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

Even in a public health emergency, governments have obligations to respect human rights. Laws should plan for any use of emergency powers to take place within the parameters provided by international human rights law, particularly the International Covenant on Civil and Political Rights (ICCPR). An emergency public health law should be a national law of general application which foresees potential restrictions, ensures that they are not more intrusive than needed to achieve the objective, and prohibits arbitrary or unreasonable implementation. People who feel their rights have been violated should have access to a meaningful appeal process that provides adequate redress for legitimate harms.

KEY ELEMENTS

Guarantees non-derogable rights: Certain non-derogable rights must apply in all situations, even emergencies: these include the right to life, the prohibition on torture, freedom of expression and religion, and privacy under the ICCPR. Under the [International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#), States must continue even in an emergency to satisfy a minimum core obligation to provide essential nutritious food and clean water, primary health care and basic shelter and housing.

Creates procedures to protect other rights: Public health emergencies may permissibly lead to restrictions on other rights under the ICCPR, provided such restrictions respect the [Siracusa Principles](#) of legality, necessity, proportionality and non-discrimination. The law should require decision-makers to evaluate whether these principles are met prior taking any action that impinges on anyone's human rights.

Ensures non-discrimination: Measures should never perpetuate discrimination on any grounds that are protected under law, such as race, caste, color, sex, sexual orientation and gender identity, disability, language, religion, political or other opinion, national or social origin, property, birth or other status. The prohibition on discrimination should be guaranteed as the law is [written and as it is implemented](#).

Provides redress for any rights violations: Harms caused by the government during an emergency should be subject to meaningful safeguards. [Victims of alleged abuses should have access to an appeal process to provide redress for legitimate harms](#). This process should be available throughout the emergency, to the extent possible, and continue for a reasonable time after the emergency has ended.

ASSESSMENT QUESTIONS

Does your legal framework:

- Anticipate the use of emergency powers, provide for a state of emergency to be officially proclaimed and for the affected population to be informed?
- Ensure that any permissible restrictions respect principles of legality, necessity, proportionality and non-discrimination?
- Safeguard non-derogable rights?
- Provide an appeal mechanism for victims of alleged abuses?
- Subject the declaration of a state of emergency to meaningful legislative and judicial oversight?

ADDITIONAL RESOURCES

- Human Rights Watch, [Human Rights Dimensions of COVID-19 Response](#), March 2020.
- Office of the High Commissioner on Human Rights, [Emergency Measures and COVID-19: Guidance](#), April 2020.
- United Nations Human Rights Council, [Disease Pandemics and the Freedom of Opinion and Expression](#), Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, April 2020.