



Irish Council for Civil Liberties

Monitoring rights during the pandemic
19-25 September

COVID-19-RELATED ADVOCACY WORK

New restrictions in Dublin & Donegal

Our concerns regarding the confusion surrounding government health measures received [coverage](#) in *The Irish Times* on Saturday, 19 September. Since the outbreak of the crisis, there has been a lack of clarity regarding which measures are underpinned by law and which measures constitute public health guidance. Regulations have frequently been difficult to access, even after they have been promulgated.

From Saturday, 19 September, Dublin has been on level 3 of the 5 stages outlined in the new Plan for Living with COVID-19 until 10 October.

New regulations came into effect in respect of Dublin on Saturday, 19 September. These [regulations](#) (S.I. No. 352 of 2020) are in effect until 10 October. Under these regulations, organisers of events (with more than 50 people indoors and 100 people outdoors in attendance) can be fined up to €2,500 and/or face imprisonment of up to six months.

From midnight on 25 September, Donegal will be placed on Level 3 under the Plan for Living with COVID-19 until Friday 17th October. However, the regulations in place in respect of Donegal (SI 375) are in place until 10 October. According to the gov.ie, this is “for drafting reasons enabling alignment with SI 352”. It will be amended in due course to ensure that the specific public health measures for Donegal remain in force until 17 October, as Government agreed.

All other counties remain on level 2 (as of 25 September).

Letter to the Taoiseach on Economic & Social Rights

On 22 September, we wrote to Taoiseach Micheál Martin calling on the government to protect the advances made in terms of the promotion of a range of economic and social rights, in particular in the areas of housing, health and income maintenance, during the COVID response. These include legal protection for people at risk of eviction, additional financial support for those who lost their jobs, and ensuring the availability of sufficient healthcare for all people in Ireland through leasing private hospitals and relaxing the application of the exclusionary habitual residence condition.

We expressed concern that the government has begun to roll back on some of this progress and will continue to do so in the coming months. We urged the Taoiseach to protect the progress made so far and continue to move forward, in line with Ireland’s obligations under ICESCR, the ECHR and the Constitution. This letter was also signed by numerous other organisations and experts.

Letter to new COVID oversight Committee

We wrote to Martin Fraser, Secretary and Chair of the new COVID oversight Committee, welcoming the Committee's establishment, and recalling our engagement with and reiterating our support for the State's COVID response to date.

We set out our 7 recommendations during our attendance at the Oireachtas Special Committee on covid-19 response session on 8 September ([Submission](#)), namely:

1. Human Rights Impact Assessment of Legislation
2. Greater Legislative Consultation
3. Ongoing human rights impact assessment
4. Better process for translating medical advice into policy and guidelines
5. Consideration of how 'penal provisions' are considered and drafted
6. Review of the Emergency Health Acts
7. Communication about Legislation and Regulations.

We also endorsed the recommendations outlined in the [Submission](#) made by the Trinity College Dublin COVID-19 Law and Human Rights Observatory to the Oireachtas Special Committee on COVID-19 response.

Spit hood use by the Gardaí

Our opposition to the use of spit hoods is referenced in this [The Irish Times](#) article. We are particularly concerned at reports that spit hoods have been used on people with mental health and learning difficulties (14% of spit hoods have been deployed against people with mental health issues and 5 have been used on children, one of them just 14 years old). [The Irish Times view article](#) on spit hoods this week concluded that they should be phased out.

Direct Provision

We expressed deep concerns in response to [media reports](#) that an outbreak of COVID19 has been confirmed at a Direct Provision centre in Cork.

Far-right protests in Ireland

Our Executive Director Liam Herrick spoke on Today FM's The Last Word with Matt Cooper on recent far-right protests in Ireland, and our concerns regarding the policing of these protests and counter-protests.

Ratification of the Optional Protocol to the UN Convention Against Torture (OPCAT)

In light of a [harrowing occurrence](#) in a nursing home setting during the pandemic, we have [reiterated](#) our call on the Irish government to ratify UN OPCAT. When ratified, the government would be obliged to establish a National Preventive Mechanism (NPM), which would require all places of detention in the State to be independently reported on and inspected.