

WORK PACKAGE 4: GOVERNANCE & LEGAL FRAMEWORKS

Research summary

Authors

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Work overview

This work package was split into three elements:

- 1) Review of policy and legal frameworks including EU and US case studies
- 2) Review and analysis of ethical and human rights issues
- 3) Identification of knowledge, capability/capacity gaps, priorities and candidate solutions

Mixed-methods research was undertaken throughout, consisting of purposive and systematic literature reviews, reviews of previous research projects, key informant interviews and case studies. Further input into preliminary results was obtained at expert workshops hosted by PANDEM.

Summary of findings

It was quickly apparent that “pandemic governance” is a vast subject with a very substantial body of literature. Some 24 different themes for legal policy and governance had been identified by previous literature and it was beyond the scope and capacity of this project to cover all of these. Key literature, principal international and EU legal and policy frameworks, and EU Member State pandemic plans (where available) were all reviewed.

At global and European levels, this research identified a number of challenges for policy and legal frameworks in pandemic preparedness. Lack of enforceability, capacity and political will to meet the obligations in the IHR and Decision 1082/13 were prominent issues, which could require European or international support to overcome. At the national level, pandemic plans were found to not be accessible or specific enough in their scenarios relating to pandemic preparedness and response mechanisms. They also did not include legal or ethical reviews. These shortcomings may obstruct coherent and ethical pandemic

response and collaboration between countries.

Our second review suggests even less attention is given to ethics and human rights considerations in current EU pandemic planning, despite its crucial importance. Many ethical frameworks have been produced, of varying quality and focus, but there is little evidence that they are being used in pandemic planning. Although pandemic management involves many measures which would infringe on human rights, such as right to life, right to privacy, right to liberty, very few academics seem to have approached it as a human rights issue. Those that have are predominantly from north America, and often did not tackle themes most relevant to pandemic planning, such as communications and surveillance. The reasons for this are unclear and should be identified.

The third and final part of this work package explored themes uncovered by previous work and narrowed them down into key European priorities through expert input. In sum, we concluded that priority areas for future research and action were a model legal framework for pandemic response, research to increase trust in public health institutions, support for the EU's role in international pandemic governance and a resource allocation model for preparedness and response.