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Mr Stephen Donnelly,  
Minister for Health,  
Department of Health,  
50 – 58, Block 1,  
Miesian Plaza,  
Baggot Street Lower, Dublin 2,  
D02 XW14

BY EMAIL

October 22, 2021

Dear Minister Donnelly,

The Irish Council for Civil Liberties (ICCL) has been firmly opposed to the idea of a domestic vaccine passport system since March<sup>1</sup> and the Covid-19 immunity passport system provided for in the Health (Amendment) (No.2) Act 2021 since its inception in July.<sup>2</sup> We have also highlighted our serious concern over how that Act, which was scheduled to expire on October 9, was pushed through the Oireachtas without meaningful debate or pre-legislative scrutiny.<sup>3</sup>

Our position remains the same: the system is discriminatory and has been developed without any meaningful consideration of human rights. We know of no known human rights impact assessment having been carried out *before* its implementation, *since* July, or now *ahead* of its proposed extension until February 2022.

ICCL believes vaccination, and all medical treatment, should be a choice. We do not have mandatory vaccination in Ireland and this voluntary approach has been hugely successful. ICCL believes any move to coerce vaccination at this time would be divisive and potentially counterproductive.

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<sup>1</sup> Irish Council for Civil Liberties: *Call for Government to ban vaccine passports in Ireland*, March 18, 2021. Accessible here: <https://www.iccl.ie/news/call-for-government-to-ban-vaccine-passports-within-ireland/>

<sup>2</sup> Irish Council for Civil Liberties: *ICCL calls for vaccine pass law to be scrapped*, July 13, 2021. Accessible here: <https://www.iccl.ie/news/iccl-calls-for-vaccine-pass-law-to-be-scrapped/>

<sup>3</sup> Herrick, L. *Basic rights and Covid: Rushed law on indoor hospitality a recipe for disaster*, The Irish Times, July 14, 2021. Accessible here: <https://www.irishtimes.com/opinion/basic-rights-and-covid-rushed-law-on-indoor-hospitality-a-recipe-for-disaster-1.4619478>

To omit testing to the certificate system, unlike most of our peers across Europe where similar systems are in place, is deeply discriminatory. Across the EU, testing is available as an alternative to vaccination or recovery for Covid-19 certificates as a means to avoid discrimination against people who cannot or will not be vaccinated.

The present system would appear to be based on the false assumption that all unvaccinated people in Ireland have the same reasons for not being vaccinated. Otherwise, the Government would surely have considered special provisions for people who cannot be inoculated for medical reasons; who have known allergic reactions to ingredients in the vaccines; and/or who have responded poorly to their first dose of a Covid-19 vaccination and been advised not to take their second dose.<sup>4</sup> To not consider this cohort of people, however small, and to not provide other means for them to access indoor hospitality is, in ICCL's view, a serious misstep and oversight.

We ask you, Minister, to please clarify the following:

- **What is the purpose of the Government's vaccine certificate system?**
  - The purpose matters because it affects the proportionality and necessity of the measure.
  - If it is to persuade people to get vaccinated, this raises concerns about the future ramifications or possible expansion of "health passports" and the subsequent impacts of such on everyone, vaccinated or unvaccinated.
  - If it is to reduce transmission, the certificate system should include testing.
- **Why is testing still being omitted from the certificate system?**
  - There is a provision in the Act to allow for a "permitted person" to include someone who can show proof of a negative test. It's utterly unclear why this hasn't been provided.
- **Where is the evidence that the immunity certificate system to date has worked in curbing the transmission of Covid-19?**
  - It is vital that this evidence is forthcoming, given the context of extremely high rates of vaccination in the population generally and particularly the age cohorts accessing hospitality.
  - This is also vital, in the context of persistent transmission of Covid between vaccinated people in all settings.

Yours sincerely,

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<sup>4</sup> Lynch, P, *GP urges Covid-19 vaccine cert for those hit by acute first-dose reaction*, The Irish Times, August 17, 2021. Accessible here: <<https://www.irishtimes.com/news/health/gp-urges-covid-19-vaccine-cert-for-those-hit-by-acute-first-dose-reaction-1.4648633>>

A handwritten signature in blue ink, appearing to be 'LH' or similar initials, written in a cursive style.

Liam Herrick,  
Executive Director, ICCL