



LAW AND PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE

Lessons from the COVID-19 pandemic

REPORT SNAPSHOT

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Disaster Law

Law and Public Health Emergency Preparedness and Response **Lessons from the COVID-19 Pandemic**

Law and policy have underpinned all aspects of the COVID-19 response. Laws enabled states of emergency to be declared, lockdowns to be imposed and, more recently, expedited vaccine approval. Old laws, policies and contingency plans were dusted off, often proving to be outdated or inadequate, requiring the rapid development of new laws. Never before have so many laws been made in so many countries in respect of one event in such a short time.

Domestic legal preparedness for disasters, which includes public health emergencies, keeps communities safe and saves lives. Law and policy form the foundation of disaster risk management, regulating how, when and

by whom emergency response activities are carried out. Without a strong legal base, preparedness and response activities can be uncoordinated and ineffective, often delaying urgent help to the people that need it most.

IFRC's ground-breaking report, *Law and Public Health Emergency Preparedness and Response*, examines how law and policy can support preparedness for and response to public health emergencies, and how these laws relate to wider disaster risk management. The report looks at the legal frameworks and response to COVID-19 in 32 countries, and at other public health emergencies such those caused by the Ebola, Zika and SARS viruses.



The new report is based on desktop research from the countries highlighted in red.

Findings and recommendations

Findings in our report show an overall lack of strong legislation for public health emergencies, and a lack of legal preparedness for COVID-19.

Key findings and recommendations are:

- Many countries' laws and policies for public health emergencies are old, some dating to the late 1800s or early 1900s. Laws, policies and plans for public health emergencies need to be reviewed and updated regularly to ensure they are fit for modern purpose and adopt an 'all-public health risk' approach.
- Many countries have still not implemented the core capacities required by the International Health Regulations. States should continue to take steps to ensure that their domestic legislation implements and facilitates the International Health Regulations core capacities and should consider establishing a monitoring committee specifically to oversee implementation of the International Health Regulations.
- A large-scale public health emergency can impact or require action from virtually every tier of government, every sector, every region, every community and every individual. Laws, policies and plans need to embody a 'One Health', all-of-society and all-of-state approach that facilitates the participation of all actors and stakeholders. Our report finds that this is not yet a reality for many countries.
- At the domestic level, there is limited evidence of there being duties on public authorities to provide early warning to the general population of health risks that may cause a public health emergency. Public authorities should be under a duty to give clear and actionable early warnings because this is critical to curbing the spread of a novel infectious disease.
- Humanitarian actors such as National Red Cross and Red Crescent Societies have a key role to play in the response to public health emergencies. These roles should be formalised in law and policy and humanitarian actors should also be provided with appropriate exemptions from restrictions during public health emergencies (subject to health safeguards).
- Public health emergencies are sometimes regulated separately to other kinds of disaster, even though they meet the definition of 'disaster'. It is important to integrate public health emergency laws and policies with general disaster management laws and policies to avoid a siloed approach and to eliminate gaps, conflicts and duplication between these frameworks.
- Disasters often cause forced mobility, but public health emergencies can cause the opposite problem: forced immobility. Border closures and travel restrictions introduced during the COVID-19 pandemic impeded the repatriation of migrants and the entry of refugees and asylum seekers seeking safety. Border closures and travel restrictions need to be subject to exemptions for these groups of people.
- Just like other types of disasters, public health emergencies disproportionately impact vulnerable people and communities. These types of impacts are foreseeable and likely to arise again during future public health emergencies. They should be addressed in advance of public health emergencies through laws, policies and contingency plans.



We must act now to strengthen law for public health emergencies

Urgent action must be taken to strengthen domestic legal and policy frameworks for public health emergencies. The COVID-19 pandemic is an opportunity to review law and policy for public health emergencies and to consider what improvements need to be made. Public health emergencies are not new and will continue to occur. Governments, lawmakers, donors and the humanitarian and development sectors must act now to strengthen legal preparedness for public health emergencies.

Join our consultations to provide feedback on our new guidance document

We have developed a new guidance document based on the findings and recommendations in our report. We are seeking feedback from the disaster management and health sectors on our new guidance document. Consultations will take place in Africa, the Americas, Asia Pacific and Europe.

If you would like to participate in a consultation or would like to provide feedback on our new guidance document, please contact Rachel Macleod, IFRC Senior Disaster Law Officer: rachel.macleod@ifrc.org.

Please note that the consultation period will end on 30 September 2021.

For the full report please visit disasterlaw.ifrc.org

About IFRC Disaster Law

Disasters cause massive human suffering and loss, but the right laws and policies can help keep communities safe and save lives.

IFRC Disaster Law works around the world with National Red Cross and Red Crescent Societies and governments to strengthen disaster risk governance, through the development and implementation of disaster and emergency related legislation, policies and procedures.

With 20 years' experience developing and implementing disaster law and policy around the world, we are the global leader of disaster law technical advice to governments. As we face climate change, a pandemic and increasingly frequent and intense disasters, the need for effective disaster laws is ever increasing.

Our areas of focus address the many different phases and aspects of disaster risk management, public health emergency preparedness and response, and the National Red Cross and Red Crescent Society's auxiliary role in domestic laws and policies.

Our areas of focus address the many different phases and aspects of disaster risk management, including:

- Domestic disaster preparedness and response
- Disaster risk reduction and climate change adaptation
- International disaster assistance (IDRL)
- Disaster recovery
- Protection, gender and inclusion
- Public health emergency preparedness and response
- Auxiliary role of National Red Cross and Red Crescent Societies



How we work

We work through long term programming and localised support through our National Red Cross and Red Crescent Societies, who are formally linked to their governments' disaster risk management, health, climate change and health mechanisms.

Our work is tailored to recognise the differences and diversity of countries and governments around the world. In each country we work flexibly in partnership with governments, national disaster management and health offices, National Red Cross and Red Crescent Societies, with regional bodies and UN partners. Our tailored approach reflects the growing scope of disaster law and the needs of countries, shifting from a focus only on disaster response, to multi-hazard preparedness and risk reduction.

For the full report please visit
disasterlaw.ifrc.org



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