

## INVESTING IN RIGHTS: BUDGET 2023 SUBMISSION

2022 has seen progress in several areas of concern for ICCL such as Garda reform, hate crime legislation and additional resources for the Data Protection Commission. However, many challenges remain.

To ensure human rights are realised, there must be investment in the institutions and individuals who defend and protect them. Our budget asks this year focus on 6 areas where modest investment in individuals and institutions would strengthen Ireland's human rights infrastructure.

Our asks cover topics such as criminal justice, digital rights and equality but seek to target investment on items which would have a real and substantial impact. The asks focus on reforming and better equipping watchdogs and institutions that defend our civil liberties.

The total cost for our asks for 2023 is €8.61 million. If implemented, these reforms would represent a solid investment in critical areas of concern for strengthening human rights protection in Ireland. This modest sum is around 0.01% of overall government expenditure but would represent a significant return on investment given the scope of the areas covered and the variety of targeted investments we suggest.

ITEM	COSTS	REASONING
Digital System of Appointment of Legal Aid Lawyers for People in Garda Custody	€700,000	Ensuring more effective access to justice
Independent Review of How to Strengthen and Reform the Data Protection Commission (DPC)	€300,000	Protecting data rights and ensuring GDPR leadership
Restoration of Legal Aid Fees	€3,300,000	Protecting a fair justice system

ITEM	COST	REASONING
Public Awareness Campaign Against Hate Crime and Hate Speech	€450,000	Tackling the causes of hate crime and building awareness of new hate crime legislation
Support Staff for Coroners	€1,310,000	Enhancing procedural rights and protecting victims' rights
Enhanced Funding and Resources to Implement the Inspections of Places of Detention Bill (2022)	€2,550,000	Ensuring the human rights of those in places of detention are respected
<b>TOTAL: €8,610,000</b>		

## ASKS IN MORE DETAIL

### DIGITAL SYSTEM OF APPOINTMENT FOR LEGAL AID LAWYERS

One of the key provisions of the forthcoming Garda Síochána (Powers) Bill (2021) is the right to timely access to legal representation for those in garda custody. In order to properly realise this right, investment in a more effective system of connecting those in custody with appropriate legal support will be necessary. ICCL is calling on the government to develop a digital system to link those in custody with solicitors similar to the “Saldusweb” system in operation in Belgium since 2014. This system contacts lawyers sequentially with details of the case at hand and can arrange for a conversation on a secure phone line if they cannot attend in person. This system has proven to be hugely successful in Belgium in ensuring legal representation but also in collating data on the effectiveness of procedural rights in custody including the right to information and the right to a lawyer.

#### ESTIMATED COST:

The operational costs of this system in Belgium are approximately €400,000 per annum. Controlling for population, this would equate to approximately €200,000 per annum in Ireland. Given a once off cost of €300,000 to implement the system, the cost for 2023 would be €500,000

**€500,000**

## INDEPENDENT REVIEW OF HOW TO STRENGTHEN AND REFORM THE DATA PROTECTION COMMISSION (DPC)

While the appointment of additional Commissioners to the DPC in 2022 is welcome, we remain deeply concerned that the Government has not launched an independent review of how to strengthen and reform the Commission. Without such a review it will be impossible for the new commissioners to know what they need to fix. The Minister's suggestion that the DPC review itself is totally inadequate. The two investments ICCL called for in Budget 2022 concerning the DPC (a review and two additional commissioners) were complimentary. Investing in additional Commissioners alone without also launching an independent review will be ineffective.

### ESTIMATED COST:

Similar reviews have cost in the region of €150,000-€400,000. Given the complexity and importance of the work of the DPC, we are calling for €300,000 to be invested in a review.

**€300,000**

## RESTORATION OF LEGAL AID FEES

Accused people and victims have a right to a fair and speedy trial, however criminal legal aid barristers are still representing clients at levels from 20 years ago. As it stands, the Bar is the only sector who have not had their fees restored since FEMPI cuts. In England, the criminal justice system is on the brink of collapse due to a similar legal aid fee issue which has led to widespread strikes with serious trials now not able to go ahead due to unavailability of counsel.

This under-funding impacts on the right to access proper defence as retention is low. A third of criminal barristers leave within their first seven years. This leads to a diminishing quality of representation as barristers are not gaining experience in criminal defence work. Prosecutors also obtain their training carrying out criminal defence work, this leads to a dearth of quality prosecutors which impacts victims' rights to a fair trial and causes delays. The flight of barristers from the system will have a very negative future impact on the judiciary as few people will have criminal defence or prosecution experience. Ireland already has the lowest number of judges per head of population in Europe.

### ESTIMATED COST:

ICCL is calling for a €10M investment in legal aid fees over a three-budget cycle to improve the quality of justice and fair trial access. In 2023 this would cost €3.3m

**€3.3M**

## NATIONAL PUBLIC AWARENESS CAMPAIGN AGAINST HATE CRIME AND HATE SPEECH

ICCL strongly welcomes the progression of hate crime legislation and we have been leading the work of the Coalition Against Hate Crime Ireland (CAHC). However, it is the view of ICCL and CAHC members that legislation alone isn't enough to tackle the problems of hate crimes and extreme hate speech in Ireland. To make the legislation work, the public need to understand what hate crimes and hate speech are and how the new laws will work. To this end, alongside the commencement of laws tackling hate crime and extreme hate speech, we are seeking a commitment from the government for a national education campaign and national action plan to combat the causes of hate crime and hate speech in Ireland.

### ESTIMATED COST:

A 2018 public awareness and education campaign on hate crime by the Scottish government was allocated a budget of £300,000 (Approx €353K) we feel that this is a useful comparison given the relatively similar population size and demographic makeup. Given that any campaign in Ireland would be operating from a lower knowledge base institutionally and with the general public, we are requesting that a commitment of €450,000 is made for a campaign. This would include research and design, a national advertising campaign and a post-campaign evaluation of outcomes.

**€450,000**

## SUPPORT STAFF FOR CORONERS

ICCL strongly welcomes the work of the Oireachtas Justice Committee on the operation of the coroners' service which builds on our 2021 report "Death Investigation, Coroners' Inquests and the Rights of the Bereaved". One issue which has been highlighted by both our report and the Committee discussions is the impact the absence of appropriate staffing support has on the coronial service in many parts of the country. With this in mind, we are suggesting, as an initial step towards wider reform, that the Department of Justice make a provision in the budget to hire 30 administrative and legal support staff to be distributed to offices nationwide on the basis of population and technical need.

### ESTIMATED COST:

30 support staff hired at the civil service "Administrative Officer" and/or "Legal Executive" scale: Approx (€35,000 x 30 + 20% pension + 5% equipment and sundry costs etc.)

**€1.3M**

## ENHANCED FUNDING AND RESOURCES TO IMPLEMENT THE INSPECTIONS OF PLACES OF DETENTIONS BILL

ICCL has strongly welcomed the publication of the General Scheme of the Inspection of Places of Detention Bill and urge the government to prioritize its passage and ensure Ireland ratifies the UN Optional Protocol to the Convention Against Torture (OPCAT) as a matter of urgency. However, in order to ensure that Ireland can meet its commitments with respect to the effective operation of the National Preventative Mechanisms (NPMs) adequate funding will need to be provided.

In the first instance, the NPM for the justice sector will involve the transformation of the office of the Inspector of Prisons to become a Chief Inspector of Places of Detention. This wider role will involve not only the responsibility for the inspection of prisons, but all places of detention in the justice system, including in Garda stations, court holding cells and in vehicles transporting persons between places of detention. We are therefore calling on the government to increase the budget which will be allocated to this new office to a level which is commensurate to its new and expanded role, and, in particular, to ensure policing expertise is included in the new NPM.

### ESTIMATED COST:

In 2021, the budget allocated to the office of the Inspector of Prisons was €1.95 Million. Given the greatly enhanced scope of responsibility for the reconstituted office, it is the view of ICCL that the budget for the office should increase to €4.5 Million per annum.

**€2.55M**