

INVITED INFORMATION ARTICLE

Legal preparedness for communicable diseases across Europe: public health law to support pandemic influenza preparedness - the PH Law flu project

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ABSTRACT

Human pandemic influenza threatens to test societies to the extreme. Social, economic, political and public health systems will be profoundly stressed. With these stresses and the accompanying uncertainties of both viral and human behaviour, public health laws are likely to be critically important tools in supporting prevention and control. Laws, we learnt during the recent SARS epidemic, may also be important in preventing social and individual behaviour that threatens social, political and economic security during a crisis. A co-ordinated response to pandemic influenza and other disease preparedness in the EU will require awareness and understanding of the potential role of law, and of the laws which exist in nation states within the EU. This research is important because there is an important gap in expertise in public health law across Europe. There is currently no published overview of European public health laws. Individuals working in public health law within nation states have little opportunity to liaise with experts from other states, or to learn from developments in other states, because awareness of other experts and of other states' legal approaches to disease control is lacking. This project will provide a unique and much needed resource addressing an important tool in communicable disease prevention and control by a study of law underpinning human influenza preparedness and control across 27 member states plus Croatia, Turkey, Iceland, Liechtenstein and Norway.

Key words: *Influenza, human, pandemic, Europe, health planning, public health, prevention.*

INTRODUCTION

Communicable diseases, and especially human pandemic influenza, challenge human health protection globally. Law is an important tool in the armoury of states in disease control, but research suggests that national disease control laws across Europe are

disparate^{1,2} and inadequate. Many national public health laws are not sufficiently or uniformly grounded in the emerging public health evidence base. Much public health legislation in Europe was framed more than a century ago, and has undergone little updating. European pandemic preparedness plans anticipate a need to reform public health laws, and the adoption of WHO International Health Regulations (2005) offers an incentive to reform. Therefore an opportunity exists for public health legal reform across European states to result in greater coherence of disease protection and control.

Public Health Law to Support Pandemic Influenza Preparedness (PHLaw Flu) is a project co-funded by the European Union to address the role of law in public health, and in particular the role of law in the control of and protection against pandemic human influenza. The project has two main components. The first component is the development and maintenance of a network of expertise on public health law in Europe (the European Public Health Law Network)³, to facilitate the exchange of information and expertise on law as a tool for public health, and to provide a resource to support public health law reform and public health policy making in Europe. The second component is an exploration of national laws across the European Union and five additional countries (Croatia, Turkey, Iceland, Liechtenstein and Norway) to understand more clearly how national laws might support or constrain pandemic human influenza preparedness. The purpose of this component of the project is to provide an evolving critical study of national laws supporting and constraining defined issues of communicable disease control across Europe.

The multi-disciplinary team working on the project. The team is composed of academics with specialism in public health law, public health, communicable disease and health ethics. The team is supported by a project co-ordinator and web editor has prepared a pandemic disease scenario, the facts of which give rise to issues that might require legal underpinning, for examination at a series of workshops. A public health law expert from each of the project countries will be invited to attend a workshop as a '*rappporteur*' to examine this scenario in relation to his/her own country. Each *rappporteur* will be asked to complete a questionnaire on the public health law in force in his/her country, in the

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