

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>1 Address the complete lifecycle of emergencies</li> <li>2 Define the triggering events</li> <li><b>3</b> Balance strong and agile decision-making with meaningful oversight</li> <li>4 Fund adequately</li> <li>5 Equip authorities with all relevant public health tools</li> <li>6 Fulfill IHR obligations</li> </ul> | <ul style="list-style-type: none"> <li>7 Protect human rights</li> <li>8 Integrate functioning health strategies</li> <li>9 Ensure flow of health data across all levels of governance</li> <li>10 Safeguard health care workers</li> <li>11 Enforce the rules without imposing unjust penalties</li> <li>12 Promote transparency</li> </ul> |
|---|--|



## 3 Balance strong and agile decision-making with meaningful oversight

Emergency response requires clear and quick action by competent public health authorities without unnecessary bureaucracy. However, emergency powers can be abused by executive bodies without checks and balances, so the relevant law should ensure meaningful oversight by the legislature, the judiciary or other autonomous bodies. If emergency powers are abused, or last longer than the crisis, the public may lose faith in public health officials. The emergency law authorizes these new powers and imposes limitations.

### KEY ELEMENTS

**Provides clear executive decision-making authority:** As official roles and responsibilities shift and change during an emergency, disagreements and delays can arise when there are gaps, overlaps or other confusion. A sound legal framework provides clear information for all stakeholders at national and subnational levels about their new operational roles and responsibilities, chains of command, reporting lines and budget implications.

**Institutes coordination mechanisms:** The law can establish coordination mechanisms such as multisectoral or multiagency working groups. These coordination mechanisms should be established before a crisis occurs, so they can be quickly activated when emergency strikes. These working groups can disseminate information across stakeholders and quickly identify and resolve any conflicts or confusion.

**Mandates independent oversight:** The law should appoint oversight mechanisms to prevent executive overreach while allowing public health officials to take appropriate measures in a timely manner. The legislature and judiciary may have a role in this, or there may be an independent body dedicated to this purpose.

**Bounds emergency powers with sunset clauses and other limitations:** The emergency provisions should be strictly temporary in scope. The law should establish which authorities have the power to declare a public health emergency and under what conditions, how notice of the emergency declaration is communicated to the public, and how long the temporary emergency measures can remain in effect. For example, some countries require the legislature to approve the continuance of any emergency declaration that lasts more than a set period of days, weeks or months.

### ASSESSMENT QUESTIONS

*Does your legal framework:*

- Clearly define roles, responsibilities and accountabilities of the authorities across a range of events or emergencies?
- Foresee operational plans and coordination mechanisms between different authorities?
- Establish which authority or authorities will take decisions about emergency measures?
- Set out meaningful judicial, legislative or other oversight for such decisions?
- Include a sunset clause to ensure the emergency is temporary?

### ADDITIONAL RESOURCES

- World Health Organization, Handbook for Developing a Public Health Emergency Operations Centre: Part A, August 2018.