

Free Legal Advice Centres (FLAC)

UPR Factsheet 1: Access to Justice in Ireland

FLAC is an independent human rights organisation based in Dublin, Ireland which is dedicated to the realisation of equal access to justice for all.

We promote the use of law as a tool for social change and the right of equal access to justice, with a focus on economic, social and cultural rights and on protecting marginalised and disadvantaged groups. To this end we formulate policy and law reform proposals, principally in our core areas of social welfare law, personal debt law, consumer credit law and civil legal aid. As an Independent Law Centre, we take a small number of public interest cases each year. We advance the use of law in the public interest, particularly through our [PILA project](#). Finally, we deliver confidential and free basic legal information and advice to the public, both directly and in cooperation with key partners.

Civil Legal Aid Scheme

In Ireland, the state-funded civil aid scheme has as its purpose “to make provision for the grant by the State of legal aid and advice to persons of insufficient means in civil cases”. The system is administered by a statutory body, the Legal Aid Board. In recent years, demand for statutory civil legal aid has risen dramatically while resources have been reduced and the workload of the Board widened. This has led to increased pressure on the service and longer waiting times for people who need legal help.

While the Legal Aid Board’s statutory remit is rather broad, the vast majority of advice and representation provided relates to family law. The Board is precluded by law from providing representation before many tribunals. These include social security appeals and employment appeals which have become more relevant in recessionary times and are a common route for many people on low income to access justice. Furthermore, most housing issues are excluded from the remit of the scheme. In the context of the current housing crisis in Ireland, lack of legal aid for such issues severely disadvantages people engaged in repossession or eviction proceedings.

In July 2015, the UN Committee on Economic, Social and Cultural Rights expressed concern at the lack of legal aid services in Ireland “which prevents especially disadvantaged and marginalised individuals and groups from claiming their rights and obtaining remedies, particularly in the areas of employment, housing and forced evictions, and social welfare benefits”. The Committee recommended that the remit of the civil legal aid scheme be expanded.

Recommendations:

- 1.1 *Ensure that the Legal Aid Board is adequately resourced so that all those in need of civil legal aid can access appropriate legal advice and representation in a timely fashion.*
- 1.2 *Broaden the remit of the Legal Aid Board to include issues related to social welfare, housing and employment.*
- 1.3 *Provide civil legal aid to borrowers or tenants in difficulty to ensure that they receive adequate legal advice and are supported in any legal proceedings which may result in repossession or eviction.*