

# LAW SOCIETY SUBMISSION

---



## **SUBMISSION INFORMING THE DEVELOPMENT OF IRELAND'S SECOND NATIONAL REPORT TO THE UN UNIVERSAL PERIODIC REVIEW 2016**

Department of Justice and Equality

27 October 2015

---

#### ABOUT THE LAW SOCIETY OF IRELAND

The Law Society of Ireland is the educational, representative and regulatory body of the solicitors' profession in Ireland.

The Law Society exercises statutory functions under the Solicitors Acts 1954 to 2011 in relation to the education, admission, enrolment, discipline and regulation of the solicitors' profession. It is the professional body for its solicitor members, to whom it also provides services and support.

The headquarters of the organisation are in Blackhall Place, Dublin 7.

## Contents

Introduction .....	4
Summary of recommendations .....	5
1 Where we are and where we should be – including achievements since 2011 .....	7
International obligations .....	7
Constitutional Reform .....	7
Human Rights and Equality Framework .....	8
Protection and Promotion of Human Rights and Equality .....	9
<i>Legal Aid</i> .....	9
<i>Rights of Persons with Disabilities</i> .....	9
<i>Prison Conditions and Complaints</i> .....	10
<i>Protection Against Racial Discrimination</i> .....	10
2 Priority issues that have emerged in the meantime .....	11
Direct Provision and the Rights of Persons seeking International Protection .....	11
Victims of Human Trafficking .....	12
Statelessness .....	12
Inequality and Socio-Economic Rights .....	13
3 Appendix - Endnotes .....	14

## Introduction

On 7 October 2015, the Minister of State for New Communities, Culture, Equality and Drugs Strategy, Aodhán Ó Ríordáin TD announced details of two consultation processes on human rights as part of Ireland's engagement with the United Nations Universal Periodic Review (UPR) process, one with civil society and interested stakeholders, and the other with children and young people.

As part of the preparations for Cycle 2 of the UPR, the Department of Justice and Equality is calling for written submissions from civil society, stakeholders and individuals to help shape Ireland's second National Report, which will be presented to the UN by 25 January 2016.

As the report will focus on progress made on the various recommendations Ireland accepted in 2011, the Department of Justice and Equality requested submissions to consider:

- where we are and where we should be;
- what we have achieved since 2011; and
- priority issues that have emerged in the meantime.

The Law Society of Ireland (hereinafter referred to as 'the Law Society') welcomes this opportunity to input into the Government's consultation process and intends with this submission to provide constructive recommendations which will assist Ireland's full compliance with key international human rights treaties.

This submission, which is informed by the submissions of other stakeholders such as the Irish Human Rights and Equality Commission, the Irish Civil Society Coalition, Your Rights. Right Now and the Immigrant Council of Ireland, will briefly focus on 'Where we are and where we should be – including achievements since 2011' – in Section 1 of the submission – and on priority issues that have emerged in the meantime – in Section 2 of the submission.

## Summary of recommendations

- Progress ratification and implementation of outstanding international treaties as a matter of priority.
- Establish a specified timeframe for the replacement of Article 41.2. with gender-inclusive language;
- Expand the grounds of prohibited discrimination in equality legislation to include 'or other status';
- Provide a critical examination of the purpose and efficacy of both section 36 of the Defamation Act 2009 and the Prohibition of Incitement to Hatred Act 1989 in the context of amending Article 40.6.1 of the Constitution.
- Provide continuous support to the Irish Human Rights and Equality Commission through the allocation of a sufficient annual budget.
- Establish a dedicated overarching Parliamentary Committee on Human Rights and Equality with a remit to consider the full range of human rights and equality issues across all Government Departments.
- Ensure that the Legal Aid Board is adequately resourced so that all those in need of civil legal aid can access appropriate legal information and representation in a timely fashion.
- Broaden the remit of the Legal Aid Board to include issues related to social welfare, housing and employment.
- Commence key elements of the existing legislative framework for people with disabilities as a matter of priority.
- Publish the Comprehensive Employment Strategy for People with a Disability.
- Ensure that the cost of living with a disability is taken into consideration when reviewing rates for disability-related social welfare payments.
- Reduce prison overcrowding and eliminate the practice of 'slopping out'.
- Prioritise legislative reform to increase non-custodial sanctions.
- Establish an independent Ombudsman to deal with complaints in the prison system.
- Ratify the Convention Against Discrimination in Education.
- Enact legislation to provide for fair and equal school admissions policies.
- Develop a new National Action Plan to combat all forms of discrimination and hate crime and provide sufficient resources to ensure its full implementation.
- Tackle racism and xenophobia as a national priority through education and awareness - raising initiatives and monitoring of racist incidents nationally.

- Enact effective hate crime legislation and introduce a State-funded racist incident reporting and recording mechanism at national level.
- Anti-racism and awareness - raising training to prevent ethnic-profiling should form part of the basic training for all members of the Irish police force and employees of all State and Public Bodies.
- Implement the recommendations of the Working Group on Direct Provision as a matter of priority.
- Prioritise legislative reform to introduce a single protection procedure that will reduce significant delays in international protection determination.
- Reconsider the practice of accommodating potential victims of trafficking in mixed-gender Direct Provision Centres.
- Strengthen the legislative framework, in particular in relation to the identification of potential victims of trafficking.
- Collect reliable data on statelessness in Ireland.
- Introduce an effective system for identifying persons as stateless through a national statelessness determination procedure.
- Implement the provisions of the 1954 UN Convention relating to the Status of Stateless Persons fully in relation to: juridical status, gainful employment, welfare and administrative assistance, provisions concerning naturalisation and protection from expulsion.
- Review on a regular basis the adequacy of social welfare payments to groups experiencing multiple discrimination and particular disadvantage.
- Review the guidelines implementing the 'right to reside' clause of the 'Habitual Residence Condition' and provide adequate powers to decision makers to prevent indirect discrimination in its application.
- Prioritise measures to ensure that affordable housing is available and of sufficient quality.
- Consider increasing rent supplement limits as well as the introduction of rent limits for a limited time until housing becomes more affordable, to reduce the financial pressure on low income individuals and families.

# 1 Where we are and where we should be – including achievements since 2011

## International obligations

- 1.1 Since the previous UPR, Ireland has not ratified the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the UN Convention against Torture, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Second Optional Protocol to the Convention on the Rights of the Child, the Convention Against Discrimination in Education, the Convention for the Protection of All Persons from Enforced Disappearances or the International Convention on the Rights of All Migrant Workers and Members of their Families.
- 1.2 Also, Ireland has not ratified the Council of Europe Convention on preventing and combatting violence against women and domestic violence (the 'Istanbul Protocol'), Protocol 12 to the ECHR on non-discrimination, or the European Convention on Nationality.
- 1.3 In this regard, the Law Society particularly welcomes the establishment of an Inter-Departmental Committee with the aim of improving the coherence of the promotion and protection of human rights in Ireland's foreign policy, which is also tasked with assisting progress towards ratification by Ireland of key international human rights treaties and reporting to UN and Council of Europe human rights monitoring bodies.<sup>1</sup> Moreover, it is noted that the Law Reform Commission is undertaking a project concerning domestic implementation of international obligations. This project will examine the methodology and models of implementing international obligations and the monitoring of and accountability for State obligations.<sup>2</sup>

### **Recommendation:**

- Progress ratification and implementation of outstanding international treaties as a matter of priority.

## Constitutional Reform

- 1.4 Since the previous UPR cycle, Ireland has held two referenda: one on children's rights, and the second extending access to civil marriage on an equal basis regardless of sex. However, a Convention on the Constitution was established by the Government in 2012 and, despite the Convention having examined nine issues and having made recommendations on how the Constitution should be amended with regard to those issues, to date only two of those issues have been put to referendum.
- 1.5 Further matters that require urgent constitutional reform, in the opinion of the Human Rights Committee, are:

- Article 41.2. of the Constitution continues to perpetuate stereotypical attitudes towards the role of women in Irish society; and
- Article 40.6.1. of the Constitution, which provides for the offence of blasphemy in Irish law, and its statutory counterpart, may not be a proportionate interference with the right to freedom of expression.

**Recommendations:**

- Establish a specified timeframe for the replacement of Article 41.2. with gender-inclusive language;
- Expand the grounds of prohibited discrimination in equality legislation to include ‘or other status’;
- Provide a critical examination of the purpose and efficacy of both section 36 of the Defamation Act 2009 and the Prohibition of Incitement to Hatred Act 1989 in the context of amending Article 40.6.1 of the Constitution.

Human Rights and Equality Framework

- 1.6 Progress has been made in strengthening and resourcing Ireland’s national human rights institution, the Irish Human Rights and Equality Commission. Moreover, the establishment of a Sub-Committee on Human Rights relative to Justice and Equality Matters<sup>3</sup> to examine how issues, themes and proposals take account of human rights provisions is most welcome.
- 1.7 However, the Law Society notes that to date there has not been a published report from the Sub-Committee and that its remit is limited to matters concerning justice and equality only and does not include matters concerning other Government Departments.

**Recommendations:**

- Provide continuous support to the Irish Human Rights and Equality Commission through the allocation of a sufficient annual budget.
- Establish a dedicated overarching Parliamentary Committee on Human Rights and Equality with a remit to consider the full range of human rights and equality issues across all Government Departments.



## Protection and Promotion of Human Rights and Equality

### *Legal Aid*

- 1.8 The Law Society notes that, while there is a State-funded civil legal aid scheme<sup>4</sup> in place with a fairly broad statutory remit, the vast majority of advice and representation given by the Legal Aid Board under this scheme relates to family law.<sup>5</sup> In addition, the Legal Aid Board is precluded from providing representation before many tribunals, including employment and housing appeals, all of which have become more relevant in recent recessionary times.
- 1.9 Demand for civil legal aid has risen dramatically in recent years<sup>6</sup>, while resources have been reduced and the workload of the Legal Aid Board has broadened.<sup>7</sup> This has resulted in increased pressure on the service and longer waiting times for applicants.<sup>8</sup>
- 1.10 Furthermore, in 2013 the minimum financial contributions for both legal advice and representation by 200% and 160% were increased respectively.<sup>9</sup> Such measures have disproportionately impacted on lower income and vulnerable groups. Although waivers are at the Board's discretion, results have been inconsistent. The Law Society is concerned that such changes may impact upon people's ability to access adequate legal representation and more generally their right to access to justice.

#### **Recommendations:**

- Ensure that the Legal Aid Board is adequately resourced so that all those in need of civil legal aid can access appropriate legal information and representation in a timely fashion.
- Broaden the remit of the Legal Aid Board to include issues related to social welfare, housing and employment.

### *Rights of Persons with Disabilities*

- 1.11 Progress has been slow in advancing the rights of persons with disabilities. Part II of the Disability Act 2005 has only been partially commenced. As it currently stands, only children born after 1 June 2002 are entitled to apply for an assessment of needs under the 2005 Act (regardless of their age at time of application). Relevant sections of the Education for Persons with Special Educational Needs (EPSEN) Act 2004 have also not been commenced.

#### **Recommendations:**

- Commence key elements of the existing legislative framework for people with disabilities as a matter of priority.

- Publish the Comprehensive Employment Strategy for People with a Disability.
- Ensure that the cost of living with a disability is taken into consideration when reviewing rates for disability-related social welfare payments.

### *Prison Conditions and Complaints*

- 1.12 The Law Society welcomes the publication of the General Scheme of the Criminal Justice (Community Sanctions) Bill which proposes to increase the use of non-custodial community sanctions. The Law Society has made previous submissions on the Bill<sup>10</sup> and now urges that this important law reform initiative should be prioritised to reduce overcrowding.
- 1.13 While also welcoming the introduction of Procedures for the Investigation of Deaths of Prisoners and Prisoners' Complaints by the Inspector of Prisons<sup>11</sup>, the Society notes that the procedures do not constitute a fully independent system with a robust appeals mechanism for serious complaints. The Society echoes the call of the Irish Human Rights and Equality Commission for the establishment of an independent Prison Ombudsman as a preferable mechanism for prisoner complaints.<sup>12</sup>
- 1.14 Furthermore, the Law Society is concerned about the physical condition of prisons, which continue to be grossly inadequate and fail to comply with Ireland's international obligations.<sup>13</sup> Particular concerns relate to inadequate sanitation facilities and the on-going practice of 'slopping out'<sup>14</sup> and inadequate provision of healthcare.<sup>15</sup>

### **Recommendations:**

- Reduce prison overcrowding and eliminate the practice of 'slopping out'.
- Prioritise legislative reform to increase non-custodial sanctions.
- Establish an independent Ombudsman to deal with complaints in the prison system.

### *Protection Against Racial Discrimination*

- 1.15 The Society notes that Ireland has not ratified the Convention Against Discrimination in Education. More than 90% of primary and second level schools in Ireland are denominational and remain at least partially in the control of religious bodies.<sup>16</sup> Under Section 15 of the Education Act 1998, schools are permitted to draw up their own admissions policies, which has disadvantaged children of traveller or migrant families who have only recently moved into an area or who practice different religious faiths and/or children whose parents did not attend secondary school.
- 1.16 Moreover, the European Commission on Racism and Intolerance, in its fourth monitoring cycle on Ireland,<sup>17</sup> strongly encouraged the Irish authorities to improve

and to supplement the existing arrangements for collecting data on racist incidents and the follow-up given to them by the criminal justice system. It also recommended that the Irish authorities assess the application of the criminal law provisions against racism in order to identify, including notably from recent case-law, any gaps that need closing or any improvements or clarifications that might be required, so that changes can then be made if necessary. In this respect, ECRI drew the authorities' attention to its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination which contains guidelines in this area, including on making racist motivation an aggravating circumstance.

- 1.17 The Society notes that, since the National Consultative Committee on Racism and Interculturalism (NCCRI) was abolished in 2008, due to cuts in State funding, there is no centralised racist incident recording mechanism similar to that provided by the NCCRI at national level.

**Recommendations:**

- Ratify the Convention Against Discrimination in Education.
- Enact legislation to provide for fair and equal school admissions policies.
- Develop a new National Action Plan to combat all forms of discrimination and hate crime and provide sufficient resources to ensure its full implementation.
- Tackle racism and xenophobia as a national priority through education and awareness - raising initiatives and monitoring of racist incidents nationally.
- Enact effective hate crime legislation and introduce a State-funded racist incident reporting and recording mechanism at national level.
- Anti-racism and awareness - raising training to prevent ethnic-profiling should form part of the basic training for all members of the Irish police force and employees of all State and Public Bodies.

## 2 Priority issues that have emerged in the meantime

### Direct Provision and the Rights of Persons seeking International Protection

- 2.1 The Society has previously made extensive submissions on 'The Legal Aspects of the Asylum Process'<sup>18</sup> and also on the General Scheme of the International Protection Bill.<sup>19</sup>
- 2.2 The Society wishes to highlight in this regard that procedural elements of rules governing the system of Direct Provision have been found by the High Court to be in violation of the right to family and private life.<sup>20</sup> Moreover, the system has been criticised by numerous domestic<sup>21</sup> regional<sup>22</sup> and international<sup>23</sup> actors due to long

delays in the determination of protection claims, poor living conditions, adverse impacts on health and well-being and the prohibition on asylum seekers accessing employment.

- 2.3 The Working Group Report to Government on Improvements to the Protection Process recently issued a series of important and welcome recommendations that need to be prioritised for implementation.<sup>24</sup>

**Recommendations:**

- Implement the recommendations of the Working Group on Direct Provision as a matter of priority.
- In addition to the matters set out above, prioritise legislative reform to introduce a single protection procedure that will reduce significant delays in international protection determination.<sup>25</sup>

Victims of Human Trafficking

- 2.4 The Law Society is most concerned that potential victims of trafficking continue to be accommodated in mixed-gender Direct Provision Centres; it notes also that the legislative framework for the identification of all potential victims of trafficking was found to be inadequate under EU law by the High Court.<sup>26</sup>

**Recommendations:**

- Reconsider the practice of accommodating potential victims of trafficking in mixed-gender Direct Provision Centres.
- Strengthen the legislative framework, in particular in relation to the identification of potential victims of trafficking.

Statelessness

- 2.5 The Law Society notes that there is currently no formal statelessness determination procedure. This is a significant lacuna, given that Ireland is a party to the 1954 UN Convention relating to the Status of Stateless Persons and the 1961 Convention in the Reduction of Statelessness and therefore has obligations in this regard.

**Recommendations:**

- Collect reliable data on statelessness in Ireland.
- Introduce an effective system for identifying persons as stateless through a national statelessness determination procedure.

- Implement the provisions of the 1954 Convention fully in relation to: juridical status, gainful employment, welfare and administrative assistance, provisions concerning naturalisation and protection from expulsion.

### Inequality and Socio-Economic Rights

- 2.6 The Law Society notes that the impacts of austerity and cuts in public spending as a result of the financial crisis have had a disproportionate impact on already disadvantaged groups in Irish society.<sup>27</sup>
- 2.7 The Society urges the Government to honour its commitment under the UPR to “take measures required to respect economic, social and cultural rights”<sup>28</sup> and to “make available adequate budgetary allocations despite financial constraints for the continued provision and improvement of education and health services which are essential to protect the rights of the poorest and the most vulnerable members of society.”<sup>29</sup>

#### **Recommendations:**

- Review on a regular basis the adequacy of social welfare payments to groups experiencing multiple discrimination and particular disadvantage.
- Review the guidelines implementing the ‘right to reside’ clause of the ‘Habitual Residence Condition’ and provide adequate powers to decision makers to prevent indirect discrimination in its application.
- Prioritise measures to ensure that affordable housing is available and of sufficient quality.
- Consider increasing rent supplement limits as well as the introduction of rent limits for a limited time until housing becomes more affordable, to reduce the financial pressure on low income individuals and families.

### 3 Appendix - Endnotes

<sup>1</sup> <http://www.seansherlock.ie/minister-sherlock-chairs-first-meeting-of-the-inter-departmental-committee-on-human-rights/>

<sup>2</sup> 4<sup>th</sup> Programme of Law Reform, Project 10 (see: <http://www.lawreform.ie/welcome/6-international-law.383.html>).

<sup>3</sup> [http://www.oireachtas.ie/parliament/oireachtasbusiness/committees\\_list/jde-committee/Sub-CommitteeonHumanRights/](http://www.oireachtas.ie/parliament/oireachtasbusiness/committees_list/jde-committee/Sub-CommitteeonHumanRights/)

<sup>4</sup> Civil Legal Aid Act 1995.

<sup>5</sup> Legal Aid Board (2013) *Legal Aid Board Annual Report 2012*, Cahirciveen, Legal Aid Board, p.18.

<sup>6</sup> In 2007, prior to the economic downturn, the number of applications for legal services stood at 12,814 (Legal Aid Board (2008) *Legal Aid Board Annual Report 2007*, Cahirciveen, Legal Aid Board, p.15). In 2013, applications totalled 17,559, an increase of 37% (Legal Aid Board (2014) *Legal Aid Board Annual Report 2013*, Cahirciveen, Legal Aid Board, p.14). Legal Aid Board Annual Reports available at [http://www.legalaidboard.ie/lab/publishing.nsf/Content/Annual\\_Reports](http://www.legalaidboard.ie/lab/publishing.nsf/Content/Annual_Reports).

<sup>7</sup> Legal Aid Board (2013) *Legal Aid Board Annual Report 2012*, Cahirciveen, Legal Aid Board.

<sup>8</sup> In the period 2007 – 2013, the number of people waiting on a first consultation with a solicitor increased by 335%. Waiting times frequently exceed LAB's own target of two to four months; 16 Law Centres had a waiting time of more than four months at the end of 2013 (Legal Aid Board (2014) *Legal Aid Board Annual Report 2013*, Cahirciveen, Legal Aid Board).

<sup>9</sup> Civil Legal Aid Regulations 2013 increased the minimum contribution payable for legal advice from €10 to €30 and for legal aid from €50 to €130.

<sup>10</sup> See:

[http://www.lawsociety.ie/Documents/committees/criminal/Criminal%20Justice\\_Community\\_Law%20Society%20Submission.pdf](http://www.lawsociety.ie/Documents/committees/criminal/Criminal%20Justice_Community_Law%20Society%20Submission.pdf)

<sup>11</sup> Office of the Inspector of Prisons, Annual Report 2013/2014, Presented to the Minister for Justice and Equality pursuant to Part 5 of the Prisons Act 2007 by Judge Michael Reilly, Inspector of Prisons, 26<sup>th</sup> August 2014 – Chapter 4 (see:

<http://www.inspectorofprisons.gov.ie/en/IOP/Inspector%20of%20Prisons%20Annual%20Report%202014.pdf/Files/Inspector%20of%20Prisons%20Annual%20Report%202014.pdf>).

<sup>12</sup> See IHRC, Submission to the UN Human Rights Committee on the Examination of Ireland's 4th Periodic Report under the International Covenant on Civil and Political Rights, June 2014, at p. 42.

<sup>13</sup> This concern has been expressed by a wide range of international and national actors including the Irish Human Rights Commission, the Inspector of Prisons, the UN Human Rights Committee and the CPT.

<sup>14</sup> Joint Committee on Justice, Defence and Equality, Report on Penal Reform, p. 23 (see: <http://www.oireachtas.ie/parliament/media/Penal-Reform-Report-13-March-2013-Final.pdf>). This plan is behind schedule, with 8% of prisoners still required to 'slop out' (see: Census of Prison Population, Cell Occupancy and In-Cell Sanitation April 2015 at: <http://www.iprt.ie/contents/2732>).

<sup>15</sup> In its Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 25 January to 5 February 2010, the CPT recommended that the Irish authorities review the resources of the health care services in the prisons visited, particularly at Cork, Midlands and Mountjoy Prisons, in the light of the above remarks. As a first step, the time of attendance of the general practitioners at Cork, Mountjoy, and Portlaoise Prisons and at St Patrick's Institution should be increased and appropriate action taken to ensure that the two general practitioners at Midlands Prison effectively work there on a full-time basis. Further, an accountable line-management and support system for general practitioners working in prisons should be put in place (see: <http://www.cpt.coe.int/documents/irl/2011-03-inf-eng.htm>).

<sup>16</sup> The Forum on Patronage and Pluralism in the Primary Sector (2012): Report of the Forum's Advisory Group, p. 29. (see: <https://www.education.ie/en/Press-Events/Conferences/Patronage-and-Pluralism-in-the-Primary-Sector/The-Forum-on-Patronage-and-Pluralism-in-the-Primary-Sector-Report-of-the-Forums-AdvisoryGroup.pdf>).

<sup>17</sup> ECRI REPORT ON IRELAND (fourth monitoring cycle), adopted on 5<sup>th</sup> December 2012 (published on 19<sup>th</sup> February 2013) (see: <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Ireland/IRL-CbC-IV-2013-001-ENG.pdf>).

<http://www.justice.ie/en/JELR/Law%20Society%20of%20Ireland.pdf/Files/Law%20Society%20of%20Ireland.pdf>

<sup>19</sup>

[https://www.lawsociety.ie/Documents/committees/hr/subs/Submission%20on%20IP%20Bill%20to%20JOC%20-%2008%2005%2015%20\(final\).pdf](https://www.lawsociety.ie/Documents/committees/hr/subs/Submission%20on%20IP%20Bill%20to%20JOC%20-%2008%2005%2015%20(final).pdf)

<sup>20</sup> C.A. and T.A. v. Minister for Justice and Equality and others, [2014] IEHC 532, 14<sup>th</sup> November 2014 (see: <http://www.courts.ie/Judgments.nsf/0/9816BD5E4D1003F780257DB00040BA1D>).

<sup>21</sup> Irish Human Rights and Equality Commission, Policy Statement on the System of Direct Provision in Ireland, 10<sup>th</sup> December 2014 (see:

[http://www.ihrec.ie/download/pdf/ihrec\\_policy\\_statement\\_on\\_direct\\_provision\\_10dec14.pdf](http://www.ihrec.ie/download/pdf/ihrec_policy_statement_on_direct_provision_10dec14.pdf).

<sup>22</sup> ECRI REPORT ON IRELAND (fourth monitoring cycle), adopted on 5th December 2012 (published on 19th February 2013) at para. 115.

<sup>23</sup> In 2011, the UN Committee on the Elimination of all Forms of Racial Discrimination expressed its concern at ‘...the negative impact that the policy of ‘Direct Provision’ has had on the welfare of asylum seekers who, due to the inordinate delay in the processing of their applications, and the final outcomes of their appeals and reviews, as well as poor living conditions, can suffer health and psychological problems that in certain cases lead to serious mental illness’, CERD/C/IRL/CO/3-4 at para. 20.

<sup>24</sup> See: Report of the Working Group to Report to Government on Improvements to the Protection Process including direct provision and supports to Asylum Seekers, June 2013 at:

<http://www.justice.ie/en/JELR/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf/Files/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf>

<sup>25</sup> See: Law Society Submission on the Legal Aspects of the Asylum Process, Protection Process Working Group (Theme 3 Sub Group), Department of Justice, February 2015, p. 9 (see Endnote 18 above).

<sup>26</sup> *P. v the Chief Superintendent of the Garda National Immigration Bureau, the Director of Public Prosecutions, Ireland and the Attorney General* [2013/795 JR].

<sup>27</sup> For an analysis of the impact of austerity on diverse economic, social and cultural rights see: Irish Human Rights and Equality Commission, Ireland and the International Covenant on Economic, Social and Cultural Rights Report, May 2015 at:

[http://www.ihrec.ie/download/pdf/ihrec\\_report\\_ireland\\_and\\_the\\_international\\_covenant\\_on\\_economic\\_social\\_and\\_cultural\\_rights.pdf](http://www.ihrec.ie/download/pdf/ihrec_report_ireland_and_the_international_covenant_on_economic_social_and_cultural_rights.pdf)).

<sup>28</sup> No. 105.18.

<sup>29</sup> No. 105.56.

---

For further information please contact:

Cormac O Culain  
Public Affairs Executive  
Law Society of Ireland  
Blackhall Place  
Dublin 7  
DX 79

Tel: 353 1 6724800  
Email: [c.oculain@lawsociety.ie](mailto:c.oculain@lawsociety.ie)