Community Law & Mediation

Election manifesto

Towards a socially just and ecologically sustainable society

Our priorities:

Justice

1. Strengthen social inclusion by providing meaningful access to civil legal aid – that urgent measures are implemented to make the outdated Civil Legal Aid Scheme fit for purpose

2. A dedicated children's law service – that it is recognised that children and young people have a unique set of rights and that, in line with other jurisdictions, public funding be provided for the establishment of a dedicated children's law service.

3. Improving the effectiveness of Ireland's equality legislation – introduce a socio-economic ground in the equality acts, prohibiting discrimination on the basis of a person's social and economic disadvantaged background; and remove the barriers that prevent people from vindicating their rights under the Acts.

Climate and nature

4. Deliver on Ireland's legally binding climate obligations to ensure a just transition – that all climate policies are credible, consistent and detail and quantify how reductions in emissions will be delivered, and include measures to ensure their implementation in line with Ireland's legally binding targets.

5. Our right to breathe clean air – that the National Clean Air Strategy and new Clean Air Act adopt WHO air quality guidelines as legally binding targets by 2035.

6. A right to a healthy environment – that Ireland holds a referendum to protect biodiversity rights in the Irish Constitution, as recommended by the Citizens Assembly and the Joint Oireachtas Committee on Environment and Climate Action.

Housing

7. Improve public health by improving environmental conditions in social housing – that the health impacts of poor housing conditions are addressed through adequate funding of local authorities, oversight and enforcement.

8. A right to adequate housing – that Ireland holds a referendum on a right to adequate housing.

9. Access to culturally appropriate accommodation – that delivery of Traveller-specific accommodation through the trailer loan scheme and other initiatives is prioritised.

10. A fairer housing system – that any review of the legal landscape related to social housing supports and/or emergency accommodation involves extensive and participatory public consultation.

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About Community Law & Mediation

Community Law & Mediation (CLM) is an independent community law centre and charity, working since 1975 with communities impacted by disadvantage and inequality.

We provide free legal, mediation and education services and work in partnership with a number of organisations to provide targeted outreach legal advice clinics. We operate out of two locations, Dublin and Limerick, but our services are available nationwide.

In 2021, CLM established Ireland's first Centre for Environmental Justice which works to ensure low income and marginalised communities are not disproportionately impacted by climate change or other environmental harms, and that environmental measures and climate action protect and build equality and social justice.

Demand for our services has grown significantly in recent years. Last year, our legal service assisted with 4,346 matters involving legal information, advice, advocacy and representation; our mediation service assisted with 360 queries and cases; and 1,459 people participated in our community education programme.

Key principles underpinning CLM's manifesto

The full realisation of fundamental rights for all within a socially just and ecologically sustainable society.

Introduction

At the outset of this manifesto, we wish to make a general observation in relation to the current social and political landscape. Like many, CLM has observed a very worrying increase in racism and anti-immigrant sentiment in the areas in which we work and in broader society. We have also observed how political parties and others, in an attempt to respond to far-right influences, have hardened their rhetoric and shied away from progressing rights-based solutions to the challenges in our society.

Never has it been more vital to boldly champion human rights and equality. We need a government of integrity, that invests in essential community-led services to address poverty and inequality; that recognises and addresses the inequalities in our society through progressive rights-based solutions; that prioritises bold investment in cross-sectoral initiatives and capital infrastructure projects that reduce Ireland's reliance on fossil fuels and deliver long term solutions to our shared climate and social justice challenges.

In this document, we make a series of practical recommendations to empower communities, strengthen equality and human rights, and in doing so address the climate and housing crises.

Justice

Strengthen social inclusion by providing meaningful access to civil legal aid – that urgent measures are implemented to make the outdated Civil Legal Aid Scheme fit for purpose; and that access to justice in environmental matters is protected as provided for under the Aarhus Convention.

An accessible and fair civil justice system is an essential underpinning to social inclusion.

Studies show that a civil legal aid intervention at the right moment can deliver substantial savings to government by reducing expenditure on other public services or by avoiding or limiting the use of state resources.[1]

It can help assist with accessing health, education, and other services, prevent homelessness and job losses and challenge discrimination.

A review of the Civil Legal Aid Scheme was commissioned by the Minister for Justice in 2022, and we understand that the review group is due to report and make recommendations later this year.[2]

It is vital that this issue remains a public priority. The Civil Legal Aid Scheme is almost 45 years in place and requires urgent reform to make it fit for purpose to meet the needs of today's society.

The eligibility criteria to access legal aid continue to present significant challenges for many who cannot afford a solicitor but who also do not meet the current thresholds for legal aid, due to the overly strict means test.

We are calling for a commitment to reform the Scheme, as follows:

1 Update the eligibility thresholds to qualify for legal aid and advice, and changes to the allowances against income to reflect the reality of the cost of living.

We engaged with Social Justice Ireland in relation to potential changes to the eligibility thresholds to access civil legal aid.

In summary, taking the rate of inflation, the national minimum wage and the living wage into consideration, Social Justice Ireland recommended a series of increases to the disposable income threshold, the childcare allowance and the accommodation allowance as follows:

- Increase the disposable income threshold to at least €21,000.
- Increase the childcare allowance to at least €9,000.
- An accommodation allowance of €16,000 would be more appropriate in the current housing climate.
- An Alternative Method – the Reasonable Living Expenses approach (currently exists within the remit of the Department of Justice). Further details on this are available from CLM.

[1] See The National Association of Citizens Advice Bureau, Towards a business case for legal aid, July 2010, available at https://www.accesstojusticeactiongroup.co.uk/wp-content/ uploads/2011/07/towards_a_business_case_for_legal_aid.pdf
[2] CLM's submission on the review of the Civil Legal Aid Scheme, endorsed by signed by eighteen partner organisations, can be read in full here.

2 Expansion and resourcing of the Scheme to areas of law which are currently excluded or not adequately catered for such as employment and equality matters, housing-related matters, environmental matters, social welfare appeals and children's rights.

3 Expand the Scheme to include public information and education services on legal rights, and a focus on policy and law reform.

The Legal Aid Board, which administers the Civil Legal Aid Scheme must be adequately resourced to implement these changes, and to reduce waiting lists to access a first appointment (currently up to 43 weeks in some parts of the country).

Regarding access to justice in environmental matters, the Planning and Development Bill 2023 provides for the development of an administrative scheme to provide for costs in proceedings relating to non-compliance with environmental law. Any such scheme must enhance access to justice through the reduction of costs for citizens and reflect recent court decisions and the provisions of the Aarhus Convention.

A dedicated children's law service – that it is recognised that children and young people have a unique set of rights and that, in line with other jurisdictions, public funding is provided for the establishment of a dedicated children's law service.

Children and young people have a unique set of rights which are set out in the United Nations' Convention on the Rights of the Child (UNCRC). In 1992, Ireland ratified the UNCRC and in doing so committed to ensuring that these rights are a reality for all children and young people under the age of 18.

The past decade has seen further changes relating to the rights of children in the Irish constitution and in legislation.

In 2023 and 2024 consecutively, Community Law & Mediation was awarded funding from the RTE Toy Show Appeal to begin developing a dedicated children's law service (transformative grant of €120,000 awarded in June 2024). As part of this, we offer legal information and advice for children and young people on LGBTI+ rights, disability rights, problems at school, like suspension or expulsion, discrimination, housing issues, environmental rights and more. We also provide training to children and young people, families and advocates.

CLM also works with EPIC (Empowering People in Care) to provide a dedicated clinic for children and young people in care and care leavers.

We are currently carrying out research into the unmet legal need of children and young people in Ireland, which will be published in the latter part of 2024.

In line with other jurisdictions (e.g. the Children's Law Centre in Northern Ireland) we are calling for a commitment to provide public funding for the establishment of a dedicated children's law service in Ireland.

Towards a socially just and ecologically sustainable society

Improve the effectiveness of Ireland's equality legislation – introduce a socio-economic ground in the equality acts, prohibiting discrimination on the basis of a person's social and economic disadvantaged background; and removes the barriers to vindicating one's rights.

The Employment Equality and Equal Status Acts are fundamental to people's experience of living in a society and working with dignity.

However, significant reform is required to improve the effectiveness of the Acts in combatting discrimination. The Acts are currently being reviewed and we call for a commitment to continue the review and reform of the Acts.

In particular, the introduction of a socio-economic ground, prohibiting discrimination on the basis of a person's social and economic disadvantaged background, must remain a top priority.[1]

We also call for removal of the barriers that prevent people from vindicating their rights under the Acts. This should include changes to the restrictive time limits for lodging discrimination claims and a thorough examination of whether the exemptions in both the Employment Equality Act and Equal Status Act, are rational, necessary and proportionate.

For example, the effective exemption from the Equal Status Act for public bodies administering legislation in key areas such as housing, healthcare, social welfare etc. requires urgent reform.

[1] CLM is a member of the Add the Tenth Alliance, alongside All Together in Dignity Ireland, Association for Higher Education Access and Disability, Community Action Network, Free Legal Advice Centres, European Anti - Poverty Network Ireland, Independent Living Movement Ireland and Irish National Organisation of the Unemployed.

Climate and nature

Deliver on Ireland's legally binding climate obligations to ensure a just transition – that all climate policies are credible, consistent and detail and quantify how reductions in emissions will be delivered, and include measures to ensure their implementation in line with Ireland's legally binding targets.

Climate change is one of the greatest threats to human rights, posing a serious risk to life, health, food and an adequate standard of living of individuals and communities across the world.

Ireland has a legal and ethical duty to adhere to its obligations on climate change, to protect children, citizens and communities from the most dangerous impacts of the climate crisis and to prevent the need for more abrupt and forceful action later.

Despite being among the smallest countries in the European Union, Ireland ranks second highest in emissions per capita. Emissions are not decreasing rapidly enough to stay within the confines of the legally binding 2025 and 2030 carbon budgets.

The Climate Action Plan 2023 fell short on implementation, with a third of its proposed measures left unaddressed.[1] The latest projections of the Environmental Protection Agency (May 2024) show that the first two carbon budgets (2021-2030) will not be met, and by a significant margin of between 17 and 27 per cent. [2]

In April 2024, the European Court of Human Rights (ECtHR) declared, for the first time ever, that the Swiss government's inadequate action on emissions (and by extension the inaction of all parties to the ECtHR) is a violation of Article 8 of the European Convention on Human Rights, which protects the right to respect for private and family life.

This case was part of a global wave of climate litigation as a growing number of communities take action to secure their human rights and hold governments and fossil fuel companies accountable.[3]

We call for a commitment that annual Climate Action Plans will detail and quantify how deep, rapid, and sustained reductions in emissions will be delivered, and include measures to ensure their implementation in line with Ireland's legally binding targets.

Together with Environmental Justice Network Ireland, Friends of the Earth Ireland, the Environmental Pillar and Stop Climate Chaos Coalition, we call for consistency across all climate policy, including the Climate Action Plan, the National Energy and Climate Plan and the Long-term Strategy in order to develop a robust roadmap for Ireland's journey towards a sustainable and equitable future.

[1] Department of Environment, Climate and Communications. 2024. Climate Action Plan Progress Reports.
[2] Available at: https://www.epa.ie/news-releases/news-releases-2024/ireland-is-projected-to-exceed-its-national-and-eu-climate-targets.php
[3] CLM is currently representing Friends of the Irish Environment in a legal case on Ireland's climate obligations, challenging the failure by the Irish Government to show with a sufficient level of specificity that the Climate Action Plan 2023 and its Annex of Actions will reduce greenhouse gas emissions in line with Ireland's legally binding carbon budget. A hearing date of 28th January 2025 has been set for this case.

Our right to breathe clean air – that the National Clean Air Strategy and new Clean Air Act adopt WHO air quality guidelines as legally binding targets by 2035.

Air pollution is the single largest environmental health risk in Europe and currently accounts for 2,600 deaths across the island of Ireland per year and represents a clear violation of the Right to a Clean, Healthy and Sustainable Environment, which was recognised by the United Nations and endorsed by Ireland in 2022.

The World Health Organisation (WHO) is explicit that "the available evidence cannot currently identify levels of [air pollution] exposure that are risk free."

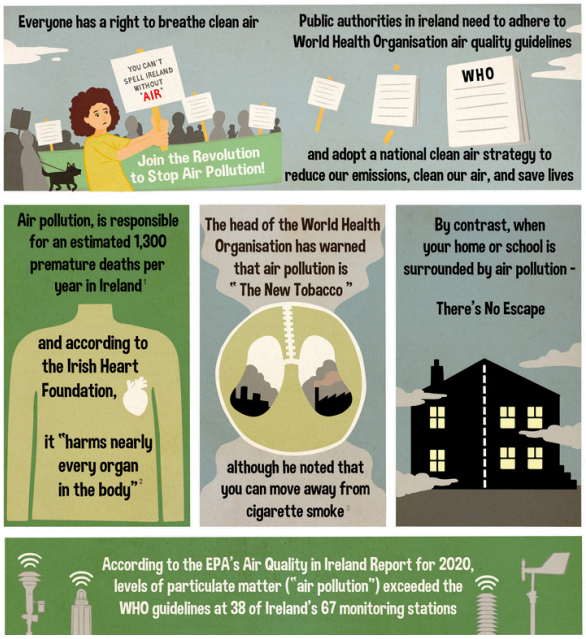
Research by the Irish Heart Foundation shows that the adoption of WHO 2021 air quality guidelines could save 1,000 lives per year across the island of Ireland.[1] It makes financial sense too – according to the Health Protection Surveillance Centre, the economic cost of air pollution health impacts in Ireland results in €2 billion lost per year; including the loss of 382,000 workdays per year.[2]

While we welcome the publication in 2023 of the National Clean Air Strategy, we call for greater ambition.

Irish MEPs across all government parties supported the adoption of WHO air quality guidelines in EU law (the Ambient Air Quality Directive) by 2035.

We call for a commitment to transpose the revised Ambient Air Quality Directive (as soon as it is passed) and ensure that Ireland's ambition reflects MEPs position in the Parliament negotiations on the Directive - or goes further than that.

We also call for continued commitment to establish a new Clean Air Act which places the National Clean Air Strategy on a statutory footing, and ensures the objectives set out within the Strategy are legally-binding.



[1] https://irishheart.ie/wp-content/uploads/2023/03/Air-Pollution-and-Mortality-on-the-Island-of-Ireland-Report.pdf
[2] https://www.hpsc.ie/a-z/environmentandhealth/airquality/healtheffectsofairpollution/; https://ide.ie/resources/air-pollution/#:~:text=Economic%20impact%3A%20According%20to%20DCCAE,of%20382%2C000%20workdays%20per%20year.

Towards a socially just and ecologically sustainable society

A right to a healthy environment – that Ireland holds a referendum on the right to a healthy environment, as recommended by the Citizens Assembly on Biodiversity Loss and the Joint Oireachtas Committee on Environment and Climate Action.

In April 2023, the Citizens' Assembly on Biodiversity Loss (CABL) recommended inserting a right to a healthy environment and procedural environmental rights into the Constitution.

This was followed by the report of the Joint Committee on Environment and Climate Action (JCECA) on the examination of recommendations of the Citizens' Assembly on biodiversity loss, published in December 2023.

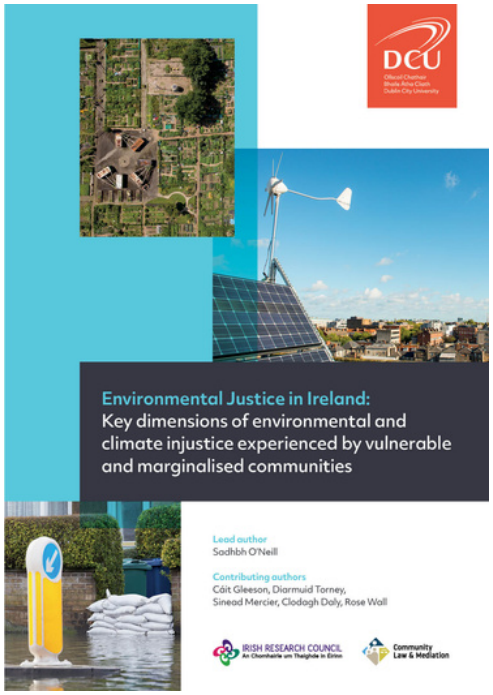
The cross-party report recommended that "the people of Ireland be afforded an opportunity, in a referendum or referenda, to protect our biodiversity through the incorporation of the rights of nature and/or the right to a healthy environment into Bunreacht na hÉireann (the Irish Constitution)."

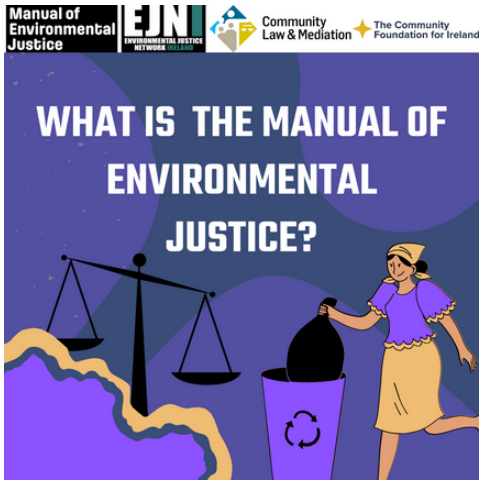
Vulnerable and marginalised communities bear a disproportionate burden of environmental harm and often lack the resources to address these issues effectively.

While access to a clean and healthy environment is a fundamental human right, without specific constitutional protections, this right can be easily overlooked or violated, particularly in cases where economic interests are prioritised over environmental concerns.

Embedding environmental rights in the Constitution ensures that environmental protection becomes a legal obligation, safeguarding the rights of present and future generations.

We call for the recommendations of the Citizens Assembly and the JCECA to be progressed by delivering a referendum on a right to a healthy environment.





Housing

Improve public health by improving environmental conditions in social housing – that the health impacts of poor conditions in housing are addressed through adequate funding of local authorities and proper oversight or works completed.

Adequate housing that is, at a minimum, fit for human habitation is fundamental to the vindication of other fundamental rights and full engagement in society, such as the right to health, right to a healthy environment and the right to access employment opportunities.

A consistently high number of issues relating to housing conditions present to our free legal advice clinics, with clients experiencing persistent dampness and mould, blocked drains, defective windows, and rodent infestations in their local authority housing.

The issues presenting at our clinics were further reinforced by research commissioned recently by Community Law & Mediation on the impact of the Regeneration Programme on housing and housing conditions in Limerick communities.

This research found that while progress has been made, including improved Building Energy Ratings, issues with mould and damp, poor quality and defective works, and lack of oversight persist. Participants in the research reported high rates of respiratory issues including asthma, constant coughing and regular chest infections.

The impacts of poor housing conditions on family and child wellbeing were outlined starkly in the latest report of the ESRI which found that those living in inadequate housing and poorer quality neighbourhoods report more depression, find parenting more stressful, and report greater conflict and less closeness with their children. The children of these mothers, in turn, face greater social and emotional difficulties.[1]

The findings highlight the importance of addressing housing and neighbourhood quality in promoting family and child wellbeing; the need for support for upgrading (retrofitting) as well as additional targeted financial assistance to low-income families.

We call for the provision of adequate resources for local authorities to engage in an effective programme of repairs of housing stock and for investment in the oversight of works completed by local authorities, to ensure they are completed to standard.

[1] Poor housing conditions harm family wellbeing | ESRI

Towards a socially just and ecologically sustainable society

A right to adequate housing – that Ireland holds a referendum on a constitutional right to adequate housing

The current Programme for Government and Housing for All plan contains a commitment to hold a referendum on Housing and, in May 2024, the recommendations of the Housing Commission in relation to a referendum were finally published.

It is vital that this issue remains a public priority and on the agenda. Urgent action is needed to tackle the State's ongoing housing crisis and re-shape housing policy. The explicit recognition of a standalone right to adequate housing in the Irish constitution, also advocated for by the Home for Good coalition, is a fundamental step towards achieving this.

Adequate housing has already been considered by the United Nations Committee on Economic, Social and Cultural Rights which has found that a number of conditions must be met in order for housing to be considered adequate, including habitability, accessibility and cultural adequacy.

The insertion of a constitutional right to adequate housing could have widespread implications in shaping Ireland's housing policies, including preventing homelessness, ensuring the minimum standards of and the cultural adequacy of accommodation, and providing meaningful protection to those most vulnerable and marginalised in society.

Community Law & Mediation's full submission on a referendum on housing, which was endorsed by 15 organisations can be found here: Submission to the Housing Commission on a Referendum on Housing in Ireland - Community Law (communitylawandmediation.ie)

Access to culturally appropriate accommodation – that delivery of Traveller-specific accommodation through the trailer loan scheme and other initiatives is prioritised.

Community Law & Mediation carried out research (funded by the Irish Human Rights and Equality Commission) on the Legal Implications and Lived Experiences of the Caravan Loan Scheme (access the Report here). The Report recommended that the Caravan Loan Scheme be expanded and revised to include increased financial support and measures to ensure a better standard of caravan can be purchased. It also recommended that a Rental Scheme and Rent to Buy options should be provided.

In the last two years, the Department of Housing has introduced a Trailer Loan Scheme on a nationwide pilot basis across all local authorities, to support the provision of Traveller-specific accommodation. We understand that the pilot scheme is currently being reviewed.

We call for a commitment to continued investment in Traveller-specific accommodation and roll-out of a nationwide trailer loan scheme - involving ongoing consultation with the Traveller community.

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A fairer housing system – that any review of the legal landscape related to social housing supports and/or emergency accommodation involve extensive and participatory public consultation, to ensure meaningful protection for the most vulnerable and marginalised in society.

The Department of Housing has indicated an intention to amend the eligibility criteria for access to social housing supports for non-Irish nationals in the Housing (Miscellaneous Provisions) Act 2009, through proposals contained in the General Scheme of the Housing (Miscellaneous Provisions) Bill 2024.

These proposals include the introduction of 'right to reside' and 'habitual residence' conditions into the framework.

While we welcome, in principle, the intention to bring clarity to this area through the introduction of primary legislation, we are concerned that these proposals were brought forward without any structured or formal consultation. We are further concerned that the proposals, as they currently stand, are unworkable, unclear and unduly hard, and may give rise to violations of EU law.

We also understand that the Department of Housing is currently considering amendments to the Housing Act 1988 (sections 2 and 10) which seek to apply local connection criteria, introduce a residency condition, link access to emergency accommodation with social housing supports and establish a humanitarian assistance programme on a non-statutory basis for those who will no longer be entitled to section 10 supports.

We believe these amendments to the Housing Act 1988, if implemented, will ultimately limit access to vital supports for many households facing homelessness, rather than meaningfully protecting their housing needs. They will create significant barriers and delays that will impact the most vulnerable and marginalised in society, including victims of domestic violence, victims of trafficking, members of the Roma and Traveller communities, migrants and the undocumented. Again, these proposal were brought forward without any formal public consultation process.

We call for the proposed amendments to both the Housing (Miscellaneous Provisions) Act 2009 and to the Housing Act 1988 to be abandoned, and for a commitment instead to carry out a review of the social housing and emergency accommodation legal landscape in its entirety, to involve extensive and participatory public consultation to ensure meaningful protection for the most vulnerable and marginalised in society.

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