

# ETHICS & MEDICS

APRIL 2021 VOLUME 46, NUMBER 4

A Commentary of The National Catholic Bioethics Center on Health Care and the Life Sciences

■ Also in this issue: “Vaccine Credentials in the Developing World,” by Rev. Nicanor Pier Giorgio Austriaco, OP; and “Response to Austriaco on Vaccine Passports,” by Joseph Meaney ■

## THE ETHICS OF COVID-19 VACCINE PASSPORTS

Joseph Meaney



As president of The National Catholic Bioethics Center (NCBC) and a longtime international pro-life advocate, I have some considerations regarding serious ethical problems related to proposed COVID-19 vaccine passports and how such certificates of immunity could be misused. Clearly, immunizations should be documented in one's medical records. For my pro-life trips to many less developed tropical countries, I needed the International Certificate of Vaccination or Prophylaxis, or Yellow Card, with my vaccinations listed. Currently, the International Health Regulations created by the World Health Organization (WHO) allow certain countries to mandate that visitors provide proof of vaccination for only one disease: yellow fever.

Israel has the highest percentage of its population vaccinated against COVID-19. Approximately 80 percent of adults are fully vaccinated. The Israeli Ministry of Health created an electronic document it calls a Green Pass, certifying immunization by vaccination or previous infection. Those with this document are allowed to socialize at events like plays or concerts and go to public restaurants. Those without a Green Pass are barred from travel to certain vacation destinations and many social and work activities, creating the specter of a society divided into a favored class of people and an underclass suffering discrimination based on immunization status.<sup>1</sup>

The most obvious practical objection to plans for a required COVID-19 vaccine passport is that the vast majority of the world's population has no access to the newly created vaccines. Putting such a measure in place now would be grossly discriminatory against the poor and those with least access in the United States and globally. The WHO has come out against proof of COVID-19 vaccination for international travel for these and other reasons.<sup>2</sup> This means that nations attempting to require travelers to give proof of vaccination for anything except yellow fever will be in breach of binding international public health regulations.

Lack of scientific data on the efficacy of vaccines in preventing transmission of SARS-CoV-2 and its variants is a big problem. Also, determining how long before travelling these vaccines should be taken is a key concern. Before any WHO-sanctioned COVID-19 immunization document can even be considered, we need more

information on the duration of protection provided by the various vaccines, further analysis of specific contraindications, and processes for exempting people who already have antibodies against the virus thanks to catching the disease.

I am pleased to note that the Biden administration opposes a federal vaccine credential because of concerns about how it could be used to violate privacy rights and to treat people unfairly. The American Civil Liberties Union is also quite concerned about the risks posed by these proposed digital COVID-19 immunization documents. The ACLU points out the danger of becoming a “check-point society” where people's private medical information could be coercively required. This could extend beyond COVID-19 vaccination status to other sensitive data. Finally, conservative Republican governors in Texas, Florida, and elsewhere have expressed strong opposition to these new vaccine passports.<sup>3</sup> That is a remarkable level of ethical consensus in our ideologically divided society.

The Catholic perspective on the problems with requiring a COVID-19 vaccine passport looks first at the fundamental liberties of persons. The Church calls people to make a careful discernment in conscience regarding taking a COVID-19 vaccine. Individuals have a strong right to be free of coercion to take a COVID-19 vaccine. They should also not be prevented from getting vaccinated if they qualify for ethically distributed vaccines and have made a well-considered decision to go forward with it. The proposals for the use of new vaccine passports that would involve discrimination against persons who choose not to accept the COVID-19 vaccines must be opposed by Catholics.

A more difficult ethical question is the problem of requiring the holders of certain jobs to be vaccinated. There are certain frontline occupations where COVID-19 vaccination could have a disproportionately strong positive effect on the common good. It remains true, however, that other effective means of preventing viral infection and transmission exist. Health workers were able to remain safe and protect their patients before the availability of these new vaccines thanks to personal protective equipment and safety protocols. I do not see how one can ethically justify coercive measures regarding a question where people have no moral obligation one way or the other. Accommodating individual conscientious and prudential judgments is possible here without undue difficulties or increased danger.

A *New England Journal of Medicine* article points out that history is full of examples where social privileges or restrictions based on “fitness” of one kind or another led to terrible injustices.<sup>4</sup> The Excelsior Pass in New York and the Green Pass raise many red flags. Public safety measures aimed at mitigating the COVID-19 pandemic have already placed large, unprecedented burdens on societies and individuals for long periods of time. We should be very leery of further coercion and invasion of private medical decisions.