

Fourth Review of Ireland under the United Nations Universal Periodic Review

FLAC & ICCL Joint Stakeholder Submission

April 2026

Introduction

1. FLAC welcomes the opportunity to make this submission in relation to Ireland's human rights record in advance of the 53rd session of the Universal Periodic Review ('UPR') Working Group and Ireland's fourth review under the UPR mechanism.
2. FLAC has made submissions in relation to Ireland's human rights record during each previous UPR cycle. This submission will report on the implementation status of recommendations contained in Ireland's previous reviews under the UPR mechanism (in particular, the recommendations to emerge from the third review of Ireland in 2021) and highlight emerging areas of concern.
3. This submission is supported by the Irish Council for Civil Liberties (ICCL).¹ ICCL and FLAC are two of Ireland's oldest independent human rights organisations.

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A. Civil Legal Aid

Previous UPR Recommendations

4. Ireland supported four of the recommendations it received as part of its third review under the UPR mechanism in relation to civil legal aid:
 - *“157.124 Undertake a comprehensive and independent review of the legal aid system for civil cases and ensure equal treatment before the courts (Belarus).”*
 - *“157.125 Continue its efforts and consider reform measures related to the legal aid system to ensure improved legal aid schemes, particularly for low-income groups (Bhutan).”*
 - *“157.126 Broaden efforts to increase legal and financial aid in enabling the vulnerable, migrants and asylum seekers to fully access justice and addressing their social welfare and equality issues (Cambodia).”*
 - *“157.127 Review its civil legal aid system and put into place a mechanism to ensure that disadvantaged and marginalized individuals and groups benefit from better access to the law, in accordance with target 16.3 of the Sustainable Development Goals (Switzerland).”*
 - *“157.232 Ensure that vulnerable communities, including Travellers, Roma, migrants and refugees, have full access to and are actively informed about their rights, such as in the areas of education and employment (Netherlands).”*

Implementation Status: Ongoing/Incomplete

5. Ireland has undertaken a comprehensive and independent review of its civil legal aid system but it has not introduced any substantive reforms to the system of civil legal aid since that review was completed in April 2025. While the parliamentary Justice Committee considered the topic of civil legal aid in February 2026 (and their report on the topic is awaited)², progress towards reform has otherwise stalled.

Updates

6. In 2021, the Minister for Justice announced an independent review of Ireland’s civil legal aid scheme.³ Two reports (a majority and minority report) emerged from the review and were submitted to the Minister in April 2025. The reports were published in July 2025.⁴
7. The minority report made stark findings regarding the civil legal aid crisis in Ireland:⁵
 - The Legal Aid Board (which delivers the scheme of civil legal aid) is chronically underfunded and under-resourced. In 2025, it had a budget of €64.122m. To put this in context, the horse and greyhound industries received €100 million in this and last year’s budgets. Private education is also subsidised in the amount of approximately €100 million each year. The State has spent €58 million in respect of the upcoming Ryder Cup golf competition - which is €1 million less than the Legal Aid Board’s 2024 Budget.

- Under-resourcing leads to huge delays for a first consultation with a legal aid solicitor, with waiting times of up to 69 weeks in parts of the country.⁶
 - The outdated legal aid means test has not been updated since 2006 and means that people with a disposable income of more than €18,000 cannot access civil legal aid.
 - There is a very strict merits test applied to applications for legal aid which does not have sufficient regard to the importance of the issue to the individual and whether legal aid could improve or mitigate the outcome, even if the applicant is unlikely to win the case.
 - Exemptions to the scheme of civil legal aid mean that people with cases before tribunals in important areas such as social welfare, employment, discrimination and landlord/tenant law have no access to legal representation from the Legal Aid Board. The scheme of civil legal aid simply does not cover those areas regardless of the complexity of the cases or the vulnerability of the applicants.
 - The scheme of civil legal aid is likely to be in breach of European and EU law in respect of the highly restrictive means test and strict merits test, the blanket exemptions, especially in relation to representation before quasi-judicial bodies (including cases under the EU Equality Directives heard by the Workplace Relations Commission), and the prohibition on NGOs accessing legal aid for environmental cases.
 - The Legal Aid Board does not have the necessary preventative functions which would assist people to resolve their legal issues at an early stage, prevent them from escalating, and reduce or eliminate the need for litigation. For example, it has no legal information or community education functions and cannot provide such services in either a general or targeted way.
 - The Legal Aid Board uses the traditional model of delivering legal services which relies on a person knowing they have a legal issue and knowing where to go to get it resolved. This model is not suited to meet the needs of the disadvantaged people and groups who experience multiple inter-related legal issues.
8. The Legal Aid Board itself has now acknowledged that Ireland's system of civil legal aid may well collapse altogether during 2026 if urgent action is not taken.⁷
9. No fewer than eight international and European independent human rights monitoring bodies have criticised the current civil legal aid scheme.⁸ Their many concerns cover the narrow scope of the scheme, the lack of representation before quasi-judicial bodies which deal with access to vital public services such as housing and welfare (and socio-economic rights more generally), the limited extent to which immigration and asylum matters are covered by the scheme, delays in accessing the scheme, and the "*restrictive financial eligibility criteria*." These criticisms by human rights monitoring bodies reflect the fact that legal aid is not treated as a fundamental right in Ireland.

10. In July 2025, the United Nations Committee on the Elimination of Discrimination Against Women made several recommendations in relation to Ireland's system of civil legal aid, including by highlighting the need for targeted legal services for Travellers, Roma, migrants and people with disabilities. It also called on the State to “[*eliminate*] restrictive financial eligibility criteria for legal aid” and to “*expand access to legal aid and legal representation for women in all areas of law where discrimination occurs, including labour disputes, welfare benefits and other civil matters.*”⁹
11. In its list of issues dated 15 September 2025 and published in advance of Ireland's first review under the Convention, the United Nations Committee on the Rights of Persons with Disabilities asked Ireland to provide information about “[*m*]easures to implement recommendations from the review of the Civil Legal Aid Scheme, including measures to address the unmet legal need experienced by persons with disabilities.” This underscores the importance of civil legal aid in meeting our obligations under Article 13 (‘Access to Justice’) of that Convention.¹⁰
12. The Civil Legal Aid Minority Report contains clear, practical and cost-effective recommendations for resolving the present crisis and creating a legal aid system which prevents and resolves the legal problems individuals and communities experience as early (and efficiently) as possible. The infrastructure needed to resolve Ireland's legal aid crisis is already in place. The Legal Aid Board and the Citizens Information Board have networks of centres all around the country, and the small cohort of independent law centres provide models of community and targeted services for disadvantaged individuals and groups. What is envisioned is a tiered approach where a range of different services and service delivery models respond to different kinds and different levels of legal need. Targeted, early and preventative services need to be fully mainstreamed into the Legal Aid Board and Citizens Information Board services.¹¹
13. Given the deepening civil legal aid crisis and the imminent risk of collapse of legal aid services, it is alarming that the Minister for Justice and his Department have not yet provided a timeline for when they will respond fully to the Civil Legal Aid Review reports or introduce reforms in this area. Ireland's Chief Justice, the Hon. Mr Justice Donal O'Donnell described the pace of reform in the area of civil legal aid as “*frustratingly slow*” in January 2026:
- “...it is hard to believe that as a society we would tolerate this level of unmet need in the fields of health or social welfare. It is worth asking why this has been allowed to occur in the field of legal aid. One reason of course is the lack of voice of those affected...
...the attitude that we can simply continue as usual within existing constraints is wrong...”*¹²

Recommendations

- ***Provide a clear timeline for the reform of the system of civil legal aid.***
- ***Provide a comprehensive response to the reports which emerged from the independent review of the system of civil legal aid.***
- ***Remove the blanket ban on the provision of legal aid for cases before tribunals dealing with issues in areas such as social security, employment, discrimination and landlord/tenant law.***
- ***Provide community law centres in areas of deprivation and targeted legal services for groups including Travellers, Roma and people with disabilities.***
- ***Expand the scheme of civil legal aid to include the provision of early and preventative legal services including information, advice, advocacy, training and community legal education services.***
- ***Adequately resource the system of civil legal aid to address long-standing operational issues including delays of over a year for an appointment with a legal aid solicitor and to allow for the comprehensive reform of the civil legal aid system.***

B. Access to the Courts

Previous UPR Recommendations

14. Ireland's previous UPR recommendations in relation to the administration of justice have focused on the area of civil legal aid. However (as highlighted at paragraph 4 above), these recommendations also emphasise the need to "*ensure equal treatment before the courts*" and "*ensure that disadvantaged and marginalized individuals and groups benefit from better access to the law.*"

Emerging Issue regarding Access to Judicial Review

15. Judicial review is the process through which people can hold the State to account in circumstances where the Government or public bodies act outside of the law or in a way that is contrary to their fundamental rights. The Irish Supreme Court have stated judicial review is "*...the great remedy available to citizens, on application to the High Court, when any body or tribunal (be it a court or otherwise), having legal authority to affect their rights and having a duty to act judicially in accordance with the law and the Constitution, acts in excess of legal authority or contrary to its duty.*"¹³
16. Judicial review gives effect to the constitutional right of access to the courts, as well as the rights guaranteed in European law¹⁴ and international human rights law.¹⁵

17. FLAC has acted in many judicial review cases which have resulted in homeless families being able to access social housing and emergency accommodation, children with disabilities being able to access additional educational supports, and people living in poverty being able to access basic social welfare payments.¹⁶
18. The Irish Government is pursuing a significant number of reforms which would severely limit access to judicial review. The proposed changes to judicial review were set out in the *Accelerating Infrastructure* plan published in December 2025 (even though the proposed changes will impact all judicial review cases – not just those concerning planning and infrastructure).¹⁷
19. The Department of Justice have since published the General Scheme of the Civil Reform Bill which would give effect to most of the changes.¹⁸ The proposals in the General Scheme span the rules on time limits, standing, costs, alternative remedies, appeals, the court's discretion, and the threshold for getting permission to take a case. Separately and cumulatively, they constitute a radical curtailment of access to judicial review, and are likely to have a disproportionately negative impact on people trying to establish and vindicate their rights to very basic public services. If the General Scheme is implemented, it is very likely that it will be extremely difficult, if not impossible, for the average person to challenge unlawful actions in any case that is complex or is without precedent – in that it involves a new point of law or public interest.¹⁹ The Department of Justice has not engaged with stakeholders or held a public consultation in relation to the proposals contained in the General Scheme.
20. There are already significant barriers to taking a judicial review case, including the financial risk, the lack of legal aid, restrictive time limits, the requirement to find a legal team to take the case with no guarantee of getting paid, and the legal and financial resources available to the State to contest such cases. There are significant delays and it can take over a year for a judicial review case to be heard.²⁰
21. Beyond the General Scheme, Government are also considering further changes to judicial review including:
- Introducing changes which will require people who take successful cases in the area of planning and environmental law to pay for some of their own legal costs.²¹ This would act as a massive deterrent to challenging unlawful decisions.²²
 - Banning 'no foal, no fee' arrangements in judicial review cases.²³ Applicants who cannot afford to pay for legal representation often rely on such arrangements in order to be able to take a judicial review case.²⁴

22. Astrid Puentes Riaño, United Nations Special Rapporteur on the human right to a clean, healthy and sustainable environment, has stated that *“recent proposals for judicial review contained in the General Scheme of the Civil Law Reform Bill 2025 may be regressive...reduce access to justice and [limit] also the possibility of citizens to defend their rights and advance their rights and accountability.”*²⁵ She recommended that *“rather than reducing judicial review, the State should strengthen capacity both for planning and judicial systems.”*
23. FLAC has also highlighted that judicial review cases (and their high success rate) are linked to the poor quality of public decision-making in areas such as social housing and social welfare, and has called on the Government to *“identify what steps it intends to take to drastically improve the quality of administrative and quasi-judicial decision-making by State bodies, thus mitigating the need for judicial review at the outset.”*²⁶
24. Ireland’s Law Reform Commission is currently undertaking a law reform project on *“non-court adjudicative bodies”* which is examining *“the possibility of standardising, simplifying, and clarifying the decision-making processes of non-court adjudicative bodies. This is intended to improve the quality of decision-making and enable decision-makers to make more structured and better-reasoned decisions.”*²⁷ The Law Reform Commission highlights that by addressing *“foundational issues [with the quality of first instance decision-making], the administrative state can support fairer outcomes, reduce unnecessary reliance on judicial review, and enhance public confidence in the administrative justice system (emphasis added).”*²⁸ Although this project was initiated in 2019, a public consultation was only initiated in January 2026.²⁹

Other Issues regarding Access to the Courts

25. Since Ireland’s last UPR Review in 2021, FLAC has highlighted a number of issues relating to access to and accessibility of the courts in Ireland.
26. In 2024, FLAC highlighted *“the need for a robust, inclusive and transparent process for reforming and simplifying court, rules, forms and procedures”*³⁰ and the need to diversify the committees which set court rules:
- “... there is a need to diversify the Court Rules Committees beyond members of the judiciary, legal practitioners and civil servants ...In the UK, for example, the Civil Procedure Rule Committee includes several ‘Lay Advice/Consumer Affairs’ members. Legislative reform would be needed to bring this about (as the membership of the Rules Committees are currently strictly prescribed by legislation).”*³¹
27. FLAC have also highlighted the need for publicly-available guidance to ensure equal treatment in the courts and tribunals in the form of an Equal Treatment Bench Book:

“In the UK, the Equal Treatment Bench Book provides detailed guidance on equal treatment in the courts. It covers a wide range of topics including equal treatment for litigants in person (i.e. lay litigants) and those facing social exclusion and poverty. It also discusses litigants who fall within the scope of protected grounds under equality legislation such as, for example, persons with a physical or mental disability and those covered by the race and religion grounds (including specific sections on anti-Semitism, Islamophobia and multicultural communication). The Bench Book is intended for use by the judiciary but it is also an important reference point for the legal profession and members of the public alike.”³²

Recommendations

- ***Do not proceed with proposals to reform judicial review which would restrict access to the courts.***
- ***Consult stakeholders and representatives of disadvantaged groups about improving access to the courts and tribunals.***
- ***Take urgent steps to improve the quality of public decision-making in areas including social housing and social welfare.***
- ***Expedite the work of the Law Reform Commission in relation to “standardising, simplifying, and clarifying the decision-making processes of non-court adjudicative bodies.”***
- ***Introduce accessible and independent tribunals which hear appeals of decisions made by public bodies in relation to social welfare and social housing.***
- ***Resource the courts to hear judicial review cases in a timely manner and reduce delays of over a year.***
- ***Diversify Court Rules Committees to ensure that their membership includes representatives of the Independent Law Centres, organisations that support victims of domestic, gender-based and sexual violence, Disabled Persons’s Organisations and court users (and potential users).***
- ***Initiate a structured and participatory process for the reform, simplification and disability-proofing of court rules, forms and procedures which involves relevant civil society organisations.***
- ***Introduce a publicly-available Equal Treatment Bench Book which provides guidance to judges, lawyers and court users on ensuring equal treatment in the courts and tribunals.***

C. Equality & Anti-Discrimination

Previous UPR Recommendations

28. Ireland supported a significant number of recommendations it received as part of its third review under the UPR mechanism in relation to the area of equality/anti-discrimination. These include:

- *“157.56 Step up the implementation of measures against racial discrimination, which mainly affect people of African descent and members of the Roma community (Argentina).”*
- *“157.60 Strengthen efforts, including legislative mechanisms, to root out racism, racial discrimination and hate crimes (Bangladesh).”*
- *“157.61 Reinforce measures to address workplace discrimination and the gender pay gap (Bangladesh).”*
- *“157.179 Continue efforts aiming at ensuring equal opportunities for women in the labour market and eliminate the gender wage gap (Republic of Moldova).”*
- *“157.63 Take additional measures to protect vulnerable communities from racial discrimination, particularly that which may be perpetrated by public institutions and officials (Botswana).”*
- *“157.227 Take further steps to ensure non-discriminatory access to social housing by all ethnic minorities and migrants (Bangladesh).”*
- *“157.80 Expand protections against discrimination directed towards persons based on their gender identity, expression, sexual characteristics or sexual orientation (United States of America).”*
- *“157.81 Improve implementation of laws against discrimination, particularly to protect access to housing and health for immigrants and members of racial, ethnic and religious minority groups, including Travellers (United States of America).”*
- *“157.243 Consider a reform in the legislative and policy framework related to persons with disabilities with a view to fully meeting the standards set by the Convention on the Rights of Persons with Disabilities (Bulgaria).”*
- *“157.240 Pursue its efforts to eliminate obstacles to education and employment for persons with disabilities (Algeria).”*
- *“157.249 Bring its legislation into line with the Convention on the Rights of Persons with Disabilities, increasing their rates of employment (Bolivarian Republic of Venezuela).”*
- *“157.231 Take necessary steps to tackle racism and discrimination against Travellers and the Roma community (India).”*

- *“157.234 Follow up on the National Traveller and Roma Inclusion Strategy 2017–2021 to address the intersectional racism and discrimination experienced by Traveller and Roma women (Norway).”*

Implementation Status: Ongoing/Incomplete

29. Ireland has undertaken a comprehensive review of its equality/anti-discrimination legislation and published draft legislation to give effect to the findings from that review. However, the reforming legislation has not been finalised or passed to date. The proposed reforming legislation also requires expansion and improvement.

Updates

30. Ireland’s main pieces of equality/anti-discrimination legislation are the Equal Status Acts and the Employment Equality Acts. They prohibit discrimination on specified discriminatory grounds, harassment, sexual harassment, victimisation and discriminatory advertising in employment and in the provision of goods and services, accommodation and education. Both Acts cover the nine grounds of gender, marital status, family status, age, disability, sexual orientation, race, religion, and membership of the Traveller community. The Equal Status Acts were amended in 2016 to prohibit discrimination against people who are in receipt of certain housing assistance payments in the provision of accommodation services.

31. Over time, significant issues with the effectiveness of the legislation have become increasingly evident:

- The extent to which State activity and the actions of public bodies - such as the police force (An Garda Síochána) and the Irish Prison Service - come within the scope of the legislation is limited and unclear. Many key areas - such as social housing, healthcare, social welfare, and education – are not explicitly covered by the legislation or are exempted.
- The obligation to provide reasonable accommodation for people with disabilities under the Equal Status Acts is very limited and not consistent with the United Nations Convention on the Rights of Persons with Disabilities.
- The grounds on which people experience discrimination in 2026, such as on the basis of socio-economic status, are not adequately covered by the legislation. Discrimination on two or more grounds where the discriminatory treatment is linked to the combination of grounds, rather than to each ground separately (referred to as ‘intersectional discrimination’) such as that experienced by Roma women is not explicitly covered by the legislation.
- There are significant limits on the extent to which the legislation may be used to combat structural and systemic forms of discrimination.

- The remedies available for breaches of equality law are not effective or proportionate and they do not act as a deterrent against discrimination.
- The process for making a complaint is inaccessible and difficult with far too many procedural barriers.³³

32. Roderic O’Gorman TD, the then Minister for Equality announced that the equality legislation would be reviewed.³⁴ The need for comprehensive reform of the legislation was acknowledged by the Minister in announcing the Review of the Equality Acts when he referred to the need to examine the legislation “*as a whole*”.³⁵ It is also evident from the submissions to the Review which identified myriad issues with the equality legislation (a number of which are outlined above).³⁶

33. In January 2025, draft reforming legislation was published.³⁷ The General Scheme of the Equality (Miscellaneous Provisions) Bill 2024 contains a number of very welcome provisions which have the potential to breathe fresh life into the prohibition of discrimination and to encourage the development of a culture of compliance with equality law. The General Scheme would move the jurisdiction for discrimination claims against licensed premises from the District Court back to the Workplace Relations Commission (the expert tribunal for dealing with such claims) and, in doing so, remove a major barrier to justice which has disproportionately impacted the Traveller community. The General Scheme would also significantly raise the compensation levels for victims of discrimination and extend the time limits for making discrimination complaints.³⁸

34. FLAC has highlighted that some measures in the General Scheme should be expanded/require improvement:

- the stronger reasonable accommodation provisions it proposes should apply to all providers of goods and services (not just public bodies), as required by the UN Convention on the Rights of Persons with Disabilities, and
- it should strengthen the equality mandates of the Irish Human Rights and Equality Commission (Ireland’s national equality body) and the Workplace Relations Commission (which hears discrimination complaints), as required by the new EU Equality Bodies Directives.³⁹

35. There are some issues with the equality legislation which are not remedied in the General Scheme. In addition to the current provisions, the General Scheme should:

- Add grounds of disadvantaged socio-economic status and gender identity to the Irish equality legislation, and

- ensure that the State, public bodies, key areas such as social welfare, social housing, healthcare, and the functions of the guards and the Irish Prison Service come clearly within its scope.⁴⁰

36. The relevant parliamentary committee has considered the General Scheme and produced a report calling for it to be expanded in its scope.⁴¹ However, the progress of the legislation has now stalled. It would appear that the Government is prioritising legislation to implement the EU Equality Bodies Directives before pursuing reform of the equality legislation instead of pursuing both sets of reforms in tandem.⁴²

Recommendations

- ***Urgently advance the reforming legislation to emerge from the Review of the Equality Acts.***
- ***Expand the proposed reforming legislation to emerge from the Review of the Equality Acts to ensure that:***
 - ***the State, public bodies, key areas such as social welfare, social housing, healthcare, and the functions of the guards and the Irish Prison Service come clearly within the legislation's scope.***
 - ***grounds of disadvantaged socio-economic status and gender identity are added to the Irish equality legislation.***
- ***Amend the proposed reforming legislation to emerge from the Review of the Equality Acts to ensure that:***
 - ***the stronger reasonable accommodation provisions it proposes apply to all providers of goods and services (not just public bodies), as required by the UN Convention on the Rights of Persons with Disabilities.***
 - ***the Irish Human Rights and Equality Commission (Ireland's national equality body) and the Workplace Relations Commission (which hears discrimination complaints) are given specific and strengthened equality mandates.***

D. The European Convention on Human Rights

Previous UPR Recommendations

37. Ireland's commitment to and fulfilment of its international human rights obligations have consistently been raised in previous UPR cycles and recommendations.

Emerging Issue regarding the European Convention on Human Rights

38. A Council of Europe process has been working toward a political declaration (a non-binding text signalling how ministers want existing Convention rules applied) on the European Convention on Human Rights and migration. It is scheduled for final consideration/adoption at the 135th Session in Chişinău, Moldova on 14 and 15 May 2026.
39. The process began following a joint statement by 27 Council of Europe member states on 10 December 2025. The statement reaffirmed their commitment to the Convention but called for a better balance in the control of migration. The Committee of Ministers tasked the Steering Committee for Human Rights, the CDDH, to prepare a draft text for the declaration. The CDDH produced a preliminary draft text that is still being discussed and edited.
40. The political initiatives advanced by a number of Member States appear to contemplate significant changes to how the absolute prohibition on torture, inhuman or degrading treatment is understood in the context of expulsion, removal, and extradition.⁴³ FLAC is deeply concerned that these developments carry profound implications for the universality of human rights, the integrity of the Convention system and the access to Convention rights guaranteed under the Belfast/Good Friday Agreement.
41. FLAC cannot reconcile the Irish Government's recent position in this process with its previous statements and actions in defence of the universality of rights and the Convention system. Given the profound implications this process may have for rights protections central to the Belfast/Good Friday Agreement and the island of Ireland, it is crucial that we fully understand the Government's approach and the principles guiding its participation. We have written to the Minister for Foreign Affairs (along with our Northern Irish colleagues in the Human Rights Consortium) seeking a clear explanation of how and why this position has been adopted, and how it can be squared with Ireland's longstanding commitments. However, no response or adequate explanation from the Government has been forthcoming to date.

Recommendations

- ***In line with commitments under the Belfast/Good Friday Agreement, oppose any political initiatives which seek to limit or reduce how the absolute prohibition on torture, inhuman or degrading treatment under the ECHR is understood in the context of expulsion, removal, and extradition.***
- ***Engage with stakeholders (including independent human rights organisations) in relation to the Government's position regarding the ECHR and the guarantees of access to ECHR rights under the Belfast/Good Friday Agreement.***

E. Travellers & Roma: Access to Housing & Social Security

Previous UPR Recommendations

42. Ireland supported a number of recommendations from the previous UPR cycle in relation to the rights of the Traveller and Roma communities, including recommendations concerning those groups' access to public services such as housing:

- *"157.149 Step up efforts to address homelessness and shortcomings in access to adequate housing, particularly for Travellers and Roma communities (Austria)."*
- *"157.157 Develop a national housing strategy to generate affordable housing and combat racial discrimination, with particular attention paid to the needs of vulnerable communities, including Travellers, Roma, migrants and refugees (South Africa)."*
- *"157.227 Take further steps to ensure non-discriminatory access to social housing by all ethnic minorities and migrants (Bangladesh)."*
- *"157.228 Develop specific programmes that address the vulnerabilities of the Roma minority, as well as a monitoring mechanism towards Roma inclusion (Croatia)."*

Implementation Status: Incomplete

43. Despite the adoption of the new Traveller and Roma Inclusion Strategy, there remain major barriers to Travellers and Roma accessing basic public services such as social housing, culturally appropriate accommodation and social security payments. Legal reform is necessary to address these barriers.

Habitual Residence Condition for Access to Social Security Payments

44. Under section 246 of the Social Welfare Consolidation Act 2005 (as amended), a 'habitual residence condition' exists as a qualifying condition for all means-tested social security payments and Child Benefit. A United Nations Independent Expert on Extreme Poverty described that condition as *"a considerable obstacle for members of vulnerable groups, particularly people experiencing homelessness, Travellers, asylum-seekers and refugees, migrant workers and returning Irish migrants, to access services to which they are entitled."*⁴⁴ Similarly, the United Nations Committee on Economic, Social and Cultural Rights have specifically recommended that Ireland *"review the habitual residence condition so as to eliminate its discriminatory impact on access to social security benefits, particularly among disadvantaged and marginalized individuals and groups."*⁴⁵

45. FLAC has repeatedly highlighted the disproportionate impact of the habitual residence condition under social welfare law on members of the Roma community who often face significant difficulties satisfying the condition due to lack of documentation, proof of address

and language and literacy skills.⁴⁶ Similar concerns emerged from the landmark *Roma in Ireland: A National Needs Assessment* report in 2018.⁴⁷

46. Barriers to (and delays in) accessing social security payments can have a devastating impact on individuals' and families' lives – they can result in evictions, and exacerbate or create health issues and debt issues.⁴⁸ For example, in the social welfare context, those whose application for a payment has been refused in the first-instance by reference to the habitual residence condition cannot even access the weekly Supplementary Welfare Allowance payment (a basic income support intended to act as a social safety net) while they seek to review or appeal the initial negative decision because that payment is also subject to the habitual residence condition. This occurs even if they have no other form of income.⁴⁹ This can leave people and families in extremely precarious situations and, in FLAC's experience, is often linked to homelessness and extreme poverty.⁵⁰

Potential Habitual Residence Condition for Access to Housing

47. FLAC has expressed stark concerns at proposals to introduce a habitual residence condition in the context of access to social housing and emergency accommodation for homeless people.⁵¹ We have highlighted that such proposals would “*massively increase the risk of homelessness for non-Irish nationals and minority ethnic and migrant communities who already experience discrimination and disadvantage*” and “*remove the safety-net of emergency accommodation for communities already most at risk of marginalisation, disadvantage and homelessness*.”⁵²

Traveller Accommodation & Evictions

48. In 2019, the Traveller Accommodation Expert Review⁵³ called for an “*overhaul*” of the Housing (Traveller Accommodation) Act 1998; its failings having been evidenced by an “*extremely high rate of Traveller homelessness*”, failures to meet the scale of accommodation needed by Travellers and an increase in those living in “*overcrowded conditions*”.
49. FLAC has highlighted the failure to implement the recommendations to emerge from that review which require legislative reform and has called on the Government to:
- reform the planning process for Traveller Accommodation and to create a bespoke process for the planning approval of such developments,
 - review and amend all eviction legislation to ensure that, other than in the most exceptional of circumstances, a family home can never be interfered with in the absence of a merits-based determination involving a proportionality assessment by a Court accompanied with a requirement to offer alternative appropriate accommodation to homeless families, and

- introduce enforceable minimum standards for all forms for Traveller accommodation.⁵⁴

Recommendations

- *Review the Habitual Residence Condition for access to social welfare payments and, in particular, its impact on minority ethnic and migrant communities such as the Roma community.*
- *Remove the Habitual Residence Condition for access to the Supplementary Welfare Allowance payment which is supposed to act as a social safety-net.*
- *Do not proceed with the introduction of habitual residence condition for access to social housing supports and emergency homeless accommodation.*
- *Implement legislative reforms to improve access to and standards in Traveller-specific accommodation.*
- *Amend eviction laws to ensure that, other than in the most exceptional of circumstances, Traveller's homes can never be interfered with in the absence of a merits-based determination involving a proportionality assessment by a court accompanied with a requirement to offer alternative appropriate accommodation to homeless families.*

Endnotes

¹ See Annex 1 for organisational details and contact information.

² Houses of the Oireachtas (February 2026), [*Committee on Justice, Home Affairs and Migration to examine civil legal aid.*](#)

³ Department of Justice (June 2022), [*Minister announces review of Civil Legal Aid Scheme.*](#)

⁴ Department of Justice, Home Affairs and Migration (July 2025), [*Minister Jim O’Callaghan publishes historic review of Civil Legal Aid Scheme.*](#)

Eilis Barry (FLAC Chief Executive) was FLAC’s nominee to the review group and the author of the minority report, which was endorsed by review group member Professor Tom O’Malley SC. FLAC has called for, and is campaigning for, the implementation of the minority report.

⁵ Each of these elements of the legal aid crisis are outlined in detail in the minority report. See: Department of Justice, Home Affairs & Migration (2025), [*Civil Legal Aid Review - Minority Report.*](#)

For more recent updates regarding Ireland’s civil legal aid crisis, see: FLAC (2026), [*Preventing Catastrophes & Avoiding Collapse: The Urgent Need to end the Civil Legal Aid Crisis - Submission to the Joint Committee on Justice, Home Affairs and Migration \(and Executive Summary\).*](#)

⁶ Legal Aid Board (2026), [*Management Information as at 28th February 2026.*](#)

⁷ Comments of the Chair of the LAB, Nuala Egan SC, at the FLAC and Trinity College Dublin Law School Conference on Civil Legal Aid Reform on 12 January 2026.

⁸ Department of Justice, Home Affairs & Migration (2025), [*Civil Legal Aid Review - Minority Report*](#), pp.10-11.

⁹ United Nations Committee on the Elimination of Discrimination Against Women (2025), [*Concluding observations on the eighth periodic report of Ireland.*](#)

¹⁰ United Nations Committee on the Rights of Persons with Disabilities (2025), [*List of issues in relation to the initial report of Ireland.*](#)

¹¹ Department of Justice, Home Affairs & Migration (2025), [*Civil Legal Aid Review - Minority Report*](#), Vision & Recommendations.

¹² The Courts Service (2026), [*Speech delivered by Mr. Justice Donal O’Donnell, Chief Justice, at the FLAC Civil Legal Aid: From Review to Reform Conference in Trinity College Dublin on 12 January 2026.*](#)

¹³ *State (Abenglen Properties Ltd.) v. Dublin Corporation* [1984] IR 381 at 392.

¹⁴ Article 6 of the European Convention on Human Rights guarantees the right to a fair trial. In its landmark decision in *Airey v Ireland*, the European Court of Human Rights held that the Convention “*is intended to guarantee not rights that are theoretical or illusory but rights that are practical and effective.*”

Article 41 of the European Union Charter of Fundamental rights provides for the “*right to good administration.*”

Article 47 of the European Union Charter of Fundamental rights provides: “*Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article.*”

Article 19(1) of the Treaty on European Union provides: “*Member States shall provide remedies sufficient to ensure effective legal protection in the fields covered by Union law.*”

¹⁵ The right of access to justice is reflected in, including article 14 of the International Covenant on Civil and Political Rights and Article 9 of the Aarhus Convention.

¹⁶ FLAC (2026), [*Don’t Shoot J.R.! An Access to Justice Analysis of the General Scheme of the Civil Reform Bill 2025: Submission to the Joint Committee on Justice, Home Affairs and Migration \(and Executive Summary\)*](#), section 1.3.

¹⁷ Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation (2025), [*Accelerating Infrastructure Report and Action Plan.*](#)

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- ¹⁸ Department of Justice, Home Affairs & Migration (2026), [*General Scheme of a Civil Reform Bill 2025*](#).
- ¹⁹ FLAC (2026), [*Don't Shoot J.R.! An Access to Justice Analysis of the General Scheme of the Civil Reform Bill 2025: Submission to the Joint Committee on Justice, Home Affairs and Migration \(and Executive Summary\)*](#).
- ²⁰ FLAC (2026), [*Don't Shoot J.R.! An Access to Justice Analysis of the General Scheme of the Civil Reform Bill 2025: Submission to the Joint Committee on Justice, Home Affairs and Migration \(and Executive Summary\)*](#), section 1.3.
- ²¹ Department of Climate, Energy and the Environment (2025), [*Consultation on Scale of Fees Under the Planning and Development Act 2024 opens*](#).
- ²² FLAC (2026), [*Submission to the Department of Climate, Energy and the Environment's Consultation on the Introduction of a Scale of Fees for Environmental Judicial Reviews*](#).
- ²³ Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, [*Accelerating Infrastructure Report and Action Plan*](#), p.72.
- ²⁴ FLAC (2026), [*Don't Shoot J.R.! An Access to Justice Analysis of the General Scheme of the Civil Reform Bill 2025: Submission to the Joint Committee on Justice, Home Affairs and Migration \(and Executive Summary\)*](#), section 1.3.
- ²⁵ UN OHCHR (February 2026), [*Ireland should mainstream human rights to protect environmental advances: UN expert*](#).
- ²⁶ FLAC (2026), [*Don't Shoot J.R.! An Access to Justice Analysis of the General Scheme of the Civil Reform Bill 2025: Submission to the Joint Committee on Justice, Home Affairs and Migration \(and Executive Summary\)*](#), p.10.
- ²⁷ Law Reform Commission (2025), [*Consultation Paper on Reform of Non-Court Adjudicative Bodies and Appeals to Courts*](#), p.xv.
- ²⁸ Law Reform Commission (2025), [*Consultation Paper on Reform of Non-Court Adjudicative Bodies and Appeals to Courts*](#), p.6.
- ²⁹ Law Reform Commission (2019), [*Reform of Non-Court Adjudicative Bodies and Appeals to Courts, Fifth Programme of Law Reform*](#).
- ³⁰ FLAC (2024), [*Submission to the Courts Service on their Strategic Plan 2024-2027*](#), p.4.
- ³¹ FLAC (2024), [*Submission to the Courts Service on their Strategic Plan 2024-2027*](#), p.4.
- ³² FLAC (2024), [*Submission to the Courts Service on their Strategic Plan 2024-2027*](#), p.5.
- ³³ For a detailed analysis of the issues with the Irish equality legislation, see: FLAC (2021), [*FLAC Submission to the Consultation on the Review of the Equality Acts*](#).
- ³⁴ Department of Children, Equality, Disability, Integration & Youth (June 2021), [*Minister O'Gorman announces review of the Equality Acts*](#).
- ³⁵ FLAC (2021), [*Status Check: 20 Years of the Equal Status Acts*](#).
- ³⁶ Department of Children, Equality, Disability, Integration and Youth (2023), [*Summary of the submissions received to the 2021 Public Consultation on the Review of the Equality Acts*](#).
- ³⁷ Department of Children, Equality, Disability, Integration & Youth (January 2025), [*General Scheme of the Equality \(Miscellaneous Provisions\) Bill 2024*](#).
- ³⁸ For a full analysis of the General Scheme, see: FLAC (2025), [*Submission to the Oireachtas Joint Committee on Children and Equality about the General Scheme of the Equality \(Miscellaneous Provisions\) Bill 2024*](#).
- ³⁹ For a full analysis of the General Scheme, see: FLAC (2025), [*Submission to the Oireachtas Joint Committee on Children and Equality about the General Scheme of the Equality \(Miscellaneous Provisions\) Bill 2024*](#).
- ⁴⁰ For a full analysis of the General Scheme, see: FLAC (2025), [*Submission to the Oireachtas Joint Committee on Children and Equality about the General Scheme of the Equality \(Miscellaneous Provisions\) Bill 2024*](#).
- ⁴¹ Houses of the Oireachtas (October 2025), [*Joint Committee on Children and Equality - Report on Pre-Legislative Scrutiny of the General Scheme of the Equality \(Miscellaneous Provisions\) Bill 2024*](#).

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- ⁴³ Council of Europe, CCDH (March 2026), [*Revised Draft Text for the Outcome Document containing elements for a Political Declaration*](#).
- ⁴⁴ Department of Foreign Affairs (2011), [*Report of the UN Independent Expert on Extreme Poverty and Human Rights, Magdalena Sepúlveda Carmona to the UN Human Rights Council*](#), p.12.
- ⁴⁵ United Nations (2015), [*Concluding Observations of the Committee on Economic, Social and Cultural Rights: Ireland*](#), p.6.
- ⁴⁶ FLAC (2023), [*Annual Report 2022*](#), p.41 & FLAC (2021), [*Submission to the Department of Children, Equality, Disability, Integration and Youth's Consultation on Ireland's National UPR Report*](#), pp.8-9 & 13.
- ⁴⁷ Pavee Point Traveller and Roma Centre & Department of Justice and Equality (2018), [*Roma in Ireland: A National Needs Assessment*](#).
- ⁴⁸ FLAC (2023), [*Annual Report 2022*](#), p.41.
- ⁴⁹ FLAC (2022), [*FLAC Submission on the development of a Youth Homelessness Strategy*](#), pp.9-10.
- ⁵⁰ "In three of the social welfare casefiles active during 2022, Roma clients who were in receipt of no weekly social welfare payment were also experiencing homelessness." FLAC (2023), [*Annual Report 2022*](#), p.41.
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- ⁵⁴ FLAC (2024), [*Traveller Accommodation: Access to Justice, Human Rights and Equality - Submission to the Joint Committee on Key Issues affecting the Traveller Community*](#).