

Ensuring Government Crisis Responses Do Not Come at the Expense of Human Rights

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Melbourne has had one of the longest lockdown periods in the world, even though daily cases of COVID-19 have fallen from a peak of more than 700 to weeks without a single case.

To put that in context, in the United States, where there has been a varied and inconsistent government response to the pandemic, more than 250,000 people have died and thousands are being diagnosed daily, with no signs of the spread slowing.

Despite the undoubted challenges of restrictive lockdowns and border closures, public response to the government-imposed measures have been broadly accepted, although support has waned over time. The right to health is considered by Australians to be of extremely high importance.

But what sits uncomfortably with me is overreach from government or its agencies – which can be a slippery and almost imperceptible slope.

Amnesty has acknowledged the need for restrictions on movement in response to a one-in-100 year pandemic, but the public health response should be proportionate, protect the most vulnerable and applied with common sense. That is, human rights are central.

Yet what we have noted at Amnesty International is that the Covid response has unfairly targeted the vulnerable people in our community.

When the public housing towers were put into hard lockdown in Melbourne without warning, it was some of our poorest migrant and multicultural communities most affected. Similarly, the NSW burghers of Mosman and Bondi saw few Covid fines, yet Mt Druitt and Kempsey attracted the most fines, as indigenous communities, young people, particularly young men, and our poorest suburbs were clearly targeted by [police](#).

What is clear through the COVID response in Australia, it has largely been successful because of the goodwill of people, who have largely adhered to the public health directions. Yet this goodwill has not always been reflected by the police or some arms of government.

The public trust in police is absolutely essential for managing this crisis, and controversial early incidents directly undermine this goal. Clear guidelines were needed to clarify both to the public and the police, where the lines of responsibility lay in COVID-19. Yet these guidelines were never released, leaving both the public and the police unclear on their responsibilities.

Similarly, the responsibility of government to ensure it can deliver on its obligations to protect public safety is contingent not just on it doing so, but on how it is seen to be doing so. Yet transparency and accountability have clearly been dented during the pandemic response.

And when it comes to climate change, governments also have a crucial role to play in protecting human rights.

The climate crisis affects our rights to life, health, livelihoods, housing, food, water, sanitation, among many others, and disproportionately affects those who are already disadvantaged or facing discrimination.

Governments have a human rights duty to address the climate crisis. In Australia, Commonwealth and state governments need to do so much more.

The Commonwealth government must adopt and implement more ambitious targets to reduce Australia's greenhouse gas emissions, in order to contribute to limiting the rise in global average temperature to no more than 1.5°C to protect human rights and our precious, unique ecosystem.

Australia has the additional obligation to step up its national climate adaptation and disaster preparedness programs to minimise the impact of the climate crisis on human rights.

Government responses to any crisis such as the pandemic, climate change or indeed the over-representation of Indigenous people in custody or the detention of people seeking asylum underscores the need in Australia for a human rights act.

The government has a very clear role to play in balancing its responsibilities with the rights of all human beings. Everyone in Australia should have the same fundamental human rights in law.

One overarching human rights act is a simpler and more effective way to make our governments accountable to protecting our safety in a transparent manner.

Human rights acts have been proven to be successful internationally, and at a state level, it is time to legislate federally.

By protecting our rights under a Human Rights Act all our lives are better and we can create a better world for ourselves and our fellow human beings.