

**Submission to the Oireachtas  
Joint Committee on Justice,  
COVID-19 and Civil Liberties**

Irish Human Rights and Equality  
Commission

*May 2021*



**Coimisiún na hÉireann um Chearta  
an Duine agus Comhionannas**

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## Introduction

1. The Irish Human Rights and Equality Commission ('the Commission') is both the "A" Status National Human Rights Institution ('NHRI') and the National Equality Body for Ireland. Under the *Irish Human Rights and Equality Commission Act 2014*, the Commission is mandated to keep under review the adequacy and effectiveness of law and practice in the State relating to the protection of human rights and equality.
2. The Commission welcomes the opportunity to contribute to the Joint Committee on Justice's deliberations on whether the appropriate balance between the fundamental rights of members of Irish society and the State's duty to protect public health was struck during the COVID-19 pandemic.
3. To date, the Commission had raised a number of specific human rights and equality concerns arising from the State's legislative and policy responses to the COVID-19 pandemic. In September 2020, the Commission appeared before the Oireachtas Special Committee on COVID-19 on the subject of the adequacy of the State's legislative framework to respond to the COVID-19 Pandemic and potential future national emergencies.<sup>1</sup> In February 2021, the Commission published the research report *Ireland's Emergency Powers During the COVID-19 Pandemic*, which we include with this submission for the information of the Committee.<sup>2</sup>
4. Rather than go through the specific questions listed in the committee's call for submissions, we set out our response below, shaped by the key findings of the aforementioned research. In summary, while acknowledging the difficult balance that must be struck by lawmakers between fundamental rights and an effective response to a public health crisis, the key findings of this research are that:

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<sup>1</sup> IHREC, [Emergency Legislation Around COVID Must be the Exception Not the Norm](#) (Press release, 09 September 2020). See full written submission to the Committee: IHREC, [Submission to the Special Committee on COVID-19 Response Regarding the Adequacy of the State's Legislative Framework to Respond to COVID-19 Pandemic and Potential Future National Emergencies](#) (September 2020).

<sup>2</sup> The study, authored by experts from the COVID-19 Law and Human Rights Observatory at Trinity College Dublin, looked at the 4 statutes and more than 67 sets of regulations enacted in the State between March and December 2020 in response to the COVID-19 pandemic. See IHREC/COVID-19 Law and Human Rights Observatory, [Ireland's Emergency Powers During the COVID-19 Pandemic](#) (February 2021).

- The government blurred boundaries between guidance and regulations, leading to confusion among people;
  - Certain groups were potentially disproportionately affected by policing powers but we lack the data to clarify this; and
  - Defects in the law making and review process have led to a lack of human rights and equality expertise in decision making structures.
5. Should the committee wish, we will be more than happy to further scrutinise more recent developments not covered below, such as mandatory hotel quarantine and the EU digital green certificate.

## Balancing the fundamental rights of individuals and the State's duty to protect public health

6. The Commission recognises that the COVID-19 crisis has presented an unprecedented challenge to the State, and its obligation to protect the rights to life and health. From the outset of the pandemic, and from the earliest introduction of legal and policy measures to address it, the Commission has stressed the need for the State to have regard to the human rights and equality impacts of its emergency decision-making. In the Commission's appearance before the Oireachtas Special Committee on COVID-19 in September 2020, the Commission stated that emergency legislation must only be used in exceptional circumstances, and must be subjected to strict human rights standards and oversight.<sup>3</sup>
7. The emergency measures, introduced under the statutes and regulations enacted in response to COVID-19 to protect individual lives and public health, have restricted certain human rights in a manner which would not be lawfully permissible under ordinary circumstances. While certain human rights can be limited on the grounds of the protection of public health, restrictions on rights must meet certain minimum requirements – legality, necessity, proportionality and non-discrimination

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<sup>3</sup> IHREC <https://www.ihtec.ie/documents/submission-to-the-special-committee-on-covid-19-response-regarding-the-adequacy-of-the-states-legislative-framework-to-respond-to-covid-19-pandemic-and-potential-future-national-emergencies/> <sup>4</sup> IHREC, [Statement from the Irish Human Rights and Equality Commission on COVID-19 Oversight in Respect of Human Rights and Equality](#) (27 April 2020); IHREC, [Submission to the Special Committee on COVID-19 Response Regarding the Adequacy of the State's Legislative Framework to Respond to COVID-19 Pandemic and Potential Future National Emergencies](#) (September 2020) pp. 1-2.

– and human rights and equality principles must inform the implementation of the emergency measures.<sup>4</sup> This adherence to the principles of human rights and equality is not only important to protect people in times of crisis, it is also about protecting against erosion of our values, our democracy, and the rights and equality we all deserve.

8. This is the context in which we commissioned the research report *Ireland's Emergency Powers During the COVID-19 Pandemic* from the Trinity College Dublin COVID-19 Law and Human Rights Observatory. The report provides a clear overview of the human rights and equality obligations that must inform the State's deployment of emergency powers in response to COVID-19. It also demonstrates the crucial relevance of the *Public Sector Human Rights and Equality Duty* and its function in informing decision-making on all aspects of law and policy.
9. The report provides an insightful account of the manner in which emergency measures and regulations are being decided and introduced, including where there appear to be concerning gaps in transparency and in our systems of democratic scrutiny. While, in the main, such measures can be justified by the obligation on the State to protect public health, the report identifies some areas of particular concern shared by the Commission.
10. These include:
  - The blurring of the boundary between legal requirements and public health guidance – something which is fundamentally out of step with the principle of the rule of law;
  - The potential for emergency measures and their enforcement to disproportionately affect certain disadvantaged and more vulnerable groups, including the significant effect of indirect enforcement; and
  - The lack of human rights and equality expertise in the decision-making structures put in place to tackle the pandemic, or in the systems that implement and scrutinise these decisions. This also encompasses a notable lack of consultation with groups likely to be particularly impacted.

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<sup>4</sup> IHREC, [Statement from the Irish Human Rights and Equality Commission on COVID-19 Oversight in Respect of Human Rights and Equality](#) (27 April 2020); IHREC, [Submission to the Special Committee on COVID-19 Response Regarding the Adequacy of the State's Legislative Framework to Respond to COVID-19 Pandemic and Potential Future National Emergencies](#) (September 2020) pp. 1-2.

## Clarity and Transparency

11. The Commission has stressed the importance of ensuring clarity, transparency and adequate scrutiny of the regulations arising from the emergency legislation enacted in the pandemic, as well as transparency in the exercise of new powers by An Garda Síochána (AGS) and other agents of the State.
12. However, the Government's making and presentation of regulations and public health guidance has persistently blurred the boundary between legal requirements and public health guidance in its COVID-19 response.<sup>5</sup> The enforcement of the legislation and guidance has been problematic as members of AGS have enforced public health guidance as if it were law. This lack of clear communication has created uncertainty and inequality for those who may not understand the distinction between legal requirement and public health guidance; for example, older people thinking they are legally required to 'cocoon'. Government communication relating to COVID-19 must be clear and transparent. In particular, the Government should clearly communicate the distinction between legal regulations and public health guidance, and should not present public health advice as if it were criminally enforceable.

## Policing the Emergency

13. Since the outset of the pandemic, the Commission has called for the enforcement of emergency powers to be exercised in a manner that is compatible with, and has regard to, Ireland's human rights and equality obligations.<sup>6</sup> Noting the extensive powers afforded to AGS under the legislation, the Commission has raised the need for comprehensive and detailed disaggregated data and information on the implementation of these emergency powers, to ensure the powers are being exercised in a transparent manner and in line with human rights and equality

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<sup>5</sup> IHREC/COVID-19 Law and Human Rights Observatory, [Ireland's Emergency Powers During the Covid-19 Pandemic](#) (February 2021).

<sup>6</sup> See IHREC, [Submission to the Special Committee on COVID-19 Response Regarding the Adequacy of the State's Legislative Framework to Respond to COVID-19 Pandemic and Potential Future National Emergencies](#) (September 2020) pp. 2-3.

principles, including proportionality.<sup>7</sup> In particular, the Commission has raised the need for detailed data and information on arrests and on the use of the power to direct people under the legislation, and to provide clarity on the interplay between AGS's use of the COVID-19 emergency powers and existing criminal law powers.

14. The report, *Ireland's Emergency Powers During the COVID-19 Pandemic*, suggests that Garda enforcement of emergency COVID-19 powers has disproportionately affected young people, ethnic and racial minorities, Travellers and Roma. However, the impact of emergency powers on these groups cannot be ascertained due to the lack of reported disaggregated data. The authors of the report join the Commission and the Policing Authority in recommending that the Garda Commissioner take steps to ensure that disaggregated data is obtained on the exercise of all enforcement powers, tracking all prohibited grounds of discrimination under the *Equal Status Acts 2000-2018*.<sup>8</sup> The collection of equality data, under the grounds covered by the *Equal Status Acts 2000-2018*, is necessary for State bodies to comply with their *Public Sector Equality and Human Rights Duty* (the Duty) to assess, address and report on progress in relation to equality and human rights.<sup>9</sup>
15. The provision of disaggregated data and information on the use of Garda powers under the legislation is in the public interest and important for providing reassurance to the public that the use of extraordinary powers is being

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<sup>7</sup> IHREC, [Statement from the Irish Human Rights and Equality Commission on COVID-19 Oversight in Respect of Human Rights and Equality](#) (Press release, 27 April 2020); IHREC, [Letter to Garda Commissioner on COVID Powers Policing](#) (28 April 2020); IHREC, [Commission's Call for Additional Data from An Garda Síochána on COVID Policing Restated in Policing Authority Report](#) (Press release, 22 May 2020).

<sup>8</sup> The Commission is of the view that that the collection of equality data, including special categories of personal data such as race and ethnicity data, can be undertaken by public bodies, including An Garda Síochána, in compliance with European and Irish data protection legislation, namely GDPR and the Data Protection Act 2018. While identifying an appropriate legal basis under Article 6 and a permissible condition under Article 9 of the General Data Protection Regulation (GDPR) for processing equality data is a matter for each public body as a data controller, the legal basis and condition does now exist to allow public bodies to process equality data. While there is a responsibility to protect personal data and comply with regulations, it is important to ensure that data is collected on all populations including minority cohorts to ensure that statistical analysis can be used to inform future legislation, policies and services. See IHREC, [Assisting the Effective Implementation of the Public Sector Equality and Human Rights Duty: Tool for an evidence-based assessment of equality and human rights issues](#) (2020) page 11. For more information and guidance see [Guidelines on Improving the Collection and Use of Equality Data, Equality Sub-Group, High Level Group on Non-Discrimination, Equality and Diversity, European Commission, DG Justice and Consumers, Brussels, 2018](#).

<sup>9</sup> IHREC, [Implementing the Public Sector Equality and Human Rights Duty](#) (2019) pages 16, 23-24; IHREC, [COVID-19 and the Public Sector Equality and Human Rights Duty](#) (2020) page 5.



implemented in line with human rights and equality principles, including necessity, proportionality and non-discrimination. The collection and public reporting of disaggregated data on police powers is particularly important to understand how the implementation of this legislation is impacting people in different sectors of society. The Commission has previously raised concerns around the level of cultural competence within the policing system, with evidence of discrimination faced by minority ethnic groups, in particular, the racial profiling in the use of stop and search powers.<sup>10</sup> The Commission is of the view that human rights and equality standards, intercultural awareness, and cultural competency are central to the initial and continuous training of all members of AGS.<sup>11</sup>

16. The Commission has also raised concerns with regard to the use of Anti-Spit Guards as a use of force option for AGS during the pandemic.<sup>12</sup> In particular, the Commission expressed concern around the adequacy of procedural safeguards in place in the deployment of Anti-Spit Guards on children and people with mental health issues. The Commission also highlighted data gaps in the reporting of the use of the Anti-Spit Guard. The Commission is of the view that lack of availability of comprehensive, quality and transparent data prevents an effective review of the use of Anti-Spit Guards. The Commission has stressed that Anti-Spit Guards should only be used as a restraint of last-resort, and would be concerned if it was retained as a use of force option beyond the current public health emergency.<sup>13</sup>

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<sup>10</sup> IHREC, [Ireland and the Convention on the Elimination of Racial Discrimination: Submission to the United Nations Committee on the Elimination of Racial Discrimination on Ireland's Combined 5th to 9th Report](#) (October 2019) pp. 136-140.

<sup>11</sup> IHREC, [Ireland and the Convention on the Elimination of Racial Discrimination: Submission to the United Nations Committee on the Elimination of Racial Discrimination on Ireland's Combined 5th to 9th Report](#) (October 2019) p. 140; IHREC, [Submission to the Commission on the Future of Policing](#) (February 2018) p. 10.

<sup>12</sup> IHREC, [Letter to Assistant Commissioner Dublin Metropolitan Region re Use of Anti-Spit Guards by An Garda Síochána](#) (27 August 2020).

<sup>13</sup> The Garda Síochána have completed its evaluation on the use and management of Anti-Spit Guards, and the Garda Commissioner has engaged with the Policing Authority on the use of these devices. The Policing Authority note that "[o]verall the evaluation did not provide any firm conclusions as to whether the anti-spit hoods have been effective or if they should be retained as part of Garda Síochána equipment." The Policing Authority also noted that "[t]he Commissioner stressed that he would be reviewing further [the use of the Anti-Spit Guard] and would reach a decision by 30 September 2021." See Policing Authority, [Report on Policing Performance by the Garda Síochána during COVID-19 Health Crisis](#) (19 April 2021) p. 16; Policing Authority, [Report on Policing Performance by the Garda Síochána during COVID-19 Health Crisis](#) (17 May 2021) p. 16.

## Addressing Inequality in Impacts

17. The Commission has consistently stressed that while the pandemic is a challenge for the whole country, it is impacting, and will continue to impact, different people more acutely than others, including:

- Women;
- Older people;
- People with disabilities;<sup>14</sup>
- Residents in Direct Provision;<sup>15</sup>
- Members of the Traveller community;<sup>16</sup>
- Minority ethnic groups;
- People living in homelessness;
- People experiencing domestic violence; and
- People in precarious employment.

18. COVID-19 and the response to the pandemic has both exposed and exacerbated existing inequality in Ireland. This inequality is evidenced in the sharp divergence in the experience of different groups in our society and, at times, a divergence in rights. One significant disparity in rights is reflected in the treatment of people with disabilities. As the pandemic has progressed, there has been little evidence in the policy response that the need to balance the requirement to protect health and life, and other rights and freedoms, has reflected the particular rights and freedoms of people with disabilities. Instead, the COVID-19 pandemic has highlighted the limited realisation of disabled people's rights and given rise to significant risks of discrimination and the undermining of rights for persons with disabilities in areas ranging from health and wellbeing to education and employment.<sup>17</sup>

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<sup>14</sup> IHREC, [The Impact of COVID-19 on People with Disabilities Submission by the Irish Human Rights and Equality Commission to the Oireachtas Special Committee on COVID-19 Response](#) (June 2020). See also IHREC, [COVID Committee Told Significant Gaps and Vulnerabilities in Policy and Services have resulted in a Disproportionate Impact on People with Disabilities](#) (Press release, 17 July 2020).

<sup>15</sup> IHREC, [Statement from the Irish Human Rights and Equality Commission In Respect of Direct Provision](#) (Press release, 08 May 2020); IHREC, [Statement from the Irish Human Rights and Equality Commission In Respect of Direct Provision](#) (Press release, 19 August 2020).

<sup>16</sup> The Commission has drawn attention to how inadequate conditions on Traveller halting sites, such as the lack of running water, makes Travellers particularly vulnerable to the pandemic. See IHREC, [Comments on Ireland's 17th National Report on the Implementation of the European Social Charter](#) (June 2020) pp. 12-13; IHREC, [Submission to the Joint Committee on Key Issues affecting the Traveller Community](#) (February 2021) pp. 17-18.

<sup>17</sup> IHREC, [The Impact of COVID-19 on People with Disabilities Submission by the Irish Human Rights and Equality Commission to the Oireachtas Special Committee on COVID-19 Response](#) (June 2020). See

19. Older people, due to their particular vulnerability to the virus, and to public health measures such as 'cocooning', have experienced a significant level of isolation and dislocation from their families, and prolonged disconnection from social supports. Many older people live in congregated settings, such as nursing homes, which have been severely impacted by COVID-19. Another clear trend in the divergence in experience and rights, is between men and women. Working mothers faced disproportionately increased work-life pressures due to school and childcare closures.<sup>18</sup> While the increased focus and attention of the State bodies,<sup>19</sup> in particular AGS,<sup>20</sup> to domestic violence during the pandemic has been welcomed by organisations working in the area, there has been a dramatic increase in reported domestic violence.<sup>21</sup> This is particularly concerning, as despite ratification of the *Istanbul Convention* in March 2019, there are ongoing issues with the response to violence against women and girls. Specifically, there is limited availability, particularly in rural locations, of reliable support services, refuge spaces, accessible procedures, and specialised practitioners.<sup>22</sup>
20. There is also a clear divergence in rights and experience along socio-economic lines with certain people, including:
- Children without access to technology or space for remote learning;<sup>23</sup>

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also IHREC, [COVID Committee Told Significant Gaps and Vulnerabilities in Policy and Services have resulted in a Disproportionate Impact on People with Disabilities](#) (Press release, 17 July 2020).

<sup>18</sup> European Institute for Gender Equality, [COVID-19 derails gender equality gains](#) (05 March 2021).

<sup>19</sup> A number of promising measures and exemplary practices in Ireland in response to domestic violence have been noted by the European Institute for Gender Equality including awareness raising campaigns such as #stillhere. See European Institute for Gender Equality, [The COVID-19 pandemic and intimate partner violence against women in the EU](#) (2021).

<sup>20</sup> Reports of the Policing Authority on COVID-19 have noted the significance and impact of Operation Faoiseamh, established by the Garda Síochána to respond to domestic violence during the pandemic. See Policing Authority, [Policing Authority Assessment of Policing Performance 2020](#) (February 2021) pp. 9-10.

<sup>21</sup> Provisional figures available to An Garda Síochána for 2020 indicate that under Operation Faoiseamh: Gardai received approximately 43,000 calls to respond to domestic abuse incidents, 16% increase on 2019; there was in excess of 4000 criminal charges referred for breaches of domestic abuse court orders, up 25% on 2019; and there was in excess of 7600 criminal charges in total for crimes involving an element of domestic abuse, up 24% on 2019. See Houses of the Oireachtas, [Domestic Violence: Written reply by Minister for Justice](#) (03 March 2021).

<sup>22</sup> See IHREC, [Statement on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (July 2019).

<sup>23</sup> The COVID-19 pandemic has further reinforced the digital divide for groups experiencing existing inequalities. The digital divide has had a significant impact on access to education, as research has revealed that a gap in access to ICT was a salient issue for schools in implementing distance learning. See ESRI, [Learning for all? Second-Level Education in Ireland during Covid-19](#) (June 2020) pp. 19-21, 32-33.

- People living in overcrowded accommodation, including Direct Provision centres;
- Travellers and Roma; and
- Those in precarious employment, experiencing the impact of the pandemic more acutely.

21. Furthermore, of particular concern to the Commission is the relaxation of procedural safeguards for detention on mental health grounds under Part V of the *Emergency Measures in the Public Interest (COVID-19) Act 2020*.

## Human Rights and Equality Capacity and Scrutiny

22. The pandemic has highlighted concerning gaps in transparency and in our systems of democratic accountability.<sup>24</sup> The response to the pandemic has revealed a lack of human rights and equality expertise in the decision-making structures put in place to tackle the pandemic, or in the systems that implement and scrutinise these decisions. Shifting relationships between the Government and the National Public Health Emergency Team (NPHE), and limited opportunities for Oireachtas oversight have made it difficult to ascertain where, if at all, human rights and equality concerns are being addressed. Among the findings of the report *Ireland's Emergency Powers During the COVID-19 Pandemic* is that:

"it is difficult to avoid the conclusion that the delegation of legislative power to the Minister for Health has resulted in a black hole for the consideration of human rights and equality concerns."<sup>25</sup>

23. Parliamentary scrutiny of Ireland's emergency legislation, regulations and their impact has not been particularly effective.<sup>26</sup> The fact that the Minister of Health introduced restrictions on rights through regulations, made it difficult to maintain effective democratic oversight over the use of emergency measures. Further, there was a lack of any structure within the Oireachtas for parliamentarians to engage with human rights and equality norms.

<sup>24</sup> See IHREC/COVID-19 Law and Human Rights Observatory, [Ireland's Emergency Powers During the Covid-19 Pandemic](#) (February 2021).

<sup>25</sup> IHREC/COVID-19 Law and Human Rights Observatory, [Ireland's Emergency Powers During the Covid-19 Pandemic](#) (February 2021) p. 62.

<sup>26</sup> IHREC/COVID-19 Law and Human Rights Observatory, *Ireland's Emergency Powers During the Covid-19 Pandemic* (February 2021).

24. Greater scrutiny and human rights proofing of regulations, including through the establishment of a Joint Oireachtas Committee on Equality, Human Rights and Diversity is recommended. The Commission has called for the establishment of a dedicated Oireachtas Committee on Human Rights, Equality and Diversity since 2016. In the context of COVID-19, a dedicated Oireachtas Committee on Human Rights, Equality and Diversity would provide close parliamentary oversight of the implementation of emergency legislation introduced in response to COVID-19, and the equality and human rights implications of COVID-19.<sup>27</sup>

## Participation and Information

25. It is of concern that there has been a notable lack of participation in the decision-making process of groups likely to be particularly impacted by legislation and its enforcement.<sup>28</sup> The principle of participation requires the active and informed participation of individuals in the development, implementation and monitoring of legislative, executive and administrative decisions that concern them.<sup>29</sup> The Commission previously highlighted concerns around accessibility of information and active early engagement of disabled people through their representative Disabled Persons Organisations.<sup>30</sup> The Commission is of the view that the response to the pandemic necessitated early and active engagement with marginalised and at risk groups – including persons with disabilities, older people, residents in Direct

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<sup>27</sup> IHREC, Statement from the Irish Human Rights and Equality Commission on COVID-19 Oversight in Respect of Human Rights and Equality (Press release, 27 April 2020). See also IHREC, Submission to the Special Committee on COVID-19 Response Regarding the Adequacy of the State's Legislative Framework to Respond to COVID-19 Pandemic and Potential Future National Emergencies (September 2020) p. 2.

<sup>28</sup> The right to participate in public life is recognised under Article 25 of the International Covenant on Civil and Political Rights, Article 5 (c) of the International Convention on the Elimination of All Forms of Racial Discrimination, Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women, Articles 12 and 23 (1) of the Convention on the Rights of the Child, and Article 4 (3) and Article 33 (3) of the Convention on the Rights of Persons with Disabilities.

<sup>29</sup> See guidance in United Nations Office of the High Commissioner for Human Rights, Guidelines for States on the effective implementation of the right to participate in public affairs (2018).

<sup>30</sup> As required under Article 4 (3) of the Convention on the Rights of Persons with Disabilities. See guidance in Committee on the Rights of Persons with Disabilities, [General comment No. 7 \(2018\) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention](#) (9 November 2018) CRPD/C/GC/7. See also IHREC, [The Impact of COVID-19 on People with Disabilities Submission by the Irish Human Rights and Equality Commission to the Oireachtas Special Committee on COVID-19 Response](#) (June 2020) p. 9.

Provision, members of the Traveller community, people living in homelessness, people experiencing domestic violence, and people in precarious employment – to identify communication issues and to alleviate any concerns or risks.<sup>31</sup>

26. In August 2020, the Commission published a Guidance Note for public bodies on the implementation of the *Public Sector Equality and Human Rights Duty* during the COVID-19 pandemic.<sup>32</sup> The Commission highlighted the importance to public bodies of ensuring that all sections of society have access to information on the response to COVID-19, and that measures must be taken to ensure information is adapted to the specific needs of certain audiences, including children, persons with disabilities and minority ethnic groups.<sup>33</sup>

## Concluding Comments

27. The pandemic has posed an unprecedented and complex set of challenges to both State and society. Thousands of people have lost their lives and many more have experienced severe illness, while hundreds of thousands have seen their livelihoods affected. Many more have seen essential services, support mechanisms and community structures, on which they rely, stripped away and severely curtailed by the pandemic, and by the measures put in place to tackle it.

28. The Commission is committed to continuing its work to independently scrutinise the State's approach to the pandemic. Many, if not most fundamental societal challenges laid bare by the pandemic – systemic inequality, the strains on our social harmony, the serious gaps in democratic scrutiny and accountability – will not fade away as the virus does. The way in which State and society meet these challenges

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<sup>31</sup> The Commission previously expressed this concern to the Oireachtas Special Committee on Covid-19 Response. IHREC, [Submission to the Special Committee on COVID-19 Response Regarding the Adequacy of the State's Legislative Framework to Respond to COVID-19 Pandemic and Potential Future National Emergencies](#) (September 2020) p. 5. The World Health Organisation has stated that not paying explicit attention to the needs and vulnerabilities faced by certain groups' subjects them to a higher risk of infection and undermined the broader COVID-19 response, and causes unintended difficulties and consequences. See World Health Organisation, [Addressing human rights as key to the COVID-19: response](#) (21 April 2020).

<sup>32</sup> IHREC, [Guidance Note – COVID-19 and the Public Sector Equality and Human Rights Duty](#) (August 2020).

<sup>33</sup> IHREC, [Guidance Note – COVID-19 and the Public Sector Equality and Human Rights Duty](#) (August 2020) p. 5.

will be a measure of how durable Ireland's commitment is to human rights and equality.



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