and rubella immunization; Manitoba for measles. But, exceptions are permitted on medical or religious grounds and reasons of conscience; legislation and **regulations must not be interpreted to imply compulsory immunization.***"

Manitoba has changed their legislation since this 1997 report, and [measles vaccination is no longer required](#) in that province.

Vaccination is a medical procedure that carries a risk of injury and death for some. By Canadian law citizens have the legal right to give voluntary informed consent when considering any medical procedure or drug, including vaccines. -This includes the right to know all the associated risks and the right to refuse the treatment.

Ontario's [Immunization of School Pupils Act](#) however, provides students the right to legal vaccine exemptions for reasons of conscience and religion as well as for medical reasons. Ontario is the only province in Canada with legislated vaccine regulations for school entry.

As well, New Brunswick's Department of Education and Early Childhood Development has vaccine requirements for school entry and gives families the right to a [declaration of objection to immunization](#) signed by a parent or guardian.

Mandatory vaccination violates all of the following:

1. Provincial regulations such as Ontario's [Health Care Consent Act](#), which stipulates "No treatment without consent" and lays out the elements of consent required for treatment:

-The consent must be informed

-The consent must be given voluntarily

-The consent must not be obtained through misrepresentation or fraud

2. **Canadian Medical Law** enshrines the individual's right to voluntary, informed consent to medical risk taking as a foundational medical ethic.

3. [Canadian Charter of Rights and Freedoms](#) guarantees the fundamental freedoms of conscience and religion and the legal right to security of the person.

4. **International Conventions** to which Canada is signatory, including

a. the **Nuremberg Code**, and **Helsinki Accords** which defend the basic human right to the Informed Consent ethic, and reject the moral argument that the creation of alleged benefits for the many ("herd immunity") justifies the sacrifice of the few.

b. the **UNESCO Universal Declaration on Bioethics and Human Rights**; [Article 6 – Consent](#):

"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 expressed and may be withdrawn by the person concerned at any time and for any reason without disadvantage or prejudice."

I look forward to receiving your response that will clarify the position of the Trudeau government on this issue.

Sincerely,

Rita Hoffman
Vaccine Choice Canada