To: Seán Fleming
 Castletown,
 Portlaoise,
 Co Laois.

Date: [INSERT DATE]

sean.fleming@oireachtas.ie

**Re: Proposed Extension of Part 3 of the Health (Preservation and Protection and Other Emergency Measures in the Public Interest Act) 2020 (hereinafter referred to as the “Act”)**

Dear Sean,

I hope this letter finds you well. I write concerning the upcoming vote seeking to extend the duration of Part 3 of the Act, which is due to take place prior to 9th June 2021.

I write to you to express my grave concern at the ongoing devastating impact of the severe restrictions relating to Covid-19. In particular I write to urge you, in the strongest possible terms, to vote against the continuation in force of Part 3 of the Act. This letter sets out what I regard as the main reasons for voting against its continuation.

***The Restrictions cause an Unacceptable Level of Damage and Suffering***

Having regard, in particular, to the very long duration and far-reaching extent of the restrictions, the lockdown policy is an unsustainable, excessive and disproportionate strategy. It is causing an unacceptable level of collateral damage and enormous suffering. The extremely harmful effects of the current restrictions are acutely felt in a variety of areas which are of crucial concern for quality of life and wellbeing, including in relation to physical and mental health, loneliness and isolation, increased domestic violence, and the livelihoods of many people. It is important also to highlight the particularly severe impact of lockdowns on children, young people, those with less economic security, and other vulnerable groups in our society.

For the government to express concern about all of this suffering – while at the same time prolonging and exacerbating it, by maintaining in force the very restrictions that are causing it – is not good enough. This should not be permitted to continue. While there is still a need for appropriate and reasonable mitigation measures for the purpose of combatting the virus, the measures adopted should reflect a broader recognition of the range of aspects essential to human wellbeing.

***Public Opinion is moving rapidly against the Continuing Lockdown which Part 3 enables***

Part 3 permits continuing lockdowns. Polling shows that a large and rapidly growing percentage of the population recognise that the lockdown duration is *already* excessive – before we even get to the prospect of allowing such measures to be extended *beyond* 9th June. The recent Kantar/*Sunday Independent* poll found “*huge frustration with the level of Covid restrictions*”: 50% believe the lifting of restrictions is too slow. This marks a large increase from previous poll findings. The poll “*finds the public to be increasingly impatient for a return to normality*”.[[1]](#footnote-1)

It requires little foresight to realise that public opposition to the extreme measures Part 3 provides for will continue to grow over time if those measures continue. Moreover, as the damage done by these restrictions becomes more evident, public anger over the prolongation of these measures will inevitably and justifiably grow further.

***Human Rights and Civil Liberties must be respected, even when this is difficult***

The restrictions enabled by Part 3 of the Act violate human rights so basic that they go to the very core of what it means to have a society which respects individual autonomy and liberty – rights as foundational as freedom of movement, freedom of association and assembly, freedom of religion and the right to earn a livelihood. A liberal democratic society does not abandon its commitment to human rights and civil liberties as soon as that commitment becomes inconvenient. Instead, it maintains strong respect for those rights always.

Accordingly, even if you believe Part 3 represents the most effective means of combatting the virus, I hope and trust you can appreciate that politicians are simply not entitled to dictate individuals’ conduct to this extent. A liberal democratic society accepts that, even if violation of human rights may sometimes be the most effective way to achieve a rightful aim, that does not make such violations acceptable: the ends do not justify the means.

***Lockdowns are not a Normal Pandemic Response***

Lockdowns are a blunt instrument lacking in any sense of proportionality, balance or nuance. They represent a radical departure from normal practice in responding to pandemics. A group of doctors in Ireland have published a thoroughly researched and detailed paper,[[2]](#footnote-2) in which they express approval for the first lockdown, but strongly warn against subsequent lockdowns. They examine “*the enormous and, in our view, disproportionate cost of cyclical lockdown in terms of health, economic, and societal damage*.”[[3]](#footnote-3) They also comment:

*Lockdown has not previously been employed as a strategy in pandemic management, in fact, it was ruled out in 2019 WHO and Irish pandemic guidelines and as expected, it has proven a poor mitigator of morbidity and mortality*[[4]](#footnote-4)

They analyse in some detail many of the harms caused by lockdown, and refer to a range of data and studies in that regard.

***The Excessive Resort to Lockdown contravenes WHO Advice***

While discussing the grievous impact of lockdowns on world poverty, WHO envoy Dr. David Nabarro emphasised in October 2020: *“We in the World Health Organization do not advocate lockdowns as a primary means of control of this virus. The only time we believe a lockdown is justified is to buy you time to reorganize, regroup, rebalance your resources, protect your health workers who are exhausted, but by and large, we’d rather not do it….We really do appeal to all world leaders: stop using lockdown as your primary control method, develop better systems”.*[[5]](#footnote-5) Contrary to that WHO advice, the Government evidently continue to use lockdowns as their primary control method.

***Our Covid-19 Mortality Rate is similar to Countries with much less stringent/prolonged Lockdowns***

Ireland has had one of the most stringent lockdown regimes in the world.[[6]](#footnote-6) Ireland has endured the longest lockdown of any EU country, with our lockdown lasting 5 times longer than Denmark – yet Denmark has a similar Covid-19 mortality rate to Ireland. Furthermore, this Government has forced non-essential businesses to close for in excess of 231 days, with the next most severe lockdown taking place in the UK at 173 days – making Ireland a massive outlier.[[7]](#footnote-7)

***Part 3 is not fit for Purpose***

Even for people who believe the government should have such powers in the current situation, it should by now be clear that Part 3 is far too unbalanced, showing almost no regard for anything but Covid-19. It is a reactionary product of an understandable but outdated panic. It shows no meaningful regard for the enormous range of non-Covid needs and aspects of human welfare and the welfare of society more broadly. Indeed, it is almost as if the authors of Part 3 actually forgot that people have any rights or needs outside of Covid-19. All of this makes it a particularly inappropriate candidate to be maintained in force for anything more than a very brief period, if even that.

***Government persistently refuse to exercise sparingly even the most extreme of these powers***

Even for people who believe the Government should have such powers, clearly such radical powers should be used very briefly and sparingly, if at all. In stark contrast, the Government have resorted to these extreme measures repeatedly, for months on end, without any meaningful regard for people’s basic freedoms and holistic welfare. It is impossible to see how any Oireachtas member who values individual autonomy and civil liberties at all could vote for the continuation of Part 3 – not only because of the extremely draconian nature of the powers it confers, but also because it is abundantly clear that the Government refuse to exercise those extraordinary powers sparingly. It is not necessary to be against lockdowns in general in order to realise that they have gone too far and continued for too long.

***The Case for Continuing Part 3 is not nearly convincing enough***

The measures authorised by Part 3 – particularly the more extreme of those measures – are so intrusive, so damaging to people’s mental health, livelihoods and quality of life, and such an astonishingly onerous imposition on citizens that, if the continuation of Part 3 could ever by justified, it could be justified only by evidence showing as a matter of certainty that those measures are necessary, effective and do more good than harm. Yet that is simply not the reality. Multiple published analyses indicate that lockdowns have little, if any, effect on Covid-19 mortality.[[8]](#footnote-8)

***The Original Rationale for the Restrictions has long since Passed***

When the restrictions were initially enacted, we were told that they were required until we “*flattened the curve”* in order to give the Government time to put in place measures to ensure the health system would not be overrun. Yet more than 12 months later, we are still suffering under the Government’s oppressive restrictions.

***The Effect of an Extension of Part 3***

It should by now be very clear that any vote to continue Part 3 in force will directly contribute to:

* A massive increase in mental health issues, including severe anxiety, depression and panic attacks;
* Children developing social issues, anxiety, depression and other trauma related illnesses and injury;
* Evident economic devastation, unemployment, the destruction of people’s businesses and the financial hardship inflicted on many people across the country;
* A delay in diagnosis and treatment of illness, including very serious if not terminal illness, and the consequences thereof;
* An increase in suicides with a substantial risk of further significant increase for years to come;
* An increase in alcoholism and domestic violence;
* An increase in the suffering experienced by the homeless;
* Many, especially the elderly being left isolated and deprived of social interaction;
* Families suffering hardship and trauma from excessive restrictions on visiting family members in their homes, hospitals and care homes; and
* Families suffering the trauma of excessive curbs on funeral services.

A vote for Part 3 is a vote for continued enforced misery and continued devastation – social, psychological, economic, and across the entire spectrum of factors which affect human wellbeing – in people’s lives.

Like many others, I supported the strengthening of the health services and was prepared to forego some of my freedoms for a limited period in order to facilitate this. That said, the Government have been afforded well over one year to put in place wide-ranging measures. Their failure and their lack of respect for individual freedom have resulted in Ireland suffering some of the most stringent restrictions in the world. To be clear, I am no longer prepared to forego my basic human rights to cover the ineptitude of this Government.

**As representatives elected by the people, for the people, it is essential for TDs to maintain meaningful respect for fundamental rights and civil liberties, even when doing so presents challenges. With respect to your regard for my fundamental human rights, I confirm that I have personally reviewed your Covid-19 voting record for the past 7 months and I am shocked and alarmed to learn that you have voted 10 times to restrict my fundamental freedoms and zero times to preserve my fundamental freedoms (including voting in favour of the extension of Part 3 of the Act last October)[[9]](#footnote-9).**

It is fair to say that members of the Oireachtas have conferred upon themselves, and upon the Government, an astonishing degree of control over the people they are meant to be serving. For the avoidance of doubt, I confirm that when the next General Election takes place the paramount, decisive issue I will be concerned with is whether you voted for or against the extension of Part 3 of the Act. Not only will I not vote for any TD who votes to extend Part 3 beyond 9th June 2021, but I will relentlessly canvass against them.

I look forward to your reply and if it proves necessary, I will be in contact again in the coming weeks to follow up on this letter. I respectfully hope to receive by return your assurance that you will be voting against any extension of Part 3, for which I would be very grateful. For some TDs, that may not at present seem like the easiest course. However, with the continuing restrictions, ever increasing collateral damage and growing public frustration, it will inevitably prove to be the wisest one.

I await hearing from you.

Yours sincerely,

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[INSERT YOUR NAME AND ADDRESS]

1. “Covid: Public opinion turns on Government”, *Sunday Independent*, 4th April 2021 [↑](#footnote-ref-1)
2. *Covid-19 Alternative Strategy: A Case for Health and Socio-Economic Wellbeing* (available at <https://covidrecovery.ie/>) [↑](#footnote-ref-2)
3. Page 2 of the paper [↑](#footnote-ref-3)
4. Page 3 of the paper (I omit their footnotes) [↑](#footnote-ref-4)
5. https://www.youtube.com/watch?v=x8oH7cBxgwE&t=915s [↑](#footnote-ref-5)
6. https://data.humdata.org/dataset/oxford-covid-19-government-response-tracker [↑](#footnote-ref-6)
7. https://www.e-pages.dk/irishtimes/2382/article/1328641/84/1/render/?token=7678b87118af68a816ac32397b2f0afa&vl\_platform=ios&vl\_app\_id=ie.irishtimes.ereader&vl\_app\_version=4.0.2&fbclid=IwAR3dO-U-fUuXIOTawyVbnKpx9x2PVN2Ux4MVjqaOewXSv2ippYrKLy17MXI [↑](#footnote-ref-7)
8. See, for example, *Covid-19 Alternative Strategy: A Case for Health and Socio-Economic Wellbeing* (available at <https://covidrecovery.ie/>) pages 3 to 5 and associated footnotes [↑](#footnote-ref-8)
9. https://www.oireachtas.ie/en/debates/debate/dail/2020-09-10/32/

https://www.oireachtas.ie/en/debates/vote/dail/33/2020-09-03/51/

https://www.oireachtas.ie/en/debates/vote/dail/33/2020-10-23/98/

https://www.oireachtas.ie/en/debates/vote/dail/33/2020-10-22/95/

https://www.oireachtas.ie/en/debates/vote/dail/33/2020-10-22/95/

https://www.oireachtas.ie/en/debates/vote/dail/33/2020-10-22/96/

https://www.oireachtas.ie/en/debates/vote/dail/33/2020-11-04/102/

https://www.oireachtas.ie/en/debates/vote/dail/33/2020-11-04/101/

https://www.oireachtas.ie/en/debates/vote/dail/33/2020-12-16/137/

https://www.oireachtas.ie/en/debates/vote/dail/33/2021-02-25/10/ [↑](#footnote-ref-9)