

International Protection Mechanism for Citizens' Personal Rights under Sudden Public Health Crisis

Qianqian Zhang

University of Manchester, Manchester, M139PL, UK
zhangqianqian2023@163.com

Abstract: *The protection of citizens' personal rights during sudden public health crises involves the framework of international law, the roles and measures of international organizations, and the role of international human rights mechanisms. In the framework of international law, the United Nations Declaration of Human Rights and international human rights law affirm the fundamental rights of everyone, including survival, freedom, personal safety, and medical services. International organizations play an important role in public health crises, such as the World Health Organization (WHO) developing guidelines, providing technical support, and establishing early warning systems. In the event of a sudden public health crisis, the international community has taken various measures to protect citizens' personal rights, such as strengthening the healthcare system, providing emergency assistance, and promoting information sharing. International human rights mechanisms play a crucial role in safeguarding citizens' personal rights by monitoring their obligations, providing protection and relief, and promoting cooperation. In summary, the international protection mechanism for citizens' personal rights under sudden public health crises involves multiple aspects of work and cooperation, aimed at protecting and promoting people's rights and security.*

Keywords: *Sudden public health crisis; Citizen's personal rights; International Safeguard Mechanism*

1. Introduction

Public health crisis refers to sudden, large-scale, cross-border or global disease outbreaks or other events that pose a threat to public health. These crises often pose a serious threat to personal rights, including the right to life, personal safety, and health. Therefore, it is necessary to study the international protection mechanism for citizens' personal rights under public health crises.

In the past decades, the world has experienced many major public health crises, such as the SARS epidemic in 2003, the Ebola epidemic in 2014-2016, and the COVID-19 in 2020. These crises have attracted global attention and posed challenges to the international community, including how to safeguard citizens' personal rights.

The international community is aware of the importance of protecting citizens' personal rights and has taken action to establish corresponding international protection mechanisms. International legal frameworks such as the United Nations Declaration of Human Rights and international human rights law provide guiding principles for protecting the fundamental rights of citizens. International organizations such as the World Health Organization (WHO), the United Nations Development Programme (UNDP), and the United Nations Children's Fund (UNICEF) play important roles in public health crises, providing technical support, guidelines, and emergency assistance. In addition, international human rights mechanisms such as the United Nations Human Rights Council and regional human rights institutions strengthen the protection of citizens' personal rights through monitoring and protection activities.

These international protection mechanisms are of great significance for the protection of personal rights in sudden public health crises, providing guidance and support for countries. However, the challenges still exist, including how to balance the relationship between public safety and personal rights in crises, how to strengthen international cooperation and coordination, and how to respond to the challenges of emerging diseases and unknown risks to personal rights. Therefore, the study of the international protection mechanism for citizens' personal rights under public health crises has important theoretical and practical value.

2. Protection of citizens' personal rights within the framework of international law

The United Nations Declaration of Human Rights and international human rights law are important components of the international legal framework for protecting citizens' personal rights.

The United Nations Declaration of Human Rights, as a universal document on a global scale, contains a series of fundamental principles [1]. Article 3 clearly states that "everyone has the right to survival, freedom, and personal security", which confirms the universality and inviolability of everyone's enjoyment of their rights. In addition, Article 25 of the Declaration emphasizes the right to medical services, ensuring that everyone has access to appropriate medical care.

The international human rights law system also includes two major international human rights treaties, namely the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. These treaties establish specific rules and protection principles for citizens' personal rights. For example, the International Covenant on Economic, Social and Cultural Rights recognizes the fundamental rights to health, hygiene, and healthcare, while the International Covenant on Civil and Political Rights emphasizes the rights to freedom and security, as well as the right to prohibit torture and cruel, inhuman or degrading treatment.

International human rights institutions play an important role in safeguarding and promoting citizens' personal rights. These institutions include the United Nations Human Rights Council and the Office of the United Nations High Commissioner for Human Rights, as well as regional human rights institutions such as the European Court of Human Rights and the African Court of Human Rights. These institutions are responsible for monitoring the implementation of international human rights legal obligations by countries, providing legal protection and remedies for individuals, and playing an important role by providing legal guidance, investigating violations, and promoting cooperation.

3. The role of international organizations in public health crises

The World Health Organization (WHO), as the main agency responsible for public health in the United Nations system, plays an important role and responsibility [2]. The World Health Organization (WHO) formulates guidelines to promote global public health policies and measures, and enhance the international community's awareness and response capacity to public health issues. At the same time, WHO provides technical support, through professional advice, technical assistance, and training, to support countries' work in the field of public health and enhance their prevention, control, and response capabilities. In addition, WHO is responsible for establishing a global early warning and response system, timely warning and response to public health emergencies, and strengthening information sharing and cooperation.

In addition to the World Health Organization, other relevant international organizations also play an important role in public health crises. For example, the United Nations Development Programme (UNDP) actively participates in the response to public health crises, providing funding and technical assistance to help strengthen the construction of health systems. Similarly, the United Nations Children's Fund (UNICEF) is committed to ensuring the health and well-being of children by providing emergency medical assistance and improving infrastructure during public health crises.

These international organizations collaborate by establishing coordination mechanisms, strengthening information sharing and resource integration to ensure effective response to public health crises. They exert their respective expertise in the field of public health, closely coordinate and cooperate to fill the capacity gap. Cooperation and coordination among international organizations can strengthen global health security and ensure that citizens' personal rights are fully protected.

4. Personal Rights Protection Measures under Sudden Public Health Crisis

4.1 Legal basis

When the government takes restrictive measures, it must establish legal and compliant legal basis in accordance with relevant laws. These legal basis should comply with national laws and international human rights law to ensure the legality and compliance of restrictive measures.

Firstly, the government should establish the legal basis for restrictive measures in accordance with national laws. National laws are an important basis for defining and protecting citizens' rights and

obligations [3]. When formulating restrictive measures, the government must refer to relevant legal provisions and ensure their legality and compliance.

At the same time, the government also needs to consider the provisions of international human rights law. International human rights law is a universal norm regarding the rights and freedoms of citizens, with universality and binding force. When taking restrictive measures, the government should comply with the principles and standards of international human rights law and not violate the fundamental rights established by international human rights law, such as the right to life, health, personal freedom, etc. International human rights law also emphasizes the principles of the inalienable and non discriminatory nature of rights, and governments should strictly abide by them when formulating restrictive measures.

Establishing legal and compliant legal basis is crucial for safeguarding citizens' personal rights. Legitimate legal basis can ensure the rationality and legality of government actions, avoiding abuse of power or improper behavior. At the same time, a legal basis for compliance also helps to provide transparency and accountability for government actions, allowing the public to understand the basis and scope of restrictive measures, thereby protecting their own rights.

4.2 Temporary Measures

In sudden public health crises, restrictive measures should be temporary. The government should timely evaluate and dynamically adjust restrictive measures based on the actual situation and scientific basis of the epidemic, in order to balance public health and individual rights.

The purpose of temporary measures is to take necessary actions in emergency situations to protect public health and prevent the spread of diseases. These measures may include restrictions on personnel mobility, social isolation, and border closures. However, due to the certain degree of restrictions on civil liberties imposed by these measures, the government should ensure that the restrictive measures taken are time limited to avoid unnecessary infringement of individual liberties.

The government should closely monitor the trend of epidemic development and update scientific understanding, and evaluate the effectiveness and necessity of restrictive measures based on the latest evidence and guiding principles. Once the epidemic is effectively controlled, the government should gradually relax or lift these restrictions, and actively communicate with the public to provide a clear timetable and conditions for lifting restrictions. This can restore normal social order and allow citizens to enjoy a normal life again.

When taking temporary measures, the government should also take into account the special needs of relevant social groups, such as the elderly, children, disabled people, etc. The government needs to provide necessary support and guarantees to ensure that the rights and interests of these groups are not unnecessarily affected.

In addition, the government should also provide a transparent decision-making process when adjusting restrictive measures, explaining the scientific basis of decision-making and risk assessment results to the public. The public has the right to understand the government's thinking process in formulating restrictive measures and participate in discussions and decision-making.

4.3 Illegal procedures

In sudden public health crises, the government must ensure that citizens enjoy appropriate relief mechanisms and follow due process and legal provisions when taking restrictive measures.

Firstly, the government should establish corresponding dispute resolution agencies or processes to handle disputes or appeals from citizens regarding restrictive measures. These institutions should have independence, impartiality, and transparency, and be able to fairly adjudicate and arbitrate disputes. The government should ensure that citizens have convenient access to these institutions and receive timely and effective solutions.

Secondly, the government should comply with due process and legal provisions when handling disputes or appeals from citizens. The government should ensure that the dispute resolution process is open and transparent, and citizens have the right to understand the decision-making process and be able to provide evidence and claims. The government should try disputes in accordance with the law, listen to the opinions and evidence of both or more parties, and make fair judgments based on facts and law. The government should also ensure that the effectiveness is enforceable and provide timely and

appropriate relief to citizens.

When dealing with citizen disputes, the government should comprehensively consider the balance between public interests and individual rights. The government has the power to take restrictive measures, but it should also ensure that these measures are legal and compliant within the legal framework. The government should balance the needs of public health and social stability with the legitimate rights and interests of citizens to minimize unnecessary restrictions on civil liberties.

In addition, the government should actively provide relevant information and education to the public, so that citizens can understand their rights and relief mechanisms. The government needs to educate citizens about their rights and remedies in sudden public health crises through publicity, training, and consultation, and help them exercise their rights.

4.4 Life and Health Protection

In sudden public health crises, the government should ensure that citizens' lives and health are fully protected during the implementation of restrictive measures. Despite certain limitations on individual rights, citizens still enjoy the right to life, health, and personal dignity.

Firstly, the government should provide necessary medical treatment and hygiene conditions to ensure that citizens can receive sufficient medical assistance and reasonable health protection. The government should actively respond to the public health crisis, strengthen the allocation and reserve of medical resources, provide sufficient medical facilities, medical staff, and drugs to meet the medical needs of citizens. The government should also strengthen measures such as vaccination, disease prevention, and infectious disease control to ensure effective protection of citizens' health.

Secondly, the government should provide relevant information and education to enable citizens to understand the knowledge of the epidemic and disease prevention and control, take correct protective measures, and promote individual and community health awareness and behavior. The government needs to provide accurate and timely information to citizens through publicity, education, and consultation, to help them make wise decisions and prevent the spread and outbreak of diseases.

The government should also pay attention to the health needs of special groups, such as the elderly, children, and people with disabilities, and provide them with special care and protection. These groups are often more vulnerable and vulnerable, requiring special care and support in public health crises.

Finally, the government should balance public health and individual rights when formulating restrictive measures. The government must take restrictive measures in accordance with the law and regulations to ensure that unnecessary restrictions on civil liberties are minimized while protecting public health. At the same time, the government should ensure that these restrictive measures are reasonable and necessary, and promptly evaluate and adjust the effectiveness of the measures to avoid excessive restrictions or abuse of power.

4.5 Balance between Public Interest and Individual Freedom

The government needs to balance the relationship between public interest and individual freedom when formulating restrictive measures. Ensuring public safety and preventing and controlling the epidemic are important goals, but individual freedoms and rights should also be respected and protected.

Firstly, the government should weigh public interests and individual freedoms reasonably in accordance with the law. Public interests include aspects such as social stability, public health, and national security. When formulating restrictive measures, the government should fully consider these public interests and ensure the rationality and necessity of such measures. The government cannot abuse its power or pursue public interests at the expense of personal freedom.

Secondly, the government should avoid discriminatory behavior in restrictive measures. The government should formulate universal and non discriminatory restrictive measures based on scientific basis and principles of fairness. The government cannot discriminate against citizens based on race, gender, age, religious beliefs, or other specific identity or attributes. The balance between public interest and individual freedom should follow the principle of fairness, and excessive restrictions or unreasonable biases should not be imposed on certain groups.

When formulating restrictive measures, the government should balance the relationship between

public interest and individual freedom and seek the best balance. The government needs to fully balance the needs of public health, social stability, and economic development, while respecting and protecting the individual freedoms and rights of citizens. The government should ensure that restrictive measures are legal and compliant, exercise power in accordance with the law, and promptly evaluate and adjust within the necessary period of restrictions.

In addition, the government should strengthen communication and participation with the public, and widely listen to the opinions and suggestions of different groups. This helps the government to better understand the needs and concerns of the public and promote a balance between public interest and individual freedom.

4.6 Cooperation and Compliance with Regulations

When formulating restrictive measures, the government needs to balance the relationship between public interest and individual freedom. Although public safety and epidemic prevention and control are important goals, individual freedoms and rights should also be respected and protected. The government should weigh public interests and individual freedoms reasonably in accordance with the law, ensure that restrictive measures do not exceed the necessary scope, and avoid abusing power or engaging in discriminatory behavior.

4.7 Transparency and Accountability

In sudden public health crises, safeguarding personal rights requires the joint efforts of the government and citizens. The government should provide clear guidance and effective communication, communicate prevention and control measures and requirements to the public, and timely update information to respond to changes in the epidemic. Citizens should consciously fulfill their personal responsibilities, comply with the government's prevention and control regulations, and actively cooperate with the government's prevention and control work. This includes cooperating with testing, complying with quarantine or quarantine measures, wearing masks, maintaining social distance, etc. Only through joint efforts can we maximize the protection of citizens' lives and health, control the spread of the epidemic, safeguard personal rights, and achieve stable social development.

5. The Protection of Citizens' Personal Rights by International Human Rights Mechanisms

The international human rights mechanism is of great significance for the protection of citizens' personal rights. Among them, the United Nations Commission on Human Rights, as an independent supervisory body, is responsible for supervising and promoting the implementation of the Universal Declaration of Human Rights and other international human rights legal instruments. The committee evaluates the state's compliance with its international human rights obligations and proposes relevant recommendations and measures to promote the improvement of the human rights situation in each country. In addition, the United Nations Human Rights Commission has further strengthened the protection of citizens' personal rights by handling individual complaints and providing advice to the state.

According to the principles of international human rights law, citizens should enjoy basic personal rights, including the right to life, health, and personal dignity. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights provide guidance on the protection of these rights. For example, the principle of prohibiting discrimination ensures that citizens are not subjected to any form of discrimination in the enjoyment of these rights. The principle of inalienable rights ensures that citizens will not be arbitrarily deprived of these rights. The principle of power abuse ensures that the government will not abuse its power when protecting the personal rights of citizens.

However, in emergency situations, such as sudden public health crises, the country may need to take restrictive measures to protect public health and prevent and control the epidemic. These restrictions must comply with a series of requirements to balance the relationship between public interest and individual freedom. Firstly, restrictions should be based on clear and legal legal basis to ensure the legitimacy of government actions. The formulation and implementation of legal basis should follow relevant legal procedures, and clearly define the scope of authorization, limitations, and supervision mechanism. Secondly, restrictions must be necessary, that is, they must be taken in order to achieve legitimate goals, and there are no other less restrictive means to choose from. The government

should fully consider scientific evidence and public health risks when formulating restrictive measures, and avoid excessive restrictions on citizens' basic rights. In addition, restrictive measures should be temporary, meaning that they can be gradually relaxed or lifted after the crisis ends. The government needs to evaluate and adjust restrictions in a timely manner based on the development of the epidemic, to avoid long-term unnecessary restrictions. Finally, restrictive measures must be non-discriminatory and cannot be treated differently based on factors such as race, gender, religion, or nationality. The government should ensure equal treatment of all citizens and avoid discrimination against specific groups when formulating and implementing restrictive measures.

In addition, international human rights mechanisms also encourage countries to strengthen measures to protect citizens' personal rights and provide relief and complaint mechanisms for citizens. The government should establish effective mechanisms to handle complaints of citizens' infringement of personal rights and ensure that citizens can receive appropriate relief measures in accordance with the law. When dealing with these complaints, the government should investigate and resolve them fairly, fairly, and quickly, and take measures to prevent similar violations from happening again.

6. Conclusion

The sudden public health crisis poses a serious challenge to citizens' personal rights, but the international community has established a series of mechanisms and measures to safeguard these rights. Through the framework of international law, the actions of international organizations, the implementation of measures to protect personal rights, and the role of international human rights mechanisms, we can better respond to public health crises and safeguard people's rights and safety. However, continued efforts are needed to strengthen international cooperation and coordination to further enhance the international protection of citizens' personal rights and ensure that everyone enjoys basic rights and dignity in the face of sudden public health crises.

References

- [1] Gandaloev R B, Grebennikov V V, Kallagov T E, et al. *Constitutional mechanism for the protection of citizens' rights: an anthropocentric approach [J]*. 2021. DOI:10.24115/S2446-6220202173A1363p. 44-50.
- [2] Cécile de Terwangne. *Council of Europe convention 108+: A modernised international treaty for the protection of personal data [J]*. *Computer Law & Security Review*, 2021, 40:105497. DOI:10.1016/j.clsr.2020.105497.
- [3] Dai Jitao, Liu Zhao. *On the Right to the Protection of Personal Data as a Constitutional Right [J]*. *Human Rights*, 2021, 20(5):851-874.