

Extra Notes on Human Rights

Violations of human rights

WHEREAS, administering, mandating, promoting and or encouraging experimental medical and or PIs and/or NPIs without obtaining lawful fully informed consent from the individual, freely given in accordance with International, European and UK laws and UK case law, is a prima facie breach of fundamental, inalienable human rights, including, but not limited to the following:

- the right to life,
- the right to bodily integrity,
- the right not to be tortured, degraded or given inhumane treatment and
- the right to provide informed consent freely given in accordance with the rule of law and medical ethics,
- the right to privacy
- the right to a family life

It is unlawful, illegal, immoral and unethical - see, inter alia, Montgomery v Lanarkshire Health Board (2015) (above); and

WHEREAS, violations of human rights not only contribute to and exacerbate poor health, but for many (including children, individuals with disabilities and other vulnerable individuals) the health care and education settings presents a risk of heightened exposure to human rights abuses - including coercive or forced medical treatment and procedures, pharmaceutical and non-pharmaceutical interventions - in breach of the Rule of Law; and

International, European and UK Human Rights laws

WHEREAS, the international law regarding human rights is set out in a number of International laws. The preamble to the Universal Declaration of Human Rights (1948) (the "UDHR") states, inter alia:

"WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the **foundation of freedom, justice and peace in the world,**

WHEREAS **disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind**, and the advent of a world in which human beings shall enjoy freedom of speech, and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common purpose,

WHEREAS, **it is essential, if man is not compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,**

WHEREAS, the peoples of the United Nations have in the Charter affirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the **equal rights of men and women** and have determined to promote social progress and better standards of life in larger freedom,

WHEREAS Member States have pledged themselves to achieve, in co-operation with the United Nations, the **promotion of universal respect for and observance of human rights and fundamental freedoms,**

WHEREAS **a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,**

Now, Therefore, THE GENERAL ASSEMBLY proclaims this UNIVERSAL DECLARATION OF HUMAN RIGHTS as **a common standard of achievement for all peoples and all nations**, to the end that **every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance**, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction."

<https://www.un.org/en/universal-declaration-human-rights/index.html> ; and

Human Rights - All humans are born free and equal in dignity and rights.

WHEREAS, Article 1 of the UDHR states:

"All humans are born free and equal in dignity and rights.

They are endowed with reason and conscience and should act towards each other in the spirit of brotherhood."; and

Human Rights - the Right to Self-Determination.

WHEREAS, Article 1 of the International Covenant on Civil and Political Rights (1966) (the "ICCPR") states:

"All peoples have the right to self-determination.

By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>; and

Human Rights - Everyone is entitled to ALL the rights and freedoms set out in International law.

WHEREAS, Article 2 of the UDHR states:

"Everyone is entitled to all the rights and freedoms set out in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

"Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."

This includes the UK.; and

Human Rights - the Right to Life, Liberty and Security of Person.

WHEREAS, Article 3 of the UDHR states:

"Everyone has the right to life, liberty and security of person."

The right to life and the right to security of person includes the right not to be experimented upon without providing informed consent, freely given. Medical treatment and procedures includes face masks, testing, vaccines/medical devices, isolation/quarantining/social distancing measures. The right to liberty includes the rights of the freedom to refuse to consent to be experimented upon or to receive medical treatments or procedures, freedom of movement, of association, of speech and of beliefs, and of other liberties. The current

school mandates for masks, testing and the policy of vaccinations at schools, the propaganda, teaching materials, coercive and other psychological and emotional techniques being used to obtain consent, is a prima facie breach of Article 3 of the UDHR. The provision of medical treatment or medical procedures without obtaining informed consent, freely given amounts to a prima facie breach of Article 3 of the UDHR.; and

Human Rights - the Right to Life shall be protected by law.

WHEREAS, Article 3 of the UDHR, is enshrined in the European Convention on Human Rights ("ECHR") in Article 2. the "Right to Life" :

"Everyone's right to life shall be protected by law.

No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction for a crime for which this penalty is provided by law."

The right to life cannot be derogated from under the UDHR - save in the execution of a sentence of a court following his/her conviction for a crime for which this penalty is provided by law. Under Article 15 of the ECHR, there is no right to derogate from the Right to Life - other than in lawful acts of war. **NOTE: there is no right to derogate from the Right to Life during a public health emergency**

https://www.echr.coe.int/Documents/Convention_ENG.pdf; and

Human rights - the Right not to be arbitrarily deprived of the Right to Life.

WHEREAS, Article 3 of the UDHR and Article 2 of the ECHR, are enshrined in Article 6 of the International Covenant on Civil and Political Rights (1966) which states, inter alia:

"Article 6.

1. Every human being has the inherent right to life.
This right shall be protected by law.
No one shall be arbitrarily deprived of his life.
3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorise any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide."; and

Human Rights - the Right not to be subject to Torture, Cruel, Inhumane or Degrading treatment or punishment.

WHEREAS, Article 5 of the UDHR states:

"No one shall be subject to torture or to cruel, inhumane or degrading treatment or punishment."; and

Human Rights - the Right not to be subjected to medical or scientific experimentation without his or her free consent.

WHEREAS, Article 5 of the UDHR is enshrined in Article 7 of the International Covenant on Civil and Political Rights (1966) (the "ICCPR"), which states:

"Article 7.

"No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment.

In particular, **no one shall be subjected without his free consent to medical or scientific experimentation.**"

No right to derogate even "in time of public emergency which threatens the life of the nation."

Under Article 4 of the ICCPR, there is no right to derogate from Article 7 - even "in time of public emergency which threatens the life of the nation".

"Article 4.2.

"No derogation from articles7...."

Article 5 of the ICCPR states:

"Article 5.

1. Nothing in this present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.
2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or customs to the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent." ; and

The Siracusa Principles - limitation and derogation provisions of the International Covenant on Civil and Political Rights

WHEREAS, in 1984, the American Association for the International Commission of Jurists (AAICJ) held an international colloquium in Siracusa, Italy, which was co-sponsored by the International Commission of Jurists. The focus of the colloquium was the limitation and derogation provisions of the International Covenant on Civil and Political Rights, and the outcome is a document that is referred to as the Siracusa Principles. The introductory note to the Siracusa Principles commences in the following terms:

"It has long been observed by the American Association for the International Commission of Jurists (AAICJ) that one of the main instruments employed by governments to repress and deny the fundamental rights and freedoms of peoples has been the illegal and unwarranted Declaration of Martial Law or a State of Emergency. Very often these measures are taken under the pretext of the existence of a "public emergency which threatens the life of a nation" or "threats to national security".

The abuse of applicable provisions allowing governments to limit or derogate from certain rights contained in the International Covenant on Civil and Political Rights has resulted in the need for a closer examination of the conditions and grounds for permissible limitations and derogations in order to achieve an effective implementation of the rule of law.

The United Nations General Assembly has frequently emphasised the importance of a uniform interpretation of limitations on rights enunciated in the Covenant."

<https://www.icj.org/wp-content/uploads/1984/07/Siracusa-principles-ICCPR-legal-submission-1985-eng.pdf>

Paragraph 58 of the Siracusa Principles - Non-Derogable Rights - These rights are not derogable under any conditions even for the asserted purpose of preserving the life of the nation.

WHEREAS, Paragraph 58 of the Siracusa Principles under the heading of Non-Derogable Rights provides:

"No state party shall, even in time of emergency threatening the life of the nation, derogate from the Covenant's guarantees of the right to life; freedom from torture, cruel, inhumane or degrading treatment or punishment, and from medical or scientific experimentation without free consent; freedom from slavery or involuntary servitude; the right not to be imprisoned for contractual debt; the right not to be convicted or sentenced to a heavier penalty by virtue of retroactive criminal legislation; the right to recognition everywhere as a person before the law; and freedom of thought, conscience and religion.

These rights are not derogable under any conditions even for the asserted purpose of preserving the life of the nation." (emphasis added)."; and

WHEREAS, in the case of Kimber, the Court held that paragraph 58 of the Siracusa Principles is consistent with Article 4 of the International Covenant on Civil and Political Rights (the "ICCPR"), stating, inter alia:

[127] This is consistent with Article 4 of the International Covenant on Civil and Political Rights."

- Kimber v Sapphire Coast Community Aged Care Ltd (C2021/2672) Australian Fair Work Commission, Sydney, 27th September 2021. ; and

Human Rights - the Right not to be forced to undergo a medical intervention without his or her consent.

WHEREAS, Article 7 of the ICCPR is enshrined in the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (ETS No 164) (1997), Oviedo, Spain (the "Oviedo Convention"). The Oviedo Convention is a legally internationally binding instrument on the protection of human rights in the medical field. It sets out fundamental principles applicable to daily medical practice and is regarded as such at the European treaty on patient's rights. Chapter II - Consent, Article 5 - General rule states, inter alia:

"Article 5. General rule

34. This article deals with consent and affirms at the international level an already well-established rule, that is that no one may in principle be forced to undergo an intervention without his or her consent.

Human beings must therefore be able freely to give or refuse their consent to any intervention involving their person.

This rule makes clear patient's autonomy in their relationship with health care professionals and restrains the paternalistic approaches which might ignore the wish of the patient.

The word "intervention" is understood in its widest sense, as in Article 4 - that is to say, it covers all medical acts, in particular interventions performed for the purpose of preventative care, diagnosis, treatment, rehabilitation or research."

35. "The patient's consent is considered to be free and informed if it is given on the basis of objective information from the responsible health care professional as to the nature and the potential consequences of the planned

intervention or of its alternatives, in the absence of any pressure from anyone.

In order for their consent to be valid the persons in question must have been informed about the relevant facts regarding the intervention being contemplated.

This information must include the purpose, nature and consequence of the intervention and the risks involved

Information on the risks involved in the intervention or in the alternative courses of action must cover not only the risks inherent in the type of intervention contemplated, but also any risks related to the individual characteristics of each patient, such as age or the existence of other pathologies.

Requests for additional information made by patients must be adequately answered.

36. Moreover, this information must be sufficiently clear and suitably worded for the person who is to undergo the intervention.

The patient must be put in a position, through the use of terms he or she can understand, to weigh up the necessary or usefulness of the aim and methods of the intervention against its risks and the discomfort or pain it will cause.

37. In some cases, however, for example invasive diagnostic acts or treatments, express consent may be required.

Moreover, the patient's express, specific consent must be obtained for participation in research.

38. Freedom of consent implies the consent may be withdrawn at any time and that the decision of the person concerned shall be respected once he or she has been fully informed of the consequences."

<https://rm.coe.int/168007cf98>; and

WHEREAS, Article 5 of the UDHR is enshrined in the ECHR in Article 3. the "Right to Prohibition of torture or to inhuman or degrading treatment":

"Article 3.

"No one shall be subjected to torture or to inhuman or degrading treatment."; and

This includes the right not to be experimented upon without providing informed consent, freely given. (see, for example, Article 7 of the International Covenant on Civil and Political Rights (1966) above). The provision of medical treatment or medical procedures and/or conducting psychological manipulation/warfare, without obtaining informed consent freely given, amounts to a prima facie breach of Article 5 of the UDHR and Article 3 of the ECHR, and under Article 7 of the International Covenant on Civil and Political Rights (1966). Under Article 15 of the ECHR, there is no right to derogate from the prohibition of torture or to inhumane or degrading treatment - not even in acts of war as such act would be unlawful under the War Conventions, nor in a public health emergency, even if it's threatening the life of the nation.; and

IN TIMES OF EMERGENCY

WHEREAS, the ECHR, Article 15 - "**Derogation in time of emergency**" - states:

- "1. In time of war or other public health emergency threatening the life of the nation, any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, **provided that** such measures are not inconsistent with its other obligations under international law.
2. No derogation from Article 2 [the "Right to Life"], except in respect of deaths resulting from lawful acts of war, or from Articles 3 ["Prohibition of torture or inhumane or degrading treatment", 4 (paragraph 1) and 7 shall be made under this provision."

This means that **the right to life [Article 2 of the ECHR, Article 3 of the UDHR], cannot be derogated from in a so-called public health emergency**. Even in times of war, the right to derogate is limited to "lawful acts of war", not unlawful ones.

This also means that **the right to "Prohibition of torture or inhumane or degrading treatment" [Article 3 of the ECHR, Article 5 of the UDHR], cannot be derogated from under a public health emergency - even if it is threatening the life of a nation**.

In respect of other rights listed in the ECHR, the right to derogate is limited to **those measures that are STRICTLY required**. However, the measures taken must not be inconsistent with other obligations under international [and European and UK] law. Any act/omission by you, the school, its employees, agents, or others which derogates from the child/child's, parent/s, grandparent/s, or others right to life, is a prima facie breach of Article 2 of the ECHR, in addition to Article 3 of the UDHR; and

DISCRIMINATION

Human Rights - the Right to be recognised everywhere as a person before the law.

WHEREAS, Article 6 of the UDHR states:

"Everyone has the right to recognition everywhere as a person before the law."

Refusing to recognise an individual's fundamental, inalienable human rights, whether set out in the UDHR or in other laws, is a prima facie breach of Article 6 of the UDHR; and

WHEREAS, Article 6 of the UDHR is enshrined in Article 16 of the ICCPR, which states:

"Everyone shall have the right to recognition everywhere as a person before the law."; and

Human Rights - the Right to Equal Protection of the law against any discrimination in violation of international law.

WHEREAS, Article 7 of the UDHR states:

"All are equal before the law and are entitled without discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."

This Article enshrines the legal maxim that "all are equal before the law" and no one is above the Rule of law. As such, discrimination - including incitement to discrimination - in violation of the UDHR, is a prima facie breach of Article 7 ; and

WHEREAS, Article 7 of the UDHR is enshrined in Part II of the ICCPR, which states:

"Part II

1. Each State Party to the present Convention undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind such as race, colour, sex, language, religious, political or other opinions, national or social origin, property, birth or other status."

Article 7 of the UDHR is also enshrined in Article 3 of the ICCPR, which states:

"Article 3.

"The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant."; and

WHEREAS, Article 7 of the UDHR is enshrined in Article 26 of the ICCPR, which states:

"Article 26.

"All persons are equal before the law and entitled without any discrimination to the equal protection of the law.

In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."; and

Human Rights - the Right of the Child not to be discriminated against.

WHEREAS, Article 7 of the UDHR is enshrined in Article 24 of the ICCPR, which states:

"Article 24.

1. "Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State."; and

WHEREAS, Article 7 of the UDHR is enshrined in the ECHR in Article 14. the "Prohibition of discrimination":

"Article 14.

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

Discriminating against an individual on the basis that they cannot or will not wear a mask, take a test or take an experimental COVID-19 vaccine by treating them differently to those who do wear a mask, take a test or take an experimental COVID-19 vaccine, is a prima facie breach of Article 14 of the ECHR in addition to Article 7 of the UDHR. Any form of medical apartheid is in prima facie breach of these Articles.; and

WHEREAS, the Fair Work Commission in Australia in the case of Kimber v Sapphire Coast Community Aged Care Ltd (C2021/2676), stated that all Australians should "**vigorously oppose the introduction of a system of medical apartheid and segregation in Australia**", and held it to be an "abhorrent concept" which is "morally and ethically wrong" and that such a system of medical apartheid is an "*antithesis of our democratic way of life and everything we value.*", inter alia:

[182] All Australians should vigorously oppose the introduction of a system of medical apartheid and segregation in Australia. It is an abhorrent concept and is morally and ethically wrong, and the antithesis of our democratic way of life and everything we value."

Kimber v Sapphire Coast Community Aged Care Ltd (C2021/2676) Australian Fair Work Commission, Sydney, 27th September 2021; and

Human Rights - the Right to a Social and International Order in which their Rights and Freedoms can be fully realized.

WHEREAS, Article 28 of the UDHR states:

"Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."

A failure to provide a social order in which the rights and freedoms set forth in the UDHR, will be a prima facie breach of Article 28 of the UDHR. ; and

Human Rights - the Right to Exercise Rights and Freedoms - subject only to such limitations as are determined by law.

WHEREAS, Article 29 of the UDHR states:

- "(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.*
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."*

The limitations do NOT include a right for anyone else to harm another or to breach another's human rights, other than in accordance with the law. Any limitations/restrictions to the rights of individuals set out in the UDHR, can only be imposed if they are "determined by law" and SOLELY for the purpose of "securing due recognition and respect for the rights and freedoms of others" AND of meeting the "just requirements" of "morality", "public order" AND the "general welfare" in a "democratic society". In other words, the limitations must be lawful, legal, moral and SOLELY for the purposes set out. It is not legal, lawful or moral to limit an individual's human rights other than as prescribed. Any limitation/restriction that is not in accordance with these provisions, is a prima facie breach of the UDHR; and

NON-DEROGABLE

Human Rights - the Right not to have Rights and Freedoms destroyed by any activity or act by a State, group or persons.

WHEREAS, Article 30 of the UDHR states:

"Nothing in this Declaration may be interpreted as implying for any State, group or persons any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein."

This enshrines the statutory interpretation that should be applied to the UDHR when considering the right to derogate/limit/restrict any of the human rights set out therein. ; and

WHEREAS, Article 17 - Limitations on use and restrictions of rights, states:

"The restrictions permitted under this Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed."; and

WHEREAS, Article 15 - "Derogation in time of emergency" - ECHR states:

- "1. In time of war or other public health emergency threatening the life of the nation, any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, **provided that** such measures are not inconsistent with its other obligations under international law.
2. No derogation from Article 2 [the "Right to Life"], except in respect of deaths resulting from lawful acts of war, or from Articles 3 ["Prohibition of torture or inhumane or degrading treatment", 4 (paragraph 1) and 7 shall be made under this provision.
3. Any High Contracting Party availing itself of this right of derogation shall keep the Secretary General of the Council of Europe fully informed of the measures which it has taken and the reasons therefore.

It shall also inform the Secretary General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed."

Given that you, the school, its employees and others are availing yourselves of the right to derogate from Article 2 and Article 3 and other Articles of the ECHR, and the requirement to **keep the Secretary General of the Council of Europe "fully informed"** of the measures which it has taken and the reasons therefore, **you are required to provide evidence to the person whose rights you seek to derogate from**. The evidence sought is listed in this Notice ; and

Acts of Parliament and the Common Law cannot be changed by the executive.

WHEREAS, the ECHR has been incorporated into UK domestic law in the Human Rights Act 1998. **There are no emergency derogations to the Human Rights Act for any purpose relating to an emergency in the UK and the right at common law to valid consent has no emergency derogations.** You, the school, its employees and others, including the courts, cannot therefore lawfully use the pandemic to claim that any of the human rights engaged should be derogated for the purposes of the pandemic emergency.

"The executive (government) cannot change law made by Act of Parliament, nor the common law"

- R Miller v DExEU [2017] UKSC 5.

<https://www.supremecourt.uk/cases/uksc-2016-0196.html>; and

WHEREAS, the ECHR ensures the need for interventions taken by the Government and State to remain "evidence-based" as well as "necessary" and "proportionate". "Proportionate" means balancing the competing interests with "evidence-based" facts: in this case, to determine whether the UK has a "Public Health Emergency" under which the Government and the State, you, the School and others are claiming their right to derogate from their obligations to uphold human rights; whether the implementation of both Non-Pharmaceutical Interventions (such as Lockdowns, Social distancing, "bubbles", quarantining of healthy individuals) and Pharmaceutical Interventions (such as the so-called "COVID-19 vaccines", the face masks, the PCR or lateral flow tests) are strictly "necessary" in a democratic society in the interests of public safety, for the maintenance of public order, for the protection of health or morals, or for the protection of the rights and freedoms of others; and

Allegation of infringement of inalienable, fundamental human rights.

WHEREAS, infringements and violations of living men, women and children's inalienable, fundamental rights, civil liberties and freedoms by so-called "pandemic" laws are unnecessary, unfounded, disproportionate, unreasonable, irrational, unethical, immoral, unconstitutional, undemocratic, unlawful, illegal under domestic, European and International civil law and criminal law;

United Nations Office for the High Commissioner for Human Rights for introducing COVID public health response measures.

WHEREAS, In an article published by Monash University's Castan Centre for Human Rights Law, the author, Professor the Hon Ken Bell AM QC, considered the COVID guidance issued by the United Nations Office for the High Commissioner for Human Rights for introducing COVID response measures consistent with human rights. He provided the following summary:

[Requirement for emergency measures that restrict human rights to be "**proportionate**", "**necessary**" and "**non-discriminatory**"]:

- International law allows emergency measures in response to significant threats - but measures that restrict human rights should be **proportionate** to the evaluated risk, **necessary** and applied in a **non-discriminatory** way. This means having a specific focus and duration, and taking the least intrusive approach possible to protect public health.

[Requirement for emergency powers to only be used for "**legitimate**" public health goals]:

- With regard to COVID-19, emergency powers must only be used for legitimate public health goals, not used as a basis to quash dissent, silence the work of human rights defenders or journalists, deny other human rights or take any other steps that are not strictly necessary to address the health situation.

[Requirement for Governments to **inform the public** of what the emergency measures are, where they apply, for how long and provide updated information, widely available]:

- Governments should inform the affected population of what the emergency measures are, where they apply and for how long they are intended to remain in effect, and should update this information regularly and make it widely available.

[Requirement for Governments to **ensure a return to life "as normal"** and NOT use emergency powers to "indefinitely" regulate day-to-day life]:

- As soon as feasible, it will be important for Governments to ensure a return to life as normal and not use emergency powers to indefinitely regulate day-to-day life, recognising that the response must match the needs of different phases of the crisis." https://www.ohchr.org/Documents/HRBodies/SP/COVID/Academics/Castan_Centre_and_Prof_Joe.pdf; and

Legal opinion re unlawfulness of Public Health Orders and re right to suspend human rights during states of emergency or disaster.

WHEREAS, in the case of Kimber, the court held that, inter alia:

*"[173] In summary, the powers to make Public Health Orders (PHOs) cannot lawfully be used in a way that is punitive, and **human rights are not suspended during states of emergency or disaster.***

PHOs, by their nature, are designed and intended for short term use in the event of an emergency or crisis. They are not intended to be an ongoing vehicle to enforce significant deprivations of our civil liberties.

The COVID pandemic started over 20 months ago. The time is fast approaching here the reliance on PHO's will no longer be justified on public health grounds, particularly where there is such a significant intrusion on civil liberties"

- Kimber v Sapphire Coast Community Aged Care Ltd (C2021/2672) Australian Fair Work Commission, Sydney, 27th September 2021.

Legal opinion re the "necessity" and "reasonableness" of the denial or restrictions on basic liberties

WHEREAS, in the case of Kimber, the court stated that, inter alia:

"[160].. the necessity and reasonableness of the denial or restrictions on basic liberties must be weighed against a variety of other serious flow on consequences such as the significant increase in mental health issues and domestic violence, and against the serious economic damage that has been caused and will continue to be caused by the existing measures found in the Public Health Orders."

- Kimber v Sapphire Coast Community Aged Care Ltd (C2021/2672) Australian Fair Work Commission, Sydney, 27th September 2021.

Legal opinion re "far less restrictive" and "less intrusive" ways to ensure public health.

WHEREAS, in the case of Kimber, the court stated that, inter alia:

"[164] It should be abundantly clear that there are other, far less restrictive and less intrusive ways in which we can ensure public health and appropriately address the risk of COVID without resorting to the extreme measures currently in place."

- Kimber v Sapphire Coast Community Aged Care Ltd (C2021/2672) Australian Fair Work Commission, Sydney, 27th September 2021.; and

Legal opinion re "proportionality" of COVID-19 public health measure.

WHEREAS, in the case of Kimber, the court stated that:

"[172] The initial predictions of a 60% infection rate from COVID with a 1% death rate thankfully did not materialise."

It is now time to ask whether the "cure" is proportionate to the risk, and the answer should be a resounding no.

When deciding now what is reasonable, necessary and proportionate in terms of any response to COVID, governments and employers should actively avoid the hysteria and fear-mongering that is now so prevalent in the public discourse, and which will cloud rational, fact- based decision making."

[173] The current PHOs have moved well past the minimum necessary to achieve public health aims, and into the realm of depravation.

It is not proportionate, reasonable or necessary to "lock out" those who are

unvaccinated and remove their ability to work or otherwise contribute to society."; and

- Kimber v Sapphire Coast Community Aged Care Ltd (C2021/2672) Australian Fair Work Commission, Sydney, 27th September 2021.; and

Legal opinion that mandating or blanket rules regarding vaccines for everyone FAILS the test of "proportionality", "necessity" and "reasonableness"

WHEREAS, in the case of Kimber, the court stated, held that, inter alia:

"[181] Blanket rules, such as mandating vaccinations for everyone across a whole profession or industry, regardless of the actual risk, fail the test of proportionality, necessity and reasonableness.

It is more than the absolute minimum necessary to combat the crisis and cannot be justified on health grounds.

It is a lazy and fundamentally flawed approach to risk management and should be soundly rejected by courts when challenged."

- Kimber v Sapphire Coast Community Aged Care Ltd (C2021/2676) Australian Fair Work Commission, Sydney, 27th September 2021; and

WHEREAS, in the case of Kimber, the court held that, inter alia:

"[146] Finally, it should be clearly understood that employers who mandate vaccinations will be liable for any adverse reactions their workers may experience, given this is a foreseeable outcome for some people,";

- Kimber v Sapphire Coast Community Aged Care Ltd (C2021/2672) Australian Fair Work Commission, Sydney, 27th September 2021. ; and

Expert legal opinion on requirement to be "particularly vigilant to protect civil liberties and human rights"

WHEREAS, in an article recently published by two Senior Lecturers from the Faculty of Law at Monash University entitled "Wars, Pandemics and Emergencies What can history tell us about executive power and surveillance in times of Crisis", the authors concluded that *"in an emergency, we must be particularly vigilant to protect civil liberties and human rights against incursions that are more than the absolute minimum necessary to combat the crisis..."*; <https://www.unswlawjournal.unsw.edu.au/wp-content/uploads/2021/04/07-Ng-Gray.pdf>; and

Human Rights - the Right to an Effective Remedy.

WHEREAS, the European Convention on Human Rights ("the ECHR"), contains the following human rights, inter alia:

Article 13. the "Right to an effective remedy":

"Everyone whose rights and freedoms set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."
(emphasis added).

https://www.echr.coe.int/Documents/Convention_ENG.pdf; and

WHEREAS, you are therefore required to provide evidence that the measures you have employed are "necessary" "legitimate" "reasonable" and "proportionate", "evidence-based" and "least restrictive" as weighed against the harm that is being caused by these measures such as:

- a. the increase in mental health issues ;
- b. the increase in domestic violence issues ;
- c. the increase in financial and economic loss;
- d. the increase in suicides - "deaths of despair";
- e. the increase in learning and other difficulties;

and issues of the child/children, the family of the child/children, employees and others affected by your measures; and

WHEREAS, infringement of human rights may incur liabilities on the enforcers, promoters and/or administrators of such infringements for harm, loss, suffering, injury and/or death caused by actions and/or omissions;

Sanctions for breach of Human Rights - the Global Human Rights Sanctions Regulations 2020 No.680

WHEREAS, the Explanatory Memorandum to the Global Human Rights Sanctions Regulations 2020 No. 680, states, inter alia:

- "6.2. The Sanctions Act establishes a legal framework which enables Her Majesty's Government (HMG) to continue to give effect to those sanction regimes and to introduce other new sanctions regimes. Section 1 of the Sanctions Act enables sanctions regulations to be made for the purposes of compliance with United Nations obligations and other international obligations, as well as for a number of other purposes which include:
- promoting compliance with international human rights law and respect for human rights...or promoting respect for democracy, the rule of law and good governance."**

"What is being done and why?"

- 7.1. **HMG seeks to champion human rights, good governance and the rule of law. Serious human rights violations by State actors, and similar conduct by**

non-State actors, leads to unstable and less prosperous societies. Such conduct perpetuates violent conflict, creates a world where terrorism flourishes and where democratic institutions are weakened. It has a devastating impact on individuals and places the safety of individuals and societies at risk.

Successfully deterring such conduct would help create fairer and more just societies, which support the long-term global conditions most conducive to security, economic growth and the safety of all.

- 7.2 This instrument will enable HMG to designate persons who are involved in certain activities which, had they been carried out by or on behalf of a State within the territory of that State, would amount to a serious violation by that State of certain human rights.

These are:

an individual's right to life;

an individual's right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment; and

an individual's right to be free from slavery, not to be held in servitude or required to perform forced or compulsory labour.

Such persons are able to be designated for the purpose of a travel ban or an asset freeze. The designation of such persons is intended to deter, and provide accountability for, such activities. The activities could be carried out by a State or a non-State actor. "

(emphasis added)

https://www.legislation.gov.uk/uksi/2020/680/pdfs/ukxiem_20200680_en.pdf; and

