

**Comments on the Relief for Victims of Immunization in
Taiwan Based on the Experiences of the U.S.A. and Japan:
With Special Reference to H1N1 Vaccine**

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Abstract

Vaccines are widely regarded as one of the greatest achievements in the contemporary public health. Though vaccines are so effective in preventing untold numbers of people from contracting potentially fatal diseases, yet we should not forget that vaccines also carry a modicum of risk, which urges the government worldwide to initiate some compensation or relief strategy for the vaccine victims.

Our government also has enacted Communicable Disease Control Act, which states (§30) “Vaccine victims may apply for relief compensation” However, some hindrances are still facing us, namely, the difficulty in proving the causation between vaccination and the injury, the review subcommittee on the relief of immunization hazards and the administrative courts did not work fairly.

This article held that (1) On account of the significance of vaccination on the public health and the compliance of the vaccine victims in taking vaccination, the burden of proof on the vaccine victims concerning the causation between vaccination and the injury should be properly alleviated in legislation; (2) The legal experts shall account for at least half of the number of members of the review subcommittee on the relief of immunization hazards in order to realize the fairness and justice of the relief compensation in accord with the goal of Regulations Governing Collection and Review of Relief Fund for Victims of Immunization; (3) We should adapt special administrative relief strategy in

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response to new vaccines, with special reference to the burden of proof on causation, which should be reversed onto the alleged party because proving the unknown pathogenic mechanism of the new vaccines would certainly fall far beyond the ability of vaccine victims.

With the understanding herein, the herd immunity could be achieved, moreover, the unavoidable harm of mass inoculation could be properly relieved and well compensated.

Keywords: pandemic H1N1 influenza, vaccine, immunization, injury compensation or relief, causation, state compensation, Communicable Disease Control Act, Regulations Governing Collection and Review of Relief Fund for Victims of Immunization, Review Subcommittee on the Relief of Immunization Hazards, VICP