

**AMNESTY
INTERNATIONAL**



Coronavirus: the effect on human rights

As the COVID-19 pandemic spreads, people across the world face the devastating impact it is having now on families, friends and communities, and will continue to have long into the future.

This is a human rights crisis in the most immediate sense – and a reminder of our common humanity and that we are all equal in dignity and human rights.

The international human rights system as we know it today was born from the lessons of the 1930s and 1940s and the hopes of a better future. Today, human rights are central to the situation we all face.

At their heart, human rights are both a protection from the power of the state and a demand that our governments use their considerable power to protect our lives, health and wellbeing.

In the next days and weeks, Amnesty International Australia will analyse developments from a human rights perspective and publish updates. And as we do this, we will continue to scrutinise the actions of governments here and elsewhere in the world.

What we want to see from the government

All of us in Australia have responsibilities towards each other in this crisis, but our government has an overarching duty to protect our health, wellbeing and our human rights.

Australia's Government can only fulfil this duty if it puts human rights at the centre of its response and this must be a central consideration in all decisions of the National Covi-19 Coordination Commission.

In introducing emergency measures, it is vital from the outset that the Australian Government ensures human rights are at the forefront of all prevention, preparedness, containment and treatment efforts, in order to best protect public health, welfare, and support the groups and individuals most at risk.

We welcome the Australian government's initial stimulus packages - and its support for some particularly vulnerable groups, such as the unemployed and those whose jobs have been recently taken from them - and those whose are still in doubt.

Yet others in our community desperately support. Indigenous communities, particularly those in remote areas, people living with disabilities, women and children who may face a heightened risk of domestic violence, those in custody, and those recently arrived in Australia all need urgent, targeted assistance too.

We need full economic support to protect people's right to a home, to work and to an adequate standard of living. The Australian Government will need to take action and extend the arms of state protection and support, more widely than ever before.

These measures must focus first and foremost on the most vulnerable, those who are already struggling and those who are least protected.

Who are those most at risk?

The virus doesn't discriminate, although we do know that certain groups appear to be at greater risk of severe illness and death. According to the WHO, older people and people with pre-existing medical conditions (such as asthma, diabetes or heart disease) seem to be more vulnerable to becoming severely ill with the virus. Similarly other groups that Amnesty International works with are raising serious concerns for us about the information they are receiving and

First Australians

More than two centuries of dispossession has left many First Nations' people still living in chronic poverty - and the myriad complications, including poor health outcomes, such a situation forced upon these children, women and men. Remote communities, with limited access to internet and education are further disadvantaged and must be prioritised in providing educational opportunities for children, and improved health care. Most importantly, income injections must be delivered as soon as possible. Similarly overcrowding in some communities has been an ongoing issue that Governments have failed to address. With the current social distancing guidelines, this issue is now critically urgent.

People living in poverty

Australia has been shocked by the mass unemployment we have witnessed in recent days. Yet people who were already living in poverty and homelessness will now find it much harder to access preventive and support measures. They may be homeless, previously unemployed, enduring mental health issues, managing a disability or in other difficult situations. Increases in the unemployment benefit payments and extension to students and other similar measures are welcome, yet many of our previously vulnerable communities are now in far greater danger.

Our Government must urgently increase support to social service organisations to assist these vital frontline services and the people they are already struggling to assist.

The Prime Minister must act to increase the commitment to supporting casual workers, those working on precarious contracts - often without sick pay or a safety net. While there has been rapid response to economic considerations, it is now vital that the government give equal focus to supporting those most vulnerable.

Supporting women, children and those at risk of domestic violence

Despite the increase in prominence of domestic violence in our communities, we have seen a steady decrease of support services for women and children escaping domestic violence. In countries which have already been in lockdown, refugees and women's organisations have been raising awareness of the challenges of self-isolation for women living with violent and controlling partners. In Australia organisations working on domestic violence are chronically underfunded and, to date, no additional provision has been made to cope with the impact of coronavirus. The Australian Government needs to establish an emergency fund to increase support to these vital services and work to make available safe places for people facing domestic violence to seek safety.

A shortage of care services (childcare, healthcare, elderly care) will have a disproportionate impact on women as providers of unpaid care work. Coronavirus will exacerbate a situation where cuts to public spending have already fallen on women. The UN Committee on the Elimination of Discrimination Against Women (CEDAW) has reiterated its previous concern (dating back to 2009) about the disproportionately negative impact of austerity measures on women, who constitute the vast majority of single parents and are more likely to be engaged in informal, temporary or precarious forms of employment.

Support for vulnerable refugees and people seeking asylum

Amnesty International and its partners have documented for years the poor treatment of undocumented and irregular migrants and their exclusion from services such as healthcare and basic income support.

The pandemic intensifies the risks these measures present to many already vulnerable people, and should the virus take hold in these communities, its effects on the wider public. More than 1400 people are currently held in various detention facilities in Australia. If the virus takes hold in these centres, the lives of not only those people detained and the people who guard and provide services there will be at risk, but the spread of the virus in such circumstances could pose further risk to the entire Australian community. All in these places of detention need to be urgently released into the care of our community.

It is vital that their impact is urgently assessed and mitigated to ensure individual and public health. There should be no barrier to health care or a basic income at this time.

Protecting young people in the justice system

Amnesty International has highlighted the high remand rates of children in the justice system for many years. Around 60% of young people in youth prison are on remand - that is, they are yet to be found guilty of a crime. Even worse is that nearly 50% of these children are never found guilty. These young people are now at high-risk of the health implications of COVID-19 . All jurisdictions should immediately release children on remand. Furthermore, children who are not on remand should also be immediately released where it is not a risk to the community.

Guaranteeing housing for vulnerable renters

The Tasmanian Government has legislated for a 120-day moratorium on the eviction of tenants for not being able to pay their rent. This is a sensible move that will help guarantee housing for vulnerable people facing financial difficulty. Evicting people in a time of such uncertainty will drastically increase homelessness rates, and also have an effect of health and domestic violence. All State and Territory governments should legislate a moratorium of at-least 120-days on evictions.

How should the most vulnerable be protected?

We know that there were already great challenges for vulnerable populations in Australia before this pandemic arose. Now these challenges are going to become acute.

Human rights oversight for the vulnerable - and for us all

We call on the Australian Government to include in the terms of reference for the National Commission it has established to oversee the COVID-19 response, to advance the interests and rights of vulnerable communities in Australia as the pandemic and the Government and private sector response continues. Measures are needed to protect the public from the spread of COVID-19 but these measures must be balanced against the human rights we all expect.

The COVID-19 pandemic is developing rapidly and the reactive response from Australia's Governments, both federal and state, must be monitored against the rights of us all, particularly the most vulnerable, and the responsibilities our Government has to protect those rights.

How we're coming together

While we see the stories of incidents of racism – acts driven by fear and ignorance – we also see how communities have come together to support one another, through individual and collective acts of kindness, whether looking out for elderly neighbours or our public demonstrations of appreciation for our vital and vulnerable health workers. We're proud that Amnesty International groups and activists are playing their part, offering support to those most in need in their communities.

Coronavirus Emergency Powers

In these exceptional circumstances and the public health emergency, the government is considering introducing various emergency powers. Any such move must be done with primary concern for protecting and respecting our human rights. These measures must be temporary, be subject to regular scrutiny, and undergo genuine review before any extension. The provisions in any such Bill must be proportionate and any derogations of human rights must only be in accordance with international human rights law.

Other states have responded to this crisis by increasing mass surveillance measures, including using counter-terrorism software to track people's metadata. Any attempts by the government to increase surveillance measures in Australia must be proportionate to the risk presented by COVID-19, respectful of human rights, and timebound to the pandemic. The government must regularly revisit the measures to ensure they are still needed as the pandemic evolves and are necessary to protect public health. Mass surveillance measures must be subject to Parliamentary scrutiny and sunrise clauses..

What must be done next

We welcome measures including banks providing mortgage relief and government support for businesses to keep people employed – but Amnesty remains concerned by the significant gaps, including for the not for profit and charity sector that are enduring the impacts of reduction in volunteers due to the isolation measures, and an increasing demand on their services.

Australia will survive the COVID-19 outbreak, not least thanks to our committed front-line services personnel, who put their lives on the line to deliver our right to health and safety.

But more than ever before, we need the Australian government to do more to protect those who are already highly vulnerable, as well as those who may become so in the weeks and months ahead.