

Coronavirus COVID-19 outbreak in the EU

Fundamental Rights Implications

Country: Ireland

Contractor's name: Irish Centre for Human Rights, National University of Ireland Galway

Date: 23 March 2020

DISCLAIMER: This document was commissioned under contract as background material for a comparative report being prepared by the European Union Agency for Fundamental Rights (FRA) for the project “Coronavirus COVID-19 outbreak in the EU – fundamental rights implications”. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made available for transparency and information purposes only and does not constitute legal advice or legal opinion.

1 Measures taken by government / public authorities

The following is a brief timeline of the measures taken by the Irish Government with regard to Covid-19 until 23 March 2020. It is worth noting that Ireland had a general election on 8 February, and that coalition talks are ongoing. These measures have therefore been taken by the outgoing administration, in its capacity as caretaker Government.

February 29th: First case of Covid-19 confirmed in Ireland

March 9th: The Government cancels all St Patrick's Day Parades (due to take place on March 17th) and announces aid package of €3 billion to deal with the public health and economic impact of the virus.

March 12th: Government orders all schools, colleges and creches to close for at least two weeks, effective that day.¹

March 15th: Pubs are asked to close until at least 29th March.² Gardai are inspecting pubs to ensure closures; however, absent specific legislative basis for enforcing such closures, are considering whether the failure to comply with a Government request is evidence of 'irresponsibility' in contravention of the Intoxicating Liquor Act, which holds that a publican must be a responsible person.³ On March 21st, the Minister for Health warned publicans who are ignoring public health advice that he will use new emergency powers to 'immediately shut them down'.⁴

March 20th: Emergency legislation (the Health Preservation and other Emergency Measures Bill) was signed into law on Friday 20 March.⁵ This amends the Health Act 1947 and, inter alia, gives the Minister for Health the power to make regulations prohibiting or restricting mass gatherings; to order designated areas of the country into lockdown with restrictions on travel to and from the area; to amend and extend social welfare entitlements. It will also allow certain 'medical officers of health to order, in certain circumstances, the detention of persons who are suspected to be possible sources of infection of Covid-19 and to provide for enforcement measures in that regard'.⁶ Thanks in part to civil society critique, the draft legislation now contains a 'sunset clause' which is set at 9 November, but with a possibility for extension. This legislation opens the way for a wider quarantine, which is not yet in place.

March 23rd: To date, there are 1,125 confirmed cases of COVID-19 in the Republic of Ireland; 6 people died from coronavirus in the state.⁷

As of 23rd March: A complete lockdown or quarantine has not been called as yet, although the Mayors of Dublin, Cork and Galway are reportedly calling for one,⁸ and the Government is considering stricter restrictions to the freedom of movement. At present, the Health Service Executive are inviting everyone to observe 'social distancing' outside, which constitutes remaining 2 metres from others; groups size should be kept to a 'minimum' (size not defined); and not meeting up with other groups. These and

¹ Ireland, Department of Education and Skills, 'Covid-19 - Statement from the Department of Education and Skills', press release, 12 March 2020, available at:

<https://www.education.ie/en/Press-Events/Press-Releases/2020-press-releases/12-march-2020-statement-from-the-department-of-education-and-skills.html> .

² Ireland, Department of the Taoiseach, 'All pubs advised to close until March 29', press release, 15 March 2020, available at:

<https://www.gov.ie/en/press-release/20fc58-all-pubs-advised-to-close-until-march-29/> .

³ RTÉ News, 'Pubs inspected to ensure compliance with closure directive', 20 March 2020, available at: <https://www.rte.ie/news/coronavirus/2020/0320/1124336-covid19-coronavirus-ireland/>

⁴ RTÉ News, 'Minister for Health Simon Harris warns pubs to close or risk licences', 21 March 2020, available at: <https://www.rte.ie/news/2020/0321/1124598-harris-warns-pubs-to-close-or-risk-licences/> .

⁵ RTÉ News, 'President Higgins signs emergency measures into law', 20 March 2020, available at: <https://www.rte.ie/news/coronavirus/2020/0320/1124275-covid19-coronavirus-politics/>

⁶ Ireland, Draft-Health (Preservation and Protection and other Emergency Measures in the Public Interest) Bill 2020.

⁷ Ireland, Department of Health, 'Statement from the National Public Health Emergency Team on Monday, 23 March', 23 March 2020, press release, available at: <https://www.gov.ie/en/news/510383-statement-from-the-national-public-health-emergency-team-on-monday-2/> .

⁸ RTÉ News, 'Seanad to be recalled to pass new law over coronavirus', Monday 23 March 2020, available at: <https://www.rte.ie/news/politics/2020/0323/1124873-seanad-legislation-coronavirus/>.

other messages are being published on posters with infographics which are widely displayed in public places.⁹ The first posters appeared in late January, they have been updated and have grown in number over the last few weeks. While the Health Service Executive (HSE) - the health service provider in the country - has made 'translated resources' available on its website,¹⁰ to my knowledge, widely disseminated infographics are in the two official national languages (Irish and English).¹¹ Daily Government briefings have been accompanied by an Irish Sign Language interpreter.

Anyone who has symptoms is being asked to 'self-isolate' for 14 days, i.e. staying indoors and completely avoiding contact with other people. Anyone who has been in close contact with a case, or has recently return to Ireland is being asked to 'restrict their movements' by staying at home as much as possible, although they are still allowed to go out for a run or walk.¹² At present, these remain recommendations only, although the legislation passed on Friday 20 March will allow for further measures in that regard.

While pubs are closed, restaurants and other non-essential services remain open at their own discretion, although many have chosen to close. Workers are being asked to work from home 'where possible' but many civil servants are still working at least partially in their workplaces. Media have given resonance to the fact that employees who work from home may claim revenue's tax relief for e-working / home workers.¹³ Religious services are suspended by decision of the faith groups themselves, rather than by national order.¹⁴ While the courts have not been closed completely, only urgent cases and cases not involving witnesses are being heard.¹⁵

Other public services are subject to the discretion of local authorities, who are progressively closing facilities as concerns over respect for social distancing grow. For example, Wicklow County Council closed libraries and swimming pools from Friday 13 March, but following a sunny weekend where many outdoor spaces were crowded, Wicklow County Council have now closed all playgrounds and facilities at well-known beauty spots.¹⁶ However, as a matter of national policy, the Government are currently seeking to keep public spaces such as forests, parks and beaches open 'at present' where possible.¹⁷

The measures quoted above have impact on numerous fundamental rights, including right to education, freedom of assembly and freedom of movement. The measures are likely to have a disproportionate effect on certain more vulnerable groups in society, including lower paid and workers in precarious employment; manual workers and those who cannot work from home; those living in congregated

⁹ Health Service Executive, 'COVID 19 Social Distancing outside A3 poster', available at: <https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/partner-resources/covid-19-social-distancing-outside-a3-poster-pdf> .

¹⁰ Health Service Executive, 'COVID-19 Translated resources', available at: <https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/partner-resources/covid-19-translated-resources/> .

¹¹ Health Service Executive, 'COVID 19 posters and resources', available at: <https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/partner-resources/> .

¹² Health Service Executive, 'Coronavirus measures', updated 17 March 2020, available at: <https://www2.hse.ie/conditions/coronavirus/self-isolation-and-limited-social-interaction.html>

¹³ Revenue, Irish tax and Customs, 'e-Working and home workers', available at: <https://www.revenue.ie/en/employing-people/employee-expenses/e-working-and-home-workers/index.aspx> .

¹⁴ McGarry P. (2020) 'Public church services suspended but online prayers continue', *The Irish Times*, 20 March 2020, available at: <https://www.irishtimes.com/news/social-affairs/religion-and-beliefs/public-church-services-suspended-but-online-prayers-continue-1.4207769> .

¹⁵ RTÉ News, 'Near shut down of courts for two weeks over coronavirus', 13 March 2020, available at: <https://www.rte.ie/news/coronavirus/2020/0313/1122173-court-restrictions-coronavirus/> .

¹⁶ Wicklow County Council, 'Coronavirus COVID 19 Statement 23rd March', 23 March 2020, available at: <https://www.wicklow.ie/Living/News-Events/coronavirus-covid-19-statement-23rd-march-30843> .

¹⁷ Leahy P. et al. (2020) 'Coronavirus: Government to seek to keep public spaces open', *The Irish Times*, 23 March 2020, available at: <https://www.irishtimes.com/news/health/coronavirus-government-to-keep-public-spaces-open-1.4209705> .

settings, such as nursing homes, prisons and asylum seekers. While the Government has made statements and introduced measures to protect some of the more vulnerable, there have been calls by civil society groups to ensure that such measures are carefully planned and enforced. It is however worth noting that no quarantine or travel ban have been enforced so far: the Emergency legislation (the Health Preservation and other Emergency Measures) will give powers to take such measures to the Department of Health. The Department of Foreign Affairs currently advises against all non-essential travel overseas until at least March 29th, including Great Britain, but not including Northern Ireland. Anyone coming into Ireland is asked to restrict their movements for 14 days and this applies to both Irish residents and non-residents.

Below are some of the current issues under debate:

Availability and accessibility of medical testing and care: HSE Chief Clinical Officer Dr Colm Henry, speaking on RTÉ's Prime Time on 18th March, said there was congestion in the testing system at that time, but that anyone with symptoms of Covid-19 should self-isolate, pending testing. On 19th March, the Minister for Health, Simon Harris TD, declared that thousands of test will be carried out daily, as diagnostics will help preventing and slowing down the spread of COVID-19.¹⁸ Mr Harris said the 'HSE is reaching arrangements with private hospitals and large companies to maximise the availability of [beds and] ventilation equipment',¹⁹ which may take the form of private hospital to becoming 'public' for the crisis. The HSE has asked all healthcare professionals from all disciplines who are not already working in the public health service to register and make themselves available for this public health emergency.²⁰ The HSE spokesperson, speaking on RTÉ news on 19th March, reported that 30,000 health professionals had answered this call until that moment..

The guidelines of the HSE indicate that if people experience symptoms of Covid-19, they should self-isolate, call a general practitioner (GP) who will assess the patient over the phone and, if considered necessary, arrange a test for the patient.²¹ It is not clear how people who do not have a GP, should proceed: for instance, this is the case of international students or recently arrived non-Irish EU citizens. Regarding the former, the National University of Ireland Galway provided primary care guidance, including available GP's phone numbers, for its international students.²² Furthermore, while concern was raised regarding the genuine accessibility of testing and hospital care by **undocumented migrants**, who fear to be reported to immigration authorities,²³ the Department of Justice and Equality assured the association Migrant Rights Centre Ireland that 'there will be no data sharing between Government departments on undocumented migrants' during the Covid-19 pandemic.²⁴

Access to testing and health care treatment is likely to worsen in the coming weeks when cases are expected to exponentially raise (health authorities expect up to 15,000 cases by the end of March). In

¹⁸ RTÉ News, 'Ireland will continue to 'test, test, test', as 15,000 Covid-19 tests set to be carried out daily', 19 March, h. 23:39, available at: <https://www.rte.ie/news/coronavirus/2020/0319/1124042-coronavirus-ireland/>.

¹⁹ RTÉ News, 'Ireland will continue to 'test, test, test', as 15,000 Covid-19 tests set to be carried out daily', 19 March, h. 23:39, available at: <https://www.rte.ie/news/coronavirus/2020/0319/1124042-coronavirus-ireland/>.

²⁰ Health Service Executive, 'Be on call for Ireland', 2020, available at:

<https://www.hse.ie/eng/services/news/newsfeatures/covid19-updates/oncall/be-on-call-for-ireland.html>.

²¹ Health Service Executive, 'Symptoms, causes and treatment Coronavirus (COVID-19)', 2020, available at: <https://www2.hse.ie/conditions/coronavirus/symptoms-causes-treatment.html>; General guidelines are provided and regularly updated at the following pages of the Health Service Executive: <https://www.gov.ie/en/publication/472f64-covid-19-coronavirus-guidance-and-advice/>.

²² National University of Ireland Galway, 'Important advice for students living away from home', 23 March 2020, available at: <https://www.nuigalway.ie/alert/>.

²³ Holland K. and Pollak S. (2020), 'Concerns for undocumented migrants seeking medical care', *The Irish Times*, 14 March 2020, available at: <https://www.irishtimes.com/news/social-affairs/concerns-for-undocumented-migrants-seeking-medical-care-1.4202558>.

²⁴ Migrant Rights Centre Ireland, 'Standing Strong Together', email newsletter, 20 March 2020, <https://www.mrci.ie/>.

spite of Ireland's efforts to set up a growing number of testing centres, the HSE's chief operations officer reported that the backlog of the testing system accounted, as of Sunday 22nd March, at around '40,000 people waiting up to five days for a test'.²⁵

In terms of health equity, the latest available news on 23 March report that the Government is 'likely to order that holders of private health insurance will receive no privilege for hospital admission during the crisis' and that clinical needs only will drive the admission system.²⁶

Employment and social welfare: As of Monday 16 March, approximately 140,000 workers have been let go as a result of the Covid-19 measures, with restaurant staff, bar staff and childcare workers particularly affected.²⁷ A specific 'COVID-19 Pandemic Unemployment Payment' of €203 per week has been put in place, so that the newly unemployed should receive that quickly, while waiting for the Government to work out their specific entitlement, based on their individual circumstances.²⁸ The sum of this individual payment is expected to be increased in the coming days. The Department of Social Affairs has also introduced a 'COVID-19 Refund Scheme for Employers' to help reducing the amount applications to the above unemployment payment and ease their processing. Under this refund schemes, employers who wish to lay-off some of their staff are asked to keep their employees on the payroll and pay them an amount of €203 - the equivalent of the Covid-19 Support Payment. Employers are then entitled to a refund from the Department. After initial uncertainties, the Government has clarified that 'employers engaged with the scheme will be allowed to **top up** the payment provided by the State'.²⁹

Workers that are medically required to self-isolate, because diagnosed with Covid-19, are entitled to an increased Illness Benefit of €303 per week, which will be effective immediately, rather than only after 6 days as is the case for regular illness. Self-employed people can also access these payments.³⁰

While welcoming these welfare-related measures, there are currently **no specific payments for those who are unable to work because they are required to look after children**.³¹ The Government have asked employers to be flexible, but this is likely to disproportionately affect low income and manual workers, who are less likely to be able to work from home. While the Government have indicated their intention to produce a childcare solution for health care workers, this has not yet materialised.

Access to technology is also likely to be a barrier for certain groups. For example, older teachers may struggle with preparing online classes; households without a computer will have trouble accessing online classes. The social welfare payments mentioned above are all to be access online. While older

²⁵ Wall M. (2020), 'About 40,000 people waiting up to five days for a test', *The Irish Times*, 22 March 2020, available at: <https://www.irishtimes.com/news/ireland/irish-news/about-40-000-people-waiting-up-to-five-days-for-a-test-1.4209240>.

²⁶ Cullen P., Kelly F. and Leahy P, (2020), 'Coronavirus: New restrictions on activity to be announced', 24 March 2020, available at: <https://www.irishtimes.com/news/health/coronavirus-new-restrictions-on-activity-to-be-announced-1.4210785>.

²⁷ RTÉ News, 'How will I be reimbursed if I have been laid off over Covid-19?', 19 March 2020, h. 17:00, available at: <https://www.rte.ie/news/coronavirus/2020/0316/1123480-coronavirus-ireland/>.

²⁸ Ireland, Department of Employment Affairs and Social Protection (2020), 'COVID-19 Information for Employees and the Self Employed', 16 March 2020, available at: https://www.gov.ie/en/publication/eca524-covid-19-information-for-employees/?fbclid=IwARltmuNwdRcLoKmcIip9EFTNIPrJcrOq_WMGICbycLR18HDG2XpFs9iy_R0

²⁹ Ireland, Department of Employment Affairs and Social Protection (2020), 'COVID-19 Information for Employers', 18 March 2020, available at: <https://www.gov.ie/en/publication/612b90-covid-19-information-for-employers/>.

³⁰ Ireland, Department of Employment Affairs and Social Protection (2020), 'Illness Benefit for COVID-19 absences', available at: <https://www.gov.ie/en/service/df55ae-how-to-apply-for-illness-benefit-for-covid-19-absences/>.

³¹ Citizens Information (2020), 'Social welfare payments and COVID-19 (coronavirus)', information paper, available at: https://www.citizensinformation.ie/en/social_welfare/covid19_and_social_welfare.html.

people have not yet been asked to self-isolate, the Taoiseach (Prime Minister) has indicated that this is imminent. Even if local NGOs have started to deliver food to isolated people and some supermarkets have designated opening hours to older people,³² many of them still do not currently use online shopping services, and online services for many grocery services have been booked out for several weeks.

Emergency legislation: The Irish Council for Civil Liberties (ICCL) has released an analysis of the proposed Health Preservation Bill prior to its enactment on Friday 20 March. The ICCL raised particular concerns with section 10 of Part Three, which gives the Government extremely broad powers to ban and impose restrictions on events, thus curtailing freedom of movement and assembly, and section 11, which gives broad power to a ‘medical officer of health’ to detain an individual.

The ICCL suggested certain changes to ensure that this legislation would not constitute undue interference with rights, including introducing language on proportionality and non-discrimination; ensuring that it is time limited, and that any extension should be approved by Parliament; and that Section 10 and 11 should be much more narrowly defined. For example, that an exhaustive list of measures that can be taken by the Minister in interfering with events should be introduced, and that ‘medical officer of health’ should be clearly defined.³³

Housing: Ireland has been grappling with a housing and homelessness crisis for the last several years. Many of Ireland’s homeless are housed in emergency accommodation, which is overcrowded and sometimes requires families to be absent during the daytime, which with schools, restaurants and libraries all shut will be unliveable in the current crisis.³⁴ The Government has announced a temporary ban on evictions and a pause on rent increases for a 3-month period, while the Covid-19 crisis is ongoing; legislation should be passed towards the end of March.³⁵

In terms of **mortgages**, after meetings with Government on 18 March, banks have agreed to certain measures including a 3-month payment break where needed, and the deferment of court proceedings.³⁶

Asylum seekers in Ireland are housed in overcrowded direct provision centres, often with an entire family sharing one room, with communal bathrooms and communal meals. Refugee support groups have warned that an outbreak in such conditions would be devastating, due to the inability to self-isolate or social distance. Most direct provision centres have prohibited external entry to the centres during this

³² Quinn T. (2020), ‘Coronavirus Dublin: Charity to help deliver shopping to elderly and isolated people’, *Dublin live*, 14 March 2020, available at: <https://www.dublinlive.ie/news/dublin-news/coronavirus-dublin-charity-help-deliver-17924128>; McNeice S. (2020), ‘Dunnes, Lidl and Tesco designate shopping hours for elderly customers’, *Newstalks*, 18 March 2020, available at: <https://www.newstalk.com/news/dunnes-lidl-tesco-designate-shopping-hours-elderly-customers-985138>.

³³ Irish Council for Civil Liberties (2020), ‘ICCL Submission on the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Bill 2020’, 18 March 2020, available at: <https://www.iccl.ie/wp-content/uploads/2020/03/ICCL-analysis-emergency-COVID19-legislation.pdf>.

³⁴ See, for example, Focus Ireland (2020) ‘About Homelessness’, February 2020, available at: <https://www.focusireland.ie/resource-hub/about-homelessness/>; Mercy Law Centre (2020) ‘Vulnerable families still being placed in completely unsuitable night by night accommodation’, available at: <https://mercyaw.ie/vulnerable-families-still-being-placed-in-completely-unsuitable-night-by-night-accommodation/>; McCarthaigh, S. (2020), ‘Homeless figures highlight vulnerability during pandemic’, *The Irish Times*, 31 March 2020, available at: <https://www.irishtimes.com/news/social-affairs/homeless-figures-highlight-vulnerability-during-pandemic-charity-says-1.4217242>.

³⁵ RTÉ News, ‘Covid-19: Temporary ban on evictions and rent increase pause’, 19 March 2020, h. 23:20, available at: <https://www.rte.ie/news/coronavirus/2020/0319/1124168-evictions-ban-coronavirus/>.

³⁶ MerrionStreet.ie - Irish Government News Service (2020), ‘Minister Donohoe outlines further measures to support Individuals and businesses impacted by COVID-19’, news, 18 March 2020, available at: https://merrionstreet.ie/en/News-Room/News/Minister_Donohoe_outlines_further_measures_to_support_Individuals_and_businesses_impacted_by_COVID-19.html.

time, which is a necessary precaution, but will add to the isolation of these groups.³⁷ As of yet, no general measures have been taken to protect people in direct provision, and two asylum seekers have tested positive in two separate reception centres.³⁸ In one of these cases, the person in question has been removed, his two roommates are in isolation, and other residents have been told that they may stay with family or friends instead if they choose to, but will have to remain at that alternative location for the duration of the pandemic. Support groups have condemned these measures as utterly inadequate.³⁹ On 23rd March, the Department of Justice and Equality has announced that, in partnership with the HSE, it will ‘pilot an off-site self-isolation facility’ for asylum seekers who live in ‘direct provision’ centres, and that have tested Covid-19 positive or are suspected of having Covid-19.⁴⁰

On 20th March, the Department of Justice and Equality informed all people with a current valid **residence permit** due to expire between 20 March 2020 and 20 May 2020 that their permissions to stay are automatically renewed for a period of 2 months.⁴¹ Regarding the enjoyment of rights by **undocumented migrants**, a person's immigration status will not affect eligibility to the above indicated social welfare payments at this time. These include the ‘supplementary welfare allowance’ (which is available also if the undocumented person does not have a social security number – In Ireland it is called ‘PPS number’) and the ‘Covid-19 unemployment payment’ (only available to whom has a PPS number).⁴²

Ireland’s prisons were overcrowded at the beginning of the outbreak, with 4,700 **inmates** for only 4,300 beds (other prisoners sleep on mattresses on the floor).⁴³ The Prison Service sought to mitigate any potential outbreak by releasing some 200 prisoners temporarily, and restricting visits to one person (over 18) per prisoner per week.⁴⁴

Older people are particularly vulnerable *vis-à-vis* the health and social risks posed by Covid-19 and the measures that public authorities and private entities may adopt to delay the impact of the pandemic in the society and health systems. Nursing Homes Ireland (NHI) - the national representative body for the private and voluntary nursing homes where 25,000+ people live - has banned non-essential visitors since 6 March.⁴⁵ Furthermore, the Taoiseach (Irish Prime Minister), in his speech to the nation, on 17th March, said: ‘At a certain point, we will advise the elderly and people who have a long-term illness to stay at home for several weeks. We are putting in place the systems to ensure that if you are one of them, you will have food, supplies and are checked on. We call this **cocooning**...’. Advocacy groups

³⁷ Pollak S. (2020), ‘Coronavirus: Outbreaks in direct provision centres could be “devastating”’, *The Irish Times*, 10 March 2020, available at: <https://www.irishtimes.com/news/social-affairs/coronavirus-outbreaks-in-direct-provision-centres-could-be-devastating-1.4199164>.

³⁸ Fletcher L. (2020), ‘Plans for self-isolation facility for asylum seekers’, *RTÉ News*, 23 March 2020, available at: <https://www.rte.ie/news/2020/0323/1124908-direct-provision-covid-19/>.

³⁹ Pollak S. (2020), ‘Vulnerable asylum seekers must be moved from centres without delay’, *The Irish Times*, 22 March 2020, available at: <https://www.irishtimes.com/news/social-affairs/vulnerable-asylum-seekers-must-be-moved-from-centres-without-delay-1.4209425>.

⁴⁰ Fletcher L. (2020), ‘Plans for self-isolation facility for asylum seekers’, *RTÉ News*, 23 March 2020, available at: <https://www.rte.ie/news/2020/0323/1124908-direct-provision-covid-19/>.

⁴¹ Ireland, Department of Justice and Equality, ‘Temporary extension of immigration permissions’, 20 March 2020, available at: <http://www.inis.gov.ie/en/INIS/frequently-asked-questions-immigration-permission-covid-19-temporary-measures.pdf/Files/frequently-asked-questions-immigration-permission-covid-19-temporary-measures.pdf>.

⁴² Migrant Rights Centre Ireland, ‘Standing Strong Together’, email newsletter, 20 March 2020, <https://www.mrci.ie/>.

⁴³ RTÉ News, ‘Covid-19: Prison Service considers temporary release for prisoners’, 13 March 2020, h. 22:30, available at: <https://www.rte.ie/news/coronavirus/2020/0313/1122169-prisons-covid-19/>.

⁴⁴ Daly A. (2020), ‘Covid-19: Temporary release of 200 prisoners was “not an easy decision to make”’, *The Journal.ie*, 20 March 2020, available at: <https://www.thejournal.ie/prisoners-released-coronavirus-charlie-flanagan-5052634-Mar2020/>.

⁴⁵ Nursing Homes Ireland, ‘Covid-19 Guidance – Visitors restrictions’, 6 March 2019, available at: <https://nhi.ie/covid-19-guidance/>.

are worried about the impact of such a message on isolated and vulnerable elderly, when operational measures to put in place such a ‘cocooning system’ are currently lacking (any detail).⁴⁶

All **schools and universities** were ordered to shut down in-person activities between 12 and 29 March. Schools were ‘asked to continue to plan lessons and, where possible, provide online resources for students or online lessons where schools are equipped to do so’.⁴⁷ There is no official figure regarding the effectiveness of online teaching, and teaching activities, like identifying homework to be emailed to parents or recording classes and putting them online, are organised on a school by school basis.

Universities closed their doors on 12th March as well. Most activities, in particular lectures, should continue remotely. The decision of Trinity College Dublin to close one of its student accommodation facilities created some criticism and concerns.⁴⁸ University College Dublin has however decided to extend leases of students that will be unable to leave after the end of classes and has kept one of its libraries open for students without internet.⁴⁹

On 19th March, the Minister for Education, Joe McHugh TD, has announced the cancellation of practical exams of the Junior Cert and oral and practical performance tests of the Leaving Cert which were originally scheduled to take place from Monday 23 March to Friday 3 April 2020. ‘All students who were due to take these tests will be awarded full marks for this portion of the exam’,⁵⁰ and this may comparatively penalise students that would have been relying on strong performances in oral and practical exams. The written examinations are expected to take place in June. Since the pandemic is, at the time of writing, ‘only’ in a ‘delay phase’ in Ireland,⁵¹ the school closure is likely expected to be extended into April or May, as the Taoiseach said on Thursday 19th March. It will be vital that the Government takes all the necessary measures to enable all students to enjoy their right to education, including more detailed operational guidelines for schools and support for online teaching and learning at every educational level.

Island of Ireland concerns: The Republic of Ireland shares an island with Northern Ireland and has a common travel area with the whole of the UK. As such, there was major concern when school closures were announced a week earlier than in the UK, though that point is moot now. Ireland has not yet decided how to respond to the EU Schengen wide travel ban, and is currently in discussions with the EU and the UK on this point.

⁴⁶ Carswell S (2020), ‘Cocooning from coronavirus: Lack of detail causes concern for some elderly’, *The Irish Times*, 21 March 2020, available at: <https://www.irishtimes.com/news/health/cocooning-from-coronavirus-lack-of-detail-causes-concern-for-some-elderly-1.4208245> .

⁴⁷ Ireland, Department of Education and Skills, ‘Covid-19 - Statement from the Department of Education and Skills’, press release, 12 March 2020, available at: <https://www.education.ie/en/Press-Events/Press-Releases/2020-press-releases/12-march-2020-statement-from-the-department-of-education-and-skills.html> .

⁴⁸ Power J. (2020), ‘Coronavirus: Trinity students criticise move to shut campus housing’, *The Irish Times*, 17 March 2020, available at: <https://www.irishtimes.com/news/education/coronavirus-trinity-students-criticise-move-to-shut-campus-housing-1.4205145> .

⁴⁹ Power J. (2020), ‘Coronavirus: UCD to extend on-campus leases for students unable to go home’, *The Irish Times*, 19 March 2020, available at:

<https://www.irishtimes.com/news/education/coronavirus-ucd-to-extend-on-campus-leases-for-students-unable-to-go-home-1.4207039>; Power J. (2020), ‘Coronavirus: UCD to open library for students without internet access’, *The Irish Times*, 17 March 2020, available at:

<https://www.irishtimes.com/news/ireland/irish-news/coronavirus-ucd-to-open-library-for-students-without-internet-access-1.4205301> .

⁵⁰ Ireland, Department of Education and Skills, ‘Minister McHugh Announces Cancellation of Leaving Certificate and Junior Cycle Oral and Practical Performance Tests’, press release, 19 March 2020, available at: <https://www.education.ie/en/Press-Events/Press-Releases/2020-press-releases/PR20-03-19.html> .

⁵¹ Ireland, Department of Health, ‘Updated Measures in Response to COVID-19 (Coronavirus)’, 12 March 2020, available at: <https://www.gov.ie/en/publication/ea1c30-updated-measures-in-response-to-covid-19-coronavirus/#the-delay-phase> .

2 Impact of the outbreak on certain national or ethnic communities

Ireland has been strongly criticised in a recent report by the UN Committee on the Elimination of Racial Discrimination for the lack of a strong institution framework on racial discrimination, racist hate speech and hate crime, including the monitoring and reporting of incidents.⁵² Ireland's only reporting system for racist incidents is NGO run and supported by Government through community grants, through the website 'ireport.ie'. No up to date statistics are available for the period of the outbreak.

Anecdotally, there have been some reports of xenophobia against people who are perceived as being of Asian origin, such as people striving to distance themselves.⁵³ On 3rd February, the Chinese Embassy in Ireland released a statement against a headline of the Irish Mirror that read 'China virus at Dublin Airport'.⁵⁴ There have been no media reports of physical violence or hate speech against people of Asian origin, with the perception that the situation has been much worse in some other European countries. There have been no reports of discrimination against people from Iran, Italy or other countries with respect to the virus, and no reports of alleged discrimination with regard to access to services. One law firm addressed the question of whether an employee in the tourist sector could refuse services to people of a particular nationality⁵⁵. In many cases, potential for discrimination has been overtaken by events – at present, all individuals have been asked to practice social distance.

Many **Irish travellers**, a recognised ethnic minority in the country, are about to face several challenges and vulnerabilities during the outbreak of the pandemic in the country because of their poor and overcrowded living conditions and a higher level of chronic disease *vis-à-vis* the settled community. This was acknowledged by a circular of the Department of Housing that asked 'local authorities to make arrangements to make Traveller sites safer to allow self-isolation'.⁵⁶ The HSE recommended that a list of vulnerable groups, including people with chronic and respiratory health conditions, to practice 'protective self-separation' when the virus is circulating in their community.⁵⁷

3 Impact on privacy and spread of disinformation

Several concerns with regard to the privacy of individuals in terms of reporting cases have been raised. At the outset, the Government were released just the gender and the geographic region (north, south, east or west), whereas local and social media were widely reporting the hometowns and in some cases,

⁵² Committee on the Elimination of Racial Discrimination (2019), Advance Unedited Version: Concluding observations on the combined fifth to ninth reports of Ireland, 12 December 2019, https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/IRL/INT_CERD_COC_IRL_40806_E.pdf .

⁵³ RTE News, 'Asian communities report discrimination over coronavirus outbreak', 14 February 2020, available at: <https://www.rte.ie/news/world/2020/0213/1115144-coronavirus-discrimination/> .

⁵⁴ Embassy of the People's Republic of China in Ireland, 'Coronavirus is NOT China Virus', *Embassy news*, 3 February 2020, available at: <http://ie.china-embassy.org/eng/sgxw/t1739400.htm>; Irishmirror.ie, 'Clarification: Coronavirus', 3 February 2020, available at: <https://www.irishmirror.ie/news/irish-news/clarification-coronavirus-21422366> .

⁵⁵ McCarroll D. (2020), 'Equality Implications of Coronavirus – How Do I Handle It?', *Legal Island*, 3 March 2020, available at: <https://www.legal-island.ie/articles/ire/features/how-do-i-handle-it/2020/mar/equality-implications-of-coronavirus-how-do-i-handle-it/> .

⁵⁶ Pavee Point – Traveller and Roma Centre (2020), 'Concerns for vulnerable Travellers being taken on board by Government in plan to fight COVID-19', news, 18 March 2020, available at: <https://www.paveepoint.ie/concerns-for-vulnerable-travellers-being-taken-on-board-by-government-in-plan-to-fight-covid-19/> .

⁵⁷ Ireland, Department of Health, 'Updated Measures in Response to COVID-19 (Coronavirus)', 12 March 2020, available at: <https://www.gov.ie/en/publication/ea1c30-updated-measures-in-response-to-covid-19-coronavirus/#vulnerable-groups> .

schools, of the affected individuals. By 18th March, the HSE was communicating a county-by-county breakdown, as the numbers now allow for some disaggregation without loss of confidentiality.

The Data Protection Agency have issued a statement on data protection and Covid-19, reminding organisations of their legal obligations and the principles of transparency, confidentiality and accountability.⁵⁸ They also outline, for example, that an employer should not name an individual employee who may have the virus, but that employers can require employees to inform them if they have a diagnosis of Covid-19. The Irish Council for Civil Liberties have warned that any processing of personal data required by the emergency should be necessary and proportionate.⁵⁹

No specific measures have been announced by Government to combat disinformation around Covid-19, although the Taoiseach (Prime Minister) in his Ministerial briefing broadcast, on 17th March, warned people to take information from trusted sources, such as national media or official bodies. In the case of WhatsApp, measures to combat disinformation are being taken at global rather than national level.⁶⁰

⁵⁸ Data Protection Commission (2020), 'Data Protection and COVID-19', blogs, 6 March 2020, available at: <https://dataprotection.ie/en/news-media/blogs/data-protection-and-covid-19> .

⁵⁹ McGrath D. (2020), 'Covid-19: Spread of coronavirus raises difficult questions over data privacy', *thejournal.ie*, 12 March 2020, available at: <https://www.thejournal.ie/coronavirus-covid-19-data-protection-5042274-Mar2020/> .

⁶⁰ RTÉ News, 'WhatsApp launches coronavirus information hub to fight disinformation', 18 March 2020, available at: <https://www.rte.ie/news/coronavirus/2020/0318/1123874-coronavirus-technology/> .