



Disaster Law



FACT SHEET

GUIDANCE ON LAW AND PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE

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The Guidance on Law and Public Health Emergency Preparedness and Response is a tool for governments to strengthen domestic laws, policies and plans relating to public health emergencies.

When the COVID-19 pandemic hit, the critical role of law and policy in public health emergencies became clear. Laws enabled states of emergency, lockdowns and quarantine, expedited vaccine approvals and emergency financial help for people affected by the pandemic.

Unfortunately, our research found that, in many cases, governments had laws and policies for public health emergencies that were outdated or inadequate, and that laws and policies had gaps, weaknesses and unintended consequences.

The Guidance is an assessment tool designed to support the review and updating of laws, policies and plans for public health emergencies and more general disaster and emergency laws, policies and plans. It enables identification of critical legal and policy issues, and evaluation of how well those issues are currently being addressed by existing law and policy.

The Guidance is for domestic decision-makers and is intended to be high-level and non-prescriptive, it should be interpreted in light of each country's specific constitutional, legal, political, institutional, and operational arrangements.



Guidance key recommendations

- Requiring governments to provide early warning of health hazards to the general population
- Enabling the participation of all stakeholders as part of a One Health, all-of-society and all-of-state approach
- Establishing measures to ensure the protection of vulnerable groups during public health emergencies
- Providing legal rights and exemptions for humanitarian actors responding to public health emergencies, including tax exemptions and expedited customs clearance for relief goods and equipment
- Requiring laws, policies and plans relating to public health emergencies to be reviewed, both periodically and after a public health emergency occurs

For the full Guidance please visit disasterlaw.ifrc.org/public-health-emergencies



GREECE 2020. On 8 September, a devastating fire ripped through the Reception and Identification Centre in Moria, on the island of Lesbos, as migrants and refugees remained in COVID-19 lockdown. The camp was at more than four times its capacity and the fire all but destroyed it, prompting close to 13,000 refugees who had been living there to flee. © IFRC

Why do we need strong law and policy for public health emergencies?

Law and policy are the foundation of how we prepare for and respond to public health emergencies. Law and policy regulate who does what and when. 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.

People and communities, especially the most vulnerable, can be better protected through stronger law and policy. Public health emergencies do not impact everyone equally. Laws and policies for public health emergencies therefore need to establish measures to protect vulnerable groups from being disproportionately impacted.

It is also crucial that laws and policies relating to public health emergencies are integrated with general disaster laws to strengthen coordination and coherence. The importance of integration is emphasised by the Bangkok Principles for the Implementation of the Health Aspects of the Sendai Framework. Equally, it has been underlined by the recent experiences of the many countries struck by disasters — floods, cyclones, wildfires — during the COVID-19 pandemic.



DEMOCRATIC REPUBLIC OF THE CONGO, 2018. *Barnabe Looma, Chief of Office Volunteer with the DRC Red Cross runs a team of volunteers who conduct safe and dignified burials in the community surrounding Mbandaka, DRC. © IFRC*

Urgent action must be taken to strengthen law and policy for public health emergencies

We must act now. Public health emergencies are not new – from the plague to influenza, Ebola to COVID-19, they will continue to occur and impact us all. We need to strengthen law and policy using the lessons learned from the COVID-19 pandemic to keep communities safe and save lives.

With National Red Cross and Red Crescent Societies, we are here to help. As the global leader in disaster law, IFRC is ready to support governments to develop and implement laws and policies for disasters and emergencies of all kinds, including public health emergencies.

The Guidance and the International Health Regulations

The [International Health Regulations](#), the most important international instrument for public health emergencies, is an international treaty that is legally binding on 196 states. The IHR predominantly address the sharing of information between states and the World Health Organization, the development of domestic capacities for surveillance and response to public health events, and the implementation of public health measures at points of entry. While implementation of the IHR through national laws is critically important, it is not sufficient to achieve legal preparedness for public health emergencies.

This is because the IHR address only a subset of the domestic arrangements necessary for the effective management of public health emergencies.

The Guidance addresses many additional components of a comprehensive public health emergency risk management system including institutional arrangements, early warning of public health risks, the facilitation of humanitarian assistance, the protection of vulnerable groups and the use of state of disaster/ emergency mechanisms and powers.

IFRC's research on law and public health emergency preparedness and response

The research report on which the Guidance is based, [Law and Public Health Emergency Preparedness and Response: Lessons from the COVID-19 Pandemic](#) 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 laws.

The report looks at the legal frameworks and response to COVID-19 in 32 countries, and at other public health emergencies such as those caused by the Ebola, Zika and SARS viruses.

[Click here for the full report.](#)



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IFRC Disaster Law

IFRC Disaster Law works 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 of experience supporting the development and implementation of disaster law and policy around the world, we are the global leader in disaster law technical advice to governments.

PERU, 2021. The Peruvian Red Cross, IFRC and ICRC are supporting the Peruvian Government's COVID-19 vaccination campaign in hard-to-reach communities. © Sebastián Castañeda / Reuters / CIC

