



Irish Council for
Civil Liberties

ICCL: Monitoring rights during the pandemic
23-29 May

Covid19-related advocacy work

End to police powers and surveillance in phase two

[We are calling for](#) an end to the extraordinary police powers and surveillance on 8 June, the beginning of phase two (easing of restrictions). We have never seen the test to show their necessity or proportionality, and we now question whether they are legal, even under the emergency legislation introduced to deal with the pandemic.

Introduction of passenger locator forms

Regarding the passenger locator forms, the refusal of which became a criminal offence on 28 May (under new regulations which are in effect until 18 June), ICCL welcomes the clarification that personal data collected in the forms will be deleted no later than 28 days after the form is submitted.

However, we have unanswered questions regarding who has access to them; how this information is retained; and who has oversight. We regret that these issues were not explored transparently in a democratic process, such as before the Special Oireachtas Committee in advance of introducing the measures.

Letter to government expressing solidarity with the global South

Along with other civil society colleagues, [we wrote to the Irish government](#) calling for solidarity with the global South during the COVID-19 pandemic. We specifically mention migrant rights, gender equality and climate justice amongst many issues.

Submission to the Special Oireachtas Committee on covid-19 response

We were invited to make a submission to the Committee ahead of next week's session on travel restrictions during the pandemic. This submission has been made. We refer to our 20 May letter to the Minister of Health and a substantive submission on the Passenger Form Regulations which came into effect this week.

Monitoring the Oireachtas Committee on covid-19 response

26 May: congregated Settings (26 May 2020 meeting)

We closely monitored the Special Oireachtas Committee on Covid-19 response held 3 sessions on congregated settings during the pandemic and have collated some key takeaways.

KEY TAKEAWAYS

Session 1-Nursing Homes

Context: In Ireland, 80% of care homes are privately owned, 20% are public or voluntarily run. During the pandemic, almost 55% of deaths in Ireland have taken place in nursing home settings.

- Nursing Homes Ireland (NHI) raised lack of guidance, access to PPE & testing from the State.
- NHI highlighted their exclusion from the NPHET subgroup on nursing homes.
- Raised concerns about discharges from hospitals into private and voluntary homes & HSE recruitment campaigns targeting private sector staff.
- Nursing homes was not discussed by the National Public Health Emergency Team until its 12th meeting, on March 10th.
- SAGE Advocacy called for the legislative recognition of independent advocates to legitimise their role.
- No clinical oversight by HSE of privately owned nursing homes.

Session 2-Nursing Homes resumed

- Issue that was raised by witnesses and deputies alike was **the need for a continuum of care model**. At present, there are little to no care options that could allow for care outside of nursing homes.
- HIQA did not visit any of the approx. 250 nursing homes containing covid-19 clusters. Risk-based assessments are due to commence shortly.
- In March, HIQA submitted a list of over 200 “high-risk” nursing homes (private & public) to D/Health to which it received an acknowledgement only.
Note: D/Health was not represented at the Oireachtas Committee. D/Heath issued a statement later that day that they had passed this list onto the HSE.
- While Minister Harris has stated that HIQA is the voice of nursing homes at NPHET level, HIQA state that they have a wide remit and did not visit any nursing homes with covid during the pandemic.
- NPHET meeting minutes show that nursing homes were not mentioned until its 12th meeting, 10 March.
- HIQA are dissatisfied with the current regulatory framework governing inspections & regulatory oversight as their current powers are difficult to enforce.

Session 3- Direct Provision Centres

Context: Human rights issues with direct provision that pre-date this pandemic have been laid bare during the public health crisis. Particular controversy has surrounded the Caherciveen Direct Provision Centre, the Skellig Star hotel.

Numerous questions remain unanswered about the decision to move these individuals at the height of a public health crisis, the awareness of confirmed positive cases at the Dublin location and the subsequent outbreak at the Caherciveen centre, as well as the undue restrictions on the residents and their living conditions there.

- 2,700 people living in Direct Provision have been tested;180 confirmed cases.

- D/Justice could not provide a figure on the amount spent on direct provision this year (including amount given to private operators).
- D/Justice confirmed that many single residents have to share rooms with strangers.
- Minister of Justice has previously stated that Department was unaware of positive covid-19 case associated with the travel lodge until contacted by Deputy Murphy.
- HSE confirmed to Deputy Murphy that the HSE was aware of a positive case at the travel lodge and did not inform D/Justice.
- D/Justice confirmed to Deputy Murphy that another group had been subsequently moved into the Travel Lodge but was unable to say whether D/Justice was aware of covid-19 infections among staff & whether there were other guests in the Travel Lodge.
- Deputy Murphy requested communication in writing from D/Justice regarding the chain of command & communication between Justice & HSE, in particular when there is a positive covid-19 case.
- Re Caherciveen:
 - Residents were moved without being tested from Travel lodge location where covid-19 had been confirmed.
 - Staff were not garda vetted on time & had not undergone proper training. D/Justice stated, as of Monday, all staff requiring vetting had been & have done training course.
 - Centre was not deep cleaned (D/Justice responded that deep cleaning was not a requirement).
 - Correspondence sent to residents insinuating that they were not adhering to public health guidelines & that their quarantine period was being extended.
 - More than 20 residents have tested positive.

Caherciveen Centre-Timeline

- 8 March: Swords travel lodge guest hospitalised & subsequently tested positive for covid-19 case.
- 16 March-contract signed by D/Justice for Caherciveen centre.
- 18 & 19 March-individuals seeking international protection transported from Travel lodge to Caherciveen.
- D/Justice claims it was not aware of covid-19 case associated with Travel Lodge at this point but “could not speak for the HSE”.
- 20 March- a person suspected of having the virus was placed in self-isolation on 20 March at Caherciveen Centre.
- 24 March-correspondence confirming a suspected case of Covid-19 sent from Caherciveen centre to the D/Justice.
(This was raised by Deputy Foley. D/Justice unaware of this & have requested verification).
- 30 March-D/Justice stated that, on this day, a centre manager reported to the Justice daily helpline that he had one case of a person self-isolating.

MEDIA ENGAGEMENT & COVERAGE

New regulations regarding passenger locator forms

- Executive Director, Liam Herrick, spoke on Morning Ireland:
: <https://www.rte.ie/radio1/morning-ireland/podcasts/>
- Executive Director, Liam Herrick, spoke on Virgin Media News (from 12 minutes)
: <https://www.virginmediatelevision.ie/player/show/450/173243/0/News-at-5.30>
- Executive Director, Liam Herrick, spoke to regional radio station, CRC FM.
- References to our call for safeguards to be put in place for the introduction of the mandatory passenger locator form
: <https://www.irishtimes.com/news/ireland/irish-news/ireland-should-take-calculated-risk-in-greater-easing-of-covid-19-restrictions-1.4264649>

: <https://www.irishexaminer.com/breakingnews/ireland/irish-council-for-civil-liberties-calls-for-safeguards-in-mandatory-location-forms-1002147.html>

: <https://www.newstalk.com/news/anyone-arriving-country-will-legally-obliged-fill-self-isolation-form-next-week-1019631>
- Our call for an end to extraordinary police powers of enforcement on 8 June
: <https://www.irishlegal.com/article/iccl-garda-should-lose-coronavirus-policing-powers-in-june>
- Our voiced concerns regarding the contact tracing app referenced
: https://www.irishtimes.com/opinion/politics-of-north-south-contact-tracing-app-hides-real-problem-1.4262980?localLinksEnabled=false&utm_source=Newsletter&utm_medium=email&utm_content=Coronavirus%3A+Nine+more+Covid-19+deaths+in+the+State+and+37+new+cases+reported&utm_campaign=evening_update_digest

: <https://www.lawsociety.ie/gazette/top-stories/eu-body-warns-on-pandemic-human-rights-infringements/>