

**AMNESTY
INTERNATIONAL**



Submission to the
SELECT COMMITTEE ON COVID-19 INQUIRY INTO THE
GOVERNMENT'S RESPONSE TO COVID-19

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About Amnesty International

Amnesty International is the world's largest independent human rights organisation with over seven million supporters in more than 160 countries around the world.

Amnesty International is a worldwide movement to promote and defend all human rights enshrined in the *Universal Declaration of Human Rights* (UDHR) and other international human rights instruments. Amnesty International undertakes research focused on preventing and ending abuses of these rights.

Amnesty International is impartial and independent of any government, political persuasion or religious belief. Amnesty International Australia does not receive funding from governments or political parties.

1. Summary

- 1.1 Amnesty International welcomes the opportunity to submit to the Parliamentary Joint Committee on Human Rights in relation to the government's response to COVID-19.
- 1.2 Ultimately, all measures taken by the government to address the spread of COVID-19 must align with its obligations to uphold human rights standards. The government must also take necessary steps to ensure that vulnerable people in the community are not adversely affected by the implementation of such reforms. No one should be defined by their rights because of who they are, where they live, or what they do.
- 1.3 Questions have already been raised by individuals and civil society about new legislation and reforms that have adversely affected the homeless, people with a disability, people from a culturally diverse background, Indigenous people, and health workers.
- 1.4 Some groups are at greater risk of severe impact if they contract the virus, including older persons and persons with prior health conditions. Others are at greater risk of contracting the virus because of where they live and the preventive measures they have access to: for example, Indigenous people, people in prisons and other detention facilities, people who are homeless, and people who work in environments where there is no physical distance between co-workers, may face difficulties self-isolating or ensuring social distancing, and hence face a greater risk of exposure to the virus. Similarly, people living in poverty may not be able to afford necessary preventive equipment or have access to adequate health, water and sanitation facilities.
- 1.5 The lockdown measures that have been imposed to reduce the spread of the virus are particularly adversely impacting the livelihoods of people with precarious work arrangements and those with little or no social security protections, including people in the informal sector, working in the 'gig' economy, irregular migrants, sanitation workers, and migrant workers. And groups that have faced structural discrimination and marginalisation may feel compounded effects in this context, including in terms of access to health care as well as social security protections.
- 1.6 This submission outlines a number of recommendations for the government to consider in order for it to take measures to uphold its human rights obligations.

Recommendations

- (1) The Australian Government must ensure that human rights must be at the centre of all prevention, preparedness, containment, and treatment efforts in order to best protect public health and support the groups and people who are most at risk.
- (2) The Australian Government must base all decisions related to COVID-19 on scientific evidence and neither arbitrary nor discriminatory in application, and be, of limited duration, respectful of human dignity, subject to independent review, and proportionate to achieve the objective.

In regards to particular rights that must be protected, Amnesty International recommends the following reforms and strategies to protect human rights during the government's response to COVID-19:

- (3) The Australian Government must ensure that cost is not a barrier to accessing prevention, treatment or care; and that everyone has access to health care free from discrimination – including preventive care, testing, treatment, and any future vaccines and cures for COVID-19 – and this should be available, accessible, affordable, and of good quality, inclusive to all without any discrimination.
- (4) The Australian Government must ensure that easy, accessible, timely and meaningful information concerning the nature and level of the health threat, the possible measures to be taken to mitigate risks, early warning information of possible future consequences and information on ongoing response efforts. Information should be available in the languages necessary to meet the various needs of those affected, and through media and in formats that can be easily understood and accessed, so that those affected can fully participate and take informed decisions in the response efforts.
- (5) The Australian Government must ensure that health workers, and other workers in sectors deemed “essential” have access to adequate and quality personal protective equipment, information, training and psychosocial support, including where necessary, through passing regulations that ensure that private sector entities provide their employees with these materials.
- (6) The Australian Government must ensure that no one is left in a position of increased vulnerability to COVID-19, including by being evicted for their ability to pay rent or mortgage. Any moratorium on evictions must apply for the duration of the pandemic; and an appropriate period afterwards to ensure people remain safe from homelessness.
- (7) The Australian Government must ensure that Indigenous people living in remote communities have support for them to obtain accommodation that allows them to self-isolate, or other restrictions implemented by the State.
- (8) The Australian Government must urgently put in place adequate, affordable and safe water and sanitation facilities in order to ensure that those who are homeless or living in remote housing, such as Indigenous communities, are able to wash their hands and maintain the necessary levels of hygiene to protect themselves from COVID-19. These facilities must be located in places which are safe and accessible to all, including women, older people, people with disabilities, and children, and are designed in a manner that allows people to effectively protect themselves from the infection.
- (9) The Australian Government must ensure that at a minimum, people who are homeless, showing symptoms of and infected with COVID-19 and those who belong to ‘high risk’ groups are provided with emergency accommodation where they are able to protect and isolate themselves. They must also have access to adequate health care and treatment.
- (10) The Australian Government must also ensure that all homeless people and those living in remote housing, such as Indigenous communities, have access to up-to-date information on COVID-19 and its symptoms, high risk groups, measures that have been put in place to help ensure that they can protect and/or isolate themselves, and where and how they may seek advice, and support including adequate health care and treatment.
- (11) The Australian Government, when responding to COVID-19, must identify the impact of certain restrictions on movement on people’s livelihood which could

then impact a range of human rights including the right to food, housing, water and sanitation, health and education, and mitigate these to the extent possible, including by modifying measures introduced to protect public health wherever possible to account for their specific circumstances.

- (12) The Australian Government must ensure that any assistance and benefits provided must be sufficient to guarantee at the minimum, the right to an adequate standard of living taking into account the particular circumstances of the individual and any dependents including older persons, persons with disabilities, and children, that the individual may be supporting.
- (13) The Australian Government must, in the longer term, ensure that any plans to address the economic consequences of the pandemic do not have a regressive impact on people's right to an adequate standard of living, and on the contrary, bolster this right, in particular groups that are more economically vulnerable.
- (14) The Australian Government must coordinate with the states and territories to work with teachers, their professional associations, communities and parents, to explore innovative ways to provide access to education such as distance learning using accessible technology.
- (15) The Australian Government should monitor businesses and ensure that any reorganization of activities, such as changes in working hours, in salaries and pay, etc, in the context of this pandemic is consistent with human rights law and international labour standards, including on safe working conditions, pay, flexible work, and redundancies.
- (16) The Australian Government must ensure that its JobKeeper program and any other social security programs are equitable and focuses particularly on supporting the most vulnerable.
- (17) The Australian Government should urgently mobilize their financial resources to help countries combat the pandemic, including by providing loans and financial assistance in a short time frame and at concessional rates. This assistance should be consistent with human rights standards, keeping in mind the particular needs of specific, marginalized groups and those who have been worst impacted.

2. Human Rights-focussed Response

- 2.1 Human rights must be at the centre of all prevention, preparedness, containment and treatment efforts in order to best protect public health and support the groups and people who are most at risk. Ultimately, all measures taken by the government to address the spread of COVID-19 must align with its obligations to uphold human rights standards.
- 2.2 While exceptional measures being implemented by states to contain the pandemic recognise restrictions on some rights can be justified when they have a legal basis, all activities implemented under COVID-19 must be strictly necessary, based on scientific evidence and neither arbitrary nor discriminatory in application. Any measures must be, of limited duration, respectful of human dignity, subject to independent review, and proportionate to achieve the objective.

Recommendation 1: The Australian Government must ensure that human rights must be at the centre of all prevention, preparedness, containment, and treatment efforts in order to best protect public health and support the groups and people who are most at risk.

Recommendation 2: The Australian Government must base all decisions related to COVID-19 on scientific evidence and neither arbitrary nor discriminatory in application, and be, of limited duration, respectful of human dignity, subject to independent review, and proportionate to achieve the objective.

3. Right to Health

- 3.1 The COVID-19 pandemic has emphasised the importance and urgency of ensuring that all people's - despite their background or situation - right to health is protected. Several challenges have already arisen that the Australian government needs to address.
- 3.2 Shortages of essential protective equipment such as masks, sanitizers, testing kits and gloves, and of equipment such as ventilators, will affect the effectiveness of medical frontline response to COVID-19 cases. This is particularly of concern in rural and regional Australia, and in remote Indigenous communities.
- 3.3 The diversion of health care capacity to respond to the pandemic may lead to struggles with accessing regular, non-COVID-19 related care, including people with chronic health conditions and people who are pregnant.
- 3.4 Certain groups have found it harder to protect themselves from the virus and therefore have their right to health at risk: for example, if they are unable to self-isolate because they live in unsafe or overcrowded environments, such as Indigenous people in remote communities, people who are homeless, people living in crowded refugee camps, people in prisons or alternate places of detention.
- 3.5 People who cannot afford protective equipment also have their right to health at risk.
- 3.6 For groups who already faced discrimination and barriers in accessing health care, there is a risk that the pandemic and the government's' responses to it, will exacerbate these challenges. For example, persons living with certain disabilities may find it harder to attend phone or online consultations with their physicians.
- 3.7 The right to health includes the protection of occupational health, including the working conditions of health workers and staff in other essential sectors who face heightened exposure to the virus as a result of doing their jobs. In the UK, at least 100 health workers have died from coronavirus¹; this must be avoided in Australia.

¹ Marsh, Sarah; *At least 100 UK health workers have died from coronavirus, figures show*, 2020, available at: <https://www.theguardian.com/world/2020/apr/20/at-least-100-uk-health-workers-have-died-from-coronavirus-figures-show>

Recommendation 3: The Australian Government must ensure that cost is not a barrier to accessing prevention, treatment or care; and that everyone has access to health care free from discrimination – including preventive care, testing, treatment, and any future vaccines and cures for COVID-19 – and this should be available, accessible, affordable, and of good quality, inclusive to all without any discrimination.

Recommendation 4: The Australian Government must ensure that easy, accessible, timely and meaningful information concerning the nature and level of the health threat, the possible measures to be taken to mitigate risks, early warning information of possible future consequences and information on ongoing response efforts. Information should be available in the languages necessary to meet the various needs of those affected, and through media and in formats that can be easily understood and accessed, so that those affected can fully participate and take informed decisions in the response efforts.

Recommendation 5: The Australian Government must ensure that health workers, and other workers in sectors deemed “essential” have access to adequate and quality personal protective equipment, information, training and psychosocial support, including where necessary, through passing regulations that ensure that private sector entities provide their employees with these materials.

4. Right to Housing

- 4.1 According to the UN Special Rapporteur on Housing, “Housing has become the front-line defence against the coronavirus. Home has rarely been more of a life or death situation.”² It is important that the Australian Government respect, protect and fulfill the right to adequate housing for all without discrimination.
- 4.2 The Australian Government has an obligation to ensure that everyone, without discrimination, has a place to live in security, peace and dignity. Under this right, governments also have the obligation to ensure that no one is forcibly evicted from the home or land that they occupy without due process.
- 4.3 States and territories have moved to establish a moratorium on evictions.³ The length of these moratoriums are different amongst the jurisdictions. These moratoriums must stay in force for the entire duration of the pandemic, and a period after it to ensure housing security.
- 4.4 The right to housing must extend to include housing that allows for social distancing. There are reports from around the country, including in South Australia,⁴ of Indigenous communities seeking assistance to find accommodation where they can safely

² United Nations Office of the High Commissioner, 2020, *Housing the frontline defence against the COVID-19 outbreak, says UN expert*, available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25727&LangID=E>

³ Tenants Union, 2020, *What you need to know: COVID-19 and renting*, available at:

<https://www.tenants.org.au/blog/renting-and-covid-19-information>

⁴ Allam, Lorena, 2020, *Indigenous elders ask to be evacuated from remote communities over coronavirus fears*, available at:

<https://www.theguardian.com/australia-news/2020/apr/03/indigenous-elders-ask-to-be-evacuated-from-remote-communities-over-coronavirus-fears>

self-isolate.

Recommendation 6: The Australian Government must ensure that no one is left in a position of increased vulnerability to COVID-19, including by being evicted for their ability to pay rent or mortgage. Any moratorium on evictions must apply for the duration of the pandemic; and a significant period afterwards to ensure people remain safe from homelessness.

Recommendation 7: The Australian Government must ensure that Indigenous people living in remote communities have support for them to obtain accommodation that allows them to self-isolate.

Recommendation 8: The Australian Government must urgently put in place adequate, affordable and safe water and sanitation facilities in order to ensure that those who are homeless or living in remote housing, such as Indigenous communities, are able to wash their hands and maintain the necessary levels of hygiene to protect themselves from COVID-19. These facilities must be located in places which are safe and accessible to all, including women, older people, people with disabilities, and children, and are designed in a manner that allows people to effectively protect themselves from the infection.

Recommendation 9: The Australian Government must ensure that at a minimum, people who are homeless, showing symptoms of and infected with COVID-19 and those who belong to 'high risk' groups are provided with emergency accommodation where they are able to protect and isolate themselves. They must also have access to adequate health care and treatment.

Recommendation 10: The Australian Government must also ensure that all homeless people and those living in remote housing, such as Indigenous communities, have access to up-to-date information on COVID-19 and its symptoms, high risk groups, measures that have been put in place to help ensure that they can protect and/or isolate themselves, and where and how they may seek advice, and support including adequate health care and treatment.

5. Right to Adequate Standard of Living

- 5.1 The right to a standard of living underpins many socio-economic rights and includes access to adequate food, clothing, housing, medical care and social services, as well as security in the event of loss of livelihood, whether because of unemployment, sickness, disability, old age or any other reason.
- 5.2 The Australian Government's response to COVID-19 has impacted people's ability to work, and forced businesses to temporarily close, and make cuts to staffing. For instance, restaurants or small businesses which cannot operate may have to let go of staff because they can't afford to pay them anymore. People who are self-employed,

work in the 'gig'-economy, have precarious or insecure work arrangements, and work in the informal sector (including daily wage labourers, construction workers, and domestic workers) are at greater risk of having their livelihoods disrupted.

- 5.3 The Australian Government has responded to the pandemic with an economic stimulus package designed to alleviate as many of these issues as possible. It is important that this support reaches as many people as possible, and is particularly focussed on reaching vulnerable communities.
- 5.4 Support may include, but is not limited to, expanded benefits; direct cash transfers; moratoriums on private debt repayments and utility bills; emergency financial assistance; emergency food support; etc.

Recommendation 11: The Australian Government, when responding to COVID-19, must identify the impact of certain restrictions on movement on people's livelihood which could then impact a range of human rights including the right to food, housing, water and sanitation, health and education, and mitigate these to the extent possible, including by modifying measures introduced to protect public health wherever possible to account for their specific circumstances.

Recommendation 12: The Australian Government must ensure that any assistance and benefits provided must be sufficient to guarantee at the minimum, the right to an adequate standard of living taking into account the particular circumstances of the individual and any dependents including older persons, persons with disabilities, and children, that the individual may be supporting.

Recommendation 13: The Australian Government must, in the longer term, ensure that any plans to address the economic consequences of the pandemic do not have a retrogressive impact on people's right to an adequate standard of living, and on the contrary, bolster this right, in particular groups that are more economically vulnerable.

6. Right to Education

- 6.1 Schools across Australia have been closed down in an effort to contain or delay the spread of the virus. Remote learning is being used as an alternative to physical schooling by many schools.
- 6.2 Not all families have the adequate access to the technology required for children to access remote learning. At the same time, home schooling or long-term childcare, is not feasible for many families who have to continue to work despite the risks.
- 6.3 The result is that thousands of children across the country could be denied access to education for weeks, or even months.

Recommendation 14: The Australian Government must coordinate with the states and territories to work with teachers, their professional associations, communities and parents, to explore innovative ways to provide access to education such as distance learning using accessible technology.

7. Rights to and at Work, and Social Security

- 7.1 Workers in certain sectors are continuing to work, either because their jobs do not offer the flexibility to work remotely or because their roles are deemed “essential”. They are at heightened risk of exposure to COVID-19 and should have access to means of protecting themselves.
- 7.2 Several measures that have been introduced with the aim of protecting public health – such as travel bans, quarantines, limitations on public gatherings etc. – can adversely impact people’s rights to and at work.
- 7.3 Furthermore, there are reports of businesses having to make staff redundant, and of limited job opportunities during these uncertain times, which underscore the need for strong labour rights protections and social security.

Recommendation 15: The Australian Government should monitor businesses and ensure that any reorganization of activities, such as changes in working hours, in salaries and pay, etc, in the context of this pandemic is consistent with human rights law and international labour standards, including on safe working conditions, pay, flexible work, and redundancies.

Recommendation 16: The Australian Government must ensure that its JobKeeper program and any other social security programs are equitable and focuses particularly on supporting the most vulnerable.

8. International Cooperation and Assistance

- 8.1 Human rights cannot be fully realized without international cooperation and assistance. National authorities must, to the maximum of their ability, provide assistance and protection of people threatened by this public health emergency, and put in place preparations for the threat of such emergencies.
- 8.2 All countries that have the ability to assist other countries must do so as swiftly as possible. The response must itself be rights-respecting and should take account of long-term as well as immediate needs, keeping in mind the particular needs of specific, marginalized groups.

Recommendation 17: The Australian Government should urgently mobilize their financial resources to help countries combat the pandemic, including by providing loans and financial assistance in a short time frame and at concessional rates. This assistance should be consistent with human rights standards, keeping in mind the particular needs of specific, marginalized groups and those who have been worst impacted.

9. Conclusion

- 9.1 In responding to the COVID-19 crisis, the Australian Government must do all it can to uphold the rights to health, housing, water and sanitation, adequate standard of living, education, work and social security.

- 9.2 The Australian Government also has an obligation to uphold many socio-economic rights that underpin these rights, including access to adequate food, clothing, housing, medical care and social services, as well as security in the event of loss of livelihood.
- 9.3 The Parliamentary Joint Committee on Human Rights, and the Select Committee on COVID-19, must scrutinise the Australian Government's response to COVID-19 and to ensure that it fulfil its human rights obligations.