



# UNHCR

United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés

## UNHCR Regional Representation in Canberra

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Dear Committee Secretariat,

**Subject: Parliamentary Joint Committee on Human Rights consideration of legislation made in response to the COVID-19 pandemic**

The Office of the United Nations High Commissioner for Refugees (UNHCR) welcomes the opportunity to provide input to the Parliamentary Joint Committee on Human Rights in relation to human rights issues raised by the federal bills and instruments that have been made and continue to be made in response to the COVID-19 pandemic. UNHCR provides these comments as the agency entrusted by the United Nations General Assembly with responsibility for providing international protection to refugees and other persons within its mandate, and for assisting governments in seeking permanent solutions.

The COVID-19 pandemic is presenting States with an extraordinary and unprecedented public health emergency. It is a global challenge that can only be addressed through international solidarity and cooperation. To this end, I wish to express appreciation for measures taken by the Government of Australia in response to the COVID-19 pandemic to prevent the spread of the virus. Protecting all persons on the territory, irrespective of their legal status, is critical to a sound public health strategy. Accordingly, everyone needs to be included in national response plans, consistent with the UN Secretary-General's urging that governments take human rights-oriented responses that put people at the centre.

Asylum-seekers, refugees and stateless persons are often the most marginalized and vulnerable members of society. They are vulnerable to exclusion, discrimination and health risks, and thus are likely to be disproportionately impacted by this crisis. To avert a catastrophe, governments strive to do all they can to protect the rights and the health of such persons. A balanced approach that considers the long-term consequences and secondary impacts of the health crisis on such vulnerable groups is therefore critical.

Committee Secretariat  
Parliamentary Joint Committee on Human Rights  
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In line with the recent statement made by prominent UN human rights experts, everyone, without exception, has the right to life-saving interventions and the responsibility to realize this right lies with the government. Consequently, fees should be waived for COVID-19 testing and treatment, regardless of a person's legal status in the country. It is also recommended that a firewall be created between health and immigration services, allowing asylum-seekers, refugees, stateless persons and others to access services without fear that their information will be shared with immigration authorities. In turn, governments need to provide clear assurances to all groups that they will not face detention or other legal repercussions if they seek testing or medical care.

In Australia, a considerable number of asylum-seekers, refugees and stateless persons are in prolonged detention (some in excess of ten years); they are not considered legally resident and yet, are unable to return home because they are in need of international protection or because they have no nationality. At the same time, doctors and medical associations in Australia and around the world have raised concerns about the risk of spread of COVID-19 within detention centres. UNHCR strongly recommends that those in immigration detention for reasons related to their lack of legal status should be considered for release without delay.

As previously noted, asylum-seekers, refugees and stateless persons (including those at risk of statelessness) often already live on the margins of society and lack equal access to social services. More likely to be self-employed or employed in informal sectors, they cannot always adhere to public health protocols such as self-isolation and social distancing, making them more vulnerable to contracting the virus. It is recommended that government relief aid packages to those that have become unemployed be extended to everyone on the territory who meets the vulnerability criteria, regardless of legal status. Particular consideration should be given to those who are homeless and options for temporary housing should be supported where possible.

Further, in line with the recent statement by the UN Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related Intolerance, governments should also ensure that their response to the pandemic does not contribute to xenophobia and racial discrimination. If a certain population is facing a cluster of infections or is otherwise perceived to be at risk of contagion, actions and communication efforts need to forcefully discourage any discrimination or targeting of members of the group, or the group as a whole. In this vein, attention should be paid to those groups that are already marginalized or otherwise face discrimination.

Lastly, UNHCR urges the Government of Australia to ensure that all measures introduced in response to the COVID-19 pandemic meet international law and human rights standards and that the needs of refugees, stateless persons and all those seeking international protection are appropriately accommodated in accordance with the aforementioned recommendations.

I take this opportunity to renew my offer of support to the Committee and remain available should any further guidance be required.

Yours sincerely,

Louise Aubin  
Regional Representative