



Policy Submission

A New Programme for Law Reform

**Submission to the
Law Reform Commission**

January 1999

Contents

Summary of proposals

1. Terms of reference
2. The Combat Poverty Agency's general remit
3. The Combat Poverty Agency's approach
4. The Combat Poverty Agency's perspective
5. Operationalization of the National Anti Poverty Strategy
6. Review of the Constitution
7. Government policies for the promotion of equality and law reform
8. Re-evaluation of links between crime and social policy
9. Framework for the development of the voluntary and community sector
10. Integration of local development with new local government structures
11. Cross-border institutions, with closer links to Northern Ireland and Britain
12. Development of social rights in the European Union
13. Growing interdependence within the international community
14. Concluding comments

Summary of proposals

- Future legislation must ensure that the work of state bodies and agencies be focussed on disadvantaged areas, communities and groups living in poverty;
- All legislation to be poverty-proofed - tested for its consistency with the National Anti-Poverty Strategy and its likely effect on those living in poverty;
- Legislative procedures to ensure that disadvantaged groups and communities are consulted on decisions likely to affect them;
- Embedding of social rights in the constitution and relevant legislation, notably the rights to housing, health, nutrition, adequate standard of living;
- Reform of the Civil Legal Aid Act, 1995 to include test cases, representation at tribunals, promotion of community-based approaches to legal advice services and education, representation of those concerned with poverty on the Legal Aid Board; action against child poverty;
- Improved legal framework for bankruptcy and debt settlement;
- Rebalancing of the criminal law to: reduce its disproportionate effect on the poor, to promote reinvestment in communities most affected by crime and in alternatives to custody, to improve our knowledge of crime and the effectiveness of existing responses;
- Legislation to ensure voluntary and community organizations are consulted by state agencies as part of the processes of planning; testing of legislation for its effect on the voluntary and community sector;
- Modernization of law on charities, setting up of a simplified form of incorporation, ensuring transparency;
- New local government structures to ensure structured consultation, participation and involvement with voluntary and community organizations; must be focussed on meeting the needs of the most disadvantaged communities;
- Ireland to incorporate the European convention on human rights into domestic law;
- Human Rights Commission in Ireland to adopt a broad remit in area of economic and social rights;

- Poverty and social exclusion to be part of remit of new cross-border implementation bodies and co-operation areas;
- Joint committee of both Human Rights Commissions to deal with issues of economic and social rights;
- Social exclusion to be a defined area of work of the British Irish Council and British Irish Intergovernmental Conference;
- Irish constitutional and statutory law to incorporate progress to economic and social rights evident in European Union (e.g. Comité des Sages). In particular, Ireland should adopt European norms in rights to housing, employment and social security;
- Ireland should adopt important international social standard-setting the rights of migrants; unsigned instruments of the International Labour Organization; United Nations Convention on the elimination of all forms of racial discrimination.

1. Terms of reference

The Law Reform Commission, in preparing a new Programme for Law Reform, has asked institutions to identify specific problems in the current law based on their insights into the social, economic and technological changes to which the law must adjust in the coming years.

2. The Combat Poverty Agency's general remit

The role of the Combat Poverty Agency is, in summary, to advise and make recommendations to the Minister for Social, Community & Family Affairs on all aspects of economic and social policy in relation to poverty in the state through the initiation of measures aimed at overcoming poverty; the examination of the nature, causes and extent of poverty and through promoting the greater understanding of poverty.

3. Combat Poverty Agency's approach

The Agency has invested considerable resources in the analysis of social trends in Ireland. These point to high levels of poverty and inequality in this country; to groups which are especially vulnerable to poverty and social exclusion; and to a widening gap in the dispersal of incomes in Ireland. The Agency has drawn attention to different forms of poverty in urban and rural areas; to the manner in which some groups are more affected than others (e.g. Travellers, lone parents, people with disabilities, refugees and asylum seekers etc.); to the gender-specific aspects of poverty, which mean that the burden of poverty falls disproportionately on women; and to the patterns of poverty in the life cycle, whereby, in Ireland, children are at high risk of poverty.

Poverty replicates itself in ever-newer ways, affecting new groups, categories and localities in different ways. One may anticipate that these problems may become more acute in the coming years with the intensification of economic competition, globalization and other broad economic and social changes now under way (e.g. the information society).

The law has a distinct role to play in combatting poverty and social exclusion and in providing social protection for those most at risk..... there is potential for recent European and international concepts of social rights to strengthen the existing bases of social rights and responsibilities embodied in Irish social policy and law.

In responding to poverty, governments and societies have a number of instruments at their disposal. These include macro-economic policy, budgetary and financial policy, the utilization of the public administration, the enlistment of voluntary effort and the law. The law has a distinct role to play

in combatting poverty and social exclusion and in providing social protection for those most at risk. In particular, there is potential for recent European and international concepts of social rights to strengthen the existing bases of social rights and responsibilities embodied in Irish social policy and law.

There is already a substantial body of Irish statutory law dealing with social policy (e.g. Social Welfare Consolidation Act, annual Social Welfare Acts, specific Acts and Statutory Instruments) and case law deriving from this legislation. An indigenous body of social principles has been built up since the foundation of the state (e.g. Democratic programme of the first Dáil, 1919) and may also be found in the basic rights laid down by the constitution (article 40) and the directive principles of social policy (article 45). The law, whether constitutional, statutory, national or international can be an important instrument in addressing poverty, its precise effectiveness depending on its values, aspirations, comprehensiveness and precision.

4. The Combat Poverty Agency's perspective

The Agency's view on the role of the law in combatting poverty and social exclusion must be set in the context of key social, economic, political and policy developments which may be anticipated over the next number of years.

Foremost of these is the National Anti-Poverty Strategy (NAPS), *Sharing in progress* (1997), which has been adopted by the government. The strategy analyses poverty, sets down a number of key targets for the reduction of poverty and devises a set of mechanisms to ensure that the strategy is translated into practical effect. The strategy is supported at the highest possible level, being led by a cabinet sub-committee on social inclusion. All national policies are now expected to be poverty-proofed, which is to say that before their adoption they must be carefully tested for their likely effect on ameliorating poverty. This process has considerable potential to ensure that over the next number of years all policies have positive outcomes for those living in poverty and inequality and that unintended negative outcomes are avoided. The implications of the strategy are explored shortly (5).

These are also certain to be themes in Ireland's social, political and economic development over the next years:

- the review of the constitution (6);
- government policies for the promotion of equality and legal reform (7);
- re-evaluation of the links between crime and social policy (8);
- framework for the development of the voluntary and community sector (9);

- the integration of local economic and social development with new local government structures (10);
- development of cross-border institutions, with closer links to Northern Ireland and Great Britain (11);
- development of social rights in the European Union (12);
- ever-growing inter-dependence within the international community (13).

The Agency's submission will focus on each of these themes in turn. Concluding comments are then made.

5. Operationalization of the National Anti-Poverty Strategy (NAPS)

The National Anti-Poverty Strategy, *Sharing in Progress*, set specific targets for the overcoming of educational disadvantage, unemployment, income inadequacy and urban and rural poverty; and laid down the institutional mechanisms necessary to underpin the strategy.

Whilst the NAPS itself does not have a statutory basis, the law may nevertheless in the future have an important role to play in the implementation of its principles.

The strategy has far-reaching medium and long-term potential if, as is intended, it is adopted across all government departments and state agencies. Whilst the NAPS itself does not have a statutory basis, the law may nevertheless in the future have an important role to play in the implementation of its principles.

There is a function for future legislation to ensure that:

- the work of state agencies be focussed on disadvantaged areas and particular groups living in situations of poverty. This is especially the case when new legislation is presented outlining the role, tasks and functions either of new state agencies or redefining the functions of existing ones. An example is the recent Education #2 Bill, as amended, which laid down on educational authorities the duty to make plans to respond to educational disadvantage. This principle should be followed in a wide range of future legislation.
- Legislation be tested, prior to its drafting and enactment, to ensure that it is consistent with the principles of the NAPS and that means be set in place to monitor any unintended consequences of the legislation which might contribute to poverty. This process, termed poverty-proofing, in effect requires that all proposed legislation be tested for its impact on poverty before and after enactment;
- Disadvantaged groups and communities have the right to participate in key

decisions affecting them. This could take the form of procedures for consultation to be laid down in legislation, with the representation of disadvantaged groups on statutory bodies and agencies. It is important that individuals, voluntary and community organizations be adequately resourced to make their contributions to such boards, bodies and institutions. Their participation could be facilitated and supported by a strengthened voluntary services unit in the Department of Social, Community and Family Affairs.

As a practical example of the latter, the government is in a position to ensure that disadvantaged groups and communities are represented in forthcoming pending appointments to such bodies as the Human Rights Commission and the Equality Authority.

6. Review of the Constitution

The Constitution is a core reference point in Irish social policy. It is doubly appropriate to comment on the role of the constitution at present, given the *Report of the Review Group on the Constitution* (1996) and the reconvening of the All-party Committee on the Constitution (1997). The review group came to the conclusion that it was not appropriate for the constitution, or a new version thereof, to enunciate socio-economic rights.

The review group's reasoning and argument have since been comprehensively refuted by the Irish Commission for Justice & Peace (ICJP) in *Re-righting the Constitution* (1998). This rebuttal suggests an illogicality in the review group's approach, a misplaced fear of judicial activism, its inconsistencies in argument for other new rights and the negative consequences for the poor of its approach to constitutional law. The ICJP reaffirms its proposal for core socio-economic rights to be laid down in the new Irish constitution, governing such matters as the rights to housing, health, nutrition and an adequate standard of living.

The Combat Poverty Agency believes that such rights, if laid down in a new constitution, would form a solid basis to inform an enlightened social policy in the next century. The report of the European Union's Comité des Sages laid down a number of core social rights to inform modern society in such areas as the right to equality, education, work, social security, family protection, and minimum income. It is important that Ireland move toward, rather than away from, international social rights norms and their embedding in fundamental law.

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7. Government policies for the promotion of equality and legal reform

The promotion of greater equality has been a theme of national policy since 1992, with the formation of the Department of Equality and Law Reform, now the Department of Justice, Equality and Law Reform. Several significant measures were taken in association with and subsequent to this development, such as the decriminalization of homosexuality, with legislation such as the Freedom of Information Act, 1997, the Housing (Traveller accommodation)

Act, 1998 and the Employment Equality Act, 1998; and institutional change such as the National Disability Authority (1998) and the Equality Authority (due 1999). However, the process of political, legislative and administrative reform begun in the early to mid-1990s is incomplete and the following gaps must be bridged:

- the Equal Status Bill, an integral and critical part of the 1992 package, has yet to be enacted. It is unclear whether this Bill, while providing against some forms of discrimination, will adequately promote social equality and prevent discrimination based on social class;
- the Freedom of Information Act is restricted in its scope and spheres of operation;
- there is still insufficient protection against discrimination for minorities such as Travellers and refugees. The Incitement to Hatred Act has proved to be ineffective;
- the Refugee Act, with procedures for the protection of refugees, has not been commenced.

The Agency would like to focus on three key problem areas in government policies for the promotion of equality and law reform: access to legal aid and advice (7.1), children's rights (7.2) and the legal framework for bankruptcy and debt settlement (7.3).

7.1 Access to legal aid and advice

A serious gap in the legal reforms instituted in the 1990s is the question of access to the law. The Civil Legal Aid Act, 1995, has major shortcomings:

- several key areas of law are excluded from its operation, such as test cases and representation before tribunals;
- voluntary and community organizations, user bodies and those concerned with poverty are not represented on the Legal Aid Board;
- there is insufficient recognition of the value of community-based approaches to legal advice and services.

In practice, there are serious problems with the operation of the Scheme of Civil Legal Aid and Advice, operated under the Act. These are:

- the Legal Aid Board has virtually no resources to devote to community legal education, so that people may be informed of their rights. As a result, key areas of legal recourse are not availed of (e.g. law regarding violence against women in the home, rape law);
- the scheme is able to deal essentially only with family law cases;
- there are only 82 solicitors in the legal aid centres, compared to 5,000 in private practice for those who can afford them;
- waiting lists in many law centres are in the order of 10 months, in some cases up to 19 months.

There is very little support for community-based approaches to issues of civil legal aid and advice. There is only one community-based law centre in the country (Coolock Community Law Centre) and limited development of other voluntary services (the Free Legal Advice Centres, FLAC, being the principal such national body).

As a result, access to the law for the poor in Ireland is problematical and limited. This problem must be addressed and rectified.

7.2 Children's rights

Ireland has the second highest national level of child poverty in the EU with a large minority (up to one third) of Irish children living in poverty (based on 1994 data). The UN Committee on the Rights of the Child (January 1998) in its concluding observations on Ireland's first national report made a number of important recommendations so that this country may

better comply with the requirements of the Convention on the rights of the child. From the Agency's perspective, the following areas and legislative implications are of immediate concern and priority:

- the need for immediate steps to address the problem of child poverty and ensure that all families have adequate resources and facilities;
- a National Children's Strategy must adopt poverty-proofing as a key strategy for tackling child poverty.

Other recommendations from the UN Committee echo the Agency's concerns about strengthening the voice and role of community groups working on issues of disadvantage and poverty. These are the need to:

- strengthen co-ordination between government bodies dealing with children's rights ;

- ensure the development of closer relationships between statutory and non-government sectors; and
- systematically promote and facilitate children's participation in decisions and policies affecting them.

7.3 Legal framework for bankruptcy and debt settlement

Indebtedness has social costs as well as financial costs. There is international evidence to demonstrate the negative personal and social effects of indebtedness. These include ill-health, stress and poor quality of life for household members or dependants. A number of issues arise for the legal system and its approach to debtors who cannot afford to repay debts. There is poor public awareness of existing mechanisms to aid them such as the Statement of Means at Examination Order stage. Money advisers have no right to represent clients at court and few debtors apply for or are granted legal aid. Proposals for legislative reform include:

- re-appraisal of the legislative approach to bankruptcy and indebtedness, with particular reference to issues for low income groups;
- strengthening of the negotiating position of money advisers with a possible formal requirement that indebted persons coming before the courts (especially low-income) be referred to a money advice service;
- establishment of a public education service to raise awareness of the problems of indebtedness and the availability of facilities to assist indebted persons;
- provision of non-custodial mechanisms for resolving non-payment of a debt.

8. Re-evaluation of the links between crime and social policy

The work of the Law Reform Commission is set against the background of a reappraisal of the links between crime and social policy. Key landmarks in this process were the Report of the Inter-departmental Group on Urban Disorder (1992), the Department of Justice discussion paper on tackling crime (1997) and the National Crime Forum (1998). These developments may be seen against the backdrop of the public concern about crime levels, the drugs crisis and other features of urban disorder (e.g. joy-riding) and tribunals of enquiry into corruption (e.g. beef industry, McCracken, Flood tribunals).

Whilst the work of the Law Reform Commission may concentrate on the reform of the civil and statutory law, the Combat Poverty Agency is anxious that policy-makers in the area of the criminal law appreciate the links between social policy and crime and ensure that the criminal law is rebalanced accordingly

Whilst the work of the Law Reform Commission may concentrate on the reform of the civil and statutory law, the Combat Poverty Agency is anxious that policy-makers in the area of the criminal law appreciate the links between social policy and crime and ensure that the criminal law is rebalanced accordingly. In particular, the Agency is concerned about the following:

- prison is used disproportionately for people who on low incomes;
- for the poor, there are insufficient non-custodial or community alternatives to prison for non-serious crime. Several hundred people are still imprisoned each year for non-payment of fines;
- people on lower incomes who are unable to pay fines are more likely to be imprisoned. Wealthier people brought before the courts are able to avail of expensive legal defences and other opportunities to avoid jail (e.g. fines, amnesty, administrative appeal). The use of the poor box has doubled in two years and there is evidence that wealthier people have been able to opt for substantial contributions thereto in order to avoid conviction and prison;
- rates of imprisonment in Ireland are unusually high, despite the known limitations of custodial approaches;
- criminal sanctions against white collar crime (e.g. fraud, tax evasion, suborning public officials) are comparatively light, infrequently used, and rarely reflected in official crime statistics or reports;
- there is insufficient investment in services for the reintegration of offenders;
- there is a failure to invest in estates and communities so as to build up the social capital and networks therein that may be successful in resisting and combatting crime;
- in those areas where crime is most problematical, there are insufficient opportunities for social mobility, enterprise, work or even limited diversion strategies.

The Combat Poverty Agency believes that greater investment by government in social inclusion, in the regeneration of communities and in a more equal society will lead to a reduction in crime and anti-social behaviour, with

their high present human and financial costs. Whilst it is not the responsibility of the Law Reform Commission to resolve such fundamental issues, there is a responsibility for all those concerned to ensure that the criminal law is rebalanced by:

- reducing the rate of imprisonment and its disproportionate impact on the poor;
- reinvestment in communities most affected by crime and in alternatives to custody;
- redefining crime and the reporting thereof to include white collar offences;
- investment in the knowledge base of crime and the effectiveness of the measures taken to respond to crime.

9. Framework for the development of the voluntary and community sector

In the past number of years, social partnership has been extended to include the voluntary and community sector which now participates in the work of the National Economic and Social Council, the National Economic and Social Forum and the national partnership agreements (currently *Partnership 2000*) and other policy-making and monitoring fora. NESF has welcomed the broadening of social partnership while the impact of the voluntary and community sector within NESF has already been apparent. A governmental role for the support and development of the voluntary sector has been outlined in the green paper *Supporting Voluntary Activity* (1997). A white paper is in preparation and is due to be published in 1999. It is expected to strengthen the commitments of the green paper.

Legislation has a part to play by requiring government, state agencies and local government to consult with voluntary and community organizations as part of their processes of planning

Legislation has a part to play in this development, in the following ways:

- by requiring government, state agencies and local government to consult with voluntary and community organizations as part of their processes of planning;
- by stipulating that appropriate state agencies and boards include representatives of the voluntary and community sector;
- just as legislation is tested for its potential impact on poverty, it should also be proofed for its likely effect on voluntary endeavour;

- by the modernization of the law on charities, one which will bring their definition up to date, set down a simple system of incorporation and defend their right to advocacy for their clients;
- ensuring accountability, openness and transparency on the part of the voluntary and community sector, including a requirement to take due account of the users and consumers of their services.

The present law on charities is outdated by European standards. First, it effectively requires charities, *faute de mieux*, to form themselves into companies limited by guarantee, a procedure which is cumbersome and ill-suited to the structure and working methods of most voluntary organizations. A simplified form of incorporation, one suited to voluntary organizations, was recommended in *Mel Cousins: A Guide to Legal Structures for Voluntary Organizations* (Combat Poverty Agency, 1994) and this should be pursued. Second, commitments have been given by government to reform the accountability of voluntary organizations, ever since the Report of the committee on fundraising activities for charitable and other purposes chaired by Mr Justice Declan Costello (1990). Almost ten years later, there is still no sign of legislation to do so and it appears to be a very low legislative priority within the Department of Justice, Equality and Law Reform. The opportunity now presents itself for a reform in both accountability and legal structures and these matters should be pursued further.

10. Integration of local economic and social development with new local government structures

Ireland has been recognized internationally for the manner in which it has promoted local economic development and the social economy through European Union programmes and the partnership companies. The government policy *Better Local Government - A Programme for Change* (1996) has put forward proposals for the integration of these local development endeavours with planned new structures of local government. Subsequently, the Task Force on the Integration of Local Development and Local Government has reported and the government has decided to proceed with new City and County Development Boards (CDBs) to bring these two streams together. It is essential that in doing so, the strictest poverty-proofing tests are applied.

New local government legislation is pending and it is essential that new arrangements for local development recognize the ethos and best practice of

these local development initiatives by ensuring that new local government structures:

- recognize the value of a more participatory democracy at local level;
- establish the principle of structured consultation, participation and involvement with voluntary and community organizations;
- set up appropriate mechanisms for consultation, participation and representation; and
- are focussed on addressing the needs of the most disadvantaged communities.

11. Cross border institutions, with closer links to Northern Ireland and Great Britain

The agreement signed in Belfast on 11th April, also called the Good Friday agreement, makes provision for closer relationships between Ireland, Northern Ireland and Great Britain. Progress has been made on the establishment of 12 cross-border implementation bodies and areas of cooperation.

It is essential that social inclusion and social equality feature prominently in the closer coming together of Ireland, Northern Ireland and Great Britain.

It is essential that social inclusion and social equality feature prominently in the closer coming together of Ireland, Northern Ireland and Great Britain. An important precedent has been set by the European Union's Programme for Peace and Reconciliation which functions in both jurisdictions in the island of Ireland. Social inclusion was rightly the top spending priority of the programme, a recognition of the problems of social exclusion faced by both parts of the country.

The Belfast agreement requires the Irish government to establish a Human Rights Commission and for there to be an Equality Commission in Northern Ireland incorporating the current Fair Employment Commission, the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Council. Legislation for the new Human Rights Commission in this jurisdiction is expected shortly. These arrangements should promote convergence between north and south on an agenda of non-discrimination, equality and the promotion of the rights of social minorities. They provide an unusual opportunity for the strengthening of economic and social rights in both parts of the island and in achieving complementarity in the different institutions which promote equality, social and human rights.

Accordingly it is important that:

- Ireland complete the triad of human rights protection in these islands by the incorporation of the European convention of human rights into its domestic law;
- the Human Rights Commission in Ireland adopt a broad remit of concerns in the area of social rights. The legislation establishing the Human Rights Commission in Ireland should adopt the models of good practice evident in existing legislation in Northern Ireland, for example:
 - the broad remit of the Standing Advisory Committee on Human Rights (SACHR);
 - Policy Appraisal and Fair Treatment in respect of a range of issues (gender, disability, ethnicity, age, sexual orientation);
- poverty and social inclusion should be included within the remit of new Human Rights Commissions and the cross-border implementation bodies and associated cooperation areas. There should be a joint committee of both Commissions to deal with issues of social rights in both parts of the island;
- social policy be explicitly stated as an area of cooperation, development and activity in the new British-Irish Council and the new British-Irish intergovernmental conference. It should deal with and respond to issues of social exclusion common to all parts of the British Isles.

12. Development of social rights in the European Union

Ireland has become an ever-more integrated part of the European Union, a process likely to accelerate now that Ireland has joined the Eurozone of the single currency (1999). It is all the more important therefore that Ireland participates in the processes of social integration that accompany the completion of the single market and the establishment of an ever-closer Union.

Irish social legislation has not kept pace with significant progress in European social policy and it is important that new European developments be reflected in Irish legislation, the Social Welfare Acts and related instruments. The following advances at European level are highlighted:

- the Fundamental charter for the social rights of workers and its subsequent recommendations;
- the employment chapter of the Treaty of Amsterdam, setting objectives for employment policy;
- clauses in the Treaty of Amsterdam prohibiting discrimination and supporting action against social exclusion;

- the right to a voice in policy-making for non-governmental organizations (stimulated by declaration #23 of the Treaty of Maastricht);
- the adoption by a growing number of European countries in recent years of a right to housing;
- proposals for a new corpus of social rights law, presented by the Comité des Sages;
- propositions to expand transferable social security rights put forward by the High-Level Panel on the Free Movement of Workers (the Veil report);
- growing commitment at international level to link trade to concepts of social justice, environmental protection and sustainable economic development.

The Law Reform Commission could play an important role in considering which of these developments could usefully be transposed or adapted into Irish law. The recommendations which followed the fundamental charter contained proposals for minimum incomes, the convergence of social protection objectives and the development of childcare services which could usefully be considered for adoption within Irish legislation. The employment chapter of the Treaty of Amsterdam encourages member states to work toward a high level of employment, suggesting that member states such as Ireland could usefully enunciate objectives of high, or preferably full employment in Irish law. Regarding the Veil report, now under consideration by the Irish government, it could be useful to introduce legislation to void requirements and practices in Ireland which impede free movement of workers.

A practical example of the way in which European law should inform Irish law is in the area of housing and homelessness.

A practical example of the way in which European law should inform Irish law is in the area of housing and homelessness. Several European countries have, in recent years, adopted the right to shelter and or housing in their statute or constitutional law (Portugal, 1976; Spain, 1978; Netherlands, 1982; Belgium, 1995; Finland, 1995). By contrast, homeless people in Ireland have minimal legal protection. This country has been noted for its persistent and high levels of homelessness, something which is probably not unconnected. The application of European example of rights to housing and shelter in Irish law could ensure that the housing authorities respond to homelessness in a more appropriate manner and enable homeless people to have access to shelter, housing and settlement services. Such a right will not of itself solve homelessness but will lead policies to rehouse the homeless, prompt the speedy allocation of resources to the problem and give homeless people legal recourse in the event of non-response by the

authorities.

13. Ever-growing inter-dependence within the international community

In the past number of years, international law has played a growing role in governing the relationships between nations and in setting minimum standards for social policy. This trend has been most evident within the institutions of the United Nations and the Council of Europe. In the case of the former, for example, new instruments have been signed in respect of human rights and the rights of children.

Regrettably, Ireland's participation in these international standard-setting instruments has been poor. As a result, rights intended to be universal have been denied in Ireland; this country has been placed in a difficult position when claiming to uphold social rights at international level; and has foregone participation in important international monitoring mechanisms. The principal argument advanced by the Irish government for non-signature and non-ratification of these instruments has been that domestic law is not in line with these requirements. Inconvenience is a poor reason for non-compliance with our

international and human rights responsibilities. This consultation provides an opportunity to present the case that Ireland bring its domestic legislation into line with international standard-setting legislation.

Examples are:

- the revised European social charter (1996). The new charter provides, compared to the existing charter (1961), important additional rights in the areas of social protection, the prevention of poverty and social exclusion and the right to decent housing;
- international legislation for the protection of migrants (e.g. European convention on the legal status of migrant workers, 1977; International convention on the protection of the rights of all migrant workers and their families, 1990);
- unsigned instruments of the International Labour Organization. Of the 181 ILO conventions, Ireland has signed only 32;
- United Nations Convention on the Elimination of All Forms of Racial Discrimination.

This consultation provides an opportunity to present the case that Ireland bring its domestic legislation into line with international standard-setting legislation.

14. Concluding comments

This consultation provides an unusual opportunity for the Law Reform Commission to recommend that Ireland bring its law into line with best European and international standards; to strengthen the indigenous body of social rights in Ireland, which date to 1919; and to update our legal and constitutional framework in the light of changes and developments in the areas of poverty, social exclusion, crime, access to the law, social partnership and the evolving role of voluntary and community organizations.