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| 1 | Address the complete lifecycle of emergencies                      | 7  | Protect human rights                                       |
| 2 | Define the triggering events                                       | 8  | Integrate functioning health strategies                    |
| 3 | Balance strong and agile decision-making with meaningful oversight | 9  | Ensure flow of health data across all levels of governance |
| 4 | Fund adequately  | 10 | Safeguard health care workers                              |
| 5 | Equip authorities with all relevant public health tools            | 11 | Enforce the rules without imposing unjust penalties        |
| 6 | Fulfill IHR obligations  | 12 | Promote transparency                                       |



## 11 Enforce the rules without imposing unjust penalties

People must comply with emergency orders for them to be effective. While law enforcement may play a role in enforcing mandatory rules, some enforcement tactics can actually be counterproductive to public health objectives. Harsh or arbitrary punishments can foster community distrust of government and its motives, which reduces the likelihood that community members will comply with public health instructions. Effective laws do not default to punishing every violation, but rather employ more sophisticated public health techniques to change behavior. The public health agency should take a central role in developing and coordinating an enforcement strategy that achieve the public health objectives.

### KEY ELEMENTS

***Builds community trust and lead by example:*** As the face of the government, all officials including law enforcement must lead by example. The law should require officials across the government to follow rules and remove officials who violate them. Government officials should not be exempt from broadly applicable public health rules nor enjoy unjustifiable privileges or immunities.

***Makes government responsible for educating the population about public health measures and their justification:*** Public health measures can only be effective if people know about them, which can be especially challenging in the chaotic environment of emergencies. Compliance will be higher if people understand and agree with the rationale for the measures. The law should impose upon the government the responsibility to educate the affected population about new rules, the public health rationale behind them, and potential civil or criminal penalties if the rules are violated. The government should conduct these public education and risk communication campaigns throughout the affected area in all local languages.

***Supports people who lack the means to follow the rules:*** Some people may not be able to comply with emergency orders because of economic hardship, work or family requirements, mental and physical illness or disability. Instead of punishing these vulnerable people, the law should guarantee them the essential services and goods needed to comply. The law should place an affirmative duty on the government to provide supplemental help, such as food, shelter, transportation, personal protective equipment, legal, medical, or other appropriate services.

***Avoids applying sanctions that harm individuals or damage community relations:*** Sanctions should be applied sparingly and only when other efforts to obtain compliance have failed. Civil sanctions, including fines and license suspensions, should never be overly punitive. The law should allow criminal sanctions only in extreme and rare cases when a violator's willful conduct creates a direct and immediate risk to others. No one, even those who violate the rules, should be physically harmed or otherwise subjected to degrading or inhumane treatment.

***Prohibits unfairly targeting marginalized or vulnerable communities through discrimination:*** Without careful attention, already vulnerable or marginalized groups may perceive emergency orders as merely an excuse for increasing discrimination against them. The law itself should commit to the principle of non-discrimination and should impose a duty on all government officials to ensure that their discretionary powers are not used to unfairly target vulnerable groups. The law should require any enforcement officers be trained on how to avoid abusive or discriminatory enforcement tactics.

### ASSESSMENT QUESTIONS

*Does your legal framework:*

- Make the public health agency responsible for developing and coordinating an enforcement strategy?
- Require government officials to follow the law without unnecessary exemptions?
- Assign an affirmative duty to disseminate information about new rules to the public?
- Require the government to provide people with additional services that they may require for compliance?
- Impose sanctions only as a last resort and appropriately tailored to the violation?
- Prioritize non-discriminatory principles as written and as applied?

### ADDITIONAL RESOURCES

- World Health Organization, [Guidance for Managing Ethical Issues in Infectious Disease Outbreaks](#), July 2016.
- United Nations. COVID-19 and Human Rights We are all in this together. April 2020.
- The Hastings Center, [Pandemics: The Ethics of Mandatory and Voluntary Interventions](#), 2020.