

Leo Varadkar
Department of An Taoiseach
Leinster House
Dublin

22 April 2020

Dear Taoiseach,

We, the undersigned organisations, write to you in relation to your ongoing review of the government's response to the COVID-19 pandemic in Ireland. We are concerned with communities and people who have been particularly affected both by the disease itself and/or by the new emergency regulations.

We understand there is an ongoing need for some restrictions on our rights during the pandemic. We accept that it may be necessary to extend some of the current restrictions beyond 5 May. The health of everyone who lives in Ireland must be a priority. However, we are concerned that certain communities are suffering more than others under these restrictions.

In order to make sure that the public health response is in line with the State's human rights obligations, a human rights impact assessment must be carried out before any extension of the restrictions. A rights-based response requires an approach that prioritises protecting those most vulnerable to the disease, as well as identifying who will be most impacted by the restrictions and the accompanying garda powers. Recent developments have seen those residing in care homes becoming increasingly exposed to the virus, highlighting the need for a rights-based response to inform the public health response.

A rights-based response would ensure all vulnerable groups are prioritised through this difficult period.

In order to human rights-proof the public health response it is imperative that quantitative data on those who have been affected by Covid-19 is collected and published. These statistics must be broken down by nationality, ethnicity, disability, gender and age. Where a person was living in a residential setting, it must be specified whether this was a care setting, a detention facility, or a direct provision centre. Where the person was in a care setting, it is vital we know if this was a setting for older people, people with disabilities, or people with mental health issues.

We call on government to update and publish these figures on a regular basis, with due regard to the privacy of patients.

This assessment should also provide data on people who have been arrested, charged or detained under the Emergency Health Regulations or for related reasons. We welcome the Garda Commissioner's commitment to publishing weekly statistics but urge you to ensure that we have the full picture by disaggregating the data. To undertake an effective human rights analysis information on where garda checkpoints have been established, and whether gardaí have been deployed equally across the State, should be included.

In the context of the government's ongoing review regarding whether the current regulations should be lifted, amended or extended on 5 May, we call on you to collect, publish and analyse the

above data, as part of a comprehensive Human Rights Impact Assessment. This will enable the government to understand a) whether the significant interference with a wide range of other rights is proportionate to the aim of protecting public health and life b) whether the restrictions are unduly impacting on certain communities and c) where more supports or provisions are necessary for specific communities.

We look forward to your response.

Yours, etc,

Liam Herrick – Executive Director of the Irish Council for Civil Liberties

Brian Killoran – CEO of the Immigrant Council of Ireland

Enda Egan – CEO of Inclusion Ireland

Fíona Ní Chinnéide – Executive Director of the Irish Penal Reform Trust

Ray Burke – Senior Communications and Advocacy Officer at Mental Health Reform

Bulelani Mfaco – Spokesperson for the Movement of Asylum Seekers in Ireland

Martin Collins – Co-Director of Pavee Point Traveller and Roma Centre

Sian Cowman – Refugee and Migrant Solidarity Ireland