



Communications and Press Office of the Constitutional Court

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COVID-19: MANDATORY VACCINATION FOR HEALTHCARE WORKERS DOES NOT CONSTITUTE AN UNREASONABLE OR DISPROPORTIONATE MEASURE IF THE GOAL IS TO PREVENT THE SPREAD OF THE VIRUS AND PRESERVE THE FUNCTIONING OF THE HEALTHCARE SYSTEM.

By its [Judgment No 14 of 2023](#) filed today (author Filippo Patroni Griffi), the Italian Constitutional Court declared unfounded the question of constitutionality raised by the Council of Administrative Justice for the Region of Sicily (*Consiglio di giustizia amministrativa per la Regione Siciliana*) with regard to mandatory vaccination against SARS-Cov-2 infection for healthcare workers.

As previously announced in the [press release of 1 December 2022](#), the Court held that the measure adopted by the legislator to prevent the spread of the virus by limiting its circulation was not unreasonable nor disproportionate, in light of the epidemiological situation and the scientific evidence available.

In keeping with its case law on compulsory medical treatment, the Court reiterated that Article 32 of the Constitution entrusts the legislator with the task of balancing – in light of the principle of solidarity – an individual’s right to self-determination concerning their health with the co-existing right to health of others, and thus with a collective interest.

By applying these principles, the Court declared unfounded the doubts as to constitutionality raised by the referring Council: in the face of the actual epidemiological situation, the legislator had considered the data on the efficacy and safety of vaccines provided by both national and supranational competent medical and scientific authorities. Based on such scientifically valid data, the legislator had adopted a measure which does not appear to be unfit for purpose nor unreasonable or disproportionate. After all, comparative analysis revealed that similar measures had also been adopted in other European countries.

In particular, the Court clarified in its judgment – in keeping with its case law – that the remote, non-eliminable risk of even serious adverse events affecting an individual’s health does not make the provision for a compulsory medical treatment unconstitutional but may give rise to an entitlement to compensation.

As the grounds for the judgment read, “the referring court’s interpretation of the case law of this Court cannot therefore be accepted. The Court has in fact held that medical treatments – including mandatory vaccination – that may entail a risk of ‘undesirable consequences, detrimental beyond normally tolerable limits’ ([Judgment No 118 of 1996](#)), must be deemed to be lawful if their goal is to protect public health”.

Finally, with regard to the allegation that the requirement of consent is incompatible with mandatory vaccination, the Court found that “the mandatory nature of vaccination in any case leaves each individual the option of choosing whether to comply with or disregard the obligation; in the latter case, the person must accept in a responsible manner the consequences provided for by law.”

The judgment continues as follows: “if, on the contrary, the person undergoes mandatory vaccination, that person’s consent, albeit provided in response to an obligation, constitutes authorisation for the physical injection of the vaccine, in accordance with the principle that the individual’s right not to be interfered with without consent must be respected.”

Rome, 9 February 2023