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Human rights scrutiny of Victoria's curfew is welcome and required

September 11, 2020



The Human Rights Law Centre today said that human rights scrutiny of Victoria's curfew was welcome and required.

Hugh de Kretser, Executive Director, said that government responses to COVID-19 had saved thousands of lives but it was

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important to test those responses against human rights laws to ensure restrictions are no wider than needed to combat the virus.

“Governments have human rights obligations to protect life and health. In a pandemic, these obligations must be balanced against other rights like freedom of movement, privacy and the right to equality.

“Under Victoria’s Human Rights Charter, the government can restrict other human rights in order to protect life and health but any restriction must be reasonable and the Government must use the lowest level of restriction to get the job done. There are serious questions about whether Victoria’s curfew meets this test.”

“A curfew is a very serious restriction on human rights. It must be justified on strong public health evidence. Reports that the Chief Health Officer did not ask for the curfew and that Victoria Police were not consulted raises questions about the justification for the curfew under Victoria’s Human Rights Charter and public health legislation. The Victorian Government should urgently review the need for the curfew against the standards in these laws.”

Victoria’s Charter of Human Rights and Responsibilities helps the Victorian Government to properly balance human rights. The Charter requires the Government to respect people’s rights. But it also allows it to restrict rights if it’s genuinely necessary to achieve a proper purpose and the restriction is no wider than needed for that purpose.

“Whether it’s about curfews, quarantine, border closures or masks, human rights provide a compass to guide governments in making the right decisions to respond to this pandemic. They help all of us assess whether our governments are doing enough, getting it right or going too far. They ensure that even in dark times like these, we hold on to the values we all share, like fairness, compassion, dignity and respect.”

“People in Victoria, Queensland and the ACT benefit from having human rights charters which protect their rights in law and which help governments make the right decisions in

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moments like this. But there is no charter at the national level or in all states and territories. An Australian Charter of Human Rights would help ensure at a national level that values like fairness, dignity and compassion are placed at the heart of government action.”

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 Covid19, Democratic Freedoms

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WARNING: This website may contain images or names of people who have passed away.