

Civil Legal Aid

SUMMARY OF PREVIOUS UPR RECOMMENDATIONS

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 (Belarus): Undertake a comprehensive and independent review of the legal aid system for civil cases and ensure equal treatment before the courts.
- 157.125 (Bhutan): Continue its efforts and consider reform measures related to the legal aid system to ensure improved legal aid schemes, particularly for low-income groups.
- 157.126 (Cambodia): 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.
- 157.127 (Switzerland): 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.

NATIONAL FRAMEWORK

Ireland's State-funded civil aid scheme is administered by the Legal Aid Board under the provisions of the Civil Legal Aid Act 1995. Legal representation and advice under this scheme is not free and applicants are also subject to a very strict means test.

Ireland has undertaken a comprehensive and independent review of its civil legal aid system but it has not yet introduced any substantive reforms to the system since the review was completed in April 2025. The Minister for Justice has committed to additional funding for civil legal aid in the next budget but no reform plan has been published to date.

CHALLENGES

The Legal Aid Board 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.

Under-resourcing leads to severe delays for a first consultation with a legal aid solicitor, with waiting times of up to 64 weeks in parts of the country.

The outdated legal aid means test has not been updated since 2006 and means that people with a disposable income of more than €18,000 cannot access civil legal aid.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 also a very strict merits test applied to applications for legal aid.

IMPACTS

The chronically under-funded system of civil legal aid is now at crisis-point. The system does not, and cannot by design, provide legal information or provide targeted information to groups about their rights, nor does it provide legal representation in key areas for disadvantaged groups such as housing, social security or discrimination.

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.

Eight international and European independent human rights monitoring bodies have criticised the current civil legal aid scheme. 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."

CHALLENGES

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.

IMPACTS

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 the lack of 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.

QUESTIONS & RECOMMENDATIONS

Legal aid should be treated as an essential public service and the system should be transformed to target disadvantaged groups. To achieve this, Ireland should:

- Provide a comprehensive response to the reports which emerged from the independent review of the system of civil legal aid and provide a timeline for comprehensive reform 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.

SOURCES

FLAC & ICCL's Joint UPR Submission, as well as FLAC's statement at the UPR Pre-Session and other UPR Factsheets can be accessed at: www.flac.ie/upr

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