

Challenging Injustice

Championing Change

2009-2019





Jo Kenny (PILA) and
Aoife McMahon BL
(Pro Bono Barrister)



Rachel Power (PILA), Carolann Minnock
(Arthur Cox), Deirdre Malone (PILA),
Eithne Lynch (A&L Goodbody) and Sarah
Farrelly (TrustLaw) at Pro Bono Week
Ireland, November 2019

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PILA wins Pro Bono Team of the Year at the Irish Law Awards 2019



2019

PILA wins Pro Bono Team of the Year at the Irish Law Awards.

Ireland celebrates its inaugural Pro Bono Week and Dublin is announced as host of the PILnet Global Forum 2020.

2018

The first Pro Bono Associate is appointed in Ireland.

2016

The Pro Bono Leadership Committee of partner law firms is established.

2015

The Office of Government Procurement includes a pro bono condition in tenders for legal services.

LinkedIn is the first in-house legal team to join the Pro Bono Referral Scheme.

'Clinical Legal Education in Ireland: Progress and Potential' is launched.

2014

The Independent Law Centres Network is formalised.

The first protective costs order is granted in Ireland in *Max Schrems v the Data Protection Commissioner*.

2013

The first Impact Project is established between A&L Goodbody and the Irish Refugee Council, bringing early legal advice to asylum seekers.

The Irish Clinical Legal Education Association is launched.

2012

PILA supports the establishment of the first Independent Law Centre outside of Dublin, Community Law & Mediation Limerick. PILA also supports the first dedicated Children's and Travellers law centres.

2009

PILA is launched at FLAC's 40th Anniversary Celebration

The fortnightly PILA Bulletin moves online.

2010

The first PILA referral is taken on by now FLAC Chief Executive, Eilis Barry BL. It looks at forced labour as a criminal offence.

The first Law Reform Working Group is established on victim's rights, which later becomes formally established as the Victim's Rights Alliance.

William Fry is the first corporate law firm to join the Pro Bono Referral Scheme.



Members of the Victim's Rights Alliance, PILA's first Law Reform Working Group

2011

The report 'Costs Barrier & Protective Costs Orders' is launched.

The first strategic litigation referral is made, resulting in a Dublin hospital amending its policy on treating Transgender people.

Orla O'Connor @OrlaNWCI • 14 June 2019

Well done @PILAIreland – great to see recognition for your brilliant work supporting civil society on access to legal rights #IrishLawAwards19



Jackie Kelly (Irish Refugee Council), Eamonn Conlon (A&L Goodbody) and Maeve Regan (PILA)

FOREWORD

Over fifty years since it was established, FLAC has developed a continuously evolving multi-dimensional strategy in its campaign for access to justice. Our strategy for access to justice includes a telephone and information line, and a network of legal advice clinics in 71 locations around the country. We have broadened our services to include a dedicated clinic for the Roma community and, as an independent law centre, litigate in the public interest. FLAC also engages in research, and advocates for policy and law reform in areas of law that most affect marginalised and disadvantaged individuals and groups. We are very aware that none of our strategies can replace or are a substitute for a properly resourced legal aid scheme and we continue to advocate for a root and branch review of the current scheme.

In more recent years, a core part of our strategy has been PILA – the Public Interest Law Alliance. While it has no one definition, we see public interest law as a way of working with the law for the benefit of vulnerable and disadvantaged people, communities and groups and for the protection of their human rights. Public interest litigation and legal processes have been utilised on behalf of individuals and marginalised groups in many ways by FLAC and by a broad range of organisations, lawyers and individuals for years. FLAC’s vision was an alliance that would connect, coordinate and support all of the key stakeholders who want to use the law to maximum effect to achieve social change. In 2009, with the assistance of The Atlantic Philanthropies, FLAC embarked on a new project with a particular focus on developing the environment for public interest law in Ireland. PILA was born.

This report highlights some of the change achieved through PILA since 2009. Our broad based alliance has grown to 150 social justice organisations, which includes 10 Independent Law Centres, 350 barristers, close to 40 law firms, 5 in-house legal teams, and 15 universities and law schools.

The ethos of lawyers volunteering their services to NGOs has developed to such an extent that 310 social justice organisations have received direct legal assistance through PILA’s flagship activity, the Pro Bono Referral Scheme. This has strengthened many organisations who are grappling with increasing regulatory and corporate governance requirements. It has also allowed them to use the law in new and exciting ways, only some of which are profiled in this report.

PILA has been instrumental in nurturing a burgeoning culture of pro bono in Ireland, to the point that we have seen the appointment of two dedicated Pro Bono Associates. Another key development demonstrating this shifting attitude

to structured pro bono within law firms has been the rise of the 'Impact Project' which sees PILA partner a law firm with an NGO and train lawyers in an area outside of their expertise. The design of Impact Projects which serve marginalised communities is bringing new players firmly into the access to justice arena on issues such as homelessness, asylum and domestic violence. FLAC is also pleased to note that the Office of Government Procurement now includes a pro bono condition in tenders for legal services, which should prove a significant incentive to the development of pro bono legal work.

I want to thank all FLAC staff who have contributed to the success of this project over the years and to Rachel Power, PILA and Strategic Development Manager, who has authored this report. We are also grateful to all our funders; particularly The Atlantic Philanthropies for its generous support in establishing and developing PILA, and our Sustaining Partners (A&L Goodbody, Aurthur Cox, Mayson Hayes & Curran, McCann Fitzgerald and William Fry) and Supporting Partners (Eversheds Sutherland) for their ongoing commitment to this vital work. We would like to extend our very sincere appreciation to all members of the alliance, from the lawyers and academics who provide their time, skills and expertise and the social justice organisations working on behalf of the most disadvantaged people in society. We look forward to continued work with you all to achieve the shared aim of access to justice.



Eilis Barry, FLAC Chief Executive

WHAT PILA DOES

PILA believes access to justice, and by extension public interest law, is the bedrock of human rights protection in Ireland. It is the law that goes to the very core of our society – affecting the rights, well-being, health, or finances of our people as a whole – but, most commonly, the law that advocates for those who are disadvantaged or marginalised.

PILA promotes a healthy environment for public interest law to develop through:

- Championing Pro Bono
- Promoting Public Interest Litigation
- Supporting Clinical Legal Education
- Growing the Alliance

PILA’s key numbers (2009-2019)

800

legal advice and litigation referrals

310

social justice organisations have received direct legal assistance

25

organisations have been assisted in early set up phase

45

law reform working groups

85

legal education sessions delivered training to 2000 people

5

Impact Projects bringing advice and representation to 650 individuals

75

public interest law conferences, seminars and roundtables

260

editions of the PILA Bulletin circulated to 2,300 readers

5570

followers on Facebook and Twitter

37

law firms, 350 barristers and 5 in-house teams

PRO BONO

For NGOs and community organisations tackling social problems, there is huge potential for using the law as a tool in addressing the needs of individuals and communities experiencing poverty, disadvantage and exclusion.

PILA is an innovative project that makes legal expertise available to organisations working to improve society by matching unmet legal need with lawyers willing to give their services for free (pro bono). This is a service that provides unique access to legal support, while working with NGOs to open networks and build capacity to use the law.

PILA was established with the aim of nurturing an ethos of volunteering within the legal profession by realising pro bono as a national resource for NGOs. We had a paradigm shift in mind: a move from loosely organised activities undertaken on individual initiative to coordinated, well-structured pro bono delivery that is proactive, accessible and strategic in bringing legal services to those most in need. When PILA was established in 2009, this was a new way of thinking in Ireland.

“Barristers can make a significant contribution by providing support to civil society groups via the Pro Bono Referral Scheme and at the same time develop their own skills and abilities.

It was incredibly interesting to be involved with the Irish Sign Language Bill and to be in a position to provide assistance to the Irish Deaf Society through the legislative process.

Being present with the deaf community in the Dáil as it passed the House was a privilege and an honour and certainly one of my highlights of 2017. ”

John Kenny BL

Within a relatively short time period, the pro bono culture in Ireland has shifted to such a degree that corporate law firms are now taking on secondary specialisations in areas of law outside their expertise and dedicated pro bono associates have been hired by A&L Goodbody and Arthur Cox. We are also seeing growing interest from in-house legal teams, and small practices and barristers remain as committed as ever.



Rachel Power (PILA), Matthew Kenny (O’Sullivan Kenny Solicitors) and Zse Varga (FLAC) at the Volunteer Awards as part of the Annual Dave Ellis Memorial Lecture 2013

Referral Focus 2009-2019

Corporate Governance 10% | Housing & Homelessness 9% | Migration 8.50% | Disability Rights 7.50% | Contracts 7% | Criminal Law 7% | Privacy, Data Protection & FOI 5% | Traveller Rights 5% | Employment Law 3.50% | Refugee & Asylum Law 3.50% | Administrative Law 3% | Equality & Discrimination 3% | LGBTQI Rights 3% | Family Law 3% | Health Rights 2.50% | Social Welfare & State Pensions 2.50% | Women's Rights 2.50% | Older People 2% | Legal Services & Proceedings 2% | Children 2.00% | Education 1.50% | Transparency & Whistleblowing 1.50% | Debt & Credit Law 1.50% | Defamation 1% | Prison Law & Ex-Offenders 1% | International Human Rights 1% | Environmental Law 1% |



Pro Bono Referral Scheme

Since 2009, PILA has established a Pro Bono Referral Scheme that has partnered with 150 NGOs to identify ways in which they can use the law to further their work. The Pro Bono Register in turn has recruited 350 individual lawyers, 37 law firms with almost 2000 solicitors, and in-house legal teams from 5 large multinational companies.

Partner NGOs can come to PILA with any legal request for which they do not have resources or in-house expertise. Organisations access legal assistance across five strands: legal advice, law reform working groups, strategic litigation, Impact Projects and legal training.

PILA was designed to build the capacity and number of organisations engaging in public interest law work in its widest sense; not specifically having to involve the courts, but also assisting vulnerable groups to



McCann Fitzgerald @McCannFitz • 5 November 2019

Our inspiring panel speaking at the 'Changing Lives through Pro Bono' seminar this afternoon. Rachel Power @PILAIreland Sarah Farrelly @TRF Sarah Benson, CEO of @womensaid and Rose Wall, CEO of @CLMirl and moderated by Partner Mary Brassil. #ProBono #probonoireland



have input into the democratic process through, for example, being involved in a process of law reform or by participating more fully in the outputs of the legislative process.

PILA equally believes that in order to set positive social change in motion, social justice organisations must be as strong and effective as possible. We therefore place strong emphasis on organisational assistance, where required.

TEJPUCC @tejpucc • 17 May 2019

Excellent to hear that @ALGoodbody and @ArthurCoxLaw have both hired specific pro bono associates – hopefully this will soon become widespread as firms realise their professional responsibility to create a stronger pro bono focus #A2Jcon2019



LEGAL ADVICE – on organisational issues or in relation to policy and campaign work. PILA has facilitated over 640 legal advice referrals.

MRCI: Au Pairs and the Labour of Love Campaign

The issue

The Migrants Rights Centre Ireland (MRCI) carried out research that drew attention to the widespread underpayment, exploitation and abuse of au pairs. In devising its campaign strategy, MRCI sought clarification of the employment status of au pairs in Ireland.

What PILA did

PILA facilitated legal advice on the applicable legal framework in relation to au pair employment and au pair employment agencies. In looking at the issue, pro bono barrister Cathy Smith BL was of the opinion that while au pairs were protected by minimum wage legislation, few were aware of their employment rights.

The result

MRCI launched the ‘Labour of Love’ campaign calling for the recognition of the employment rights of au pairs, including the right to minimum wage. This advice also allowed MRCI support a case before the Workplace Relations Commission, which led to a positive ‘landmark’ finding that au pairs are entitled to the benefits and protections of employment legislation.

Aoife Smith of MRCI explained that, *‘the legal opinion gave us credible evidence which supported MRCI’s casework and grassroots campaign work with migrant women employed in the private home sector as childminders and au pairs. PILA’s services in this regard are invaluable to community groups and NGOs such as MRCI who can access expert legal counsel on issues central to progressing social justice work’.*

MRCI @MigrantsRightsIR • 4 June 2015

Working with @PILAireland and Cathy Smith BL was a vital part of our #labouroflove campaign pile.ie/bulletin/2015/...#aupairs



The MRCI Labour of Love Campaign



IRISH TRAVELLER MOVEMENT: Traveller Culture and History in Education Bill 2018

The issue

Often the first time Traveller children may consciously experience discrimination is upon entering school where they can face persistent bullying and marginalisation, and can feel that the education system is not a welcome place for them. This is borne out in statistics that show 4 in 10 Traveller children are bullied in school because of their identity. Traveller pupils are also over 50 times more likely to leave school without the Leaving Certificate than their classmates.

In order to reflect diversity, combat prejudice and benefit all students, the Irish Traveller Movement (ITM) sought to have Traveller history and culture included in the curriculum of primary and second level schools.

What PILA did

Through PILA, ITM worked with barrister James Kane BL to produce the Traveller Culture and History in Education Bill 2018, which created a mandatory direction to include Traveller culture and history within the State-sponsored primary and secondary school educational curriculum.

The result

The bill was proposed by Senator Colette Kelleher and, with amendments, passed final stage in the Seanad in October 2019.

Senator Colette Kelleher said, “As a people we are ignorant of Traveller history. Such ignorance is the context in which discrimination is a daily reality for the Traveller community”.

In the words of Bernard Joyce, Director of ITM, “Traveller children are nurtured in a family

where their self-identity is central, creating self confidence in who they are. But from their first day in pre-school, a slow erosion of that identity happens, where everything about them is different from the rest. That difference is mostly reinforced in their exclusion by others and there is no formal information or learning for teachers about Travellers available to help counteract that. It is clear that discretionary intercultural guidelines have not met Travellers’ needs. Safeguarding via provisions set out in a prescribed syllabus across the curriculum, which are embedded, and not segregated, would ensure learning happens as a matter of fact.

Since the closure of the Irish Traveller Movement Law Centre, accessing legal advice is more important than ever to our work, and in particular where strategic legal expertise related to legislative review is not widely available. PILA’s pro bono support has given us an opportunity to pursue matters for improving and progressing policy areas to improve Traveller equality.”



FLAC: Access2Justice @flacireland • 17 October 2019

The Traveller History and Culture in Education Bill has passed final stage in the #Seanad! Congratulations to @ColetteKelleher. Sen Kelleher in her closing comments thanked Mr. James Kane BL, the barrister who drafted the Bill, and @PILAIreland for their assistance. #ProBono



LAW REFORM WORKING GROUPS –

where NGOs and lawyers work side-by-side in exchanging knowledge and developing legal outputs that can effect systemic change. PILA has **facilitated 45 working groups**.

HOUSING POLICY WORKING GROUP: Collective Complaint

The issue

Conditions in Local Authority housing across 20 communities around Ireland mean that 130,000 low income families – or close to 355,000 people – were living with persistent dampness, mould, sewerage, poor maintenance and pyrite. Independent medical evidence shows that these conditions have detrimental effects on the health of tenants, in particular children, the elderly and other vulnerable people.

What PILA did

Over 5 years, the Housing Policy Working Group – made up of Community Action Network (CAN), The Centre for Housing Law, Rights and Policy at National University Ireland Galway, Ballymun Community Law Centre, Dr. Rory Hearne of the Geography Department at National University Ireland Maynooth and the Irish Traveller Movement (ITM) – was supported by PILA and FLAC in

bringing together a Collective Complaint against Ireland under the European Social Charter.

The result

In July 2014, the International Federation for Human Rights (FIDH), of which FLAC is a member organisation, submitted the Collective Complaint to the European Committee of Social Rights. The Complaint concerned housing procedures and standards applied to social tenancies in Ireland which adversely affect social inclusion. It was deemed admissible by the Committee in March 2015.

The Complaint alleged that Irish law, policy and practices on Local Authority housing do not comply with European standards, including standards relating to housing, social protection and anti-discrimination. It argued that poor conditions and other issues on housing estates violate key articles of the Revised European Social Charter,



Cecilia Forrestal (CAN), Debbie Mulhall (Resident), Lena Jordan (Resident) and Eilis Barry (FLAC) at the Collective Complaint Press Conference, October 2017

“This decision recognises for the first time that it is the State’s landlords, the local authorities, that have failed to take the adequate measures necessary to ensure our basic right to proper housing. For years, tenants have put forward proof that we are living in unacceptable, unhealthy and uninhabitable conditions. This has been constantly disputed. We have been consistently told that the dire conditions are of our own making, that persistent damp and mould is caused because of drying clothes or steaming pots, for example. This decision puts an end to this and finds that our right to housing of an adequate standard has been violated. ”

Debbie Mulhall, Dolphin House resident

to which Ireland signed up in 2000, including the right to health, the right of families and children to have social, legal and economic protection and the right to protection against poverty and social exclusion.

In October 2017, the Committee published its decision that Ireland was in violation of Article 16 of the Charter by failing to provide adequate conditions for families living in local authority housing. Article 16 protects the right of the family to social, legal and economic protection. This includes the right to provision of family housing by the State.

This decision will be now used as leverage in bringing safe housing to 20 local authority estates, while hopefully inspiring other social movements to use the Collective Complaint mechanism.

WOMEN’S AID: the road to the Domestic Violence Act 2018

The Issue

One in five women in Ireland will experience violence and abuse at the hands of a husband, boyfriend or partner at some stage in her life. Under the Domestic Violence Act 1996, vulnerable women and their children were not adequately protected against the full range of physical, emotional and financial abuse.

For many years, Women’s Aid advocated for reform of the domestic violence laws and in 2011, when the new Programme for Government included the review and consolidation of the Domestic Violence Act, it took the opportunity to consider the legislation afresh in light of its experience supporting women going to court.

What PILA did

Women’s Aid came to PILA seeking comparative legal research across seven areas, including: the extension of protection and safety orders to unmarried non-cohabiting couples; the introduction of guidelines for the granting of protective orders; emergency orders; and stalking. PILA facilitated a working group of Lynne McDonagh BL, Aoife Mooney BL, Katie Dawson BL, Michael Kinsley BL and solicitor Elizabeth Mitrow, which produced a cross jurisdictional report and developed recommendations relevant to the Irish context.

Ruhama @RuhamaAgency • 8 June 2018



Well done to the brilliant @Womens_Aid @PILAireland and all allies & partners on this excellent work and very important achievement! #TimesUp

Women's Aid Ireland @Womens_Aid • 7 June 2018

The road to the Domestic Violence Act – how Women's Aid & @PILAireland worked together to increase safety for women affected by domestic violence in Ireland. Article by Monica Mazzone of Women's Aid. pila.ie/resources/bull... #domesticviolence



David Perry BL provided quick and efficient analysis, allowing Women's Aid to campaign for improved wording in the final Act.

In all, the pro bono legal assistance equipped Women's Aid to influence one of the most significant family law statutes introduced in the past 20 years. The new legislative framework will provide greater safety for women and children and resulted in Ireland's ratification of the Istanbul Convention.

According to Monica Mazzone for Women's Aid, "In our long quest to improve legal protection for victims of domestic violence, Women's Aid found the assistance of the PILA pro bono legal advice scheme invaluable.

The Result

As a result of this legal work, Women's Aid was able to develop a paper with twelve recommendations which has formed the basis of its lobbying on the reform of the Domestic Violence Act and other relevant legislation since late 2012 (e.g. Children and Family Relationship Act and stalking legislation).

Many of these recommendations were realised in total or in part and have been included in the Domestic Violence Act 2018. It hopes to have other recommendations included in forthcoming legislation, notably in relation to stalking or harassment.

As the Domestic Violence Bill 2017 was going through the legislative process, Women's Aid needed further legal advice on the wording of the proposed offence of coercive control.

The Domestic Violence Act 2018 includes a number of significant changes, many of which have been the subject of our work with PILA, such as for example the extension of eligibility for Safety Orders to all partners in an intimate relationship and improved eligibility for Barring Orders for cohabitant partners. The legal advice that PILA provided was a key component of our work and will make a real difference on the ground."



Deirdre Malone (PILA)

STRATEGIC LITIGATION – at all stages, including advising organisations on potential public interest cases and the initial steps that should be taken to explore whether a strong legal challenge exists. PILA has supported 160 cases.

BLIND LEGAL ALLIANCE: Right to a Secret Ballot

The issue

According to the 2016 Census, there are over 54,000 people in the Republic of Ireland with a severe visual impairment – with approximately 49,000 being above the age of 18. This figure is set to rise significantly as average life-expectancy increases. Despite recent advances in technology that have revolutionised how people with visual impairment interact with the world, many inequalities persist.

In 2011, Robbie Sinnott – who has a severe visual impairment – founded the Blind Legal Alliance, with its first action to campaign for the right to secret ballot in elections and referenda. At the time if a person with a visual impairment wished to vote, they had to do so through a ‘*trusted friend*’ or the presiding officer.

After pursuing complaints to a number of public bodies, Robbie came to PILA looking to challenge the State’s failure to put in place mechanisms to enable him to vote in secret.

What PILA did

PILA sought a legal opinion from Michael Lynn SC on the legal basis for challenging the current method of voting. The opinion found that Ireland was in breach of its obligations to the EU under the Convention on the Rights of People with Disabilities, and the time was opportune to challenge current procedures

in advance of the European elections in May 2014. PILA then approached Eversheds Solicitors to come on board on a pro bono basis. The legal team was later joined by Ciaran Doherty BL and Michael McDowell SC.



Eoin MacAodha (Eversheds Sutherland), Eithne Lynch (PILA), Robbie Sinnott and Rachel Power (PILA) at the Chambers Ireland CSR Awards, September 2017

The result

Robbie took his case to the High Court in a bid to assert the constitutional right of all visually impaired people to participate fully in democratic decision making processes. The case initially yielded a positive result in November 2016, when the State introduced regulations to provide for template voting in referenda for persons with a visual impairment.

After nine days in the High Court, the case succeeded in March 2017 in securing a declaration that the State had a duty to put a mechanism in place to facilitate visually

Eoghan Murphy TD @MurphyEoghan • 10 May 2018

For the first time on 25 May visually impaired people will be able to vote with a braille aided ballot paper. The option of voting with the assistance of a companion or the presiding officer will still be there.



impaired persons to vote in secret. The case provided clarity on the duty on the Minister to ensure a secret ballot as far as is reasonably practicable.

In May 2018, Robbie Sinnott voted in secret for the first time during the referendum on the 8th amendment.

“Using the tactile voting ballot in the recent referendum was a huge moment for me and for people with a visual impairment.

I’d been looking forward to it for years. Previously when voting, it was never acceptable to me that I could not verify

Lianne Murphy (PILA), Shami Chakrabarti (Liberty), Larry Donnelly (PILA), Kim Watts (PILA) and Jo Kenny (PILA) at the Inaugural PILA/PILS Project Joint Annual Conference 2011

that my vote was being cast according to my instruction and that I had to compromise my privacy.

Voting by unverifiable proxy is not voting in any meaningful sense. I have a constitutional right to vote and just because I’m visually impaired shouldn’t alter this.

In winning secrecy, essentially, we won the right to vote. For the first time in my life, I no longer felt that my entitlement to vote was lesser than somebody else’s who just happens to be able to see.

This case also shows how the law can be used to fight injustice and exclusion for disadvantaged groups in society. Every day, people from marginalised groups must overcome serious obstacles to access even our basic rights. However, with the right guidance, you can use the legal system to ensure that you enjoy the same fundamental rights as everyone else.”

Robbie’s legal team at Eversheds Sutherland won the ‘Excellence in the Marketplace’ at the Chambers Ireland Corporate Social Responsibility Awards 2017 for their work on the case.

Robbie has gone on to establish a new organisation, Voice of Vision Impairment.





Lydia Foy receives her birth certificate

INTERNATIONAL COMMISSION OF JURISTS: *Amicus Curiae*

The issue

In her fight for gender recognition, Dr. Lydia Foy instituted three separate proceedings before the Irish courts, the last (Foy No. 3) was to require the State to act on the High Court's decision in *Foy v An t-Ard Chlaraitheoir & ors* [2007] IEHC 470 which found the Irish Government in breach of Article 8 of the European Convention on Human Rights (ECHR).

The International Commission of Jurists (ICJ) sought to intervene as *amicus curiae* in Foy No. 3 as part of its remit to ensure that international law – especially human rights and humanitarian law – is utilised effectively for protection, particularly for the most vulnerable, and is implemented through effective national and international procedures. The ICJ was not only interested in the Irish Government's failure to introduce gender recognition, but also its failure to act to remedy a clear breach of the ECHR.

What PILA did

PILA obtained pro bono legal assistance in bringing together the *amicus curiae*

intervention from KOD Lyons Solicitors and Grainne Gilmore BL.

The result

The ICJ was successful in the *amicus* intervention – one of the first occasions an international NGO was admitted as *amicus* in Ireland. It was granted leave to intervene in the Foy No. 3 case on the issue of the obligation of States to provide effective remedies for violations of the ECHR. The ICJ's submissions highlighted that a remedy must be accessible and enable the enforcement of the substance of the rights at stake; and that the national authority before which recourse is sought must be capable of granting appropriate relief, and offer reasonable prospects of success.

Ultimately Foy No. 3 was settled following the publication and introduction of Draft Heads of Bill in the Oireachtas, and the commencement of parliamentary debate on the Gender Recognition Bill. The decision highlighted the weakness in the Irish ECHR Act 2003 and clarified the criteria to be met by other bodies seeking to intervene as *amicus curiae* in other cases.

IMPACT PROJECTS – an emerging and innovative model whereby a law firm seeking to strengthen and diversify its pro bono practice takes on individual casework through a strategic partnership with an NGO. PILA has **facilitated 5 Impact Projects.**

MERCY LAW RESOURCE CENTRE & FOCUS IRELAND: Housing Law Clinic

The issue

There has been a rapid and unprecedented rise in homelessness in recent years with over 10,500 individuals, a third of which are children, experiencing homelessness as of November 2019. In 2019, an average of 86 families each month presented as newly homeless in Dublin.

The scale of the problem has put serious pressure on resources, leading many families and individuals to face barriers in accessing safe emergency accommodation, let alone secure and stable housing. Lack of legal advice is one such barrier, particularly given the difficulties in obtaining legal aid for housing issues.

What PILA did

As the housing crisis escalated, and the need for legal services increased, Mercy Law Resource Centre (MLRC) approached PILA to discuss the scope of a pro bono partnership

that would enhance the capacity of the law centre and increase its reach in order to address the growing unmet legal need.

PILA came to A&L Goodbody with a proposal that would see corporate lawyers provide free legal advice to people who are homeless or at risk of losing their homes at an existing weekly clinic, and provide follow up legal representation where appropriate.

The result

In December 2017, 67 solicitors, trainees and paralegals undertook legal training in housing law provided by MLRC. Following a period of shadowing MLRC solicitors, A&L Goodbody lawyers were ready to start seeing clients through a weekly clinic based in Focus Ireland on Eustace Street.

Thanks to the partnership approach, the service has been able to respond to the escalating crisis and help more people. Since coming on board A&L Goodbody solicitors have staffed 416 face-to-face legal advice consultations at the clinic. The firm has also provided ongoing legal assistance to close to 200 families. These cases can involve challenging refusals of emergency accommodation, ensuring the application of fair procedures and standards of good administration by approved bodies and local authorities, and representing clients before the Residential Tenancies Board.

Dr Maeve O'Rourke @maeveorourke • 18 April 2019

Fantastic morning learning about the #probono partnership between @FocusIreland @MLRCLaw and @ALGoodbody - facilitated by @PILAIreland.

Tackling homelessness and socio-economic discrimination in Ireland requires innovative, persistent and brave cooperation by all.



In the words of a client of the clinic, *“My family is indeed very grateful to the law firm of A&L Goodbody for your very dedicated service. Particularly of note is the fact that at all times during your representation in the long drawn out process to address our housing need, there was this inexplicable belief in us that you had our best interests at heart, even when the only options on the table didn’t seem most palatable in our situation. In your peculiar humane but professional manner you ensured all issues presenting were properly addressed to achieve the best possible outcome for us in the end. Suffice it to say that the difference you’ve made is remarkable”*

Mike Allen (Focus Ireland), Rebecca Keatinge (Mercy Law Resource Centre), Pat Dennigan (Focus Ireland), Eithne Lynch (A&L Goodbody), Deirdre Malone (PILA) and Julian Yarr (A&L Goodbody) at the launch of *‘Housing Rights and Homelessness: lessons from a pro bono partnership’*, April 2019



Mercy Law MLRC @MLRCLaw • 18 April 2019

@RebeccaKeatinge top tip for other orgs considering a #probono partnerships is to draw on the amazing resource and experience @PILAireland provides. Listening and communication is also key for making the partnership have impact and longevity #Homelessness #Housing

Jack Kennedy of A&L Goodbody noted, *“As a solicitor you often forget how difficult it can be for someone without any legal training to find an answer to a legal problem. Being able to attend the clinic and help someone who may not be able to afford to pay for advice is exceptionally rewarding.*

The clinic has also given me an insight into the sheer scale of this housing crisis and the need for more people to get involved to try and tackle an issue which only seems to be worsening.”



The Inaugural Pro Bono Week Ireland, November 2019

INCLUSION IRELAND: Wills for People with an Intellectual Disability

The issue

For Inclusion Ireland, the most frequent and prevailing legal query received from members is advice on the making of a will. It is a significant unmet legal need, with an identified lack of specialist expertise within the legal profession in how to tailor a will in a way that best accommodates a person with an intellectual disability.

What PILA did

PILA developed a partnership between Inclusion Ireland, the legal team at LinkedIn and law firm Mason Hayes & Curran wherein people with an intellectual disability are assisted in making a will.

PILA brought in Cathy Smith BL to develop best practice guidelines on how to take instructions from a person with an intellectual disability. These guidelines were then used to deliver sensitivity training in conjunction with Inclusion Ireland to the team of pro bono lawyers.

The result

The project has helped 24 people with an intellectual disability make a will. While the clinics aim to empower clients to take care of their own affairs, ultimately the project hopes to gather learning for the wider legal community.

Inclusion Ireland @inclusionire • 30 August 2018

We're participating in a training & information session today on making a will, capacity & accessibility with @PILAIreland @LinkedIn @MHCLawyers



As one client put it, *"The solicitors explained everything to me as they went along. They listened to me very much. I thought they were excellent. I asked a few questions and if I couldn't understand they explained it to me. I found it hard at the beginning, but they explained it to me and now I understand. They were very helpful and nice people to work with."*

LEGAL EDUCATION – training on common legal issues facing the NGO community such as the law relevant to their clients or intrinsic to their services. PILA has **run 85 legal education sessions to date, training close to 2000 people.**

BALLYFERMOT TRAVELLER ACTION PROJECT: Equality in Action Project

The issue

Ballyfermot is recognised as a particularly disadvantaged community within Ireland. The issues of poverty and social exclusion experienced by the Ballyfermot community are further exacerbated for Travellers who experience discrimination and racism on a daily basis both at individual and institutional levels. Like Travellers nationally, Travellers in Ballyfermot meet all of the indicators in relation to disadvantage, including poor health, poor accommodation, low levels of education and literacy, high early school leaving and high unemployment.

In the wider Ballyfermot area there are approximately 100 Traveller families, which include 47 families living in Labre Park – the first Traveller-specific accommodation built in Ireland in 1967. Despite promised redevelopment of the site since 2004, these families live in overcrowded and unsafe conditions, with many lacking basic facilities such as water, sanitation and electricity.

The residents of Labre Park, through the Ballyfermot Traveller Action Project (BTAP), sought to build their capacity to use human rights frameworks to challenge this systemic inequality.

What PILA did

Having previously worked with the residents of Labre Park on a number of issues, PILA partnered with BTAP on a six month 'Equality in Action' Project funded by the Irish Human Rights and Equality Commission.

PILA put together a training programme that was directly relevant to the issues impacting on the community of Labre Park and reflected the identified needs and interests of residents.



Clare Naughton (Community Law & Mediation), Lorraine McMahon (BTAP), Eithne Lynch (PILA) and Leanne Ryan (BTAP) at training on housing law for residents of Labre Park, May 2017



Eithne Lynch (PILA), Rachel Power (PILA), Mary Brassil (McCann Fitzgerald) and Adam Finlay (McCann Fitzgerald) at a legal education session launching 'Data Protection: a Handbook for the Non-Profit Sector', November 2016

The result

Modules on human rights and equality frameworks, discrimination, housing law, estate management, community action and advocacy were delivered to 24 residents of Labre Park.

The project highlighted the lack of awareness around rights, as one resident commented, *"I didn't know that I was been discriminated against, I just thought sure that's how it's always been, and never seen it as discrimination"*. However a shift in

perception began to emerge, with another resident commenting, *"It's great to hear people talking on the site about their rights and that when we are discriminated against that we don't have to take it"*.

As a result of the training, the residents were empowered to make a number of formal complaints to the Garda Síochána Ombudsman Commission and the Work Relations Commission, and to actively participate in the redevelopment process.

PILA Ireland @PILAIreland • 1 December 2016
A big thanks to @ArthurCoxLaw for today's #Defamation and reputation management training session!



Lorraine McMahon of BTAP stated, *"This project highlighted the need for accessible legal services for the Traveller community. PILA is a vital organisation providing the relevant expertise to communities seeking to challenge discrimination and influence policy to bring about real social change and bodies such as PILA need to be resourced and expanded."*

PROMOTING PUBLIC INTEREST LITIGATION

PILA's work is rooted in the belief that public interest litigation is an essential tool in keeping public decision-making in check, in guaranteeing that rights are protected and embedded in our society, and in providing access to justice to those whose voice might otherwise not be heard.

One of our main objectives is to highlight and seek to overcome the barriers to litigating in the public interest. We aim to research, raise awareness and campaign for a wider understanding of and removal of these barriers. PILA contributes to FLAC's policy work in this area. PILA considers the main barriers to public interest litigation in Ireland to be costs, the rules on standing, mootness, lack of class actions and the non-justiciability of socio-economic rights.

In 2010, PILA facilitated a working group on protective costs orders (PCOs), having identified this as the most significant barrier facing potential Irish litigants. The outcomes of this working group led to the publication of a substantial report, *The Costs Barrier & Protective Costs Orders*, which remains the only comprehensive Irish resource on the issue of costs in relation to PCOs.

PILA has also undertaken research, and monitors domestic and international developments, on the other barriers, providing useful, practical information to stakeholders on these topics by way of articles in the PILA

Bulletin, FAQs and case summaries on the PILA website. Both FLAC and PILA have engaged with Government on public interest law matters, appearing before the Oireachtas Committee on Justice and Equality on barriers to accessing justice and promoting law reform, multi-party actions, and legal costs.

Since the beginning of its work, PILA has recognised that Independent and Community Law Centres are at the frontline of public interest law practice in Ireland, enabling access to justice for marginalised and disadvantaged people in the communities that they serve. There has been significant expansion of Independent Law Centres over the lifetime of the PILA project. In 2009, there were 5 law centres – now there are 10.

PILA has supported emerging Independent Law Centres, such as the first community law centre to be established outside of Dublin, Community Law & Mediation, Limerick, a law centre focused on children's rights and another law centre for Travellers. In 2014, PILA facilitated the formalisation of the Independent Law Centres Network, which represents the interests of law centres in Ireland, supports knowledge-sharing and coordination, and promotes collaboration along common themes. PILA also administered the Public Interest Law Support Fund, which provided €400,000 in 22 grants to 8 law centres over 3 years. This Fund was supported through a grant from The Atlantic Philanthropies.



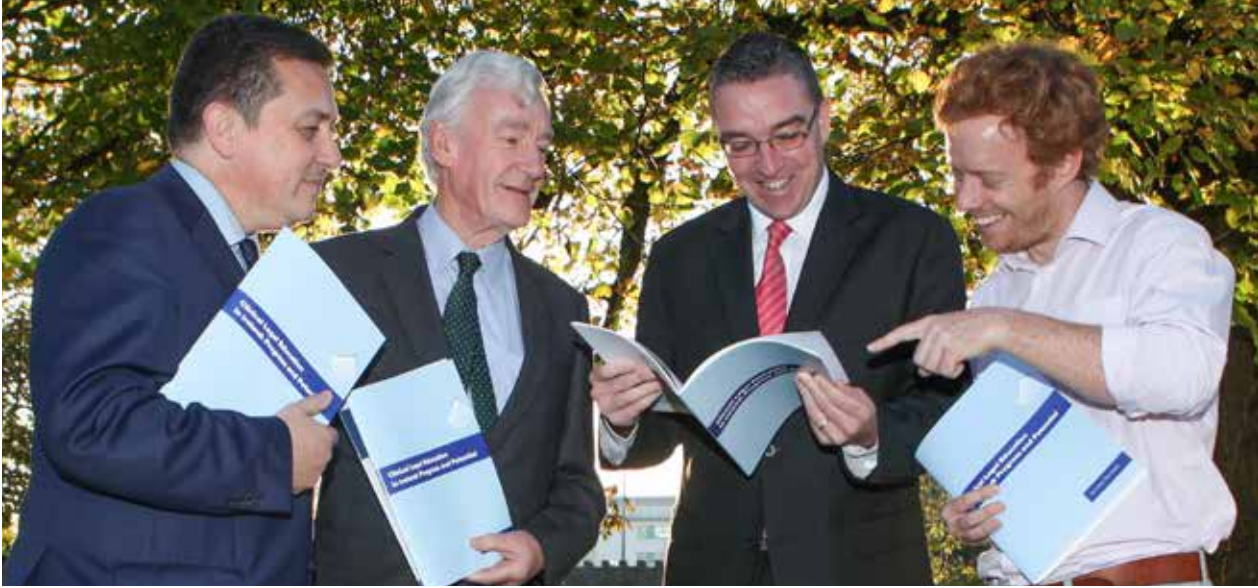
Eithne Lynch (PILA), Paul Joyce (FLAC) and Ciaran Finlay (FLAC) before the Joint Oireachtas Committee on Housing and Homelessness



Paul Mageean (PILS Project), Melissa Murray (PILS Project), Jo Kenny (PILA), Colin Daly (Community Law & Mediation), Michael Farrell (FLAC) at the Public Interest Law in Action conference in April 2010



Eilis Barry (FLAC) and Deirdre Malone (PILA) before the Joint Committee on Justice & Equality on access to justice and legal costs



Donncha O'Connell (NUIG School of Law), former High Court Justice Dr Bryan McMahon, Larry Donnelly (NUIG School of Law), Eamonn Tansey (PILA) at the launch of 'Clinical Legal Education in Ireland: Progress and Potential', October 2015

CLINICAL LEGAL EDUCATION

As an organisation established by law students, FLAC has long valued the indispensable role that law students play as drivers of long term and sustainable change in legal culture. In promoting a practice of law that generates positive social change and affords access to justice, PILA believes that exposure to public interest law work at an early stage can instil enduring commitment to the ideal of justice in an entire generation of lawyers.

When PILA came into being, clinical legal education in Ireland was still in its infancy. In 2009, of 18 third level institutions and professional legal bodies, only 2 had clinical legal education opportunities.

PILA became a consistent voice for the expansion of clinical legal education programmes with a public interest dimension, and for the incorporation of public interest law in the curriculum in Irish law schools. PILA assisted a number of law schools develop their clinical modules, published law review articles and presented at conferences on the need for clinical legal education in

Irish law schools. We are now at the stage where almost every Irish law school has a clinical offering, in one guise or another.

In 2013, PILA and the National University of Ireland Galway hosted the first clinical legal education conference in Ireland, which also launched the Irish Clinical Legal Education Association (ICLEA). ICLEA was set up to enhance and expand clinical programmes in Ireland by providing a forum to share experiences and foster collaboration, by lobbying collectively for necessary resources, and ensuring optimum international engagement with clinical legal educators in other jurisdictions.

PILA also worked with Larry Donnelly of the National University of Ireland Galway on a 2015 report, Clinical Legal Education in Ireland: Progress and Potential, which examined the national development of clinical legal education to date and produced recommendations for future expansion and optimisation of clinical programmes in Ireland.

David Hillard (Pro Bono Partner, Clayton Uz), speaking at FLAC's Access to Justice Conference, May 2019



GROWING THE ALLIANCE

PILA is fundamentally about inspiring a diverse and vibrant network into collective action and collaborative initiatives that support and grow the practice of law in the public interest, with particular emphasis placed on combining the needs of NGOs with the expertise of lawyers.

The alliance is broad and diverse, encompassing solicitors, barristers, law firms and their regulatory bodies; Independent Law Centres; NGOs working for the disadvantaged and marginalised; and law schools, academics and students. Each group comes from a very different level of understanding of and interaction with public interest law, and each with a different perspective or goal in mind. The value of the alliance is the ability to bring together these stakeholders under the common thread of public interest law.

The alliance, and its interlinking networks, does continue to grow, with established,

long-term partnerships propelling the use of law in various areas; PILA being the lynchpin in connecting, combining and guiding interests and skills. Examples of these relationships are the Law Firm Pro Bono Leadership Committee, the Irish Clinical Legal Education Association and the Independent Law Centres Network. PILA has also forged other groups such as the Victim's Rights Alliance and Irish Disability Lawyers Network, as well as innovative long term partnerships between commercial law firms and NGOs.

The broad alliance is currently maintained through regular events which are an important part of bringing people together, sharing experiences, identifying opportunities for collaboration, and learning about developments and updates in the broader public interest law field.



Launch of 'Our Voice, Our Rights: A Parallel Report' in response to Ireland's Third Report under the International Covenant on Economic, Social and Cultural Rights, coordinated by PILA and submitted by FLAC to the UN Committee on Economic, Social & Cultural Rights



The first Pro Bono Roundtable hosted by Arthur Cox, October 2014



Rachel Power (PILA), Eamonn Conlon (A&L Goodbody), Eithne Lynch (PILA), Roisin Fitzpatrick (Deloitte), Gearóid Ó Cuinn (GLAN) and Sinéad Smith (A&L Goodbody) at the 2018 PILnet Global Forum in Berlin

The PILA Bulletin is another key tool used to shine a spotlight on public interest law in a way that was not done previously, and is a hub for widening stakeholder knowledge and outlook. Over 2300 lawyers, NGO staff, students and academics receive the Bulletin on a fortnightly basis.

PILA is proud to collaborate with a number of other organisations around the world that work to develop access to justice and public interest law through legal pro bono. These include The Bar of Ireland's Voluntary Assistance Scheme, The PILS Project, TrustLaw and PILnet. PILA is also a member of the European Pro Bono Alliance – the voice of the pro bono movement in Europe.

PILA Ireland @PILAireland • 26 February 2019

Thanks to Colin Smith BL and April Duff BL for their time and insight this afternoon, and to all the NGOs tirelessly working to bring change to the system.



FLAC: Access2Justice @PILAireland • 26 February 2019

This afternoon in the FLAC office @PILAireland is hosting an ngo roundtable to explore alternative strategies to tackling #DirectProvision, particularly in light of the new opt-in to the Receptions Conditions Directive. @immigrationIRL



THANK YOU TO OUR SUPPORTERS

PILA's achievements to date simply would not have been possible without the expertise, hard work and support of our alliance. PILA is one part of a network of dedicated individuals and groups that support communities in need.

The PILA project was launched in 2009 as a result of the financial support of The Atlantic Philanthropies. The Ireland Funds and One Foundation also supported the establishment of the Law Centre for Children and Young People, and Pro Bono Referral Scheme has been the recipient of The Ireland Funds Small Grants Round.

In addition to providing vital pro bono legal services, some law firms have made a strong statement of long term commitment to law in the public interest by joining PILA as a corporate partner. Over the years, A&L Goodbody, Arthur Cox, Mason Hayes & Curran, McCann Fitzgerald and William Fry have given generously as Sustaining Partners, and Eversheds Sutherland as a Supporting Partner.

PILA would also like to recognise the individuals who support the work we do with their kind donations.

Sustaining Partners 2019

MCCANN FITZGERALD

A&L Goodbody

ARTHUR COX



Alison Connolly @AlisonConnolly1 • 8 May 2015

Roughly 5 times the feminist I was before that #CICL15 seminar Inspiring stuff @ivanabacik @MaryRogan @PILAireland

Noeline Blackwell (FLAC), Mary Rogan (DIT), Rachel Power (PILA), Ivana Bacik (Trinity College Dublin), Micheline Sheehy Skeffington and Mark Bell (Trinity College Dublin) as part of 'Changing Ireland, Changing Law', a project funded by the Irish Research Council.

WHY PILA NEEDS ONGOING SUPPORT AND FUNDING

The PILA project provides a vital service to lawyers, NGOs, academics and law schools. This impact report has shown concrete evidence of the real difference that we have made since 2009 to our stakeholders and, more importantly, to people that they work for.

The funding environment in Ireland is becoming increasingly challenging. As PILA prepares for a future with a far greater constraint on our resources, we want to continue to provide crucial pro bono matching, legal education, training and information services to our partners.

To do this, however, we require new sources of funding.

PILA's services are efficient, professional and effective – by leveraging the huge pro bono resource that exists within the legal profession, we provide an exceptional social return on investment.

Please contact us if you would like more information about how an investment in PILA can make a big difference to the lives of marginalised and disadvantaged people in Ireland.

Albie Sachs at the PILA Conference 'Using the Law to Challenge Injustice' March 2014



Challenging Injustice

Championing Change

PILA Impact Report 2009-2019

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