

FLAC
annual report
2008





FLAC ANNUAL REPORT
2008

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photo: Storms Photography

Noeline Blackwell
FLAC Director General
at Public Interest Law
event in June 2008.

Foreword

During 2008, FLAC developed its work to enhance access to justice in a number of ways. By focusing on this fundamental human right, we have sought to ensure that those who lack power or resources had their voices heard. At the end of the year, our concerns remain that, in a number of key areas, those who live in poverty or in marginalised communities will find it hard to receive equal treatment and equal access to justice. They may not obtain civil legal aid for important matters. They may be excluded from the social welfare system. The needs of many ordinary borrowers may be ignored despite the fact that those same borrowers will help to fund the rescue of their lenders.

The fall-out of the economic crisis which hit in 2008 was swiftly felt by state funded institutions mandated to preserve standards of human rights and equality. Two such institutions, the Human Rights Commission and the Equality Authority suffered deep cuts to their budgets as a first reaction to the crisis. A third, the NCCRI, ended its work when no further funding was available. A fourth, the Combat Poverty Agency, has been subsumed into the Office for Social Inclusion. FLAC joined with many other concerned organisations in regretting the disproportionate nature of the cuts and in calling for urgent protection for equality and human rights. When Ireland emerges from this recessionary period, we do not want to be a society where we preserved our money and property, but abandoned our respect for equality and basic human rights.

As in previous years, FLAC was encouraged in its work in 2008 by the dedication and perseverance of many individuals. This was the year that Dr Lydia Foy, that steadfast campaigner for the rights of transgendered persons, who is represented by FLAC, secured from the High Court the first ever order in this jurisdiction declaring Irish law to be incompatible with the rights guaranteed her by the European Convention on Human Rights. In the same year, FLAC undertook a number of important litigation initiatives, including appeals to the Social Welfare Appeals Tribunal to clarify the application of the law on the Habitual Residence Condition. This work has proved again to FLAC that important matters of rights are determined at many levels of tribunal and court.

It is therefore a continuing disappointment that civil legal aid is not available to those who need to make complex legal arguments before tribunals such as the Social Welfare Appeals Tribunal and the Employment Appeals Tribunal. The blanket denial of legal aid for these tribunal hearings impacts disproportionately on the more vulnerable, less well resourced side and risks a situation where there is a profound inequality of arms between the parties. All that is needed to right this inequity is a ministerial regulation.

The annual report is also an opportunity to highlight the work of FLAC's volunteers around the country. The 400-strong group of lawyers which volunteers at centres around the country, ably assisted by the staff of Citizens Information Centres, provides an important access point to justice by deciphering the law and giving support and encouragement to people to engage with the law in a constructive way. FLAC's volunteer lawyers also provide much-needed 'bridge' of legal advice and information to cover months that people may have to wait before they get an appointment at a

state funded Legal Aid Board centre. In addition, the statistics that we obtain from our centres help FLAC to get an overview of the work done in centre, and also provide a unique insight for policy makers in the areas of unmet legal need in Ireland today. Over a number of years, FLAC has consistently found that while family law matters account for about one-third of the enquiries to our centres, many callers have pressing concerns on other topics such as housing, employment, debt and social welfare. Many callers too are frightened and perplexed by legal jargon and forms and very often, the most basic information is all that is needed to satisfy an enquiry.

During 2008, FLAC was active on a number of law reform fronts. In the early days of January 2008, we re-issued 'Moneylending and the Law'. However, given the exceptional nature of the economic collapse, FLAC's work on consumer debt and credit took centre stage in the second half of the year. By the end of 2008, FLAC was pressing the government to protect the interests of indebted consumers and warning that the state response to the crisis in mortgage arrears was entirely insufficient, with much of the government's faith continuing to rest on a financial regulatory system that, by year's end, had proven itself inadequate.

In addition to this work, FLAC maintained its focus on other areas of human rights law. It was particularly pleased to act in partnership with the Irish Council for Civil Liberties and the Irish Penal Reform Trust in submitting an NGO "shadow" report to the UN Human Rights Committee on the occasion of the Irish Government's report to that Committee on its compliance with the International Covenant on Civil and Political Rights. Several of the concerns raised in the NGO report were also taken up by the Committee, thus providing a considered, high level and objective endorsement by legal experts of concerns raised by FLAC.

This partnership was just one example of a network of collaborations, discussions, engagements and assistance that we gave to and received from many organisation, too numerous to mention, throughout the year. Working in co-operation with others, we believe that we were able to achieve more than we ever could have achieved alone.

FLAC exists because of its conviction that the promotion of access to justice is worthwhile. That conviction maintains that the right of access to justice is one of the fundamental rights to which every human being is entitled. Those who work for and with FLAC also believe that advancing this fundamental right is a significant good for society in general, and can help to end the exclusion of some people from the societies in which they live. This report is a summary of the work of the organisation towards achieving this goal.

Peter Ward
Chairman

Noeline Blackwell
Director General

ABOUT FLAC

mission

FLAC – the Free Legal Advice Centres – is an independent human rights organisation dedicated to the realisation of equal access to justice for all and it campaigns through advocacy, strategic litigation and authoritative analysis for the eradication of social and economic exclusion.

STRUCTURE AND WORK

FLAC was established in 1969 by law students to provide legal information, advice and representation to people who could not afford to pay for legal services and to campaign for a state civil legal aid system. Today we have a full-time head office in Dublin. Our organisation is managed by a Board of Directors known as the National Council, elected annually by FLAC's membership.

Day-to-day management of the office is carried out by the Director General in conjunction with office staff, reporting to the Council. FLAC runs a limited internship programme. Interns provide a solid back-up to the core work of the organisation.

FLAC is also heavily dependent on the efforts of its volunteer barristers and solicitors in imparting legal advice at its centres. They provide a desperately needed service to those who cannot afford legal information and advice otherwise. FLAC centres primarily operate out of Citizens Information Centre (CIC) premises and are organised in conjunction with CIC staff who make a substantial contribution to the smooth and effective running of our centres.

In pursuit of our goal of promoting access to justice, FLAC works in a number of ways. These include outreach via our telephone information and referral line and our legal advice centres, campaigning on core issues and conducting research into areas of law and policy where we can bring about positive social change. We also generate publications and guides on legal topics with the aim of informing the public about their rights and promoting access to justice. FLAC keeps statistics on legal queries received and conducts research on people's ability to access justice around the country. This has produced solid evidence on the extent of unmet legal needs in Ireland.

FUNDING

FLAC is grateful for the financial contributions from members of the Law Society and Bar Council and to the members of the legal profession for their support. The organisation is also very thankful to its other funders in 2008:

Atlantic Philanthropies

Citizens Information Board

Department of Justice, Equality and Law Reform

Department of Community, Rural and Gaeltacht Affairs

Combat Poverty Agency

FÁS, and

The Joseph Rowntree Trust

COUNCIL



PETER WARD
Chairperson



DON CREWE



PAUL O'CONNELL



ISEULT O'MALLEY



RÓISÍN WEBB
Joined Jan 2008

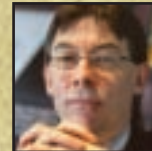
STAFF



NOELINE BLACKWELL
Director General



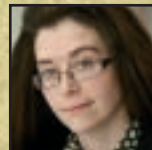
CATHERINE HICKEY
Director of Funding
& Development



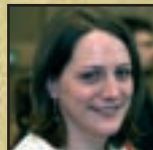
PAUL JOYCE
Senior Policy
Researcher



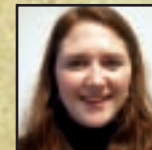
MICHAEL FARRELL
Senior Solicitor



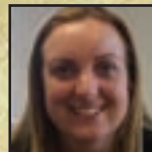
YVONNE WOODS
Information &
Communications
Officer



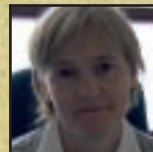
SARAH HORGAN
Volunteer & Centres
Co-ordinator



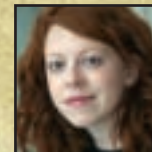
SAOIRSE BRADY
Policy & Campaigns
Officer



GILLIAN KERNAN
Research Officer



**JACQUELINE
HEFFERNAN**
Information Line
Co-ordinator



EDEL QUINN
Legal Research
Officer

OTHER MEMBERS OF STAFF

RUTH DOWLING
Legal Assistant
(from Feb-Sept)

CLARE DENNEHY
Administrator
(to 03/2008)

KIRSTY WATTERSON
Administrator
(04/2008)

CAMPAIGNING

FLAC's campaigning focuses particularly on areas of law which impact on those who live in poverty or who are especially vulnerable. We seek to ensure that people have better access to remedies when they need them by improving the scope of civil legal aid. Reforming social welfare law, consumer, credit & debt law are all areas of concern for us.

We have also been working to assess how law is used in the public interest in Ireland at present and how that aspect of law could be better deployed for marginalised and disadvantaged people.

We campaign by:

- analysing and reporting on laws and systems that restrict access to justice;
- advocating for law reform
- taking on cases to vindicate an individual's rights, to court if necessary
- giving information and advice through our telephone information line and advice centres and by helping to ensure that people throughout the country have a better understanding of their rights and responsibilities, and of the law affecting them. More information on all our campaigns is available on our website.



The launch of the Law Society's *Guide to Civil Legal Aid*, September 2008.

Civil legal aid: Still no adequate state provision

FLAC carried out a three month survey of 243 people at several of its centres in 2008 to see what the public knows of the state-funded civil legal aid scheme, its remit and the cost involved. We also carried out a survey of unmet legal need in north inner-city Dublin. Analysis of data from these studies was still ongoing at the end of 2008 was to be published in early 2009.

The organisation was also very concerned at growing waiting lists in some state-run Legal Aid Board centres, like Wexford, Galway and Laois.

In February the Dáil debated proposals to change the State civil legal aid scheme in the Civil Law (Miscellaneous Provisions) Bill. FLAC welcomed some of these proposals, such as Oireachtas scrutiny of the Legal Aid Board. However FLAC was concerned about a proposed change to s 28(2) which would have required an applicant to prove severe hardship before a contribution could be reduced or waived. Following representations from FLAC, there was a debate in the Oireachtas on this point and the Government amended its proposal. An applicant now has to prove "undue"

rather than “severe” hardship to obtain a waiver of contribution. FLAC recognises that this will not help all those who find it costly to access legal aid, but the amendment is welcome. As part of its lobbying, FLAC referred to the recommendation of the Council of Europe Human Rights Commissioner Thomas Hammarberg, that Ireland increase eligibility for legal aid so that it is in line with the cost of living.

FLAC continued to participate in the Law Society’s Task Force on Legal Aid. In September, the Taskforce published *Civil Legal Aid in Ireland: Information for the Profession*, distributed to every solicitor in Ireland, which credited the ongoing work of FLAC and the independent law centres.

The organisation also continued its involvement in the Legal Aid Board’s External Consultative Panel, which meets about four times a year. The Panel is a forum for the exchange of views between the Board and its stakeholders. It allows FLAC to present its concerns about the state legal aid scheme directly to the Board and to the other participating organisations.

Reforming social welfare law

In January 2008, FLAC and the ICCL held an information session for NGOs in relation to a review by the Department of Social & Family Affairs (DSFA) of the Social Welfare Code and its compatibility with the Equal Status Act 2000-2004. We made a submission to the review group highlighting inequalities in the application of social welfare law. These included the negative impact of the Habitual Residence Condition (HRC), the failure to extend the Free Travel Scheme to visiting non-resident Irish pensioners and discrimination against other groups of people such as unmarried fathers,

same-sex couples and people suffering from mental illnesses. The review group was due to complete its work by December 2008 although it is not clear if the findings of this review will be made public.

On 6 February FLAC was invited to make a presentation to the Joint Oireachtas Committee on Social & Family Affairs on the operation of the HRC. The delegation pointed out the inconsistency in decision-making and delays in the system and also used the opportunity to circulate up-to-date information to partner organisations.

New operational guidelines on the HRC were finalised and published on the Department’s website some months after this. The guidelines clearly stated that people whose residence status has not been determined cannot receive any social welfare payment. This confirmed a blanket policy to refuse social welfare benefits other than Direct Provision to all asylum seekers and persons seeking humanitarian leave to remain. FLAC was concerned that this was inconsistent with the legislation and became involved in a number of appeals to the Social Welfare Appeals Office that should help clarify the law in this area. The casework is discussed in greater detail later in this report.

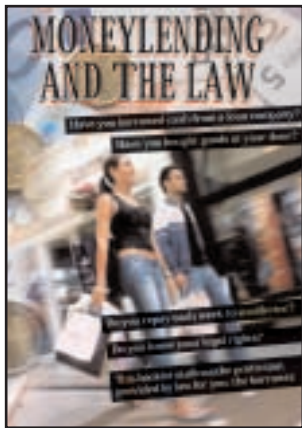
The organisation followed this up with a submission to the Irish Human Rights Commission about concerns around the operation of the HRC. A closed roundtable discussion, facilitated by the Commission, was held in October between NGOs working in related areas and state officials. FLAC and others raised a number of concerns with civil servants attending the roundtable.

In conjunction with Northside Community Law Centre, FLAC made a submission on the Social Welfare (Miscellaneous Provisions) Bill which was before the

Houses of the Oireachtas in December 2008. The submission focused on the proposed changes to the granting of Mortgage Interest Supplement as well as highlighting areas of concern around changes to Jobseekers Benefit and Rent Supplement.

FLAC continued its campaign to restore Child Benefit to its previously universal status for all children living and growing up in Ireland. Dublin City Council and Dun Laoghaire/Rathdown Council had previously passed motions supporting the campaign and it continues to be supported by the Greens, Sinn Fein, Labour and Fine Gael.

In its Pre-Budget Submission 2009, published in September 2008, FLAC again called on the Irish Government to consider its obligations and commitment to upholding the rights of all children in Ireland by restoring Child Benefit as a universal payment.



Reforming credit and debt law

In January FLAC launched an updated *Moneylending and the Law* booklet which received very positive media coverage. Copies were distributed to CICs, MABS and the Irish League of Credit Unions and it continues to be a popular publication.

Throughout the course of 2008, FLAC worked with the Homeless Agency on assessing the risks of homelessness arising from mortgage repossession, providing the Agency with information on the legal aspects

of mortgage arrears and over-indebtedness. This work was ongoing at the end of 2008.

In March, FLAC spoke at a MABS seminar on the effects of sub-prime lending for indebted clients. In addition,

the organisation met and corresponded regularly with officials from the Financial Regulator's office to discuss issues of concern in relation to the provision of credit, in particular sub-prime lending.

During the summer, FLAC lobbied Irish MEPs on the proposed dilution by the European Parliament of consumer protection standards outlined in the new draft consumer credit directive. FLAC joined with other members of the European Coalition for Responsible Credit (ECRC) in calling for national governments to restore confidence and stability in the financial markets to protect consumers from the consequences of irresponsible lending.

FLAC, together with the Irish Council for Civil Liberties (ICCL) and the Irish Penal Law Reform Trust (IPRT) presented a Shadow Report to Ireland's State Report in July, made to the United Nations Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR). Article 11 of the ICCPR prohibits imprisonment for failure to fulfil a contractual obligation and the Committee was very concerned with figures presented in our Shadow Report on debt-related imprisonment. Members of the Committee did not appear to be convinced by the State's response to these concerns.

In August, FLAC addressed a meeting of credit controllers from credit unions around North Dublin on its proposals for reform of the debt enforcement system.

FLAC continued to provide specialist support throughout 2008 to the Money Advice and Budgeting Service (MABS) in the form of legal training, advice and information to its money advisors to assist in their work with the public. FLAC dealt with 308 legal queries in relation to MABS clients in 2008 and delivered three

training courses on Consumer Credit law as well as assisting MABS with the drafting of information leaflets. During the second half of 2008, FLAC issued a number of press releases on the growing problem of mortgage arrears, calling in particular for a moratorium on mortgage possession proceedings where borrowers had suffered an adverse change in financial circumstances. Both print and broadcast media quoted FLAC regularly regarding repossessions and sub-prime mortgages. During this time, FLAC also worked with the Irish Congress of Trade Unions in formulating its position on mortgage arrears and over-indebtedness.

In November, FLAC attended and spoke at the Responsible Credit Conference held in London. This was organised by the Centre for Economic and Social Inclusion and supported by the ECRC, the US-based National Community Reinvestment Coalition and the UK-based organisation Debt on our Doorstep.

Late the year, FLAC attended a number of meetings as part of the MABS National Development Company team to negotiate a debt procedure protocol with the members of the Irish Banking Federation for use with MABS clients. This work was ongoing at the end of 2008.

Putting Public Interest Law in the Irish context

“Public interest law: its relevance in society today” was the subject of a seminar FLAC organised in June. Four distinguished lawyers with significant experience in the field of public interest law made presentations. Sue Donaldson of Washington Appleseed spoke about how her organisation engages *pro bono* attorneys in addressing systematic social inequalities. Next to speak



Attendees of the PIL Roundtable, 21 June 2008

was Doug Lasdon, the Executive Director of the Urban Justice Centre in New York. Frank Murphy, Managing Solicitor of Ballymun Community Law Centre then spoke on the topic of “Regeneration and Access to Justice” in Ballymun. The final speaker was Michele Storms of the Gates Public Law Scholarship Program who spoke on the relevance of public interest law in society today.

At the end of the year FLAC hosted the second annual lecture in memory of **Dave Ellis** in Dublin. Dave,



Pictured at the Dave Ellis memorial lecture (L-R): Michael Farrell, FLAC Senior Solicitor; Steven Shapiro, ACLU; Attorney General Paul Gallagher; and Peter Ward BL, FLAC Chairperson.

founder member and driving force behind Community Legal Resource and formerly Community Law Officer with Coolock Community Law Centre (now Northside CLC) for over twenty years, died after a short illness in 2007. FLAC credits Dave with pioneering much of the community and public interest law work now

developing in this country. The keynote speaker at the lecture was Steven Shapiro, Legal Director of the American Civil Liberties Union, the largest and oldest general civil liberties organisation in the United States. Dave Ellis' wife Sarah Flynn and various members of his family were also present.



Pictured at a reception hosted by the Law Society are (L-R) Catherine Hickey and Michael Farrell of FLAC, ISRCL President Damien Bugg and Law Society President James MacGuill.

A major international lawyers' group meeting in Dublin gave FLAC an award for its work in promoting *pro bono* legal services for disadvantaged persons. The International Society for the Reform of Criminal Law presented the award at a reception in the Law Society of Ireland hosted by Law Society President, James MacGuill, The presentation was made by Damien Bugg, former Australian DPP and President of the ISRCL. Mr Bugg said the ISRCL was anxious to honour and support

organisations offering *pro bono* services in the countries where they hold their meetings. They had been impressed by the work of FLAC in providing free legal advice and information for people who could not otherwise afford it for almost 40 years. Accepting the award on behalf of FLAC was Director of Funding and Development, Catherine Hickey and Senior Solicitor, Michael Farrell.



Speakers at the PIL Seminar

Pictured after the PIL Seminar on 20 June 2008: left to right at back Michelle Storms, Doug Lasdon, Kelly Mackey, Professor Walter Walsh, Kyle Silk-Eglit, Catherine Hickey, the Hon. Mrs. Justice Catherine McGuinness, Sarah Campbell. In front: Sue Donaldson, Noeline Blackwell, Orla O'Malley and Tobias Danam-Linhs.



Michele Storms, Executive Director,
Gates Public Service Law Program,
University of Washington, Seattle.



Professor Walter Walsh,
University of Washington,
Seattle.



Sue Donaldson, Executive Director,
Washington Apple Seed.

CASEWORK

Civil Legal Aid

During 2008, FLAC continued to monitor civil legal aid provision by examining the assessment procedures of the Legal Aid Board. The organisation was involved in the case of *Monahan v The Legal Aid Board, the Department of Justice Equality & Law Reform, Ireland and the Attorney General*. This case concerned the failure to award legal aid to a woman whose income was some €217 outside the limit of €18,000.

She sought legal aid to assist her in claiming a new tenancy under the Landlord & Tenant Acts following the end of a protected tenancy in her family home (formerly a rent-restricted property). Her landlord's solicitors had directed her to the Legal Aid Board's law centre for advice and assistance. Although she had a relative whom she supported, the Dependant's Allowance of €1,600 was not awarded to her, putting her outside of the means test limit.

FLAC argued on her behalf that the allowance should have been given both on the facts, and on the Board's powers within the Civil Legal Aid Act 1995 and the regulations made under it. FLAC further argued that if the allowance was properly refused under the legal aid scheme, then the applicant was in a situation where she needed legal aid but could not afford it; thus there was a gap in the provision of legal aid which denied her access to justice.

In addition, there was a complaint that the Board had failed to give reasoned decisions for its refusal of the dependent allowance. The case which addressed the complaints particularly against the Legal Aid Board was part heard before Mr Justice Edwards in the High Court in June 2008 and judgment of that part issued on 6 October 2008. The judge held that the Board does not have power to authorise legal aid in the absence of express ministerial regulations.

He also found that the Dependent's Allowance had been properly refused as the mother of the supported person got a social welfare allowance of some €20 weekly for him. Mr Justice Edwards noted that in assessing a person's means, income has to be assessed prospectively. The remainder of this case had yet to be heard at the end of 2008.

FLAC was also involved in the case of *O'Brien v Legal Aid Board* which concerned a Traveller who was refused legal aid to defend High Court eviction proceedings from a halting site in Co. Cork. FLAC was given leave for judicial review of this decision. The legal aid refusal was on the basis that the case concerned "rights or interests in or over land." FLAC sought to challenge whether an eviction equates to "rights or interests in or over land" and the exclusion of this area of law from eligibility for legal aid. This case was still ongoing at the end of 2008.

Child Benefit

FLAC has continued to take a number of cases to challenge the refusal to grant Child Benefit payment – supposedly a universal benefit – to asylum-seekers and people seeking humanitarian leave to remain in the State. The Department had refused payment on a case by case basis but during 2008 they began to claim that no-one in the asylum/leave to remain process could qualify, based on a Supreme Court decision in a case called *Goncescu v Minister for Justice, Equality and Law Reform*, which pre-dated the HRC and was not about a social welfare issue. FLAC has contested this argument in a number of cases being examined by the Chief Social Welfare Appeals Officer.

FLAC represented four women in the asylum/leave to remain process who won appeals against the refusal of Child Benefit, but where the Department then asked the Chief (Social Welfare) Appeals Officer (CAO) to review the decisions of the Appeals Officers in question. Meanwhile, the Department has refused to pay the benefit until the CAO gives his decision. FLAC has taken a judicial review case on behalf of one of the women, who has been waiting for payment for over a year since her successful appeal.

FLAC went on to seek a review by the Chief Appeals Officer of four other cases where the clients were refused benefit because they were in the asylum/leave to remain process. The organisation argued that the clients were legally within the State while they waited for their applications to be decided and that there could be no blanket exclusion of a whole class of people from receiving benefit without any statutory basis. These cases were still ongoing at the end of 2008.



FLAC continued its postcard campaign to extend universal child benefit to the children of immigrants.

Other Social Welfare Benefits

FLAC also took a number of cases on behalf of people refused other benefits – State Pension, Carer's Allowance, Disability Allowance – based on the Habitual Residence Condition. Government policy guidelines appear to mandate refusal of all benefits, except Direct Provision, to people in the asylum/leave to remain process, no matter how long they have been in the country, and this policy was being extended to undocumented workers as well. FLAC was concerned that this would remove the social welfare safety net from whole groups of people. FLAC assisted and worked with other organisations representing people in the asylum/leave to remain process at social welfare appeals throughout 2008.

Migrant workers

FLAC had been working with the Migrant Rights Centre Ireland on the case of a migrant worker who had paid PRSI contributions over a number of years. When she became unfit for work, she was refused Illness Benefit because her employer had failed to renew her work permit. She had no control over this. We had represented her at a social welfare appeal hearing but the appeal was rejected, relying on a Supreme Court decision in 1995 (*FÁS v Minister for Social Welfare: Supreme Court 12991, Nos. 240 & 241*), which held that an illegal contract of employment rendered void everything that flowed from it. This has serious implications for other migrant workers who become undocumented through no fault of their own. Our client appealed to the High Court and by the end of 2008 was waiting to fix dates for hearing.

Entitlement to free travel

In early 2007, FLAC and the International Federation of Human Rights (FIDH) had taken the first ever complaint against Ireland on an economic/social welfare issue under the Revised European Social Charter. The Charter is the economic and social equivalent of the European Convention on Human Rights and its implementation is monitored by the European Committee on Social Rights. The complaint was over the Government's refusal to allow Irish pension holders who are not resident in Ireland to avail of the free travel scheme for people aged over 66 during their periodic visits home.

Apart from the issues in this particular case, we hoped that taking it would encourage wider use of this new mechanism. Complaints under the Social Charter must

be lodged through a recognised international trade union or NGO, and the FIDH generously agreed to cooperate with us in filing this case. Access to the Committee on Social Rights is relatively cheap and easy as there is no provision for costs orders and no requirement to go through the domestic courts before lodging a complaint.

The Committee on Social Rights had declared the complaint about Free Travel admissible in 2007 despite the Government's objections. Detailed pleadings on the merits of the case were exchanged during the first half of 2008 but, somewhat surprisingly, the Committee on Social Rights made its decision in July 2008 without holding an oral hearing. The Committee recognised that older Irish citizens resident outside the State wanted to maintain links with Irish society but they rejected the complaint by 10 votes to four, though the former President of the Committee was among the dissenters. The Committee was influenced by the fact that the Free Travel Scheme is non-statutory and it held that excluding non-resident pension-holders was not in breach of the Social Charter.

Rights of Transgendered persons

FLAC has continued to represent Dr Lydia Foy, a transgendered woman, in her bid to obtain legal recognition in her female gender. The case of *Foy v An t-Ard Chlaraitheoir* began in 1997 and the High Court held against Dr Foy in 2002. However, the European Court of Human Rights subsequently held in a case against the UK that it was a breach of the European Convention on Human Rights for states not to recognise transgendered persons in their acquired gender.



Dr Lydia Foy with FLAC Solicitor Michael Farrell following the issuing of the first ever Certificate of Incompatibility with the ECHR in her case for gender recognition in the High Court.

The case came back before the High Court in 2007 and the same judge, Mr Justice McKechnie, influenced by the recognition of transgendered people by the European Court and in other European countries, said he would grant a declaration that Irish law on the issue was incompatible with the European Convention. He made the actual declaration in February 2008, the first such declaration in Irish legal history. The State has appealed to the Supreme Court and we are waiting for a date for hearing the appeal. In the meantime, the UN Human Rights Committee and Thomas Hammarberg, the European Commissioner for Human Rights, have urged the Government to change the law to provide for recognition of transgendered persons.

Right to serve on a jury

FLAC has taken two cases challenging the Juries Act 1976, which excluded deaf people and those over 70 from serving on juries. This meant that juries were not representative of significant sections of the population and dismissed and marginalised both groups of people. In the age limit case, FLAC had already issued proceedings (*Sharpe v The Attorney General & Ireland*), when the Government agreed to amend the Civil Law (Miscellaneous Provisions) Bill, 2006 to remove the upper age limit for jury service. The Bill was passed during the summer of 2008 and the section removing the age limit is operative from January 2009.

In the second case, we issued proceedings in 2006 on behalf of a deaf woman from Galway (*Joan Clarke v County Registrar for Galway & Others*). The State opposed the application and the case was heard over three days at the end of May 2008, with judgment reserved. At the end of the year judgment was still awaited in this case, which is very significant for the recognition and inclusion of deaf people in Irish society.

Disability rights

FLAC had taken over some cases from Disability Legal Resource when it closed down. During 2008, the organisation prepared a complex case for a wheelchair user alleging discrimination by Iarnrod Eireann and subsequent victimisation when he complained about his treatment. This case was listed for hearing by the Equality Tribunal in late 2008 but was then adjourned until January 2009. Another case by a wheelchair user against a local authority was also set for hearing by the Equality Tribunal early in 2009.

POLICY AND LAW REFORM

More information on all our policy work, including submissions and policy papers, is available on our website.

Consumer credit and debt

Throughout 2008, FLAC continued to advise staff of the Money and Budgeting Service (MABS) as well as contributing to the agency's policy guidelines and information for callers to their service. In 2008, FLAC received 308 queries from MABS money advisors relating to legal difficulties being experienced by their clients. Assistance to MABS is a significant part of FLAC's work on credit and debt. In November, FLAC outlined the Irish situation on debt at the European Coalition for Responsible Credit conference 2008 in London.

FLAC carried out a survey in 2006/07 to look at the experience of debtors in the legal system, particularly focusing on debt enforcement by instalment order procedure. Detailed questionnaires were completed by clients of MABS. The issue is all the more pressing given that approximately 1,000 people have been jailed over a five-year period for debt-related offences (some 200 imprisonments a year) despite the fact that Ireland officially does not jail people for non-repayment of debt. During 2008, the number imprisoned over debt rose to 276. The results of the survey were being analysed at the end of 2008.

Social Welfare

Throughout 2008, FLAC worked on a report on the direct provision system in Ireland. This system was set up in 2000 by the Irish government to provide accommodation and meals to people seeking asylum in Ireland. We consulted with other NGOs in our research and

continued to take part in an alliance of interested groups working for reform of the direct provision system. In April FLAC attended the Green Party conference to highlight these issues on behalf of the alliance. The Green Party supported an increase in the direct provision allowance and they also agreed to work towards ending direct provision in the long-term. Two months later we presented our findings to a Combat Poverty Agency seminar. In July staff from FLAC went to Mosney on an invitation from lone parents groups to discuss the possibility of giving information sessions on the social welfare and appeals systems. FLAC also spoke on the social welfare entitlements of asylum seekers at a public forum entitled "Getting it Right" organised by Nasc, the Irish Immigrant Support Group, in Cork.

During the year, FLAC also took part in an ad-hoc coalition formed in response to the increasing problem of homeless asylum seekers expelled from direct



Saoirse Brady and Lianne Murphy at the Green Party Conference campaigning for Direct Provision.

At the launch of the ICCPR Shadow Report in Dublin, from left: Sam Priestly, ITRT, Michael Farrell, Senior Solicitor, FLAC; Judge Michael Kirby of the Australian High Court and Mark Kelly, ICCL.



provision. The group met to gauge the extent of the problem throughout the country. The group wrote to both the Reception and Integration Agency and the Homeless Persons' Unit within the Health Service Executive to clarify who was ultimately responsible for these vulnerable people and to highlight the human rights obligations of all State agencies under the European Convention of Human Rights (ECHR).

The coalition considered the possibility of making an application to the courts on grounds of cruel, inhumane and degrading treatment contrary to the ECHR. Ultimately a case was taken by a private solicitor who consulted with the Irish Refugee Council and FLAC in order to gain more information on the system. Leave was granted to judicially review the actions of the Department of Justice, Equality and Law Reform in expelling an asylum seeker who was suffering from a mental illness which effectively rendered him homeless. The solicitor, along with FLAC, met with Miloon Kothari, former UN Special Rapporteur on the right to housing, to discuss these cases in more detail. The matter was later settled out of court and the man was readmitted to direct provision accommodation.

ICCPR Shadow Report

Together with the Irish Council for Civil Liberties (ICCL) and the Irish Penal Reform Trust (IPRT), FLAC commissioned researcher Edel Quinn to prepare a Shadow Report to Ireland's third periodic report on its implementation of the UN International Covenant on Civil and Political Rights. Under Article 40 of the Covenant, all States Parties are required to submit regular reports on how the rights provided for in the Covenant are being implemented. This international human rights treaty sets out extensive rights including the rights to life, to freedom from torture and to a fair trial.



Desk-based research as well as focus groups, interviews and consultations with key stakeholders were carried out in order to compile the document. The trio of NGOs made a submission to the List of Issues stage in March at which key issues to be discussed at the review are identified. To coincide with the review of the Irish Government by the UN Human Rights Committee in



After the review, Office of the High Commissioner for Human Rights, Palais Wilson, Geneva.

Back row (L-R): Sophie Magennis, OCO; Alison Mawhinney, QUB School of Law; Jyothi Kanics, IRC; Aoife Daly, TCD; Ruth Ni Fhionnain, ICI; Liam Herrick, IPRT.

Centre-back: Hilka Becker, ICI; Caoimhe Sheridan, IRC, Noeline Blackwell, FLAC; Mánus de Barra, OCO.

Centre-front: Natalie McDonnell, IFPA; Stephen O'Hare, Pavee Point; Edel Quinn, FLAC; Sonya Felton, Rehab,

Front: Richie Keane, IFPA; Michael O'Flaherty & Judge Elisabeth Palm, Human Rights Committee Members; Tanya Ward, ICCL.

Geneva on 14 July, the Shadow Report was launched by the FLAC, ICCL and IPRT in Dublin. The launch received significant press coverage.

The Irish Government was represented at the review by a delegation of fifteen, including the Attorney General and the head of the Department of Justice, Equality and Law Reform. The NGO group made a presentation to the Committee on issues of serious concern and engaged in lobbying of the Committee. The Committee praised the Shadow Report as being one of the best examples of such a report that they had seen and said that it would stand as a model to others. Ten days later the Committee issued its recommendations and observations. This involved nineteen comments on how Ireland can improve its implementation of the Covenant including a recommendation to recognise the right of



In Geneva (L-R): Dr Alison Mawhinney, QUB; Sonya Felton, Rehab; Natalie McDonnell BL; Sandra Gowran, GLEN; Ruth Ni Fhionnain, ICI; Edel Quinn, FLAC.

transgender persons to a change of gender by permitting the issuing of new birth certificates. The

Committee did not accept the State's explanation relating to imprisonment for civil debt and recommended that Ireland ensure that its laws are not used to imprison someone for the inability to fulfill a contractual obligation. It also recommended strengthening the capacity of the Irish Human Rights Commission and reinforcing the effectiveness of state measures to ensure gender equality.

The NGO side felt strongly that the findings of the UN Human Rights body should not end with the issuing of the Committee's comments. FLAC, ICCL and IPRT therefore decided to hold a follow-up conference and to invite members of the UN Human Rights Committee as well as national speakers to participate. Once funding was approved in November, planning began for the conference to be held in 2009.

A website (www.rightsmonitor.org) was set up as a vehicle for information on the launch of the Shadow Report and the review in Geneva.

Equality & Rights Alliance (ERA)

ERA was established in August 2008 following reports of a proposed merger of five State bodies, including equality and human rights agencies, by the Government. This move was widely seen as an attempt by the Irish Government to undermine the effectiveness of statutory bodies charged with promoting equality, preventing discrimination and protecting human rights.

Forty groups came together to oppose such a merger, including FLAC. This merger did not go ahead but instead, on 14 October 2008, Budget 2009 introduced savage funding cuts of 43% to the Equality Authority

and 24% to the Irish Human Rights Commission. This presents a grave challenge to the ability of these bodies to carry out work programme. The Equality Authority was further hit with the announcement that the decentralisation of Authority staff to Co Tipperary would continue, despite the halting of decentralisation for most other Government departments.

Budget 2009 also targeted other organisations working to promote equality and social inclusion for marginalised groups: Combat Poverty Agency was subsumed into the Department of Social and Family Affairs. The National Consultative Committee on Racism and Interculturalism (NCCRI) was abolished. FLAC is part of the Steering Committee of ERA and has been an active part of all its campaign actions to date, which continue into 2009.

Reform of charities legislation

New legislation to regulate charities in Ireland finally came to Dail and Seanad debate stages in 2008. However, the Charities Regulation Bill 2007 had serious flaws, not least among them the omission of the advancement of human rights as a recognised charitable purpose. FLAC, together with Front Line, the ICCL and Amnesty International Ireland, issued a position paper to Senators as they voted on the Bill for the last time on 11 December. Despite interventions from Senators David Norris, Jerry Buttimer, Ivana Bacik, Alex White and Dominic Hannigan seeking the inclusion of the advancement of human rights, the Bill was passed. This may have serious repercussions for those who seek to promote and uphold human rights in Ireland into the future.

OUTREACH & NETWORKING

FLAC volunteers and centres

Centres round-up

FLAC offers free legal advice through a network of legal advice centres around Ireland where members of the public may speak with a volunteer legal practitioner in confidence (anonymously if they wish), without being means tested, judged or directed, and receive advice and referrals appropriate to their needs.

The centres are operated by qualified lawyers who volunteer their expertise and time. Some centres do require people to ring in advance for an appointment. We supply regular training to our volunteers in areas of law relevant to their work in FLAC centres. Volunteers also have access to an online forum which facilitates the exchange of information and contains useful documents and publications.

In 2008, new centres opened in Balbriggan, Nenagh, Blackpool (Cork) and Wicklow town. A specialist family and employment law service at Dublin's Meath Street Centre operates three times a month. The specialist immigration centre at North King Street FLAC now runs weekly.

The student-run FLACs in University College Cork and Trinity College Dublin were both very active in 2008. The UCC centre holds a legal advice clinic for students every week while Trinity students hold their clinic every two weeks. UCC FLAC Society also organised several legal seminars, some of which included contributions from FLAC staff.

Volunteer voices:

Emma Flynn (Crumlin FLAC):

I started volunteering in 2008 and it has already been a huge learning experience for me. FLAC provides an organised service for individuals who cannot afford to go to a private solicitor. It is a great starting point for individuals unfamiliar with the legal process. FLAC encourages me to improve my communication skills and to keep up to date on different areas of law. FLAC also keeps its volunteers very well updated and provides helpful training courses. I would recommend FLAC as worthwhile, challenging and rewarding for any solicitor or barrister.

Eithne Reid O'Doherty BL (Ballymun FLAC):

It was with trepidation that I sat in with my mentor on my first night of volunteering in Ballymun Library. I am happy to say that I now look forward to meeting the wide range of clients who present on a Thursday night and to dealing with the diversity of topics raised. In the past year I have mainly encountered issues in Family and Employment Law and in relation to Local Authority Housing and Probate. The training given by FLAC and the information support packs are of enormous help. I can certainly say that volunteering with FLAC has greatly enhanced my skills as a lawyer. The interface with "real" clients has given me confidence and it is good to feel that one can make a contribution.

Rosemary Kingston O'Connell (Meath Street FLAC):

I started volunteering with FLAC in 1976. We were based in Tuckey Street in Cork. I have fond memories of a bus taking FLAC volunteers to the hotel in Fermoy where we ran a clinic. When I came to Dublin to study at Blackhall, I lost contact with FLAC, however, on qualifying, and knowing I was leaving Ireland in a matter of months, I didn't look for a job but started a clinic in Mount Argus. My abiding feeling about FLAC clients and clients in general is *plus ca change plus cest la meme chose*. After thirty years, the problems encountered by clients remain the same. We can't change that, but we have travelled along the road with them for a long time and can be proud of that.

Colleen Coughlan BL (Limerick FLAC)

I started to volunteer with FLAC in Ballyfermot during my first year at the Bar. It gave me huge confidence in interacting with people and really opens your eyes to practical legal situations. I now also volunteer in the Limerick centre and the variety of situations that are queried never ceases to amaze me. It really keeps you up-to-date on the law and is a great way to become at ease with consultation scenarios for your own practice. It is a learning experience. I would highly recommend becoming a volunteer.

Tracy Ennis Faherty BL (Finglas FLAC)

When I first decided to volunteer it was because I felt I could contribute in some small way to helping people who did not have the resources or means to obtain legal advice through the normal channels. I feel the law centre promotes a fair legal system where people have access to legal advice with no charge. The law centre works on a roster system so it is not demanding of your spare time and you decide how often you wish to volunteer. I have

found volunteering to be an incredibly valuable and rewarding experience. Coupled with this are the relationships you build with other colleagues who help out at the centre. I would recommend volunteering as a way to continue to build on your own knowledge as a Barrister or Solicitor and at the same time share that knowledge in a valuable and rewarding way.

David Fahy (Galway FLAC)

Since 2002 I have volunteered in Galway FLAC. It is a very busy place, particularly of late, but the work is rewarding even if it only entails removing some nagging doubts that people may have or pointing them towards other resources or agencies for solutions to their queries and problems. It is best to keep an open mind, I am always amazed at the energy levels of fellow volunteers who have put in long hours during the day. The experience of applying your training to diverse areas of law and practice to help people in the short time allocated is challenging in itself but overall a rewarding experience. My recommendation would be to give it a go, you might even get a kick out of giving something back, we all live in the one community!

Street law

Throughout the year, FLAC worked on setting up a Street Law or Public Interest Law Alliance Programme with Irish schools to get students interested and working directly with public interest law. This scheme may also involve students in FLAC researching queries received and helping to produce a 'virtual advice centre' which FLAC is developing.

Staff & volunteer training

FLAC volunteers are offered regular opportunities to update their legal knowledge in the areas of law likely to present at centres. In March we organised a training session in Dublin for approximately 60 volunteers which focused on immigration and employment law. During the summer FLAC held a training session on family law, legal aid and landlord & tenant rights. At the end of 2008 we held a further seminar for volunteers focusing on family law, employment law, immigration law and legal aid.



Above: Speakers at the volunteers training event on 4 November (L-R): Catherine Hickey (FLAC), Jennifer O'Brien (MHC Solrs), Eugene Smartt (Solr), Ruth Dowling BL (FLAC), Ruth Ni Fhionnain (ICI) Keith Walsh (Solr).



Making notes during a FLAC training course.



Attendees at the November training event.



Attendees at the June training night.

Fellowships

Thomas Addis Emmet Fellowship

FLAC works in conjunction with the Law School of the University of Washington, Seattle, to provide the Thomas Addis Emmet Fellowship in Public Interest Law. The programme sends one Irish law student to Seattle for two months each summer to get first-hand experience of human rights and public interest law cases. The programme covers the cost of flights, accommodation and a small subsistence allowance. In 2008, the Hon. Mrs Justice Catherine McGuinness presented the prize to Kelly Mackey, a postgraduate law student at DIT. Kelly spent nine weeks as a legal intern with the Washington Appleseed Centre for Law in the Public Interest. Most of her time was spent researching the legislative response of various States to predatory lending. She also attended classes at the University of Washington.

William Sampson Fellowship

The University of Washington, Seattle and FLAC also cooperate on the William Sampson Fellowship in Comparative Public Interest Law. Under this programme, a student from UW comes to FLAC to work as an intern for two months. In 2008 Kyle Silk-Eglit devoted his time at FLAC to a case involving the marriage bar (repealed in 1974) which prohibited women from working in the public sector after getting married. This case is of concern to FLAC as women who were adversely affected by the marriage ban are now approaching retirement age. They are only now realising that their pension benefits are significantly reduced as a result of their forced resignation from the workforce in the 1960s and 1970s.



Thomas Addis Emmet and William Sampson Fellows past and present (l-r): Kyle Silk-Eglit, Sarah Campbell, Tobias Luhr-Damm, Maeve ní Liothain, Aoife Nolan, Claire McHugh.



Kelly Mackey (right) pictured at the Thomas Addis Emmet Fellowship award ceremony for 2008 with runner up-Orla O'Malley and Mrs Justice Catherine McGuinness.

Publications

FLAC seeks to inform people of their rights and entitlements as well as of developments on particular legal and policy issues. We produce a quarterly newsletter, *FLAC News*, documenting and covering issues which may be of interest to those working on access to justice and public interest law. In January we published an update of our highly sought-after guide *Moneylending and the Law*. We also issue a range of legal guides on such topics as:

- Probate
- Separation
- Maternity Leave
- Domestic Violence
- Divorce
- Maintenance
- Small Claims Court
- Unfair Dismissals
- Wills
- Deed Poll
- Enduring Power of Attorney
- Working Hours
- Cohabiting couples



Website

The FLAC website (www.flac.ie) provides information on our work, campaigns and events as well as resources to download such as publications and legal guides. It also features a forum/discussion board for volunteers and location maps for FLAC centres. The website has proved popular, with an average of over 4,000 visits a month.

STATISTICAL REPORT

Our Data Collection Programme was introduced in 2004 to gain a vital insight into the needs of our callers. This information has in turn strengthened our campaigns, especially for a comprehensive civil legal aid service, and supported our call for urgent law reform in the area of credit and debt.

Telephone Information & Referral Line

FLAC operates a LoCall telephone information and referral line, which is open to individuals, local organisations and advice agencies from 9am to 5pm, Monday to Friday.

		2006	2007	2008	
Civil Law	Family	25.1%	22.8%	20.7%	
	Children's Rights	—	0.1%	0.2%	
	Civil	5.3%	5.0%	4.6%	
	Company	—	0.8%	0.5%	
	Consumer	14.4%	5.7%	7.3%	
	Debt		1.5%	1.7%	
	Non-Family	Contract	0.8%	2.5%	1.7%
	Discrimination/Equality	—	0.2%	0.1%	
	Employment	6.7%	14.1%	20.1%	
	Housing	1.6%	0.9%	0.7%	
	Immigration	2.0%	1.8%	1.8%	
	Landlord and Tenant	2.5%	2.1%	2.5%	
	Legal Aid	1.8%	4.5%	3.5%	
	Legal Services	12.4%	18.1%	10.7%	
	Personal Injuries	2.5%	1.3%	2.2%	
	Tort		—	1.3%	
	Probate	6.9%	5.4%	5.9%	
	Property	6.2%	3.7%	4.4%	
	Social Welfare	1.1%	0.9%	0.9%	
	Solicitor/Client Issues	3.0%	4.0%	3.8%	
Miscellaneous	2.7%	—	—		
Criminal Law		5.0%	4.6%	5.7%	
Total legal queries		5,786	6,034	9,244	

Table 2 Areas of law discussed at FLAC centres 2004-2008

		2004		2005		2006		2007		2008	
		Count	%	Count	%	Count	%	Count	%	Count	%
Civil Law	Family	1249	35.3	1425	37.4	1504	33.7	1,741	32.7	2438	31.5
	Employment Law	361	10.2	343	9.0	455	10.2	508	9.5	1094	14.1
	Succession/Probate	293	8.3	342	9.0	395	8.8	393	7.4	275	3.6
	Property	265	7.5	288	7.6	389	8.7	436	8.2	439	5.7
	Housing/Landlord	247	7.0	275	7.2	336	7.5	330	6.2	521	6.7
	Consumer Law	179	5.1	192	5.0	265	5.9	348	6.5	505	6.5
	Credit and Debt	123	3.5	120	3.1	135	3.0	153	2.9	259	3.4
	Neighbour Dispute	-	-	-	-	-	-	205	3.9	157	2.0
	Immigration/Refugee law	95	2.7	83	2.2	83	1.9	222	4.2	258	3.3
	Negligence/Personal Injury	-	-	-	-	102	2.3	165	3.1	413	5.3
	Wills/Power of Attorney	3	0.1	1	0.03	13	0.3	14	0.3	268	3.5
	Client-Solicitor Relations	41	1.2	49	1.3	34	0.8	20	0.4	89	1.2
	Social Welfare Law	63	1.8	58	1.5	68	1.5	99	1.9	139	1.8
	Other civil matters	420	11.9	445	11.7	444	9.9	392	7.4	446	5.8
	Total non-family	2090	59.1	2196	57.6	2719	60.8	3,285	61.7	4863	62.7
	Criminal Law	197	5.6	190	5.0	245	5.5	297	5.6	432	5.6
	Total legal queries	3536	100	3811	100	4468	100	5,323	100	7,733	100

In 2008 FLAC head office received 9,244 telephone enquiries to its information service. This number is up 53% from 6,034 calls in 2007 (Table 1). The number of calls made to FLAC's information and referral line has almost doubled since 2004, showing an increase in the need for legal information and a growing awareness of FLAC's service.

Family law was again last year the largest area of enquiry, with one-in-five calls to the information line being in this sector. The most noticeable increase is the rise in employment law queries, which grew from 6.7%

of calls to the information line in 2006 to 20.1% in 2008, accounting for one in every five calls during 2008.

While the actual number of family law calls increased between 2006 and 2008, as a percentage of total calls family law queries fell from one-quarter of all calls in 2006 to just one-fifth of all calls in 2008, showing an increase in demand for legal assistance in non-family law matters.

FLAC centres

In addition, FLAC provides legal information and advice through the 70 legal advice centres. Twenty one of these it administers directly, with the remaining ones run through Citizens Information Centres. By the end of 2008, 47 legal advice centres were participating in the Data Collection Programme, and 7,233 data collection forms were returned to FLAC head office in 2008. This was a substantial increase on the 4,815 data collection forms returned by centres in 2007.

The total number of queries recorded in 2008 was 7,733. Table 2 shows the type of legal queries that visitors to FLAC centres brought in the four years to 2008.

In 2008 employment law queries accounted for just over 14% of all legal queries, and were the second largest area of law discussed at the centres. The centres also saw an increase in the number of credit and debt law related queries. 259 credit and debt queries were recorded in 2008, compared with 159 in 2004.

Compared with previous years, the percentage of callers who had engaged a solicitor in relation to their query had fallen to less than 10%. The majority of those queries which had already been discussed with a private solicitor were family law issues.

Where further legal advice or legal representation is needed, FLAC advisors make referrals to appropriate agencies. In 2008, 4,443 clients (61.4%) were referred on to another body as follows:

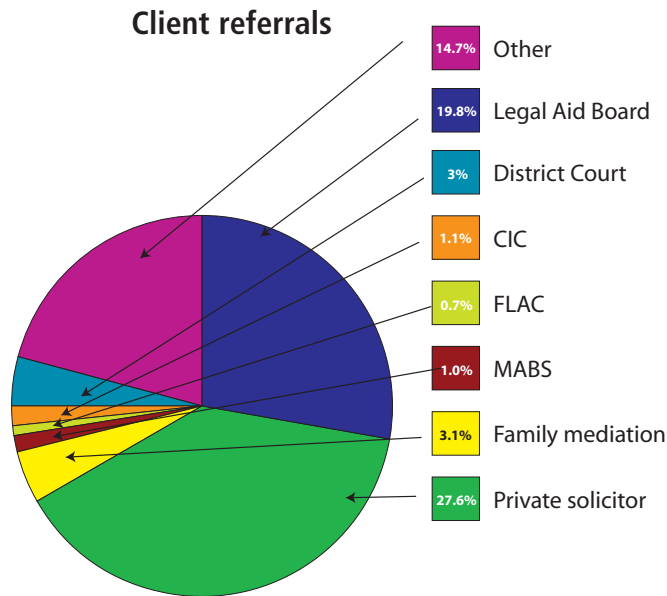
Table 3 Client Referrals, 2008

Client referred to:	Number of Clients:	%
Legal Aid Board	1,435	20
Private Solicitor	1,996	28
Family Mediation	225	3
MABS	71	1
FLAC	53	1
CIC	79	1
District Court	215	3
Other	1,068	15

Of the 1,996 clients referred on to a private solicitor only 27%, or 535 cases, concerned family law.



Nnenne Ibezim at the telephone information and referral line at FLAC head office.

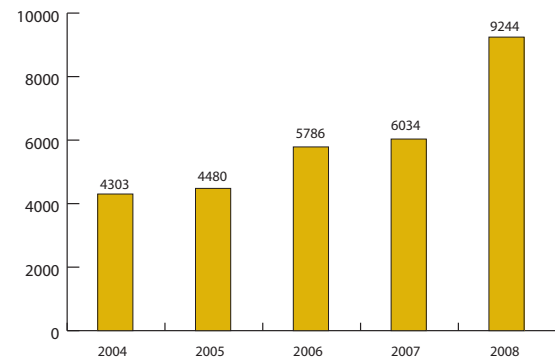


Conclusion

Family law continues to be the largest area of enquiry on both the phone lines and in the centres. However, as a percentage of total calls family law queries fell from one-quarter of all calls in 2006 to just one-fifth of all calls in 2008, showing an increase in demand for legal assistance in non-family law matters. Employment law queries and credit and debt queries increased particularly last year and were the second largest area of law discussed at the centres.

There were marked increases in queries related to our specialised areas of work including debt and credit as well as social welfare. From 2004 to 2008 there was a 55% increase in people attending FLAC centres with social welfare issues (29% increase from 2007 to 2008)

Number of calls to the telephone information line



and the number of people with debt and credit queries more than doubled in 2008 from the 2004 figure (53%).

The figures for immigration and refugee advice for 2007 and 2008 were significantly higher than in the previous three years. There is a need to ensure that persons with such queries are able to access appropriate legal advice and representation through the Legal Aid Board if necessary.

FLAC would like to take this opportunity to thank all those who completed client data forms for their commitment to this research programme, which provides valuable insights for us on the gaps that remain in meeting legal needs in Ireland.

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