

Preliminary Study of the Pandemic Prevention Measures under the Scope of Human Rights to Health

Chuan-Feng Wu

Associate Research Professor, Institutum Iurisprudentiae Academia Sinica

Abstract: When facing the pandemic, such as COVID-19, advanced risk assessment, effective and efficient risk communication, proactive risk management, big data analytics, and new surveillance technology have been highlighted as the keys to successful pandemic response. However, proactive and precautionary response to the pandemic might at the same time pose a threat to democracy and human rights. Democracy and rule of law have also been tested by the global pandemic crisis, where governments adopted exceptional measures that bend or break fundamental legal principles to address imminent threats. To mitigate tensions between the pursuing public health and safeguarding human rights, a set of pre-established legal framework, where democratic processes can function even under emergency restrictions to ensure accountability, civic participation, and due process, is proved to be capable to deal with the human rights dilemma during the pandemic.