



Roundtable Summary – Human Rights and Trust in Government

Date: Monday 17 June 2024

Hosts: Ms Robyn Kruk AO, Panel Chair, and Professor Catherine Bennett, Panel Member, Commonwealth Government COVID-19 Response Inquiry

Participants: This roundtable brought together participants from human rights and civil liberties advocacy groups and academia.

Purpose of this roundtable

- During the COVID-19 pandemic, some government decisions led to people experiencing significant restrictions on their rights and freedoms. Concerns have been raised that these restrictions were poorly justified, disproportionate to the risk, inconsistently applied across the country and that specific cohorts in the community were impacted more than others.
- Human rights and civil liberties advocates noted there were many lessons to be learned from peoples' experiences. These lessons may support governments at all levels to give more weight to the impacts on peoples' rights in future decision-making to ensure responses are proportionate and minimise unintended, negative and inequitable consequences of public health restrictions, and inform mitigation measures that need to be put in place concurrently.
- This roundtable provided participants with the opportunity to discuss the effectiveness and impacts of the Australian Government's response during the pandemic. Participants were encouraged to provide suggestions on how Government could take a more transparent, proportionate and human rights- focused approach to decision-making in a future crisis to promote trust in government.

What we heard at the roundtable

- Embedding human rights into government decision-making processes will:
 - strengthen the quality of existing government decision-making processes
 - improve government accountability
 - focus strategies on leveraging community engagement instead of enforcement, and
 - build greater community trust in decision-making. For example, the vaccine rollout could have been better organised, prioritised and implemented if the government's approach had been considered within a human rights framework.

COVID-19 Response Inquiry

- Trust in government needs to be rebuilt and sustained, and human rights compliance and consultation with community will be central to recovery.
- Pandemic responses should be kept within frameworks that have human rights protections built in. For example, JobKeeper was an important support, but sat outside social security systems, so there was a lack of clarity about protections available and rights of appeal.
- In situations during pandemics where there are competing rights (e.g. Australian citizens' right of entry when stranded overseas versus the risk of increasing exposure to the virus in Australia), a human rights lens would assist a balanced assessment of risk in decision-making.
- While acknowledging there was a need for urgent action to be taken in some instances, the Australian Government needed to listen more to communities, particularly on COVID-19 issues that affected some cohorts more than others. Policies such as public health orders were changing frequently throughout the pandemic and public information channels with at risk communities were limited or non-existent when the pandemic unfolded.
- The Australian Government needs to establish and maintain regular community engagement channels. In a future emergency, Government will then be able to use those channels to seek real-time input for decision-making. This would help the Government to better understand potential human rights impacts on different communities and how best to balance any competing rights.
- Looking forward, there needs to be more open and frank communication with the public on government decision-making processes. All levels of government should explain why decisions are made and say what kind of circumstances could lead to a change in their decision, or to the end of the intervention.
- In some parts of the country, there was a strong focus on a criminal justice response to the pandemic, rather than a health response. This was more problematic in communities struggling to keep up with the changing complexity of public health orders, including the risk of self-incrimination if providing information to contact tracers regarding their movements. This impacted trust in the police and the health authorities.
- The reliance on a policing 'law and order' model was more apparent in some communities. Particular cohorts appeared more impacted including First Nations people and those who were most likely to be out of the home such as youth and people experiencing homelessness. These cohorts were subjected to disproportionate policing.
- There needs to be real-time evaluation of public health measures and related policy decisions to determine if they are working as intended, to refine as the risk environment changes to minimise adverse outcomes, and to monitor and manage any unintended consequences.
- There needs to be a quicker response to problems that were raised by the public. During the pandemic, people were raising significant issues about how their rights and freedoms were being impacted by government decisions and frequently didn't receive a timely response from government on how their concerns were going to be addressed.

COVID-19 Response Inquiry

- Human rights considerations in decision -making during crises needs to be a part of pandemic planning, and practiced in pandemic exercises between health emergencies.
- A national human rights framework and/or federal Human Rights Act would ensure better and more consistent decision-making by the Parliament and the Australian Government. Decisions made by the Government would then be required to meet a human rights standard.
- Providing enforceable human rights standards would allow people to challenge potential breaches of their rights. This was not widely available during the pandemic (e.g. for residents in aged care facilities).