



Covid Vaccine and Certificate: Opened or Closed Debate?

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Abstract

This article aims to show the basic aspects and legal guidelines over the debate of Covid vaccine and certificate adding some relevant information from vaccine control agency and expert opinions. The reason of this approach steps in the closed position of many citizens including public institutions, information media, social media, etc. in the world over the need to get vaccine and to marginalize people with opposite position. For that reason this manuscript proposes to make a modest and succinct exposition over the situation to understand both views. All it without being able to address the abundant legal, medical, etc... Information on this matter that would force to elaborate an article of equidistant dimensions to the present manuscript.

Keywords: Covid Certificate; Vaccine; Experimental; Nuremberg; Coercion; Obligatory Vaccine; International Treatments; General Principles; Informed Consent

Introduction

Covid19 had had a high repercution in the world in all essential aspects of our life as economic crisis, death of family members, health consequences, depression, restriction of freedoms and movement of people, etc. All these situations have fixed a need to solve this pandemic soon. It's the desire of the majority including me.

In this context, the vaccine has been showed as the ideal instrument to fight covid19 and to restore the last situation before it. However, it's public and notory that vaccine request a long period of time to be approved. Normally, unless five years. In this time, vigilant institutions must analyze all adverse effects before being approved or disapprove it after a long period of time. At the same time, it's knowledge that medicine is not exact science. So, currently, vaccine are authorized alone but not approved consequently, now, covid19 vaccine are experimental [1].

However last important considerations, many people don't know it and social media, public institutions and information media don't comment it. So we can see public

and notory division between citizens in the world over vaccinated and unvaccinated people. In this line, social and information media have fed this controversy calificating unvaccinated people as criminals [2], more dangerous than drug traffickers [3], claim the hunting the unvaccinated, etc. [4], generating division and confrontation among citizens [5].

In consonance with this position to attack unvaccinated persons, many countries and their regions in the world have approved obligatory vaccine or indirectly, Covid certificate. Without it unvaccinated persons cannot do normal life being banned to go in theatre, restaurants, cinema, gym, etc. These prohibitions will convert unvaccinated persons in social outcasts according to the difusion of social and information media, politicians, public intitutions, etc. Definitely, Covid certificate constitutes one weapon of coercion against unvaccinated people appealing to the need of public health.

One case we can observe, in Spain where several regions have approved obligatory vaccine and Covid certificate. So, among other cases, in Galicia, was approved Law 8/2021, of February 25, modifying Law 8/2008, of July 10, on health

in Galicia whose article 38.2 provides obligatory vaccine and the Order of July 22, 2021 [6], which extends and modifies the Order of June 25, 2021, establishing specific prevention measures as a consequence of the evolution of the epidemiological situation derived from COVID-19 in the Autonomous Community of Galicia, and the Order of 1 July 2021 approving the Protocol for the reactivation of leisure night in the framework of the health crisis caused by COVID-19 [7], point 3.22. In Balearic Islands, was approved Decree-Law 5/2021, of May 7, which modifies Law 16/2010, of December 28, on Public Health of the Balearic Islands, and Decree-Law 11/2020, of July 10, establishing a specific sanctioning regime to deal with non-compliance with the provisions issued to alleviate the effects of the crisis caused by COVID-19 whose article 49.bis.3.e provides obligatory vaccine and the second article, Covid certificate [8]. In Canary Islands, was approved the Decree-law 11/2021, of September 2, which establishes the legal health alert regime and the measures for the control and management of the COVID-19 pandemic in the Canary Islands whose article 14.2 provide obligatory vaccine for employments [9]. Between other rules, Covid certificate also was approved in General Secretariat.- Resolution of September 2, 2021, which provides the publication of the Agreement by which the conditions of access to tourist accommodation establishments in the Canary Islands during the pandemic COVID-19 [10].

- In France, Constitutional Court endorsed the obligatory vaccine for healthcare personnel and Covid certificate for concurred places [11].
- In Italy, obligatory vaccine was approved for children in schools and employments [12,13].
- In USA, obligatory vaccine was approved for employments and other cases like Australia [14,15].

These references are a bit list of empirical examples over the dimension of this issue.

Finally, it's very important to know that vaccines don't bring absolute safety [16]. You can be infected after being vaccinated like unvaccinated persons. You can infect to other persons after being vaccinated like unvaccinated persons. Perhaps with less intensity.

Covid Certificate and Obligatory Vaccination in International Law

Questions, obligatory vaccination and Covid Certificate are intimately linked because one is a consequence of the other. However, about this problem sovereign states have wanted to forget important international rules over it.

In this stage, all of us must remember that on December 9, 1946, a United States military court opened criminal proceedings against 23 prominent German physicians and

administrators for voluntary participation in war crimes and crimes against humanity. These proceedings lasted almost 140 days with the presentation of 1,500 documents and the intervention of 85 witnesses. On August 20, 1947, a verdict was handed down condemning 16 doctors. Seven were sentenced to death, executed on June 2, 1948 [17].

In this context, paragraph 1 of the Nuremberg Code provides that [18]. The voluntary consent of the human subject is absolutely essential. This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him to make an understanding and enlightened decision. This latter element requires that before the acceptance of an affirmative decision by the experimental subject there should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonably to be expected; and the effects upon his health or person which may possibly come from his participation in the experiment" [19]. So the consent and the absence of coercion are essential to practice the experiment as it happens with the vaccine currently.

In intimate connection with this, the formulation of Nuremberg principles was approved as principles of international law 1946 [20]. Then from my modest opinion, we can also interpretate these principles with Charter of United Nations, for example, article three referred to right to life [21], liberty and security; article twelve to avoidance interference against honor and reputation [22]; or paragraph of article thirteen over the right to circulate freely and the right to enter and leave the country. In fact experiment are forbidden by paragraph two of article eight of Rome Statute of the International Criminal Court, July 17, 1998 which provides "For the purpose of this STATUTE, "war crimes" means: [...] ii) "Torture or inhuman treatment, including biological experiments".

So, it's obviously that the experiment with human is not allowed and Covid vaccines are experimental, currently except one person well informed over all aspects and consequences voluntarily accepts it.

Other important rule over this subject is the article 16 (titled "Protection of persons undergoing Research") of Convention for the protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine [23]: Convention on Human Rights and Biomedicine that provides "Research on a person may only

be undertaken if all the following conditions are met:

- There is no alternative of comparable effectiveness to research on humans;
- The risks which may be incurred by that person are not disproportionate to the potential benefits of the research;
- The research project has been approved by the competent body after independent examination of its scientific merit, including assessment of the importance of the aim of the research, and multidisciplinary review of its ethical acceptability;
- The persons undergoing research have been informed of their rights and the safeguards prescribed by law for their protection;
- The necessary consent as provided for under Article 5 has been given expressly, specifically and is documented. Such consent may be freely withdrawn at any time". Therefore, we can observe an international treatment that doesn't allow experiments with human. Currently, Covid vaccine is experimental so it cannot obligatory for human persons.

In this context, we must also cite the article 6 of Universal Declaration on Bioethics and Human Rights, October 19, 2005 that provides [24]. 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 express and may be withdrawn by the person concerned at any time and for any reason without disadvantage or prejudice. Scientific research should only be carried out with the prior, free, express and informed consent of the person concerned. The information should be adequate, provided in a comprehensible form and should include modalities for withdrawal of consent. Consent may be withdrawn by the person concerned at any time and for any reason without any disadvantage or prejudice. Exceptions to this principle should be made only in accordance with ethical and legal standards adopted by States, consistent with the principles and provisions set out in this Declaration, in particular in Article 27, and international human rights law. 3. In appropriate cases of research carried out on a group of persons or a community, additional agreement of the legal representatives of the group or community concerned may be sought. In no case should a collective community agreement or the consent of a community leader or other authority substitute for an individual's informed consent". Although, the rank of the law in the international field is very important to determinate the efficacy of this declaration [25], this precept concerns above rights human which let us to make a hermeneutic on the context of international treaties of human rights by integrative or spiritual elements.

Consequently, here we find other important principle in international law over the prohibition the experiment with human. So it is not allowed and Covid vaccines are experimental, currently except the person well informed over all aspects and consequences voluntarily accepts it.

In the same way, *Assembly debate* on 27 January 2021 (5th Sitting) adopted the resolution 2361 (2021) [26] whose section 7.3.1 provides "ensure that citizens are informed that the vaccination is not mandatory and that no one is under political, social or other pressure to be vaccinated if they do not wish to do so"; section 7.3.2 dictates "ensure that no one is discriminated against for not having been vaccinated, due to possible health risks or not wanting to be vaccinated"; and the paragraph 7.3.3 reads "take early effective measures to counter misinformation [...]". The Council of Europe, based in Strasbourg (France), is an intergovernmental organization founded by the London Treaty of May 5, 1949 [27] and made up of 47 European states. Its ideals and principles are structured on the pillars of Human Rights, Democracy and the rule of law, which are the main axis of the Organization's work.

At the same time, over right to privacy of medical information, European Court of Human Rights, case *Z. v. Finland*, of February 25, 1997 [28], provides "the protection of personal data, including those of medical character, is of fundamental importance for the enjoyment of the right of every person to respect for private and family life guaranteed by the Article 8 of the Convention. Respect for the confidentiality of medical data is an essential principal in the legal systems of all Parties to the Convention. Not only respect for privacy is crucial of a patient but also the preservation of his trust in the medical profession and services health in general"; and "the foregoing considerations are especially valid regarding the protection of the confidentiality of the information that a person is infected with HIV. The disclosure of this data it can dramatically affect your private and family life, as well as your social and work situation, by exposing you to shame and the risk of ostracism. For this reason may discourage some people from a skin a diagnosis or treatment and thus undermine the community's preventive efforts to contain the pandemic [...]. Such interference cannot be compatible with Article 8 of the Convention, except that is justified by an imperative social need". For that reason, Covid Certificate may infringe the right to confidentiality of medical data, in accordance with the provisions of article 8 of the European Convention on Human Rights [29].

Finally, it's an obligation the cite of WMA Declaration of Helsinki -Ethical Principles for Human Medical Research [30]. Its sections 25 and 26 provide. Participation by individuals capable of giving informed consent as subjects in medical

research must be voluntary. Although it may be appropriate to consult family members or community leaders, no individual capable of giving informed consent may be enrolled in a research study unless he or she freely agrees. In medical research involving human subjects capable of giving informed consent, each potential subject must be adequately informed of the aims, methods, sources of funding, any possible conflicts of interest, institutional affiliations of the researcher, the anticipated benefits and potential risks of the study and the discomfort it may entail, post-study provisions and any other relevant aspects of the study. The potential subject must be informed of the right to refuse to participate in the study or to withdraw consent to participate at any time without reprisal. Special attention should be given to the specific information needs of individual potential subjects as well as to the methods used to deliver the information. After ensuring that the potential subject has understood the information, the physician or another appropriately qualified individual must then seek the potential subject's freely-given informed consent, preferably in writing. If the consent cannot be expressed in writing, the non-written consent must be formally documented and witnessed. All medical research subjects should be given the option of being informed about the general outcome and results of the study". This text was adopted in the framework of the World Medical Association. So it's not an international law, treatment, general principle, etc., but it constitutes a general ethical rule for medical practice which can be component element in their professional codes. It prohibits also the experiment with human unless the person well informed over all aspects and consequences voluntarily accepts it.

Adverse Effects of Covid Vaccines

In these sections, it can interest to cite some effects of the vaccine showed by public authority in Europe. The writing of this manuscript is not doctor so I can expose the information alone in consonance con the objective of this document to make visible the line of debate by vaccinated and unvaccinated persons.

In Eudra Vigilance, European database of reports of suspected reactions [31], the following considerations may be relevant. His website exposes. "The information on this website relates to suspected side effects, i.e. medical events that have been observed following the administration of the COVID-19 vaccines, but which are not necessarily related to or caused by the vaccine. These events may have been caused by another illness or be associated with another medicine taken by the patient at the same time. The EMA's scientific assessment takes into account many other factors, such as the patient's medical history, the frequency of the suspected adverse reaction in the vaccinated population compared to the frequency in the general population and whether it is

biologically plausible that the vaccine could have caused the event. Only a detailed assessment of all available data allows for robust conclusions to be drawn on the benefits and risks of the COVID-19 vaccines. Each individual case generally refers to a single patient; however, more than one side effect may have been included in a single report. Therefore, the number of side effects will not be the same as the number of individual cases. The data included in this website reflects the reports submitted by national competent authorities and pharmaceutical companies. They may contain duplicated information. EMA checks the reports as part of its scientific assessment and that also includes the identification of duplicates. This website does not provide the total number of cases reported with a fatal outcome. It provides the number of cases reported as fatal for specific reactions groups (e.g. cardiac disorders) and for specific reactions (e.g. myocardial infarction). Since one individual case may contain more than one suspected side effect, the sum of the number of fatal cases per reaction group will always be higher than the total number of fatal cases". So it warns us information is not full; there is not guarantee all information can be sent there, between other considerations.

Over Covid vaccine [32], on November 2021, referred mRNA Vaccine Pfizer-Biontech (Tozinameran) had been detected 549762 cases adverses effects being general disorders and administration site conditions; musculoskeletal and connective tissue disorders [33]; nervous system disorders as the majority. Over this vaccine, recently, an employment of this company, Melissa Strickler, company manufacturing quality audit, denounced that in several mails could verify that fetal cells from aborted babies were used to test the vaccine [34].

Referred Covid-19 mRNA Vaccine Moderna (CX-024414) [35] had been detected 152.101 cases adverses effects being general disorders and administration site conditions; musculoskeletal and connective tissue disorders; nervous system disorders as the majority. Referred Covid-19 mRNA Vaccine Astrazeneca (CHADOX1 NCOV-19) had been detected 406.132 cases adverses effects being General disorders and administration site conditions; musculoskeletal and connective tissue disorders [36]; nervous system disorders as the majority. Referred Covid-19 mRNA Vaccine Janssen (AD26.COV2.S) had been detected 36.166 cases adverses effects being general disorders and administration site conditions [37]; musculoskeletal and connective tissue disorders; nervous system disorders as the majority.

On November, 2021, Medical British agency showed the periodical reports of a dverse effects and affirmed that "At the time of this report, over 142,753 people across the UK have died within 28 days of a positive test for coronavirus (COVID-19). Vaccination is the single most effective way to

reduce deaths and severe illness from COVID-19. A national immunisation campaign has been underway since early December 2020" [38]. "Up to and including 10 November 2021, the MHRA received and analyzed 130,924 UK Yellow Cards from people who have received the COVID-19 Pfizer/BioNTech Vaccine. These reports include a total of 370,739 suspected reactions (i.e. a single report may contain more than one symptom). The first report was received on 9 December 2020. Up to and including 10 November 2021, the MHRA received and analyzed a total of 236,823 UK reports of suspected ADRs to the COVID-19 Vaccine AstraZeneca. These reports include a total of 840,295 suspected reactions (a single report may contain more than one symptom). The first report was received on 4 January 2021. Up to and including 10 November 2021, the MHRA received and analyzed a total of 17,546 UK reports of suspected ADRs to the COVID-19 Vaccine Moderna. These include a total 56,310 suspected reactions (a single report may contain more than one symptom). The first report was received on 7 April 2021" [39].

The VAERS system admits 13,000 deaths. An informant says there are 45,000. Just to get a sense of scale, in 1976 the swine flu vaccine killed 26 people and the whole system came to a halt. Now we have 13,000 dead, an informant who says that there are many more and I say that there are even more because the system is annulled and new reports cannot be presented. There is an artificial suppression of the number of deaths. So what is the death threshold? How many deaths are we willing to tolerate? That is the problem in the short term [40]. Over it, Doctor Vladimir Zelenko said that The VAERS data is only a fraction of reality so who knows what the true number of deaths from the vaccine is [40].

Medical Opinions on Covid vaccines

The majority opinion is in favor Covid vaccine. For that reason, this section exposes some important opinion from medical experts against Covid vaccines by being minority and a bit muted.

First, it's very important the medical thesis of important expert as doctor Vladimir Zelenko who has cared patients like Donald Trump, several Ministers of the Government of Israel or members of the rabbinical court of Israel [41]. He has treated at least 6,000 patients by Covid.

Vladimir Zelenko postulates "we have a disease that in most cases people will recover on their own so they don't need anything. The high-risk population, if properly treated, has a mortality rate of less than 1%. However, vaccines cause blood clots, inflammation of the hearts, miscarriages, potential genocide from ADE, risk of cancers, risk of autoimmune diseases, and future infertility. Why the hell

would I put something on my body with such a risk profile?". He continues affirming "Let's see if we really need it. Healthy children 18 years and younger have a 99.998% COVID recovery rate without treatment according to the CDC. Why would you vaccinate a group that has a nearly 100% recovery rate from disease without treatment with something that could potentially cause harm? The answer is that it is not due to medical reasons, but rather that they want to sacrifice the children. Taking an 18- to 45-year-old demographic of healthy adults, their Covid survival rate is 99.995% without treatment and around 100% with treatment. So I ask again why you would vaccinate a demographic with a near 100% recovery rate with something that is experimental and has been proven to be dangerous. That is what you achieved with your protocol. Correct?. Yes, my protocol is very simple. It's about identifying high-risk patients, treating them right away, not waiting until they're sick, and giving them a zinc-based antiviral approach and zinc delivery system. Zinc inhibits the most important enzyme involved in RNA viral replication, called RNA-dependent RNA polymerase, which is used by ALL Covid strains, which means that it does not matter if it is alpha, beta, South African, delta or whatever. Whichever it comes in, they all use the same pathway for viral replication. So if you block that RNA-dependent RNA polymerase enzyme, which zinc does, you close the button on the virus's ability to make copies of itself and spread. The problem with zinc is that it does not get into the cell by itself. It is like a bullet without a revolver. You need a stirrer, another agent that supplies the zinc into the cell. There is a class of substances called zinc ionophores, which open a channel within the cell membrane, allowing zinc to pass from the outside to the inside of the cell. And there are four of them that are readily available, two are over the counter: quercetin and epigallocatechin-3-gallate (EGCG). Quercetin is a plant derivative, it comes from vegetables, and it is a bioflavonoid, which together with vitamin C works as a zinc supply system". In conclusion he consider a notorious danger, poor efficiency and advises against inoculation of vaccines and suggest other medicines with more efficiency than vaccine.

In the same line of do not recommend the application of vaccines, other important doctor, Luc Montagnier, French virologist and winner of the 2008 Nobel Prize in Medicine, claimed "that Covid-19 vaccines are creating new variants in various parts of the world. He believes that the ongoing vaccinations across the world are an" enormous mistake". "The history books will show that because it is the vaccination that is creating the variants" coming to predict terrible consequences in two years [42].

Finally, in Spain, Doctor María José Martínez Albarracín, Professor of Clinical Diagnostic Processes, as well as Professor of Biochemistry, Immunology and Laboratory Instrumental Techniques, holds the same thesis that other doctors [43].

Conclusions

The struggle against Covid-19 must continue to solve it for the sake of restoring last economic and social situation previous. Mechanisms must be the suitable about it.

Currently, all Covid treatments are experimental. It will be like this for several years. For that reason, we must be opened for different channels to solve the pandemic avoidancing to take one option and to refuse or to silence others arbitrarily or discretionally.

Covid vaccines don't avoidance that patient could be infected and to contaminate to other persons. So its obvious vaccine provides bit efficiency. In fact, the option over third dose or annual dose is opened. Is it really convenient so many doses of experimental vaccines in short time?.

Vaccines cannot be obligatory nor Covid Certificate. These impositions break different treatments and general principles of international law, essentially, human rights. It infringes also upon basic principles of the medical practice.

Vaccine inoculation requests voluntary consent by the patient, previous exhaustive information on the risks that he may suffers in order to formulate an opinion and acceptance of the vaccine with full awareness.

Many countries, including the most important, seem to have forgotten the definition over law and basic elementary rights. Government states must respect the international law, human rights and rule of law.

Covid Certificate may violates rights to confidentiality of medical information unless in the European Union. Especially, if the right of the confidentiality is kept by more dangerous and contagious diseases with no cure, such as HIV.

Public authorities of the countries, information media, social media, etc. have a great responsibility in the division of society for the application or not of Covid vaccines, skewing the problem and silencing the arguments of people who do not want to be vaccinated. This stage must change by profit of all.

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