



Irish Council for
Civil Liberties

Commissioner Drew Harris
Office of the Garda Commissioner
An Garda Síochána Headquarters
Phoenix Park
Dublin 8

BY EMAIL
16 November 2020

Re: Profiling of Protesters

Dear Commissioner,

The ICCL read with concern reports in a national Sunday newspaper on 8 November 2020 that Gardaí are pursuing an investigation into an assault on the Tánaiste, Leo Varadkar, by focusing on women who “attended left wing political protests” or who might be living “alternative lifestyles”.¹

We are concerned at the suggestion that Gardaí may have compiled or be compiling lists of people who attend peaceful protests or are otherwise involved in lawful political, social or cultural activities. Can you please confirm or deny that Gardaí have been and are continuing to compile a data base of individuals who attend protests?

Garda surveillance of peaceful protesters is not appropriate unless an individual is involved in criminal activity or there is a reasonable belief that an individual is intending to participate in criminal activity during the protest. An individual protester who takes part in a protest should not have to fear that there will be a record of their attendance on a garda database. This is contrary to their right to freely participate in and organise protests and the suggestion that a database is being compiled may have a chilling effect on those who wish to participate if protesters fear future garda profiling.

International standards on the right protest and the constitutional right to assemble require An Garda Síochána to facilitate peaceful protest; both initial protests and counter protests. Actions such as unnecessary surveillance that may have a chilling effect on protest can be considered contrary to this duty.

¹ <https://www.thetimes.co.uk/article/leo-varadkar-gives-statement-to-gardai-on-smoothie-criminal-nbrjbms6s>

There are also data protection implications for gathering such information. ICCL considers that creating a data base of peaceful protesters cannot be considered a legitimate purpose for gathering and retaining personal data and we urge An Garda Síochána to ensure compliance with relevant data protection law and standards.

We are also concerned at the suggestion that Gardaí are pursuing investigations into young women who may be living “alternative lifestyles”. This suggests a degree of social profiling by Gardaí which we consider highly problematic. Can you confirm that Gardaí are conducting investigations on the basis of “alternative lifestyles”? If yes, can you please explain how “alternative lifestyle” is defined and how precisely a person may become a suspect based on their “alternative lifestyle”?

People should be free to pursue whatever lifestyle they choose in a free democratic society as long as they cause no harm. Gardaí are of course under a duty to investigate an assault. However, profiling people on the basis of their choice of lifestyle or their participation in peaceful protest should not be an acceptable part of an investigation by a police force that has human rights as its “foundation and purpose”.

We look forward to receiving your response.

Yours sincerely,



Liam Herrick

Executive Director
Irish Council for Civil Liberties