

Sustaining human rights through technology

In these grave times the whole of society is being asked and required to act in unprecedented ways that impinge on a whole range of fundamental human rights. The rationale for these wide-ranging constraints is the severe and potentially fatal risks posed by the coronavirus pandemic, and the welfare of the broader community in terms of disease transmission. These constraints are intended to be exceptional and temporary.

There is a risk that ostensibly temporary measures introduced in a time of national crisis will be used by zealous authorities to permanently alter the sensitive balance between the interests and rights of citizens and the powers of the State. This has been the case most recently with the progressive introduction of various counter-terrorism measures that have extended wide-reaching powers to authorities, including the expansion of the State's capacity for the mass surveillance of digital communications.

One of the most important protections against the abuse of power by authorities in a democracy is public accountability. Authorities can exercise temporary exceptional powers but must be held to public account for their actions in doing so. The same ubiquitous technologies that give authorities access to the digital communications of virtually every citizen can be used by citizens to hold authorities to account. Specifically, smartphones can and should be used by citizens to openly record interactions with authorities that are disrespectful or disproportionate.

The digital recording of interactions between citizens and authorities in this extremely difficult time could provide a powerful incentive for civility and propriety. Where abuses of power have occurred such evidence could ensure officials would be later held to account when the crisis has passed. In 2009 the Australian Human Rights Commission established an E-Forum to allow the community to participate in an important public discourse on cultural diversity. Is it time for the AHRC to establish a new E-forum for a public discussion on protecting against the abuse of authority in a time of national crisis, and on strategies to ensure the early restoration of fundamental human rights as the norm in Australia?