

**Statement by Dr Liam Thornton, Oireachtas Committee on Justice  
and Equality**

**Direct Provision**

**Wednesday 12 June 2019**

I thank the committee for the invitation to discuss the system of direct provision in Ireland. I am an associate professor in UCD School of Law, and human rights legal obligations and the system of direct provision has been a topic of my published research for some time.

I have provided the Committee with a full submission, and just wish to highlight some of my key recommendations which I invite the Committee to consider. These include recommendations on: better respecting and protecting the right to work; recognising direct provision as a gross violation on the rights of the child, and indeed all persons subjected to this system; increases to direct provision allowance/daily expenses allowance and the rights of aged-out separated children.

The system of direct provision is one that sets human rights at naught, that destabilises and impacts negatively on the rights of the child, the rights of families, and the rights of individuals subject to this system.

Established as a system that was intended to last no more than six months, we now have a system of institutionalised living that will last for many international protection applicants for many years.

The role of law and State administration to date as regards catering for the needs of persons within the international protection system is one that rejects international protection applicants as being holders of human rights. The State's approach to international protection applicants has sought to justify years of institutionalised living, years of the inability to do something as simple as decide what to eat and when to eat. Years of having to live in hostel style accommodation, with little to no say who you can or must interact with. Years of children never seeing their parents or guardian's prepare a meal, under the watchful eye of accommodation manages.

What value is the phrase human rights, where the right to decide the most intimate and basic aspects of one's life is withdrawn for years on end. Convicted of no crime, international protection applicants are segregated from Irish society, and condemned to live a half-life.

That so many other countries in Europe treat persons seeking international protection considerably worse than Ireland is no justification for Ireland refusing to respect, protect, vindicate and fulfil the full array of human rights which international protection applicants have under our freely accepted international human rights legal obligations.

Based on my analysis of the law, policy and administration of the system of direct provision, I have concluded that the direct provision system is not fit for purpose. The system of direct provision should be abolished. Alternatives to the system must respect, protect, vindicate and fulfil all human rights, civil, political, economic, social and cultural, while persons within the international protection system have their claims for international protection assessed. Failures in state administration for timely determination on international protection claims are no defence to rights violations.

As stated so convincingly, and with Ireland's support, the Vienna Declaration on Human Rights confirms that,

“[r]espect for human rights and for fundamental freedoms **without distinction of any kind** is a fundamental rule of international human rights law.”

Replacing direct provision may not happen overnight, there will be cost implications, as protecting human rights is never cost free. However,

from nearly twenty years of testimony on lived experience of international protection applicants and human rights-based research, once thing is clear: direct provision was and is a gross breach of the most fundamental human rights we all should have- the right to dignity and respect.

Thank you.

**END**