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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 |



5 Equip authorities with all relevant public health tools

During normal times, national and local public health officials should have legal authority to conduct basic public health surveillance, investigation and response duties. In an emergency, they will need additional authority to take extraordinary measures to prevent mass casualties. The law needs to distinguish between the powers granted in normal times and those that can be deployed in an emergency. The emergency authority given to public health officials must be broad and flexible to allow for innovative approaches to confront unforeseen challenges. Tomorrow's public health crisis may require an action that cannot be anticipated today.

KEY ELEMENTS

Authorizes surveillance and case investigation: Public health officials must be able to detect cases and track the potential spread of disease using community and event-based surveillance techniques. The law should grant public health officials investigative powers to identify cases, track vectors of disease and interview and test likely contacts.

Authorizes delivery of medical treatments and other countermeasures: Public health officials should have authority to work with doctors to provide medical treatment to patients as well as vaccines for the population where available. The legal framework should regulate treatments and vaccines that are developed in response to a novel disease to ensure they meet appropriate safety and efficacy standards.

Authorizes other public health and social measures: In extraordinary cases, public health officials may need the power to enact extraordinary measures that will stop or slow the spread of disease, such as mandatory quarantine and isolation, enhanced hygiene and sanitation practices, and physical distancing requirements like cancellation of mass gatherings and school and business closures. Contaminated property may need to be vacated, cleaned or destroyed. The law should require the government provide social and economic support to people who bear a disproportionate cost of these measures.

Clearly delegates authority to national and local public health officials: During an emergency, the health minister will not be able to approve each individual order for every case. Lower level health officials, especially those working in the community, should have legal authority to take necessary actions. The law should clarify which officials at which agencies have this delegated authority and under what circumstances are they allowed to act, using what procedures.

ASSESSMENT QUESTIONS

Does your legal framework:

- Grant public health officials authority to conduct surveillance and investigate cases?
- Grant public health officials authority to regulate medical countermeasures?
- Grant authority to enact population-wide public health and social measures?
- Require economic and social support to those disproportionately affected by these measures?
- Clarify who has responsibility for issuing these orders at national and local levels?

ADDITIONAL RESOURCES

- World Health Organization, [Advancing the Right to Health: The Vital Role of Law](#), Chapter 10, 2016.
- Resolve to Save Lives, [COVID-19 Contact Tracing Playbook](#), August 2020.
- Resolve to Save Lives, [Legal and Ethical Considerations of Public Health and Social Measures](#), April 2020.