

13 May 2020

Dear Minister Harris,

We are writing in relation to the possible extension of the Health Act 1947(Section 31a – Temporary Restrictions) (Covid-19) (Amendment) Regulations 2020 after 18 May.

We understand that the relaxing of restrictions related to the Covid-19 pandemic will need to be gradual and will occur over an extended period of time. We also understand the grave risk to life and health that Covid-19 poses and that the need to take steps to prevent the further spread of the disease may require some continuing restrictions on other rights such as the right to freedom of assembly and association and the right to free movement and liberty, in particular where large events and international travel are concerned.

However, we urge you to ensure that any continuing restrictions meet the requirements of national and international human rights law in that they are strictly necessary, proportionate to the aim of protecting life and health and constitute the most minimal restrictions on our rights that is possible to achieve that aim.

We ask you to engage with these standards as a demonstration of your commitment to the rule of law and human rights standards, and in line with the Government's legal obligations.

As such, we would ask you to carefully analyse each continuing restriction on our rights within this framework and lift or amend the restrictions that are no longer demonstrably necessary or proportionate to the current risk to public health.

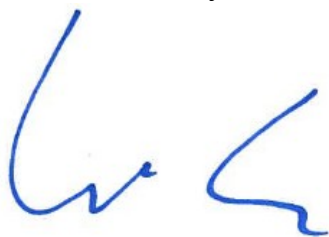
A proportionality assessment requires you to take into account all of the circumstances arising from each restriction. This means that the negative impact on a range of rights must be taken into account, as well as where restrictions may be disproportionately affecting certain groups. We know that concerns are being raised in Ireland and around the world about the negative impact of Covid-19 restrictions. This includes a rise in domestic violence, child abuse, mental health issues, as well as the effect of the restrictions on a range of other rights, including economic, social and cultural rights.

We have previously asked that the Government considers conducting a comprehensive human rights impact assessment. This would assess the impact of

both the disease and the restrictions on the most vulnerable in our society and assist in ensuring that the right support gets to those who most need it. We note the establishment of the Oireachtas Special Committee on Covid-19 offers an opportunity to have pre-legislative scrutiny of any proposed regulations, which could also encompass a consideration of all related human rights issues.

We appreciate that many uncertainties remain and charting a course over the next few months is and will continue to be difficult. Human rights law provides a framework that can be used to assist in the decision making process and we, once again, urge you to adhere to it.

Yours sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'L' followed by a series of loops and a final horizontal stroke.

Liam Herrick

Executive Director, Irish Council for Civil Liberties.