On the 20th of March 2020, the Health (Preservation and Protection and Other Emergency Measures in the Public Interest) Act 2020 (hereinafter referred to as the “**Act**”) came into operation. Part 3 of the Act has been utilised by the Irish Government over the past 12 months to restrict the most basic fundamental human rights of every citizen of this country in an unprecedented and profound way.

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.

Given the significant erosion of human rights possible through Part 3 of the Act, prior to signing the Act into law, it was agreed that Part 3 would expire on the 9th of November 2020, unless both Houses of the Oireachtas approved its continuation.

On the 22nd of October 2020, 92 TD’s voted to extend the duration of Part 3 until the 9th of June 2021.

The next vote to extend Part 3 of the Act must take place before the 9th of June 2021, noting that if Part 3 is not extended before the 9th of June, all restrictions around freedoms (with the exception of mandatory quarantine upon entry into the state) will cease.

What this means is that we have a window of 6 weeks inside which to lobby TD’s to vote against the extension of Part 3 – noting that if we are successful this would mean that on the 10th of June all businesses and churches could legally reopen; the legal requirement to wear a face covering would cease; the Gardai could no longer question free citizens (arising from powers under the Act) as to their movements; limits would no longer apply to weddings or funerals; and visiting family and friends would no longer be an arrestable offence, punishable by a prison term.

For those who might question whether the lifting of restrictions is in the best interest of the citizens of this country, I would say the following:

1. 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 (which may be viewed at www.covidrecovery.ie), 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.*”

1. 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*”. Contrary to that WHO advice, the Government evidently continue to use lockdowns as their primary control method.

1. Ireland’s 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. 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.

1. 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.

1. 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.

1. 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.

1. 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.

1. The Cost of Lockdown

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.

If you share this sentiment and wish to lobby your TD’S in order to ensure they vote against the extension of Part 3 of the Act, please visit the Irish Council for Human Rights website, where you will find letters that may be used to lobby your TD’s.

Tracey O’ Mahony  
Barrister-at-Law