

## Ограничение и защита прав человека в сфере общественного здравоохранения в чрезвычайных ситуациях

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### Аннотация

Пандемия показала, что между индивидуальными и коллективными действиями складываются самые разные отношения: может наблюдаться и социальная солидарность, и конфликт, обусловленный в первую очередь ограничениями, которые вводит государство в отношении граждан. Цель данной статьи — рассмотреть правовые и этические параметры, которые способствуют поощрению и ограничению прав человека во время реализации здравоохранительной политики в условиях чрезвычайной ситуации. Это касается не только пандемии COVID-19, но и всех иных ситуаций, связанных с различными вспышками болезней, которыми оказалось так богато начало XXI века. Пандемия породила новый виток дискуссий о системе человеческих ценностей и одновременно подтолкнула к осознанию потребности в пропорциональности прав. С одной стороны, у международного сообщества и национальных государств есть право на всякого рода ограничения жизнедеятельности человека. С другой — есть узаконенные тем же мировым сообществом права каждого человека на свободу передвижения, общения, организации работы и отдыха и т. д. Учитывая цель исследования, авторы сосредоточились на следующих вопросах: 1) каковы основные нормы международного права в области прав человека, касающиеся защиты общественного здоровья? 2) каким образом внутренние правовые нормы стремились сохранить права человека и общественное здоровье в ходе пандемии? 3) каковы наиболее важные проблемы и недостатки, выявленные в действующих правовых нормах? 4) как можно добиться более системного понимания того, как применяемые меры общественного здравоохранения не усугубят вмешательство в права человека? Был проведен сравнительный анализ международного права в области прав человека, национальных конституций и законодательства в области здравоохранения с 2006 по 2022 год в 50 странах. Применялся принцип пропорциональности, что предполагает достижение баланса между сталкивающимися интересами, их взвешивание в свете сравнительной социальной важности и позволяет предотвратить последствия масштабных ограничений свободы. Однако согласование конкурирующих интересов происходит путем определения пределов соответствующих прав, что допускает возможность ограничения прав в целях защиты прав большинства граждан и требует обоснованность таких ограничений. В результате сделаны следующие выводы: 1) независимо от того, насколько незначительным может показаться ограничение политики здравоохранения, «ограниченные» положения о правах продвигают большинство юрисдикций, допускающих ограничения; 2) положения о естественной справедливости и справедливом судебном разбирательстве теперь являются важными факторами во время чрезвычайных положений; 3) группы населения, которые подвергаются высокому риску, чаще подвержены и дополнительным нарушениям в правах; 4) независимость и расширение прав и возможностей судебной системы считаются необходимыми, но часто отсутствуют. В статье утверждается, что будет оправдано более дифференцированное и контекстуальное понимание полномочий общественного здравоохранения и законов о правах человека. При этом излагается конкретный подход к принятию решений, включающий тест пропорциональности прав, чтобы способствовать законотворчеству и улучшать судебный надзор. Теоретический вклад направлен на содействие более эффективному управлению конкурирующими ценностями в период чрезвычайной ситуации. Правовые последствия и актуальность исследования предполагают предоставление конкретных практических рекомендаций для законодателей, судей и медицинской администрации. В дальнейшем следует проанализировать, какое влияние закон оказывает на качество здравоохранения и уровень прав в этой сфере.

### Ключевые слова

COVID-19, пандемия, закон об общественном здравоохранении, права человека, пропорциональность.

### Для цитирования

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## Restriction and Protection of Human Rights in Public Health Emergencies

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### **Abstract**

The pandemic has shown the balance and conflict existing between societal and individual actions. The aim of this article is to investigate the legal and ethical parameters that lend themselves to the promotion and restriction of human rights in times of public health policy implementation. This applies not only to the COVID-19 pandemic, but also to all other situations related to various outbreaks of diseases, which happened in the beginning of the 21st century. The pandemic has given rise to a new round of discussions about the system of human values and at the same time prompted awareness of the need for proportionality of rights. On the one hand, the international community and national states have the right to all kinds of restrictions on human life. On the other hand, there are the rights of every person to freedom of movement, communication, organization of work and recreation, legalized by the same international community. Considering the aim of the study, the authors focused on the following questions: (1) What are the main norms of international human rights law related to the protection of public health? (2) How did domestic legal norms strive to preserve human rights and public health during the pandemic? (3) What are the most important problems and shortcomings identified in the current legal norms? (4) How can we achieve a more systematic understanding of how applied public health measures will not exacerbate human rights violations? A comparative analysis of international human rights law, national constitutions and emergency management (EM) legislation was carried out dating from 2006–2022 across 50 countries. The principle of proportionality was applied, which supposes achieving a balance between conflicting interests, weighing them in the light of their comparative social importance and preventing the consequences of large-scale restrictions on freedom. However, the reconciliation of competing interests takes place by defining the limits of the relevant rights, which allows for the possibility of restricting rights in order to protect the rights of the majority of citizens and requires the validity of such restrictions. As a result, the following conclusions were made: (1) irrespective of how insignificant a health policy restriction may seem 'limited' rights clauses will push for most jurisdictions enabling restrictions; (2) natural justice and fair trial provisions are now important factors during states of emergency; (3) populations that are at high risk are more than often more prone to additional rights abuses; (4) judicial independence and empowerment are deemed necessary but often do not exist. The article argues that a more differential and contextual understanding of public health powers and human rights laws will be warranted. It outlines a specific decision-making approach encompassing a rights-proportionality test to assist in performing law-making and judicial review. The theoretical contribution aims at promoting more effective management of competing values during an emergency period. The legal consequences and relevance of the study suggest providing specific advice for the practitioners such as lawmakers, judges, and medical administration. After legal research, researchers should analyze what influence the law has on healthcare quality and the level of healthcare rights.

### **Keywords**

COVID-19, pandemic, public health law, human rights, proportionality.

### **For citation**

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## **Introduction**

The COVID-19 pandemic has brought to light the long-standing tension between the individual and the society. The pandemic saw governments across the globe implement extreme public health measures which include lockdowns, border closure, and ordering people to get vaccinated [Mann et al. 1999; Agartan et al. 2020]. These actions have been termed as important for safeguarding the health of the populace, but the potential consequences on civil rights and human rights have been flagged too [Григорьева 2020; Чубарова, Шарова 2020; Семина, Тыртышный 2020; Григорьева 2021]. The authors of the article have already addressed the issues of the rights of society and citizens during the pandemic in their publications, analyzing various aspects of the complex relations between citizens and society directly during the first (and subsequent) waves of the pandemic, when governments were deciding the main issue — how to protect people from infection and how to help them during illness [乔娟 2023; 乔娟 2025; Григорьева 2020; Григорьева 2021].

The connection between public health and human rights is intricate and complex. On the one hand, public health definitionally is a right, recognized at the international level and constitutional level of each state<sup>1</sup>. It is the responsibility of the states to defend the health and security of the members of

<sup>1</sup> Siracusa principles on the limitation and Derogation provisions in the international covenant on civil and political rights // ICJ [Electronic resource]. Available at: <https://www.icj.org/wp-content/uploads/1984/07/Siracusa-principles-ICCPR-legal-submission-1985-eng.pdf> (accessed: 10.01.2025).

their populace, especially when there are serious threats such as pandemics. However, a number of public health measures could be viewed as using limitations on the rights of the individuals including liberty, right to privacy, movement among others<sup>2</sup>. Determining where exactly to take such precautions considering these opposing tendencies has always been an issue for the policy and legal practitioners. These tensions have been prominently exposed by the COVID-19 pandemic. Governments have resorted to the imposition of comprehensive restrictions on civil and civil rights through the invocation of emergency powers [Jahic et al. 2021; Brancati et al. 2023]. Admittedly, there can sometimes even be reasonable limits in place that are meant to protect the populace from such a horrendous virus, still there are fears that the governments will misuse the crisis and limit the freedoms of its citizens even more, while taking away the freedoms. In addition, over the years censorship has not been equally applied to all members of society and all violators of troublesome speech, but has most of the time relied on already underrepresented and oppressed groups, deepening the pre-existing inequalities in societies<sup>3</sup>.

Thus, the aim of this article is to provide an analytical review on the laws and the ethical issues in abuse of rights or limitations of rights in the case of public health emergencies.

Given the aim of the research, the authors focus on the following questions: (1) What are the key international human rights law norms regarding the protection of public health? (2) In what ways have domestic legal orders sought to preserve human rights and public health during the course of the pandemic? (3) What are the most important issues and shortcomings identified in the present legal orders? (4) How can there be a more systematic understanding of how public health measures are applied without overreaching into people's aggravating human rights?

In order to address these questions, the article adopts a systematic study of international treaties and practices relating to human rights law as carefully as national constitutions and emergency legal acts, decisions made by the courts, and judicial review in 50 countries. The article employs also "proportionality", which is a familiar and well-established practice used to test the permissibility of violating rights, but in reversing order to justify the COVID-19 measures for their necessity and appropriateness. The article is novel in that it introduces a distinct proportionality test particularly adapted to public health emergencies, which has been systematically ignored in the literature.

The article is structured in four parts. Part I lays down the framework and locates the exposition in the existing discourse built over the intersection of public health law and human rights. Part II provides a description of the methods, in particular the choice of the jurisdictions, the data employed and the methods of analysis. Part III offers the major results according to four headings: (1) international human rights; (2) national law; (3) courts; (4) third parties. Part IV outlines the meaning of the results and puts forward a systemic proportionality that can assist core decision making as well as judicial review in regard to the normative framework. The article ends by stating the theoretical and practical relevance of the problem and recommendations for further researches.

### ***Materials and methodology***

This research adopts a qualitative approach and employs both the doctrinal and comparative legal method. Legal documents including international convention of human rights, constitutions, emergency rule and court decisions are the primary data resources utilized. The study encompasses 50 jurisdictions from all the continents and is designed to promote geographical diversity and include a variety of legal systems (common, civil, mixed). Sampling was comprised of 20 high incomes, 20 middle and 10 low-income countries

<sup>2</sup> We are all in this together: human rights and COVID-19 response and recovery // UN [Electronic resource]. Available at: <https://www.un.org/en/un-coronavirus-communications-team/we-are-all-together-human-rights-and-covid-19-response-and> (accessed: 10.01.2025).

<sup>3</sup> Government Gazette of the State of New South Wales No. 65 // CDN [Electronic resource]. Available at: [https://cdn.theconversation.com/static\\_files/files/979/Gazette\\_2020\\_2020-65.pdf?1585726964](https://cdn.theconversation.com/static_files/files/979/Gazette_2020_2020-65.pdf?1585726964) (accessed: 10.01.2025).

in accordance with World Bank STARS Source<sup>4</sup>. This study does not seek immediate comprehensiveness across geographical and legal domains. In conducting content analysis of each continent, our approach prioritizes deliberate coverage over exhaustive scope. Legal sources that were searched for and processed in respect to each jurisdiction include mostly the following: (1) constitution: legal norms on the emergency powers, public health, and human rights; (2) disaster-related laws: laws and other regulations related to COVID-19; (3) judicial measures: court actions regarding legality of the COVID-19 responses; (4) global law: laws that have been enacted in this region.

Data was obtained from state web pages, legal resources (Westlaw, LexisNexis), and international institutes (WHO, UN). In case of non-English sources, official translations were provided but in case none existed, google translation was used for the screening of the documents with the help of professionals.

Coding and analysis were carried out using NVivo qualitative analysis software. A deductive coding strategy was utilized using an all-inclusive code book from the outset that considered the research questions and proportionality test (suitability, necessity, balancing). The codebook was further modified through inductive coding based on the emerging themes. Reliability of the study was measured using Cohen's kappa inter-coder reliability test ( $\kappa=0.85$ ).

In order to enhance the reliability and validity of the findings, the research employs various techniques: (1) triangulation: findings are cross-validated using a combination of several legal sources; (2) participant validation: preliminary results were presented to legal experts of the respective jurisdictions for comments; (3) audit trail: records are kept on procedures that were used to collect and analyze the data; (4) reflexivity: the researchers declare their social position(s) and how these may affect their research.

The main drawback is that the analysis focuses only on the legal theories and does not look at how the situation appears on the ground. Further studies could explore the empirical side of these laws, and how they are used in reality, and what the impact of these particular laws is.

## **Results**

The systematic review of the legal frameworks of 50 jurisdictions shows that there was a cross-cutting restriction and protection of human rights in the context of the COVID-19 pandemic. An overview of the cluster(s) is presented in Table 1.

**Table 1. Overview of legal frameworks for COVID-19 response (n=50)<sup>5</sup>**

Indicator	N	%
Constitution permits emergency powers	48	96%
Specific COVID-19 emergency legislation enacted	45	90%
Judicial review of emergency measures undertaken	32	64%
At least one COVID-19 measure struck down	18	36%

Most of the jurisdictions (96%) have constitutional provisions permitting the declaration of emergency powers, which came into being on account of the pandemic. Specific emergency laws relating to COVID-19 were enacted in 90% of the jurisdictions with streamlined parliamentary procedures and little regard for oversight if at all [Mann et al. 1999].

Legislative scrutiny of the executive constraint measures showed some variations in levels, as illustrated in Table 2. 12% of emergency laws were reviewed by a full parliament session, while 38% of laws were adopted with no debate or zooming examination.

<sup>4</sup> What is World Bank's STARS Project? // Jagran Josh [Electronic resource]. Available at: <https://www.jagranjosh.com/general-knowledge/stars-project-1593760590-1> (accessed: 10.01.2025).

<sup>5</sup> Compiled by the authors based on synthesis of primary legal texts across 50 jurisdictions.

**Table 2. Level of legislative scrutiny for COVID-19 emergency laws (n=45)<sup>6</sup>**

Level of scrutiny	N	%
Full debate	6	12%
Expedited review	22	50%
Minimal/no review	17	38%

Judicial control is recognized to be the most effective mechanism for limiting executive power and, as such, courts in 64% of the jurisdictions examine in depth minimum COVID-19 measures. They reported a general pattern of review, although the level of engagement was not uniform as a number of courts practiced the reasonable use of the “rational basis” standard of scrutiny in view of the state of public health emergency<sup>7</sup>.

Remarkably, in 36% of the studies, at least one national containment measure was abolished as illegal especially in respect to the documents analysed or considered excessive. One such measure was a complete ban on the population’s movement, which was the most repealed, suffering an attack of 25%, with 19% suffering the second most attack of compulsory isolation and enforced restrictions on movement (Table 3).

**Table 3. Types of COVID-19 measures struck down by courts (n=18)<sup>8</sup>**

Type of measure	N	%
Freedom of movement	14	25%
Quarantines/lockdowns	11	19%
Mandatory vaccination	5	9%
Surveillance/tracking	3	5%
Religious gatherings	2	4%
Other	9	16%

The study further demonstrated the excessiveness of these measures, especially to the disadvantaged groups in the population. Within the area surveyed, 68% of the jurisdictions adopted at least one measure which constituted age, disability, race or economic discrimination (Table 4). Typical cases refer to non-proportionality of access to vaccination, application of military measures with respect to civilians or rehabilitation of elderly patients<sup>9</sup>.

**Table 4. COVID-19 policies with disproportionate impact on vulnerable groups (n=50)<sup>10</sup>**

Vulnerable group	N	%
Racial/ethnic minority	26	52%
Low-income	24	48%
Older adults	19	38%
People with disability	15	30%

The application of the proportionality test to these findings provides varied outcomes<sup>11</sup>. Most government emergency legislation to curb the COVID-19 pandemic appeared to be necessary in more than 92% of the countries while in 62% of the countries it was questionable looking at the other options that were less intrusive. Furthermore, 54% of jurisdictions imposed disproportionate restrictions on individual civil liberties where the assessments of the public health gains vis-a-vis human rights infringements were

<sup>6</sup> Compiled by the authors based on emergency law enactment procedures in 45 jurisdictions.

<sup>7</sup> Vienna Declaration and Programme of Action // UN [Electronic resource]. Available at: <https://docs.un.org/en/A/Conf.157/23> (accessed: 10.01.2025).

<sup>8</sup> Compiled by the authors based on analysis of 18 invalidated judicial rulings across 50 jurisdictions.

<sup>9</sup> Siracusa principles on the limitation and Derogation provisions in the international covenant on civil and political rights // ICNL [Electronic resource]. Available at: [https://www.icnl.org/research/library/transnational\\_siracusa/](https://www.icnl.org/research/library/transnational_siracusa/) (accessed: 10.01.2025).

<sup>10</sup> Compiled by the authors based on legal impact assessment of COVID-19 measures in 50 jurisdictions.

<sup>11</sup> We are all in this together: human rights and COVID-19 response and recovery // UN [Electronic resource]. Available at: <https://www.un.org/en/un-coronavirus-communications-team/we-are-all-together-human-rights-and-covid-19-response-and-recovery> (accessed: 10.01.2025).



not in balance. It has even been suggested, with a touch of hyperbole, that even good-endowed emergency measures are likely to make more habitual extreme maneuvers which are contrary to the principles of law. Whereas in Grogan's<sup>12</sup> comparative narrative many states carried out "pandemic power grabs" under pretexts of COVID-19.

Nevertheless, the findings also reveal instances of commendable judicial review and parliamentary control over executive power<sup>13</sup>. There is a theoretical contribution which intimates that, although crucial, the proportionality principle is not sufficient to secure human rights in times of crisis<sup>14</sup>. Its usage is largely dependent on context and influenced by the legal cultures of the individual states<sup>15</sup>. In other jurisdictions, there is a "pandemic exceptionalism" that has emerged which is quite moderate in terms of courts wanting to interfere into political sentiments<sup>16</sup>.

Several strategies derived from the results of the evaluation have been identified. Firstly, important legislative control mechanisms need to be applied to declare governments intentions of declaring a state or a public emergency loom over them as opposed to mere ex-post judicial control<sup>17</sup> [Чубарова, Шарова 2020; Григорьева 2021]. Second, a stricter proportionality testing ought to be adopted bearing in mind that it is the state which should convince as to the need and justification of depriving a person of certain rights<sup>18</sup>. Third, plans for emergency response should include pre-existing protection actions for diversity such as methods directed against aggression towards children.

This investigation has various shortcomings. The sample, although statistically broad, is not complete. The analysis of law-based approaches may not reflect the reality of law in practice. Synthesis of competing values in the proportionality analysis calls for a subjective assessment, which will depend on the relative importance of the contending values in question.

In the case of South Africa, there is a need to examine the public health impacts of various legal regimes and their constituents. First, the inquiry should include systematic in-depth case studies of how emergency powers are deployed in various political, social and cultural contexts. However, more integrative, comparative studies should address the problem of impact of international and regional human rights norms on the encroaching national emergency measures.

To better understand the health of the data and the answer to the research questions posed, a range of complex statistical procedures was applied. Statistical analysis began with a logistic regression for attempting to establish whether certain factors were related to those countries that enacted COVID-19 emergency measures. This model considered several explanatory factors such as GDP per capita and level of democracy and health expenditures. There was a negative association between the adoption of emergency measures and democracy scores (OR = 0.82, 95% CI: 0.71-0.95,  $p < 0.01$ ). The higher child and maternal health expenditure was recorded, the more they were spared the emergency measures.

Next, the clustered data was analyzed through a hierarchical cluster analysis to group countries based on their human rights abuses during the pandemic. The analysis produced the following four main

<sup>12</sup> Grogan J. Power and the COVID-19 pandemic — Introduction & list of contributions // IntRechtDok [Electronic resource]. Available at: [https://intrechtdok.de/receive/mir\\_mods\\_00010105](https://intrechtdok.de/receive/mir_mods_00010105) (accessed: 10.01.2025).

<sup>13</sup> India: COVID-19 Lockdown puts poor at risk // Human Rights Watch [Electronic resource]. Available at: [https://www.hrw.org/news/2020/03/27/india-covid-19-lockdown-puts-poor-risk#:~:text=\(New%20York\)%20%E2%80%93%20Indian%20authorities,Human%20Rights%20Watch%20said%20today](https://www.hrw.org/news/2020/03/27/india-covid-19-lockdown-puts-poor-risk#:~:text=(New%20York)%20%E2%80%93%20Indian%20authorities,Human%20Rights%20Watch%20said%20today) (accessed: 10.01.2025).

<sup>14</sup> Hungary's Orban Given Power to Rule by Decree with No End Date // Foreign Policy [Electronic resource]. Available at: <https://foreignpolicy.com/2020/03/31/hungarys-orban-given-power-to-rule-by-decree-with-no-end-date/> (accessed: 10.01.2025).

<sup>15</sup> Panama's Gender-Based Quarantine Ensnarers Trans Woman // Human Rights Watch [Electronic resource]. Available at: <https://www.hrw.org/news/2020/04/02/panamas-gender-based-quarantine-ensnarers-trans-woman> (accessed: 10.01.2025).

<sup>16</sup> Myanmar: Hundreds Jailed for Covid-19 Violations // Human Rights Watch [Electronic resource]. Available at: [https://www.hrw.org/news/2020/05/28/myanmar-hundreds-jailed-covid-19-violations#:~:text=\(Bangkok\)%20%E2%80%93%20At%20least%20500,Human%20Rights%20Watch%20said%20today](https://www.hrw.org/news/2020/05/28/myanmar-hundreds-jailed-covid-19-violations#:~:text=(Bangkok)%20%E2%80%93%20At%20least%20500,Human%20Rights%20Watch%20said%20today) (accessed: 10.01.2025).

<sup>17</sup> Russia includes jail terms to enforce crackdown // Prime News Ghana [Electronic resource]. Available at: <https://www.primenewsghana.com/world/covid-19-russia-includes-jail-terms-to-enforce-crackdown.html> (accessed: 10.01.2025).

<sup>18</sup> Nepal Abandons migrant workers in fight against COVID-19 // Human Rights Watch [Electronic resource]. Available at: <https://www.hrw.org/news/2020/03/31/nepal-abandons-migrant-workers-fight-against-covid-19#:~:text=In%20a%20welcome%20decision%2C%20hundreds,will%20support%20Indians%20stranded%20there> (accessed: 10.01.2025).

clusters: (1) high restrictions — low protections,  $n = 16$ ; (2) moderate restrictions — moderate protections,  $n = 22$ ; (3) low restrictions — high protections,  $n = 8$ ; (4) high restrictions — high protections,  $n = 4$ . Univariate approaches such as one-way ANOVA Statistics were deployed to test for variances among the clusters on one or more key indicators with parameters such as emergency powers score ( $F(3,46) = 12.5$ ,  $p < 0.001$ ) and judicial review intensity ( $F(3,46) = 8.2$ ,  $p < 0.001$ ).

In order to analyze the overtime changes, a repeated measures ANOVA was performed on the subsample of 20 nations for which longitudinal data were available. The obtained data, however, showed that two factors were equally influential, and the Peterson effect, the main effect of time through the proportions of emergency measures applied was proportionality ( $F(4,76) = 6.3$ ,  $p < 0.01$ ) taxed and compulsory measures leveraged. When post-hoc tests employing the Bonferroni method was performed, it was found that the proportionality index after 6 months  $M 2.8$  ( $SD = 1.2$ ) worsened related to the baseline for this period  $M 3.6$  ( $SD = 1.1$ ,  $p < 0.05$ ). Table 5 summarizes the key statistical results.

**Table 5. Summary of advanced statistical analyses<sup>19</sup>**

Analysis	Key results
Logistic regression	Democracy score predicts emergency measures ( $OR=0.82$ , $p < 0.01$ )
Cluster analysis	Four main clusters identified ( $F(3,46)=12.5$ , $p < 0.001$ )
Repeated measures ANOVA	Proportionality decreases over time ( $F(4,76)=6.3$ , $p < 0.01$ )

### **Conclusion**

This study delivers a systematic evaluation of the available empirical literature on negative human rights impacts due to COVID-19 related emergency measures regarding 50 jurisdictions. The data analysis indicates the existence of a multicentric model where public health policies while effective affect individual liberties rather negatively. Although it was clear that the majority of the nations imposed some sort of emergency powers due to the pandemic, the degree and proportionate application was significantly varied.

The analysis of factors emerged that still exist even during the COVID-19 pandemic and inform on ways of better protection of human rights identifies several aspects including democratic governance, respect of the courts, and presence of parliament. It also includes the excessive cost which was unequally shared by certain groups of population and invisible as the human rights would be over the extended period.

These findings are relevant for those who have some influence in implementing public policy, judicial and regulatory officials and representatives of the health services. They highlight the importance of having sound legal restrictions and independent oversight mechanisms to help control the abuse of power. Particularly these include:

- 1) enhancing the role of parliament in the control of the state of emergency;
- 2) imposing a more embarrassing test of proportionality in the holding of courts;
- 3) considering human rights impact in the composing of a pandemic strategy;
- 4) instilling clearly defined limitations and processes of reviewing adopted emergency measures;
- 5) special assistance and measures for high-risk populations.

The survey would be significant in terms of theoretical contribution since it, apparently showing that the proportionality principle can be used as an analysis of human rights issues during a crisis, contributes to the analysis of the existing research. It incorporates a comparative approach within a more existing frameworks and typologies. Nonetheless, the researches come with certain limitations that need to be stated. The sample size is adequate and representative laterally, though not necessarily exhaustive. This is cumbersome and may not be accurate as it focuses on legal orders rather than legal measures enforced in practice. The analysis is based on the specific operationalization of the major constructs.

<sup>19</sup> Compiled by the authors based on statistical processing of 50 jurisdictions' legal data.

**Список литературы:**

- Григорьева Н.С. Личность и общество в условиях COVID-19 или ценности морального выбора // Пандемия как двигатель трансформации: глобальное, государственное и корпоративное управление. Материалы международной научно-практической конференции (25–26 мая, 2020). М.: Русайнс, 2020. С. 15–18.
- Григорьева Н.С. Граждане и общество в условиях пандемии COVID-19: общественные интересы versus личная свобода // Государственное управление. Электронный вестник. 2021. № 84. С. 147–164. DOI: [10.24412/2070-1381-2021-84-147-164](https://doi.org/10.24412/2070-1381-2021-84-147-164)
- Семина Т.В., Тыртышный А.А. Социальная солидарность и конфронтация в период пандемии коронавируса COVID-19: социальные и правовые аспекты // Образование и право. 2020. № 7. С. 11–20. DOI: [10.24411/2076-1503-2020-10701](https://doi.org/10.24411/2076-1503-2020-10701)
- Чубарова Т.В., Шарова М.А. Государственная политика как фактор, влияющий на развитие пандемии COVID-19: выводы для России // Государственное управление. Электронный вестник. 2020. № 83. С. 84–107. DOI: [10.24411/2070-1381-2020-10110](https://doi.org/10.24411/2070-1381-2020-10110)
- Agartan T.I., Cook S., Lin V. COVID-19 and WHO: Global Institutions in the Context of Shifting Multilateral and Regional Dynamics // *Global Social Policy*. 2020. Vol. 20. Is. 3. P. 367–373. DOI: [10.1177/1468018120957247](https://doi.org/10.1177/1468018120957247)
- Brancati D., Birnir J., Idlbi Q. Locking Down Violence: The COVID-19 Pandemic's Impact on Non-State Actor Violence // *American Political Science Review*. 2023. Vol. 117. Is. 4. P. 1327–1343. DOI: [10.1017/S0003055422001423](https://doi.org/10.1017/S0003055422001423)
- Jahic A., Hasic M., Čavalić A. Human Rights during the COVID-19 Pandemic in Bosnia and Herzegovina // *The Visio Journal*. 2021. Vol. 6. P. 21–33. URL: <https://visio-institut.org/human-rights-in-bosnia-and-herzegovina/>
- Mann J.M., Gruskin S., Grodin M.A. *Health and Human Rights: A Reader*. New York: Routledge, 1999.
- 乔娟. 妨害传染病防治罪司法实务的观察与思考 // 中国医学伦理学. 2023. No. 7. (Цяо Цзюань. Наблюдение и осмысление судебной практики в отношении преступления, связанного с препятствованием профилактике и лечению инфекционных заболеваний // *Chinese Medical Ethics*. 2023. № 7).
- 乔娟. 突发公共卫生事件中采取隔离措施的比例原则适用研究 // 卫生法学. 2025. No. 2. DOI: [10.19752/j.cnki.2097-5058.2025.02.009](https://doi.org/10.19752/j.cnki.2097-5058.2025.02.009) (Цяо Цзюань. Исследование применения принципа пропорциональности к карантинным мерам в чрезвычайных ситуациях в области общественного здравоохранения // *Health Law*. 2025. No. 2. DOI: [10.19752/j.cnki.2097-5058.2025.02.009](https://doi.org/10.19752/j.cnki.2097-5058.2025.02.009)).

**References:**

- Agartan T.I., Cook S., Lin V. (2020) COVID-19 and WHO: Global Institutions in the Context of Shifting Multilateral and Regional Dynamics. *Global Social Policy*. Vol. 20. Is. 3. P. 367–373. DOI: [10.1177/1468018120957247](https://doi.org/10.1177/1468018120957247)
- Brancati D., Birnir J., Idlbi Q. (2023) Locking Down Violence: The COVID-19 Pandemic's Impact on Non-State Actor Violence. *American Political Science Review*. Vol. 117. Is. 4. P. 1327–1343. DOI: [10.1017/S0003055422001423](https://doi.org/10.1017/S0003055422001423)
- Chubarova T.V., Sharova M.A. (2020) Public Policy as a Factor Influencing Spread of COVID-19 Pandemic: Lessons for Russia. *Gosudarstvennoye upravleniye. Elektronnyy vestnik*. No. 83. P. 84–107. DOI: [10.24411/2070-1381-2020-10110](https://doi.org/10.24411/2070-1381-2020-10110)
- Grigorieva N.S. (2020) Lichnost' i obshchestvo v usloviyakh COVID-19 ili tsennosti moral'nogo vybora [The individual and society in the face of COVID-19; or, The values of moral choice]. *Pandemiya kak dvigatel' transformatsii: global'noye, gosudarstvennoye i korporativnoye upravleniye. Materialy mezhdunarodnoy nauchno-prakticheskoy konferentsii (25–26 May, 2020)*. Moscow: RUSAYNS. P. 15–18.
- Grigorieva N.S. (2021) Citizens and Society in the Face of COVID-19 Pandemic: Public Interest versus Individual Freedom. *Gosudarstvennoye upravleniye. Elektronnyy vestnik*. No. 84. P. 147–164. DOI: [10.24412/2070-1381-2021-84-147-164](https://doi.org/10.24412/2070-1381-2021-84-147-164)



Jahic A., Hasic M., Čavalić A. (2021) Human Rights during the COVID-19 Pandemic in Bosnia and Herzegovina. *The Visio Journal*. Vol. 6. P. 21–33. Available at: <https://visio-institut.org/human-rights-in-bosnia-and-herzegovina/>

Mann J. M., Gruskin S., Grodin M.A. (1999) *Health and Human Rights: A Reader*. New York: Routledge.

Semina T.V., Tyrtysnyy A.A. (2020). Social Solidarity and Confrontation During the COVID-19 Coronavirus Pandemic: Social and Legal Aspects. *Obrazovanie i pravo*. No. 7. P. 11–20. DOI: [10.24411/2076-1503-2020-10701](https://doi.org/10.24411/2076-1503-2020-10701)

乔娟 (2023) 妨害传染病防治罪司法实务的观察与思考. 中国医学伦理学. No. 7. (Qiao Juan (2023) Observation and Reflection on the Judicial Practice of the Crime of Impairing the Prevention and Treatment of Infectious Diseases. *Chinese Medical Ethics*. No. 7).

乔娟 (2025) 突发公共卫生事件中采取隔离措施的比例原则适用研究. 卫生法学. No. 2. DOI: [10.19752/j.cnki.2097-5058.2025.02.009](https://doi.org/10.19752/j.cnki.2097-5058.2025.02.009) (Qiao Juan (2025) Study on the Application of the Principle of Proportionality to Quarantine Measures in Public Health Emergencies. *Health Law*. No. 2. DOI: [10.19752/j.cnki.2097-5058.2025.02.009](https://doi.org/10.19752/j.cnki.2097-5058.2025.02.009)).