

General Comment by Australia

on the Human Rights Council President's Statement on the Human Rights Implications of COVID-19

Australia thanks the President of the Human Rights Council for her leadership on this Statement on the human rights implications of the COVID-19 pandemic. We share the concerns over the implications for human rights of the pandemic and responses to it, and support the role of the Human Rights Council and its mechanisms in responding to these, as outlined in the Statement.

For this reason we are pleased to give the Statement our endorsement. It demonstrates critical unity over the importance of upholding commitments to individual human rights in the face of unprecedented global adversity.

Like many countries, Australia has implemented measures to slow the spread of COVID-19. These are unprecedented times and all states – Australia included – have been required to act quickly to protect lives and livelihoods. We all need to be aware of the potential for negative impacts of our necessarily restrictive measures on human rights, which are indivisible, universal and inalienable. While we accept certain restrictions are necessary to protect the health of our citizens, it is vital that restrictions are implemented in order to protect public health, save lives, and promote recovery without perpetuating and exacerbating discrimination and inequality. As outlined in the Statement, governments must ensure COVID-19 emergency measures are proportionate, transparent, non-discriminatory and temporary, and comply with international human rights obligations.

The COVID-19 pandemic has demonstrated the critical importance of respecting, promoting and protecting all human rights for all people. Australia believes that individuals and communities with full access to their human rights are best placed to respond and overcome the challenges posed by the COVID-19 pandemic.

Emergency measures should not exacerbate gender inequalities or discrimination against minorities; restrict access to critical and accurate information or unlawfully limit freedom of expression; or arbitrarily restrict equal access to health services, including for sexual and reproductive health. Measures are needed to mitigate the pandemic's disproportionate impacts on women and girls, on marginalised groups, including persons with a disability, and others who may be in vulnerable situations.

The Statement's recognition of the roles of the High Commissioner, the Human Rights Council and its mechanisms in highlighting the human rights implications of the pandemic, and guiding human-rights compliant responses, is critical. There must be accountability for human rights violations and backsliding during the pandemic, such as intimidation of human rights defenders; disproportionate restrictions on freedoms of expression, opinion, movement and association; arbitrary and unlawful compromising of the right to privacy; undemocratic elections; enabling of rule by decree; arbitrary detention of opposition figures; and compromising of due process and the legal rights of detainees, including Australians unjustly detained abroad.

Australian is closely monitoring the human rights-related implications of COVID-19 globally. We will continue to express our concerns and urge states to protect and uphold human rights as we collectively address the immediate and long-term impacts of the COVID-19 pandemic.

We thank the President of the Human Rights Council, and all States that worked together in good faith, for this initiative to provide lasting guidance and reassurance during these challenging times.