

# Coronavirus pandemic in the EU – Fundamental Rights Implications

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# 1 Measures taken by government/public authorities

## 1.1 Emergency laws/states of emergency

In Ireland, the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 was signed into law on 20 March 2020.<sup>1</sup> This allowed the Government to put in place a stay at home order, which they did from 27 March.<sup>2</sup> Ireland is now progressively re-opening (see below).

The Emergency Measures Act has a 'sunset clause' of 9 November 2020, at which point the powers enacted under the new law will be reviewed, with the option to let them fall or be renewed.

As elsewhere, anti-racism demonstrations took place around Ireland in the first week of June 2020 following the death of George Floyd in the US. On June 1<sup>st</sup>, thousands of people marched through Dublin in solidarity with the Black Lives Matter movement. An Garda Síochána (the Irish police force) launched investigations into breaches of social distancing, saying that while organisers had made attempts to put in place social distancing measures, the turnout had substantially exceeded the organisers' expectations.<sup>3</sup> The Irish Chief Medical Officer asked people to stay away from such events, saying that attending such events is a 'risk to life'.<sup>4</sup> A subsequent march planned for 8<sup>th</sup> June was cancelled by its organisers due to fears over potential prosecution. They emphasised that the Gardaí had not threatened or attempted to intimidate the organisers, but that a number of safety concerns and potential criminal offences were raised.<sup>5</sup>

## 1.2 Measures affecting the general population

### 1.2.1 Social distancing

Ireland entered Phase Two of a progressive re-opening on 8 June, and moved to Phase Three on 29 June. In Phase Two, people could travel anywhere within their own county, or up to 20km from their home, and in Phase Three, anywhere nationwide.<sup>6</sup> However, from 8 June, the regulations giving An Garda Síochána the power to enforce restrictions no longer include the power to enforce the movement restrictions.<sup>7</sup> The Gardaí still have the power to enforce other provisions, such as the

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<sup>1</sup> Ireland, Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020, available at: <https://www.oireachtas.ie/en/bills/bill/2020/3/>.

<sup>2</sup> Government of Ireland (2020), 'Speech of Taoiseach Leo Varadkar', 27 March 2020, available at: [https://merrionstreet.ie/en/News-Room/News/Speech\\_of\\_Taoiseach\\_Leo\\_Varadkar\\_27\\_March\\_2020.html](https://merrionstreet.ie/en/News-Room/News/Speech_of_Taoiseach_Leo_Varadkar_27_March_2020.html).

<sup>3</sup> Ireland RTÉ News (2020), 'Anti-racism protests take place around Ireland', 6 June 2020, available at: <https://www.rte.ie/news/ireland/2020/0606/1145864-anti-racism-protests-ireland/>.

<sup>4</sup> RTÉ News (2020), 'Gardaí investigate if Dublin rally breached regulations', 2 June 2020, available at: <https://www.rte.ie/news/ireland/2020/0602/1145043-dublin-protest/>.

<sup>5</sup> The Irish Times (2020), 'Black Lives Matter protest planned for Dublin is cancelled', 3 June 2020, available at: <https://www.irishtimes.com/news/crime-and-law/black-lives-matter-protest-planned-for-dublin-is-cancelled-1.4269763>.

<sup>6</sup> Government of Ireland (2020), 'View the measures in Phase 3 which are in place right now', 28 June 2020, <https://www.gov.ie/en/publication/d06271-easing-the-covid-19-restrictions-on-29-june-phase-3/>.

<sup>7</sup> The Irish Times (2020), 'Covid-19: Gardaí lose enforcement powers over movement restrictions', 9 June 2020, available at: <https://www.irishtimes.com/news/crime-and-law/covid-19-garda%C3%AD-lose-enforcement-powers-over-movement-restrictions-1.4273899>.

prohibition of large events. The Irish Council for Civil Liberties has welcomed the ‘return to policing by consent’.<sup>8</sup>

Between 30 May and 27 June, Gardaí invoked the COVID-19 regulations 31 times,<sup>9</sup> There were 33 incidents of spitting and/or coughing against members of An Garda Síochána in the same period, and anti-spit hoods were used 25 times. The Policing Authority has said that the ‘use of anti-spit hoods remains a key concern for the Authority’ and will continue to be monitored and examined by them ‘until the anticipated withdrawal of these hoods when this public health emergency comes to an end’.<sup>10</sup>

## 1.2.2 Education

Schools and third level institutions will remain closed until the new academic year in the autumn, but summer programmes for vulnerable children have been expanded.

On 12 June, the Department of Education published a report to Government signalling their intention to: ‘open schools in accordance with the normal start of the new school year to the fullest extent while minimising the risks from a public health perspective’.<sup>11</sup> The report outlines concerns expressed by school principals around ‘near total reliance on mobile phones’ as learning devices in disadvantaged areas, and the ineffectiveness of distance learning for students with special educational needs.

The report suggests that ‘the requirement to observe physical distancing imposes a direct constraint on plans to re-open schools’, and that a 2 metre rule (as is currently in place in Ireland) would result in primary pupils attending school just one day a week, or 50% attendance at 1 metre distancing.<sup>12</sup> The report therefore recommends that there should not be a requirement to maintain a specific distance when re-opening schools. Increased hand washing, cleaning and stay at home regimes for any children who are unwell would be put in place, and the confinement of students to class groupings and staggered pick up and drop off times. These plans have been opposed by one of the main teachers’ unions, the Association of Secondary Teachers Ireland, who have said that: ‘any deviation from the health advice available from the National Public Health Emergency Team would be unacceptable’.<sup>13</sup> While the outgoing Minister for Education had confirmed his intention to proceed with plans to re-open without social distancing, the new Minister for Education under the new government appointed

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<sup>8</sup> ICCL (2020), ‘ICCL welcomes decriminalisation of restriction on movement and return to policing by consent’, 8 June 2020, available at: <https://www.iccl.ie/news/iccl-welcomes-decriminalisation-of-restriction-on-movement/>.

<sup>9</sup> Ireland, Department of Justice and Equality (2020), ‘Use of Covid-19 related powers by an Garda Síochána’, available at: [http://www.justice.ie/en/JELR/Pages/Use\\_of\\_Covid-19\\_related\\_powers\\_by\\_An\\_Garda\\_S%C3%ADoch%C3%A1na](http://www.justice.ie/en/JELR/Pages/Use_of_Covid-19_related_powers_by_An_Garda_S%C3%ADoch%C3%A1na).

<sup>10</sup> The Policing Authority Ireland (2020), ‘Policing Performance by the Garda Síochána in relation to COVID-19 Regulations’, 4 June 2020, available at: [https://www.policingauthority.ie/assets/uploads/documents/Policing\\_Performance\\_by\\_the\\_Garda\\_S%C3%ADoch%C3%A1na\\_in\\_relation\\_to\\_Covid-19\\_Regulations\\_20200604.pdf](https://www.policingauthority.ie/assets/uploads/documents/Policing_Performance_by_the_Garda_S%C3%ADoch%C3%A1na_in_relation_to_Covid-19_Regulations_20200604.pdf).

<sup>11</sup> Ireland, Department of Education and Skills (2020), ‘Planning for reopening schools in line with the Roadmap for reopening society and business’, 12 June 2020, <https://www.education.ie/en/covid-19/planning-for-reopening-schools.pdf>.

<sup>12</sup> Ireland, Department of Education and Skills (2020), ‘Planning for reopening schools in line with the Roadmap for reopening society and business’, 12 June 2020, <https://www.education.ie/en/covid-19/planning-for-reopening-schools.pdf>.

<sup>13</sup> ASTI (2020), ‘Physical distancing for schools must be in line with public health advice’, 12 June 2020.

on 27 June 2020 has taken a softer line, saying that she is 'keen' to re-open schools, but very 'keen that would happen as a consequence of engagement with all stakeholders and also acting on the very best public health advice available to us'.<sup>14</sup>

On 12 June, the Department of Education announced an expanded summer programme for 2020.<sup>15</sup> Usually offered to children with autism and with severe or profound disabilities, it is now expanded to cover a wider range of children with special needs. Teachers and special needs assistants are being given the opportunity to offer provision in-school or in the home, for two to four weeks over the summer months. 3,400 children will benefit from the school-based programme, while 9,200 children have registered for the home-based programme.<sup>16</sup>

They have also announced that they will fund any school in disadvantaged areas to run a week-long summer camp for up to 36 students. Schools are free to target the cohort of pupils they feel most appropriate, based on their social, educational or wellbeing needs, assessment outcomes, early intervention and age-cohorts.<sup>17</sup> 210 (of 692) primary schools, and 14 (of 198) secondary schools have registered to participate.<sup>18</sup>

Creches and childcare were permitted to re-open for most children on 29 June 2020.<sup>19</sup> Services were advised to group children and carers into small groups known as 'play-pods' to minimise spread of infection, and parents advised to keep their children at home at any sign of infection, or any suspected or confirmed COVID-19 illness in the household. A financial package has been put in place to allow re-opening childcare providers to keep their fees at pre-COVID-19 rates. However, these supports will expire on 23 August 2020, and the national membership organisation for childcare providers, Early Childhood Ireland, has warned that pre-existing issues of prohibitively high insurance rates, and difficulties with staff retention and recruitment are likely to be exacerbated by the COVID-19 pandemic.<sup>20</sup>

Third level institutions plan to re-open campuses in September/October for the new academic year.<sup>21</sup> While there is no standard approach for the third level sector, most universities are planning a mix of

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<sup>14</sup> RTÉ News (2020), 'Education minister 'keen' to reopen schools in late August, September', 28 June 2020, available at: <https://www.rte.ie/news/education/2020/0628/1150197-education-minister-schools-reopen/>.

<sup>15</sup> Ireland, Department of Education and Skills (2020), 'Government announces new Summer Provision 2020', 12 June 2020, available at: <https://www.education.ie/en/Press-Events/Press-Releases/2020-press-releases/PR20-06-12.html>.

<sup>16</sup> Government of Ireland (2020), 'Dáil Éireann (Parliament lower house) debate', Wednesday 24 June 2020, available at: <https://www.oireachtas.ie/en/debates/debate/dail/2020-06-24/24/>.

<sup>17</sup> Ireland, Department of Education and Skills (2020), 'Frequently Asked Questions on the Reconnecting with School Summer Camp Programme for DEIS Primary Schools', June 2020, available at: <https://www.education.ie/en/Parents/Services/summerprovision/FAQs-Reconnecting-with-School-Summer-Camp-Programme-DEIS-Primary-Schools.pdf>.

<sup>18</sup> Government of Ireland (2020), 'Dáil Éireann (Parliament lower house) debate', Wednesday 24 June 2020, available at: <https://www.oireachtas.ie/en/debates/debate/dail/2020-06-24/24/>.

<sup>19</sup> Ireland Department of Children and Youth Affairs (2020), 'Crèche, Pre-school and Childminding about to reopen', available at: <https://www.gov.ie/en/publication/e18e6-ready-to-reopen/>.

<sup>20</sup> Government of Ireland (2020), 'Oireachtas Special Committee on COVID-19 response', 23 June 2020, available at: [https://www.oireachtas.ie/en/debates/debate/special\\_committee\\_on\\_covid-19\\_response/2020-06-23/4/](https://www.oireachtas.ie/en/debates/debate/special_committee_on_covid-19_response/2020-06-23/4/).

<sup>21</sup> Irish Universities Association (2020), University Updates and FAQs on COVID-19, 1 April 2020, available at: [https://www.iaa.ie/covid-19/university\\_updates\\_faqs/](https://www.iaa.ie/covid-19/university_updates_faqs/).

blended learning for larger lectures and seminars, combined with smaller classes delivered in person on campus where possible.<sup>22</sup>

### 1.2.3 Work

In Phase Three, commencing on 29 June 2020, almost all businesses are now permitted to re-open, with the exception of pubs and bars which do not serve meals, which will re-open in Phase Four commencing on 20 July 2020.<sup>23</sup>

Businesses must respect physical distancing, and the general guidance for all workplaces is the Return to Work Safely Protocol, developed by the Government in dialogue with trade union and employer representatives.<sup>24</sup>

While numbers receiving the COVID-19 Pandemic Unemployment payment have fallen by 108,000 since restrictions starting easing in Ireland, 500,000 workers continue to receive the payment, which is to remain in place until at least August.<sup>25</sup>

### 1.2.4 Access to justice

Courts have been resuming some business in line with the Irish Courts Service announcement of a 'gradual and careful planning for creating a pathway to opening some courts' on 8 May 2020.<sup>26</sup> Remote hearings will also continue, particularly in the Supreme Court and Court of Appeal. Video conferencing for certain parties in lower courts, particularly for defendants in custody appearing in court, will also continue.<sup>27</sup> On 18 June 2020, the Irish Courts Service launched a new COVID-19 Court Users' video for those attending court during the COVID-19 pandemic.<sup>28</sup> Only parties essential to the proceedings are to attend, and cases involving multiple witnesses remain suspended.

For example, the High Court has now announced that motions on the Common Law List which were originally listed for hearing on 16 March 2020, when restrictions first commenced, will now be heard in the week beginning 29<sup>th</sup> June.<sup>29</sup> Staggered times have been allocated for parties to attend Court to

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<sup>22</sup> See, for example, NUI Galway, 'Coronavirus COVID-19', available at: <http://www.nuigalway.ie/alert/> .

<sup>23</sup> Government of Ireland (2020), 'View the measures in Phase 3 which are in place right now', 28 June 2020, <https://www.gov.ie/en/publication/d06271-easing-the-covid-19-restrictions-on-29-june-phase-3/> .

<sup>24</sup> Government of Ireland (2020), 'Return to Work Safely Protocol, COVID-19 Specific National Protocol for Employers and Workers', 8 May 2020, available at: <https://www.gov.ie/en/publication/22829a-return-to-work-safely-protocol/> .

<sup>25</sup> Government of Ireland (2020), 'Update on payments awarded for COVID-19 Pandemic Unemployment Payment and Enhanced Illness Benefit', 15 June 2020, available at: <https://www.gov.ie/en/press-release/eed4f-update-on-payments-awarded-for-covid-19-pandemic-unemployment-payment-and-enhanced-illness-benefit/> .

<sup>26</sup> Ireland Courts Service (2020), 'Gradual and careful planning for creating a pathway to opening some courts', Courts Statements Friday May 8<sup>th</sup> 2020, available at: <https://beta.courts.ie/news/gradual-and-careful-planning-creating-pathway-opening-some-courts-courts-statements-friday-may> .

<sup>27</sup> Ireland Courts Service (2020), 'Courts Service COVID-19 update', available at: <https://beta.courts.ie/covid-19-response-updates> .

<sup>28</sup> Ireland Courts Service (2020), 'Informational video', available at: <https://beta.courts.ie/covid-19-response-updates> .

<sup>29</sup> Ireland Courts Service (2020), 'Resumption of High Court Common Law Lists on Monday 29th June', 24 June 2020, available at: <https://beta.courts.ie/news/resumption-high-court-common-law-lists-monday-29th-june> .

comply with social distancing. However, cases on the personal injury claims list remain suspended, due to the numbers of witnesses involved, and the President of the High Court has urged members of the legal profession to continue to negotiate with one another to find settlement out of court.<sup>30</sup>

### 1.2.5 Freedom of movement

In **Ireland**, the official advice remains that all non-essential travel should be avoided until further notice, which includes Great Britain, but does not apply to Northern Ireland. The Irish Health Authorities require anyone coming into Ireland, apart from those coming from Northern Ireland, and certain providers of essential supply chain services, to self-isolate for 14 days, upon arrival.<sup>31</sup> From 28 May, it is a legal requirement to complete a COVID-19 Passenger Locator Form to indicate where you will be self-isolating, and failure to do so will be punishable by a fine not exceeding €2,500 or imprisonment for a maximum of 6 months.<sup>32</sup>

These regulations will remain in effect until 9 July 2020, before which a 'green list' of countries will be put in place. The 14 day quarantine will be lifted for countries on the green list, which will be compiled based on epidemiological data, and subject to change every two weeks.<sup>33</sup>

There has been no change to the measures put in place by Ireland's International Protection Office, which is open to the public on a limited basis, and is processing new applications for asylum only, with all substantive interviews cancelled until further notice.<sup>34</sup>

Latest available statistics show that there has been a sharp drop in numbers applying for asylum. In the month of May 2020, only 16 applications were made for international protection, compared to 384 in the month of May 2019. In the year to date, 775 applications for international protection were made from 1<sup>st</sup> January to 31<sup>st</sup> May 2020, compared to 1,852 in the same period last year.<sup>35</sup>

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<sup>30</sup> Ireland Courts Service (2020), 'Statement of President of the High Court regarding the Personal Injuries Claims', listed in the Legal Diary for the 23, 24 and 25 June, available at: <https://beta.courts.ie/covid-19-response-updates>.

<sup>31</sup> Ireland, Department of Foreign Affairs and Trade, 'General COVID-19 Travel Advisory in Operation', available at: <https://www.dfa.ie/travel/travel-advice/coronavirus/>.

<sup>32</sup> Ireland, Department of Health (2020), 'Minister for Health confirms new travel measures in light of COVID-19 pandemic', 25 May 2020, available at: <https://www.gov.ie/en/press-release/d09ad0-minister-for-health-confirms-new-travel-measures-in-light-of-covid-1/>.

<sup>33</sup> RTÉ News (2020), 'Green list' to see some travel restrictions eased from 9 July', 25 June 2020, available at: <https://www.rte.ie/news/2020/0625/1149677-ireland-coronavirus-travel/>.

<sup>34</sup> Ireland, International Protection Office (2020), 'Important Notice re COVID-19', 5 May 2020, available at: <http://www.ipo.gov.ie/>.

<sup>35</sup> Ireland, International Protection Office, 'Statistics', available at: <http://www.ipo.gov.ie/en/ipo/pages/statistics>.

## 1.3 Impact of measures on particular groups

### 1.3.1 Women

In Ireland, women's well-being has been more adversely affected by the COVID-19 crisis than men, according to the Irish Government Central Statistics Office.<sup>36</sup> The survey found that women were more likely than men to report being 'downhearted and depressed', more women reported an increase in consumption of alcohol, tobacco and junk food, and more women were extremely concerned about their own or someone else's health. In addition, almost half (48.6%) of women reported they would like to return to their workplace after COVID-19 restrictions are lifted, compared to less than one-third of men (31.7%).<sup>37</sup> This may be partly explained by the results of another Central Statistics Office survey, which found that women are more likely to be caring for a dependent family member or friend, more likely to report childcare issues, and more likely to find it difficult working from home because of family being around.<sup>38</sup>

As elsewhere, the COVID-19 restrictions have seen a sharp increase in domestic violence, largely affecting women. While most forms of crime have declined, Gardaí have received an increase of 24% in calls for assistance in respect of domestic abuse incidents for the year to date.<sup>39</sup> A campaign to proactively protect potential victims of domestic violence, known as Operation Faoiseamh, saw Gardaí reach out to 8,200 previous victims of domestic abuse. Survivors of domestic violence reportedly responded well to this operation, and Gardaí identified a large number of cases warranting further action.<sup>40</sup>

107 people, all men, were prosecuted for domestic violence in the last two weeks of May, according to Gardaí.<sup>41</sup> NGO Women's Aid commended the Garda operation, saying that it is 'encouraging to see priority being given to the issue of domestic violence [...] by the leadership and rank and file Garda members' but warned that: 'We know only a small percentage of victims ever contact the Garda so [these] figures are the tip of the iceberg'.<sup>42</sup>

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<sup>36</sup> Ireland, Central Statistics Office (2020), 'Social impact of COVID-19 on Women and Men Statistical Release', 19 May 2020, available at: <https://www.cso.ie/en/releasesandpublications/er/sic19wm/socialimpactofcovid-19onwomenandmenapril2020/> .

<sup>37</sup> Ireland, Central Statistics Office (2020), 'Social impact of COVID-19 on Women and Men Statistical Release', 19 May 2020, available at: <https://www.cso.ie/en/releasesandpublications/er/sic19wm/socialimpactofcovid-19onwomenandmenapril2020/> .

<sup>38</sup> Ireland, Central Statistics Office (2020), 'Employment and Life Effects of COVID-19', 13 May 2020, <https://www.cso.ie/en/releasesandpublications/er/elec19/employmentandlifeeffectsofcovid-19/> .

<sup>39</sup> Ireland, Department of Justice (2020), 'Dail statement by Minister for Justice and Equality Charlie Flanagan TD, Domestic abuse in the context of COVID-19', 24 June 2020, available at: <http://www.justice.ie/en/JELR/Pages/SP20000124> .

<sup>40</sup> Ireland, Department of Justice and Equality (2020), 'Dail statement by Minister for Justice and Equality Charlie Flanagan TD, Domestic abuse in the context of COVID-19', 24 June 2020, available at: <http://www.justice.ie/en/JELR/Pages/SP20000124> .

<sup>41</sup> RTÉ News (2020), '25% rise in domestic violence calls during pandemic-', 9 June 2020, available at: <https://www.rte.ie/news/2020/0609/1146245-domestic-violence-gardai/> .

<sup>42</sup> Women's Aid Ireland (2020), 'Media Release: Garda Statistics on Domestic Abuse During Covid-19 only the tip of the iceberg', 9 June 2020, available at: <https://www.womensaid.ie/about/newsevents/news/2020/06/09/media-release-garda-statistics-on-domestic-abuse-d/> .



### 1.3.2 Older people

Almost 94% of people dying from COVID-19 in Ireland have been aged 65 or over.<sup>43</sup> A large proportion of these deaths are associated with nursing homes, which is the primary model of care for older persons in Ireland. 257 clusters of cases have been associated with nursing homes since the start of the pandemic.<sup>44</sup>

A COVID-19 nursing home expert panel was established on 23<sup>rd</sup> May 2020 to make recommendations to the Minister for Health on protective COVID-19 response measures in nursing homes for the next 6-18 months.<sup>45</sup> While it was originally stated that this panel would make its recommendations by the end of June, no report has as yet been made public. The panel invited written submissions to its work between 10 and 18 June 2020.<sup>46</sup> This consultation is currently being reviewed.

From 15 June 2020, visits to nursing homes were permitted to resume on a limited basis. Each resident can have two named visitors, but only one can visit at any one time. Visitors must wash their hands, but the wearing of PPE and a face mask is at the discretion of nursing home staff.<sup>47</sup>

While older people in the general population, are still being advised to ‘cocoon’, the guidelines around this advice have been modified slightly in line with the relaxing of restrictions. For example, the advice for cocooners is to avoid group activities, but that it is ‘reasonable’ to go to services e.g. a local library, that are providing dedicated hours for older people.<sup>48</sup> However, advice on cocooning remains non-mandatory guidelines, since there is no distinction in age with regard to mandatory public health provisions.

### 1.3.3 Homeless people

In the Government report for April 2020, there were 9,355 people (adults and children) in emergency homelessness accommodation in Ireland, a drop of 572 people from the number in March.<sup>49</sup> This third consecutive monthly drop in homelessness can be contributed to efforts by the State, local authorities and NGOs to alleviate overcrowding in emergency accommodation during the pandemic. The rent

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<sup>43</sup> That is 93.53%, see Ireland, Health Service Executive (2020), ‘Epidemiology of COVID-19 in Ireland: Report prepared by the Health Protection Surveillance Centre on 31/05/2020 for National Public Health Emergency Team’, available at: [https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/casesinireland/epidemiologyofcovid-19inireland/COVID-19\\_Daily\\_epidemiology\\_report\\_\(NPHET\)\\_26062020%20v1%20website.pdf](https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/casesinireland/epidemiologyofcovid-19inireland/COVID-19_Daily_epidemiology_report_(NPHET)_26062020%20v1%20website.pdf) .

<sup>44</sup> Ireland Health Service Executive (2020), ‘Epidemiology of COVID-19 in Ireland: Report prepared by the Health Protection Surveillance Centre on 31/05/2020 for National Public Health Emergency Team’, available at: [https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/casesinireland/epidemiologyofcovid-19inireland/COVID-19\\_Daily\\_epidemiology\\_report\\_\(NPHET\)\\_26062020%20v1%20website.pdf](https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/casesinireland/epidemiologyofcovid-19inireland/COVID-19_Daily_epidemiology_report_(NPHET)_26062020%20v1%20website.pdf) .

<sup>45</sup> Government of Ireland (2020), ‘Minister for Health announces the establishment of a COVID-19 Nursing Home Expert Panel’, 23 May 2020, available at: <https://www.gov.ie/en/press-release/81910-minister-for-health-announces-the-establishment-of-a-covid-19-nursing-home-expert-panel/> .

<sup>46</sup> Ireland, Department of Health (2020), ‘COVID-19 Nursing Homes Expert Panel invites written submissions’, <https://www.gov.ie/en/press-release/a2960-covid-19-nursing-homes-expert-panel-invites-written-submissions/> .

<sup>47</sup> Ireland Health Service Executive (2020), Visiting nursing homes and residential care facilities, 15 June 2020, available at: <https://www2.hse.ie/conditions/coronavirus/visiting-nursing-homes-and-residential-care-facilities.html>

<sup>48</sup> Ireland Citizens Information Centre, (2020), ‘Cocooning during COVID-19’, available at: [https://www.citizensinformation.ie/en/health/covid19/cocooning\\_during\\_covid19.html](https://www.citizensinformation.ie/en/health/covid19/cocooning_during_covid19.html) .

<sup>49</sup> Government of Ireland (2020), ‘Homeless Report – April 2020’, available at: [https://www.housing.gov.ie/sites/default/files/publications/files/homeless\\_report\\_-\\_april\\_2020.pdf](https://www.housing.gov.ie/sites/default/files/publications/files/homeless_report_-_april_2020.pdf) .



freeze and ban on evictions introduced during the pandemic has also played a significant role in keeping the numbers from entering homelessness, and leading homelessness campaigner Father Peter McVerry has called upon the Government to extend the rent freeze and eviction ban for up to two years.<sup>50</sup> If these measures are not extended, homelessness NGOs are warning of a 'second wave' of homelessness, with the potential for a sudden sharp increase in homelessness once bans on evictions and the rent freeze are lifted.<sup>51</sup>

There were two deaths of homeless people from COVID-19 in the reporting period, the first amongst homeless people to have occurred since the start of the pandemic.<sup>52</sup> There have been no reports of hatred or discrimination reported towards homeless people regarding the spread of the virus.

## **2 Selected issues emerging during the COVID-19 crisis**

### **2.1 Xenophobic speech, acts of harassment and violent attacks**

In Ireland, further reports have emerged of xenophobic verbal abuse and intimidation of people of Asian origin in reference to COVID-19. Trinity College Dublin are currently collaborating on research with colleagues in the UK on the impact of the pandemic on international students, and Dr Eimear Nolan has detailed some instances on verbal abuse and harassment of ethnic Asians living in Ireland, as far back as December 2019.<sup>53</sup>

A national conversation about tackling racism has been sparked by the killing of George Floyd, and this appears to have created some momentum in government around lapsed commitments to produce a new anti-racism strategy. In its Programme for Government, the new administration has committed to ending the 20 year old direct provision system for international protection applicants (asylum seekers) within its lifetime.<sup>54</sup> The highlighting of the impossibility of self-isolation and social distancing in direct provision facilities during the COVID-19 pandemic may have served to heighten political pressure to end the system.<sup>55</sup>

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<sup>50</sup> RTÉ News (2020), 'McVerry calls for rent freeze, eviction ban extension for up to two years', 16 June 2020, available at: <https://www.rte.ie/news/ireland/2020/0616/1147737-mcverry-rent-freeze/>.

<sup>51</sup> The Journal.ie (2020), 'In Galway and Cork, concerns grow about 'sharp increase' in homelessness in coming months', 4 July 2020, available at: <https://www.thejournal.ie/homelessness-galway-cork-homeless-simon-community-5139472-Jul2020/>.

<sup>52</sup> The Journal.ie (2020), 'Warning over 'second wave' of homelessness in coming months', 21 June 2020, available at: <https://www.thejournal.ie/homelessness-galway-cork-homeless-simon-community-5139472-Jul2020/>.

<sup>53</sup> The Irish Times (2020), 'We must not let fear of Covid-19 turn us against our Asian community', 31 March 2020, available at: <https://www.irishtimes.com/opinion/we-must-not-let-fear-of-covid-19-turn-us-against-our-asian-community-1.4216977>.

<sup>54</sup> The Irish Times (2020), 'New Department of Children to be responsible for Direct Provision', 28 June 2020, available at: <https://www.irishtimes.com/news/ireland/irish-news/new-department-of-children-to-be-responsible-for-direct-provision-1.4290769>.

<sup>55</sup> Amnesty International Ireland (2020), 'Protect People in Direct Provision from COVID-19', available at: <https://www.amnesty.ie/direct-provision-covid19/>.

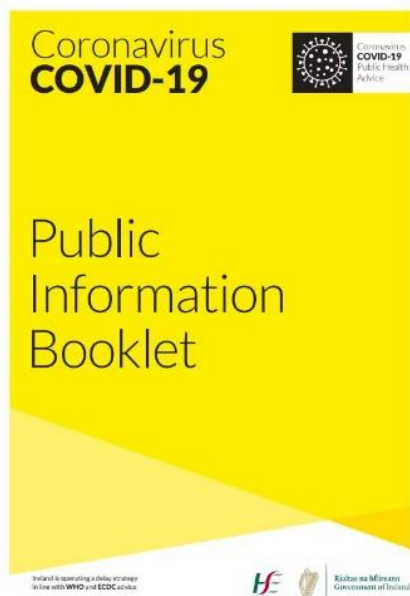
## 2.2 Infringement of privacy and/or data protection rights

No specific instances of infringement of privacy and/or data protection rights in relation to COVID-19 were noted during the reporting period.

However, a key development in Ireland was the release on 26 June 2020 of the Data Protection Impact Assessment and source code of the Irish COVID-19 tracker app, ahead of the launch of the app.<sup>56</sup> The Irish Council for Civil Liberties and Digital Rights Ireland welcomed the establishment of an App Advisory Committee, and the inclusion of a ‘self-destruct’ mechanism after 90 days if the app is found to be ineffective. However, they claimed that there was not sufficient evidence to show that the app would improve the speed and accuracy of manual contact tracing, stating that the evidence suggests that Bluetooth signal strength, on which the app relies, is not a reliable means to detect contact with individuals infected with COVID-19.<sup>57</sup>

Speaking to the Irish Times, data privacy consulting firm Castlebridge argued that the app’s multiple functions, including symptom tracking, goes against the advice given by the European Data Protection Board in April. However, a rationale is provided for this in the Data Privacy Impact Assessment, which uses a broad definition of contact tracing to include symptom onset data.<sup>58</sup>

## 2.3 Spread of disinformation online



In Ireland, a Public Information Booklet (pictured left) on COVID-19 were circulated to all households. This explained

<sup>56</sup> Ireland Health Service Executive (2020), ‘Covid Tracker App’, available at: <https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/covid-tracker-app/covid-tracker-app.html>.

<sup>57</sup> The Irish Council for Civil Liberties and Digital Rights Ireland (2020), ‘ICCL and DRI raise questions on efficacy of HSE contact-tracing app’, 26 June 2020, available at: <https://www.iccl.ie/news/iccl-and-dri-raise-questions-on-efficacy-of-hse-contact-tracing-app/>.

<sup>58</sup> The Irish Times (2020), ‘HSE reveals key documents ahead of Covid-19 tracker app’, 26 June 2020, available at: <https://www.irishtimes.com/news/ireland/irish-news/hse-reveals-key-documents-ahead-of-covid-19-tracker-app-1.4289700>.

COVID-19 and its symptoms, preventative measures, and self-isolation guidelines.<sup>59</sup>

Government officials and ministers have continued to warn the public to be careful where they get their information, as misinformation circulates on social media. In April 2020, the Minister for Foreign Affairs, Simon Coveney, responded on Twitter to the UN Secretary General's campaign to combat misinformation, saying that in Ireland, the 'last few days saw a lot of false info on social media' including a fake memo from him ending restrictions.<sup>60</sup> He asked people to be careful where they get their information on COVID-19, saying, 'we have good mainstream media, take your lead from them!'<sup>61</sup>

Also in April 2020, mobile phone masts were set on fire in County Donegal and County Cork.<sup>62</sup> Gardaí suspect that this was a deliberate arson attack, connected to the myth that 5G mobile networks are linked to the virus.<sup>63</sup> Researchers in Dublin City University noted a huge increase in this conspiracy theory circulating on Irish social networks.<sup>64</sup> The Irish Health Service Executive reportedly met with social media companies to raise their concerns about the spread of this myth.<sup>65</sup>

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<sup>59</sup> Ireland Health Service Executive (2020), 'COVID-19 Public Information Booklet', available at: <https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/partner-resources/covid-19-information-booklet.pdf> .

<sup>60</sup> The Journal.ie (2020), 'Be careful where you get your info: Coveney warns public of Covid-19 misinformation', 18 April 2020, available at: <https://www.thejournal.ie/simon-coveney-coronavirus-fake-news-5077806-Apr2020/> .

<sup>61</sup> The Journal.ie (2020), 'Be careful where you get your info: Coveney warns public of Covid-19 misinformation', 18 April 2020, available at: <https://www.thejournal.ie/simon-coveney-coronavirus-fake-news-5077806-Apr2020/> .

<sup>62</sup> The Irish Independent (2020), 'Mobile mast near Cork Apple headquarters set ablaze in suspected 5G arson attack', 23 April 2020, available at: <https://www.independent.ie/irish-news/mobile-mast-near-cork-apple-headquarters-set-ablaze-in-suspected-5g-arson-attack-39151454.html#:~:text=Another%20mobile%20telecoms%20mast%20has,was%20spotted%20on%20Wednesday%20night> .

<sup>63</sup> The Irish Times (2020), 'Virus of Covid-19 conspiracy theories spreads to Ireland', 14 April 2020, available at: <https://www.irishtimes.com/news/health/virus-of-covid-19-conspiracy-theories-spreads-to-ireland-1.4228045> .

<sup>64</sup> The Irish Times (2020), 'Virus of Covid-19 conspiracy theories spreads to Ireland', 14 April 2020, available at: <https://www.irishtimes.com/news/health/virus-of-covid-19-conspiracy-theories-spreads-to-ireland-1.4228045> .

<sup>65</sup> The Business Post (2020), 'HSE to meet social media giants over 5G fringe conspiracies', 3 May 2020, available at: <https://www.businesspost.ie/coronavirus/hse-to-meet-social-media-giants-over-5g-fringe-conspiracies-318fbb9e> .