Immediate release – 15/04/2020

Media release

**COVID-19 Statement of Concern:**

**Human rights, disability and ethical decision-making**

Internationally recognised Australian experts in the areas of human rights, bioethics and disability have today released a Statement of Concern to emphasise key human rights principles and standards that need to underpin ethical decision-making in the context of disability and the COVID-19 pandemic.

There are much greater risks from the COVID-19 pandemic for people with disability; in particular, for older people with disability, First Peoples with disability, people with intellectual or psychosocial disability, those with chronic health conditions, co-morbidities, dependence on ventilators and compromised immunity.

Ms Rosemary Kayess,Vice-Chair, United Nations Committee on the Rights of Persons with Disabilities stated,“We welcome the development of the Management and Operational Plan for People with Disability as part of the Australian Health Sector Emergency Response Plan for COVID-19. However, we are concerned that any increasing demand on critical health treatment and intensive medical care will require decisions to be made about life-saving treatment that could seriously undermine the rights of people with disability.”

Professor of Bioethics, Jackie Leach Scully further outlined, “We are aware of international experience during this pandemic that shows that health directives and medical decision-making protocols demonstrate an underlying, pervasive and often unquestioned devaluing of people with disability. We are concerned, along with all people with disability, about similar ableist practices and protocols being replicated in Australia.”

Ms Robin Banks, former Tasmanian Anti-Discrimination Commissioner continued, “We believe it is critical that nationally consistent human rights principles and standards underpin any ethical decision-making frameworks to ensure the protection of the rights of people with disability.”

Signatories propose the following human rights principles for ethical decision-making:

1. Health care should not be denied or limited to people with disability on the basis of impairment.
2. People with disability should have access to health care, including emergency and critical health care, on the basis of equality with others and based on objective and non-discriminatory clinical criteria.
3. Health care should not be denied or limited because a person with disability requires reasonable accommodation or adjustment.
4. Health care should be provided on the basis of free and informed consent of the person with disability.
5. Health care should not be denied or limited based on quality of life judgements about the person with disability.
6. Ethical decision-making frameworks should be designed with close consultation and active involvement of people with disability and their representative organisations.

The signatories provide this Statement of Concern acknowledging the significant challenges faced by the National Cabinet, the State and Territory health care systems, and medical and health care professionals across Australia, and thank them for their efforts.

**Signatories:**

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**Andrew Byrnes**

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**Kevin Cocks AM**

Former Queensland Anti-Discrimination Commissioner

**Megan Davis**

Expert Member, United Nations Expert Mechanism on the Rights of Indigenous Peoples, UN Human Rights Council

Professor of Law, UNSW Law

**Graeme Innes AM**

Former Disability Discrimination Commissioner

**Rosemary Kayess**

Vice-Chair, United Nations Committee on the Rights of Persons with Disabilities

Senior Research Fellow, Social Policy Research Centre, University of NSW

2019 Australian Human Rights Medallist

**Ron McCallum AO**

Emeritus Professor and former Dean of Law, University of Sydney

Former Chair, United Nations Committee on the Rights of Persons with Disabilities

Senior Australian of the Year 2011

**Jackie Leach Scully FAcSS, FRSA**

Professor of Bioethics

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**The Statement of Concern is available here:**

[**https://dpoa.org.au/statement-of-concern-covid-19-human-rights-disability-and-ethical-decision-making/**](https://dpoa.org.au/statement-of-concern-covid-19-human-rights-disability-and-ethical-decision-making/)

This Statement of Concern was commissioned by: People With Disability Australia (PWDA); Women with Disabilities Australia (WWDA); National Ethnic Disability Alliance (NEDA); Australian Federation of Disability Organisations (AFDO); First Peoples Disability Network (FPDN); ACT Council of Social Service Inc. (ACTCOSS).