



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

Sent by email: minister@welfare.ie

Regina Doherty T.D.
Minister for Employment Affairs and Social Protection,
Áras Mhic Dhiarmada
Store Street
Dublin 1
D01 WY03

28 May 2020

RE: The exclusion of applicants for International Protection residing in direct provision from the Covid-19 Pandemic Unemployment Payment Scheme

Dear Minister,

I write on behalf of the Irish Human Rights and Equality Commission (the 'Commission') to express our concern about the exclusion of residents of direct provision accommodation from the Covid-19 Pandemic Unemployment Payment Scheme (the 'CPUP Scheme').


It is the Commission's considered view that there is nothing within that Scheme prohibiting the payment of the CPUP to employed, or self-employed, workers in direct provision who are unemployed as a result of the Covid-19 restrictions. The Scheme's criteria are clear and readily met by such workers.

These workers are entitled to equal treatment before the law, pursuant to EU law, the Constitution and the ECHR Act 2003.

You will be aware that the right of individuals living in direct provision to earn a livelihood was vindicated by the Supreme Court in the case of *NHV v Minister for Justice and Equality*, in which the Commission acted as *amicus curiae*. In its ruling the Supreme Court held that work is connected to the dignity and freedom of the individual. Therefore, the Commission is concerned that the current

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exclusion of formerly employed/self-employed persons in direct provision not only has significant negative financial implications for these workers and their families, but also impacts upon their dignity and their place in Irish society. Social solidarity and the concept of a society 'in this together' has been central to the success in supressing this virus. Therefore, it is all the more important, in the Commission's view, that this small and vulnerable group of working people should not be deprived of their entitlements.

We are anxious that this matter should, if possible, be resolved expeditiously and in the most efficient manner. Therefore we would be grateful if you would please confirm that your Department will reverse its current policy of refusing these workers the CPUP and reimburse them the back-payments that have not been received to date.

We look forward to hearing from you and thank you in advance for your cooperation in this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Frank Conaty', enclosed within a large, loopy oval flourish.

Dr Frank Conaty
Acting Chief Commissioner