



FLAC annual report 2011

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Foreword

As we reflect on 2011, we see how more than ever, we need an equitable and transparent system of social protection, access to legal and money advice for those who need it, and an effective mechanism for managing over-indebtedness in Ireland. FLAC's commitment to a human rights framework recognises that even in times of restricted resources and economic uncertainty, states have a legal duty to respect, protect and realise human rights. This continues to underpin and inform all our work as we urge politicians and policy makers to ensure that due consideration is taken of the most marginalised and vulnerable in our society when difficult decisions are being made. They should not carry an undue burden of any austerity measures that are imposed.

The passion, energy and commitment of FLAC's 700+ volunteer lawyers who give their time week in, week out in legal advice clinics all around the country is a lynch-pin of our work. Most people only become aware of the law when they are in trouble but at that time, they need to be able to use it. For many, the law is confusing and intimidating. Alongside the dedicated management and staff of the Citizens Information Services, FLAC volunteers provide a bridge between people and the law, so that they can understand their own situations better and can address the problems that they are facing, with dignity. Similarly the 12,923 callers to FLAC's telephone information line in 2011 received free legal information to put them on the path towards resolving their particular issue.

Access to legal information and advice is only one part of the solution. What is also needed is reform of the law to provide genuinely equal access to justice for all. Reform of Ireland's antiquated debt laws, which FLAC has been calling for since 2003, is long overdue and was a major focus of FLAC's efforts in 2011, including a valuable collaborative effort with a number of other NGOs and policy researchers that resulted in the publication of the 'Nine Principles' document. These principles, agreed by all participants in the grouping, represent a common approach towards addressing the personal debt crisis and demonstrate that concern about this issue is shared far beyond FLAC at this point.

Work continued in other areas of law too. A High Court appeal taken by FLAC on behalf of a consumer finally clarified the rights of people who wish to terminate Hire Purchase agreements and return the goods, in many cases a car, when they run into difficulty keeping up with their payments. The ruling in this case has provided some relief for hard-pressed hirers around the country. In addition to working through the court system, FLAC also vindicates the rights of people at the level of administrative tribunals. Challenges to Social Welfare cases are brought to Social Welfare Appeals tribunals, quasi-judicial bodies which make decisions affecting important aspects of people's lives.

The publication in July of the Gender Recognition Advisory Group's report which unequivocally recommended that transgender persons in Ireland be officially recognised was a positive step in what has been an extremely long journey for Lydia Foy, in particular, and all transgender persons in Ireland more generally. While FLAC had reservations about some aspects of the report, we remain hopeful that in 2012 Lydia Foy will finally receive a birth certificate in her recognised gender.

PILA (Public Interest Law Alliance), a project of FLAC since 2009, has continued to promote the use of law in the public interest and it is particularly heartening to see the increase in the number of law firms signing up to PILA's *pro bono* protocol and adopting *pro bono* work on a structured basis as a core part of how they work. PILA made 69 *pro bono* referrals in 2011 on a very wide range of issues, supporting NGOs to use the law as a tool in their work, whether it be on migrant rights, rights of older people, LGBT rights, or a range of other social justice issues.

In August, the staff and council of FLAC were saddened by the death of Mr Justice Vivian Lavan. Mr Justice Lavan, along with Denis McCullough SC, former Attorney General David Byrne SC and retired Hong Kong magistrate Ian Candy, founded FLAC as law students in 1969 with the ambitious aim of influencing government to establish a scheme of civil legal aid for those who couldn't afford to pay for legal advice and representation. While such a scheme now exists, the struggle for equal access to justice for all continues, and the spirit and ethos of FLAC today remains very much in line with those of Mr Justice Lavan and his co-founders in 1969.

The publication of the Legal Services Regulation Bill 2011 at the end of the year marked an opportunity for genuine review of how legal services in Ireland deliver access to justice. Reform was being urged by the EU/IMF Troika but was also a commitment in the Programme for Government. FLAC examined the legislation in the context of our goal of equal access to justice for everyone. Some 2.8% of all calls to the telephone line and 1.3% of enquiries at our advice centres in 2011 related to concerns about client-solicitor relations. On that basis, greater transparency on costs was welcomed, while concerns were raised about the capacity of some other provisions to reduce access to justice with equal concern for some basic issues that were not addressed at all. We are committed to making positive proposals for meaningful reform of the profession.

At the end of 2011, we are more convinced than ever that FLAC's work is relevant and necessary in these difficult and troubled times for so many in Ireland. FLAC, its Board, staff and volunteers acknowledge too that we depend on the support and assistance we receive in funds, in kind and in solidarity from so many others. With their help, we are determined to continue the work.

Peter Ward, Chairman

Noeline Blackwell, Director General



About FLAC

FLAC exists to promote equal access to justice for all, so that the protection and benefits of the law are accessible to all people, regardless of income or background.

VISION: FLAC's vision is of a society where everyone can access fair and accountable mechanisms to vindicate their rights.

MISSION: FLAC is a human rights organisation which exists to promote equal access to justice for all.

HOW WE WORK

FLAC is involved in a variety of different activities in the pursuit of access to justice and the use of law in the public interest.

These activities can be grouped under three broad headings:

Advice and Information, Analysis, and Advocacy.

Each of these activities is a powerful tool in its own right, but it is in combining them that FLAC is able to make the biggest impact.

ANALYSIS

FLAC recognises that law is a means to advance the public interest of society to achieve greater equality particularly for those who are marginalised and disadvantaged.

To this end, it conducts in-depth research and expert analysis of a number of core legal topics: state-funded legal aid, social welfare law, personal debt law and consumer credit law.

ADVICE & INFORMATION

Through the telephone information line, network of legal advice centres and its website, FLAC provides free legal information and advice to thousands of people all around Ireland every year.

The delivery of FLAC's information and advice services also keeps FLAC connected to people on the ground and the issues that they are facing – this informs all of FLAC's other work.

ADVOCACY

When it becomes evident that the law itself is not fair or reflective of the realities of the world we live in today, FLAC advocates for changes to the law, or changes to the way in which the law is applied, through its campaigns and strategic litigation in the public interest.

FLAC is an Independent Law Centre and takes a small number of cases each year, which it hopes will not only benefit the individual client, but test and possibly change the law or practice for the benefit of others as well. FLAC always seeks opportunities to persuade those who make and implement the law of the need for change by providing relevant and informed data to those charged with making decisions in Ireland, to its colleagues in the non-governmental sector and to the public.

Telephone Information Line

One of the key aspects of access to justice is that people have adequate access to legal information and advice when they need it. Through its Lo-Call telephone information and referral line, FLAC provides a basic, free legal information service to the public five days a week from 9am to 5.30pm on 1890 350 250.

During 2011, FLAC received 12,923 calls from members of the public, an increase of 39% on the total number of calls recorded in 2010, and demand increased across every area of law. Criminal law queries accounted for 6% of calls in 2011 with the remaining 94% related to civil law matters. As in previous years, family law issues were the most common queries on the telephone information line, making up 24% of all calls. Within non-family civil law matters, debt and credit issues were the most frequently discussed topics, making up 12% of all calls (an increase of 69% on 2010). Other notable increases were a 13% rise in the number of calls about civil legal aid and a 51% increase in calls about social welfare. The trend of longer and more complex calls with multiple, inter-related legal issues continued in 2011; some 42% of all calls lasted more than five minutes.

Key Numbers:

12,923 calls to FLAC's
Telephone Information Line

39% increase in number
of calls recorded over 2010

Voluntary legal advice
centres at **80** locations

700+ volunteers

12,656+ callers to
FLAC centres



“

I've found that callers often present with multi-faceted and complex legal issues which may be affecting their social life, financial situation, family life and relationships and sometimes even their health. They can be stressed and upset and find it difficult to identify the actual legal problem that they have –

as legal information providers, we can help the callers by first identifying the actual legal issue, providing relevant information on the law and, where needed, referring the caller to either a FLAC centre for legal advice, the appropriate statutory body or other support organisations. By providing some clarity on their legal issue, the callers can begin to address the problems that they are facing.

”

Karen McLaughlin on her experience on FLAC's Telephone Information Line

“

I phoned your telephone line in October last year about a problem I had in relation to power of attorney. I just wanted to let you know that after speaking to you, I was fully aware of my rights and the law and was able to sort out the issue. I'm just calling today to give you the positive feedback you deserve. You were the only place I had left to turn and I'm really grateful.

”

Caller to FLAC's Telephone Information Line, September 2011

The following table breaks down the 12,923 calls received in 2011 by the main topic of the call:

Area of Law	Number of calls in 2011	% of all calls in 2011	% increase in calls from 2010 to 2011	
Civil Law	Family	3089	23.9	32.3
	Credit & Debt	1538	11.9	68.6
	Legal Services	1405	10.9	25.4
	Employment Law	1153	8.9	36.9
	Other civil matters	993	7.7	101.0
	Legal Aid	452	3.5	13.0
	Consumer	431	3.3	7.5
	Probate	412	3.2	59.1
	Housing/Landlord & Tenant	380	2.9	26.7
	Solicitor/Client Issues	366	2.8	1.7
	Property	329	2.5	19.2
	Contract	298	2.3	93.5
	Wills/Power of Attorney	296	2.3	17.9
	Social welfare	283	2.2	51.3
	Immigration	220	1.7	57.1
	Negligence/Personal injury	200	1.5	70.9
	Tort	131	1.0	15.9
	Neighbour disputes	103	0.8	77.6
	Company	39	0.3	
	Criminal	805	6.2	37.4
Total	12,923	100	38.9	

Legal Advice Centres

About FLAC Centres

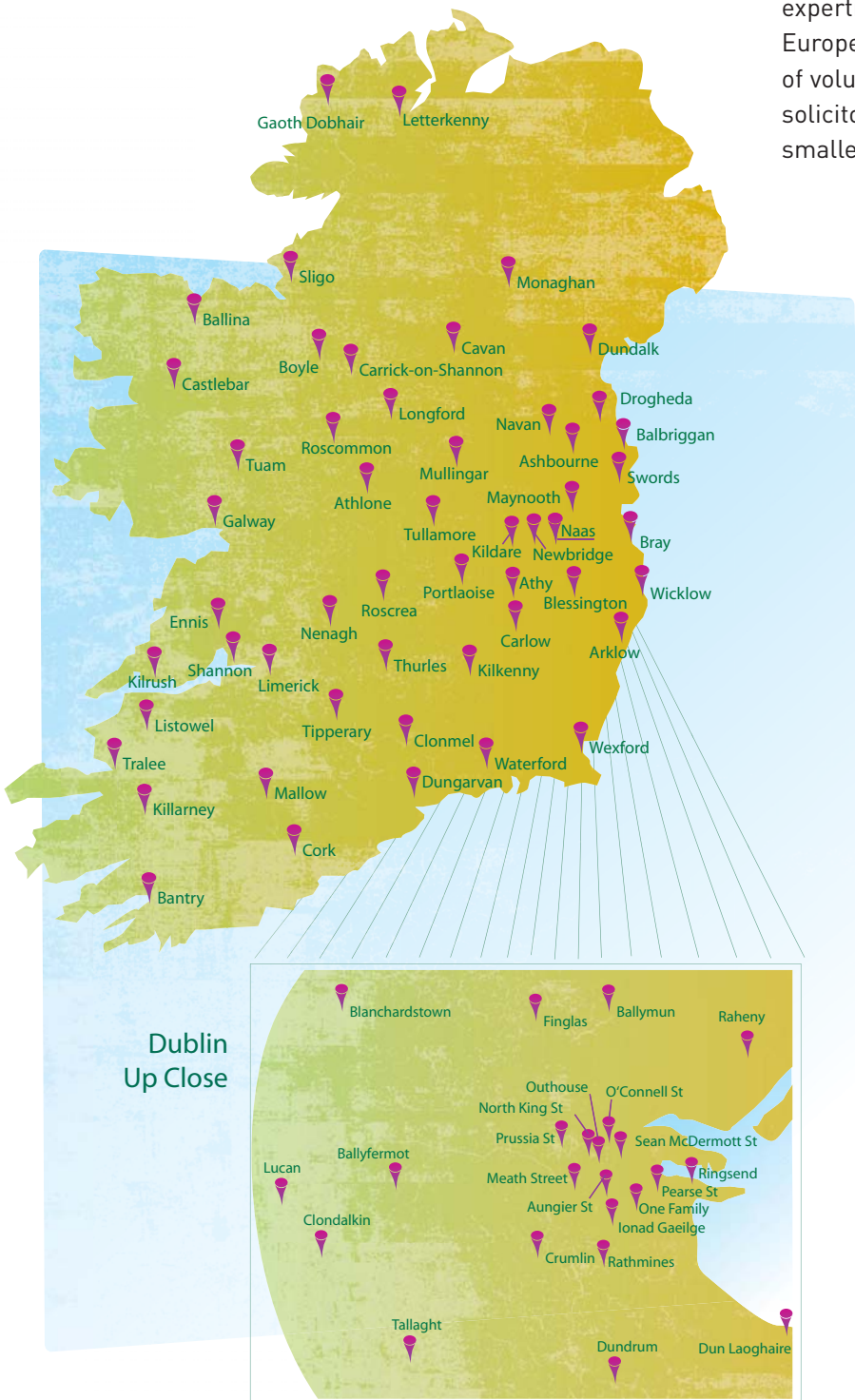
There are part-time legal advice centres at 80 locations all around Ireland. These provide a free service whereby people can come in and sit down with a volunteer barrister or solicitor for a once-off, confidential discussion about their legal issue. The volunteer legal advisor may be able to resolve the caller's query there and then, they may advise them

as to what the most appropriate next step is, or they may point them in the direction of a more appropriate service to meet their specific need. Either way, the centres provide an essential service for people who require legal advice to address a problem that they are facing but who do not have the resources to pay for a consultation with a private solicitor.

Over 700 volunteers gave their time and expertise at FLAC centres in 2011, the European Year of Volunteering. The majority of volunteers are qualified barristers and solicitors. Additional support is provided by a smaller number of assistants who have a legal

background but who aren't yet fully qualified. FLAC is extremely grateful to all those volunteers who give their time so generously and who demonstrate their commitment to access to justice week in, week out all around the country.

The centres are located in Citizens Information Centres and local community centres and FLAC would like to acknowledge the management and staff of these centres, whose support is essential for the delivery of this vital service.



2011 Statistics

In 2011, there were 93 free legal advice services operating from 80 locations (a number of locations offer more than one service including specialist Family Law clinics, Employment Law clinics and Immigration Law clinics). FLAC operates a data collection programme in which 73 of its 80 locations currently participate, an increase from 59 participating locations in 2010. The data collection programme collects information, on an anonymous basis, around the types of legal queries presented by callers to the centres. In 2011, 12,656 data collection forms were returned with information on 13,362 legal queries (some callers had more than one query). This compares to 10,979 queries in 2010, from 10,293 forms.

The following table breaks down the nature of the queries in FLAC centres in 2011:

Areas of law discussed at FLAC centres	2011		% change 2010 to 2011	
	Number of queries	% of callers		
Civil Law	Family	4165	32.9	24.4
	Employment Law	2016	15.9	29.4
	Credit and Debt	1157	9.1	47.0
	Consumer Law	823	6.5	21.0
	Housing/landlord	627	5.0	-6.6
	Negligence/ Personal Injury	624	4.9	12.0
	Property	605	4.8	8.8
	Wills/ Power of Attorney	552	4.4	27.5
	Immigration/ Refugee Law	499	3.9	24.1
	Other civil matters	436	3.4	-10.8
	Succession/Probate	368	2.9	19.5
	Social Welfare Law	347	2.7	20.1
	Neighbour Dispute	260	2.1	85.7
	Client-Solicitor Relations	159	1.3	48.6
Criminal	724	5.7	10.5	
Total legal queries	13362		21.7	



Aoife McCann, volunteer legal advisor in a number of Dublin-based FLAC centres



I have been volunteering with FLAC since 2004. I started my first night in Clondalkin and enjoyed it so from then on have volunteered in various centres far and wide. I love volunteering and always find it very stimulating and quite rewarding. It also keeps my cerebral process engaged and at my age that is a good thing!





I previously worked in a large law firm representing both employers and employees and the experience I have accrued gives me an insight into advising clients on both sides of the legal spectrum. I feel that as a volunteer, my role is to impart knowledge to the caller to allow them to tackle the situation head-on, so that they can begin to vindicate their legal rights and, more importantly, restore their dignity and self belief.

Mark Murray, solicitor and volunteer legal advisor in Meath Street specialist employment law clinic



Advising the Advisors

In addition to providing general legal information and advice to the public, FLAC provides a specialist 'second-tier' telephone legal advice service to Citizens Information Centres and MABS (Money Advice & Budgeting Service), and an outreach service to a number of NGOs. This service works directly with advisors from these organisations and in 2011 answered over 500 technical queries on the laws of debt, consumer credit, employment and social welfare. Many of the questions raised through this service are very complex and require significant time to resolve. FLAC believes that this support to already knowledgeable citizens information and money advisors is a valuable use of its time as the advice given or clarification provided can then be shared with a larger number of individuals, multiplying the impact several-fold.

As with the telephone information line, family law is the most common area of law discussed at the FLAC centres, accounting for 31% of queries in 2011. Employment law is the second most common issue, representing 16% of all queries which is an increase of almost 30% on 2010.

The trend observed in FLAC's 2010 *Annual Report* of a sharp increase in the number of debt and credit queries was sustained in 2011, with a 47% increase on the 2010 queries (which had in turn increased by 45% on 2009). In 2007, the year before Ireland entered into a recession, 2.9% of all queries in FLAC centres were debt-related; by 2011 they accounted for 9.1% of queries.

Civil Legal Aid

The lack of any legal assistance for people in non-criminal legal cases was one of the core motivations for setting up FLAC in 1969. While today there is a scheme of state-funded civil legal aid, provided through the Legal Aid Board, it continues to fall short of what is needed and this remains a core focus of FLAC's campaigning work. The solicitors and staff of the Legal Aid Board provide an excellent service for those who can access it, but insufficient resources combined with a substantial increase in demand, as well as inherent limitations in the scheme itself, mean that waiting times for a first appointment with a solicitor in a Legal Aid Board Law Centre continue to grow and people were waiting for up to 10 months in 2011.

In 2011, FLAC focused its efforts on campaigning to highlight the continuing need for people who cannot afford to pay fees to private practitioners to get legal advice and representation when they need it to access law and justice. While it did not meet the need that exists, FLAC was glad to note that the budget allocation for civil legal aid announced in Budget 2012 in December 2011 remained at the same level for 2012 as it was for 2011. This is at least indicative of the Government's recognition that it is a crucial front-line service. However, it did not stop a continuing rise in the number of people waiting for a first appointment with their solicitor. In December 2010, the number on the waiting list was 3870. By December 2011, the number had risen to 4781.

“

I began volunteering for FLAC four years ago in order to put some of what I was learning in my practice as a barrister to use in helping people who were in real legal trouble, as well as hoping to counter some of the negative views of lawyers which are out there: that we are selfish, avaricious and out-of-touch. I've continued volunteering for FLAC, however, because of the sheer variety of queries you get in the door. Any evening can contain clients needing information on anything from simple family and tenancy issues to - on one memorable occasion - the law of exhuming human remains!

”

Pat Barrett, volunteer legal advisor in South Mall, Cork. Pat also provides legal advice in Irish when the need arises



FLAC continued to maintain a dialogue with the Legal Aid Board through its presence on the Legal Aid Board's External Consultative Panel as well as informal contacts with the staff of the board as necessary.



FLAC's telephone information line is regularly contacted by people who believe that they are contacting the Legal Aid Board. Given the similarity of name, and of mission of promoting access to justice, the confusion is understandable. The chart below outlines some essential differences:

The system of state-funded legal aid is outlined in the Civil Legal Aid Act 1995 and a number of detailed regulations made after that date. It can seem difficult and complicated to understand. To counteract this, in November 2011, FLAC published a *Guide to Civil Legal Aid in Ireland*, a resource that provides an overview of the civil legal aid system including: eligibility, application, costs, termination, appeals process, complaints and cross-border civil legal aid.

It is available on FLAC's website in a longer version and an abridged version:

<http://bit.ly/CLAfacsheet>

http://bit.ly/CLAguide_short

FLAC 	Legal Aid Board 
A voluntary non-governmental, not for profit human rights organisation. FLAC is a charity.	A statutory state body
Founded by law students in 1969	Founded in 1979 following Airey case, Pringle report and FLAC lobbying and established as a statutory body on foot of the Civil Legal Aid Act 1995
Service provided by volunteers	Service provided by salaried solicitors and private practitioners who are paid a fee
Service provided in 80 clinics, usually run in the evenings from Citizens Information Centres	Run full time Law Centres. Some outreach/branch offices where staff go out from the full time office to see clients

“
I have nothing but praise for you. The most helpful and nicest people. This is my first time with a FLAC solicitor and they are very nice and helpful. And the day time people (CIC) are also very very helpful and they do absolutely anything for you”
 ”

Lorraine, caller to Crumlin FLAC

In addition, FLAC provided training for its volunteers on different aspects of the civil legal aid system to ensure that they all had the up-to-date information when assisting callers to FLAC centres with their queries. 18% of callers to FLAC centres in 2011 were referred on to the Legal Aid Board.

FLAC also assisted some people who were experiencing difficulty securing civil legal aid in 2011. Areas of concern included: delays in accessing legal aid in childcare cases, enforcement of foreign maintenance orders, cross-border legal aid issues, calculation of the contribution payable to the Legal Aid Board and identifying the entitlement of people to legal aid even where they might seem to be excluded because the scheme will often exclude people whose claim relates to a right relating to land or property.

Participants in FLAC's 'New Opportunities for Women in Law' programme supported by the Equality for Women Measure, administered by Pobal and funded by the Department of Justice & Equality and the European Social Fund. The programme involved a combination of volunteering with FLAC, group learning and participation on a variety of training courses.

This exclusion and others were highlighted by FLAC in its submission to the UN's Independent Expert on Human Rights and Extreme Poverty, Magdalena Sepúlveda Carmona who, in an initial report in May 2011 on her visit to Ireland said:

“

The legal aid scheme does not provide for representation before the Employment Appeals Tribunal or the Social Welfare Appeals Office. The independent expert recommends that the Government consider including these tribunals in the legal aid scheme, as legal representation before them is vital for those living in poverty.

”



Debt Law Reform

The issue of debt law reform continues to be a major priority for FLAC as thousands of households all around Ireland struggle with mortgage arrears and other forms of personal debt without an adequate system in place for them to deal with their over-indebtedness in a holistic way. Callers to FLAC centres and to the telephone information line are often in distress and under extreme pressure as they try to navigate reduced employment, unemployment and loss of income combined with an antiquated system of debt enforcement and bankruptcy and in the context of a very deep economic recession.

The recommendations made in FLAC's 2003 report *An End Based on Means* and its 2009 report *To No One's Credit* continue to be as relevant today and the 2011 *Programme for Government* recognised the need for extensive reform in the area of over-indebtedness, including a commitment to fast-tracking personal insolvency reform.

Throughout 2011, particularly as the figures released by the Central Bank on a quarterly basis showed an alarming increase in the numbers of households in mortgage arrears, FLAC called for this commitment to be implemented. By the end of 2011, 14% of all home mortgages were in distress - comprising 70,911 mortgages more than 90 days in arrears and 36,797 mortgages that have been restructured but are not in arrears.

In January 2011, FLAC updated a FLACsheet explaining the Central Bank's revised Code of Conduct for Mortgage Arrears. The guide aims to help people to fully understand the Code which governs the way in which lending institutions deal with borrowers in arrears.

The FLACsheet can be downloaded at:

<http://bit.ly/FLACguideCCMA>



John Mark McCafferty (St Vincent de Paul), Bob Jordan (Threshold), Paul Joyce & Noeline Blackwell (FLAC), Joyce Loughnan (Focus Ireland), David Hall (New Beginning) at the launch of the '9 Principles to Overcome Personal Indebtedness' on 19 October.



Speakers at the Seminar on Mortgage Debt organised by Clare CIS and MABS were: Paul Woulfe, Clare CIS, Tim Ryan and Siobhan Brown, MABSndI, Mairead Doyle, Clare Law Association, David Williams, CAVA, and Paul Joyce, FLAC.



Deeply concerned by government inaction on the personal debt crisis, FLAC and a number of other organisations and researchers working in the areas of debt, housing, homelessness and poverty came together in 2011 to share their respective expertise and experience and to once again highlight the urgency of reform. Following discussions over a number of months, the group launched '9 Principles to Overcome Personal Indebtedness' on 19 October. With nine underlying principles, this joint statement urged Government to adopt a holistic approach in tackling personal debt, to establish a debt settlement agency, and to ensure that keeping homeowners in their homes, where possible and where appropriate, was a priority. Following the launch of the statement, members of the grouping appeared before the Joint Oireachtas Committee on Finance, Public Expenditure and Reform to present their views and also to react to the Keane report published by the Inter-Departmental Mortgage Arrears Working Group just a few weeks earlier.

The joint statement has since been referenced by several members of the Dáil and Seanad and has formed a useful reference for all those involved and others concerned with the issues.

The Nine Principles statement is available from the FLAC website:

<http://bit.ly/9ondebt>

Six training sessions were provided to the Money Advice and Budgeting Service and Citizens Information Service advisors throughout the year, providing specialist legal information on topics such as mortgage and personal debt and the Consumer Credit Act and associated measures. FLAC's Paul Joyce contributed to a seminar in Ennis on mortgage debt organised by Clare Citizens Information Centre and Clare MABS in February, attended by over 150 people.

Consumer Credit Law

Hire Purchase (HP), a form of credit used by large numbers of consumers during the boom years to finance the eventual purchase of vehicles, was a focus of much of FLAC's work on consumer credit law in 2011. Following analysis of the regulations, FLAC noted that the new European Consumer Credit Directive on its transposition into Irish law did not apply to HP agreements, and neither did the Central Bank's Consumer Protection Code, leaving customers availing of Hire Purchase with inadequate legal protection. These issues were taken up with the Department of Finance and the Central Bank. In addition, other areas of concern in relation to the revised Consumer Protection Code were raised in a submission to the Central Bank including: vulnerable consumers, payment protection policies and the 'small print' of credit agreements.

The submission can be downloaded from FLAC's website:

http://bit.ly/FLACsub_ConsumerCode2011

An appeal in the High Court brought by FLAC on behalf of Michelle Gabriel finally clarified the rights of hire purchase consumers who get into difficulty with keeping up payments on their hire purchase agreement and wish to surrender the vehicle. In this case, Ms Gabriel had obtained a car on HP from GE Money in 2008 but sought to end the agreement and return the car in 2009 when she ran into financial difficulty. Section 63 of the Consumer Credit Act 1995 allows for this early termination of HP agreements so long as the consumer hirer notifies the HP company in writing and then pays the difference between what has already been paid and half of the total HP price.

There were differing interpretations, however, as to whether this half-price had to be paid before the goods could be returned (and in the meantime the hirer would be liable for the insurance and maintenance of the car), or whether they could return the goods and then afterwards pay the difference owed, over time, as an unsecured debt. GE Money insisted that it was the former and when



Ms Gabriel took the company's decision to the Financial Services Ombudsman, he also supported GE Money's interpretation of Section 63 that Ms Gabriel had to pay the difference between what she had paid to date and half the HP price before she could return the car.

An appeal to the High Court is the only avenue left for consumers to appeal decisions of the Financial Services Ombudsman, and following a referral from Cork MABS, FLAC took this on on behalf of Ms Gabriel to try to clarify the law on this issue once and for all. On 27 July, Mr Justice Hanna ruled that the Financial Services Ombudsman had made a 'significant error' in insisting that the compensation be paid up front before Ms Gabriel's car could be returned to the hire-purchase company. This was an important decision and has provided some relief for hard-pressed consumers around the country who are also struggling to keep up with HP arrangements. Following the case, FLAC circulated the relevant information on the now clarified law in this area to MABS money advisors around the country so that they could then advise their clients accordingly.

Read more about the *Gabriel* case and about the rules regulating Hire Purchase:

http://bit.ly/FLAC_terminatingHP

Recognition of Transgender Persons

In July 2011, the Minister for Social Protection Joan Burton published the long-awaited report of the Government's Gender Recognition Advisory Group. This Group was established in 2010 following the State's decision to drop its appeal in the long-running Lydia Foy case, taken by FLAC, and to accept that Ireland is in breach of the European Convention on Human Rights by failing to legally recognise transgender persons. FLAC had made a detailed submission to the Group when it was established and had made further submissions early in 2011 to update the Group on new developments in relation to transgender recognition in Europe.

At the launch of the Report, Minister Burton paid tribute to Dr Foy's courage and tenacity in her long battle for legal recognition of her gender, a battle that has important implications for all transgender

persons in Ireland and their families. The Minister committed to introducing the required legislation to recognise transgender persons as a matter of urgency.

The Report itself received mixed responses. There was anger from transgender activists at certain aspects of it, in particular the requirement for a married transgender person to divorce before being eligible for legal recognition of their gender, a requirement that FLAC also challenged in its detailed written response to the Report in September. In this response, FLAC welcomed the Report's unequivocal call for full legal recognition of transgender persons in their acquired gender and in particular welcomed the recommendation that gender reassignment surgery would not be a pre-condition for recognition. Another disappointing aspect of the Report, however, was its rejection of FLAC's recommendation that the Equality Acts be amended to specifically outlaw discrimination on the grounds of gender identity. This is particularly needed to protect people who are in the process of transitioning from one gender to another.



Lydia Foy and Joan Burton TD, Minister for Social Protection at the launch of the report of the Gender Recognition Advisory Group on 14 July 2011.

Despite the Minister's commitment to the speedy publication of a Gender Recognition Bill, at the end of 2011, 14 years since the beginning of Dr Foy's legal battle, the draft legislation was still outstanding. FLAC hopes that in 2012 this legislation will finally be put in place and that transgender persons will be recognised and respected as equal members of Irish society.

Read FLAC's response to the Gender Recognition Advisory Group's Report:

http://bit.ly/FLAC_TGsub

Timeline of the Lydia Foy case to the end of 2011

1993: Dr Lydia Foy applied to the General Register Office for a birth certificate showing her gender as female.

1997: Dr Foy, represented by FLAC, issued High Court proceedings against Register General's failure to provide her with a new birth certificate.

2000: Case heard by Mr Justice McKechnie in the High Court. Judgment reserved.

2002: Case rejected. Neither the Constitution nor Irish law allowed for recognition of gender change. Appealed to Supreme Court.

2003: European Convention on Human Rights (ECHR) Act passed before Supreme Court appeal can be heard.

2005: Applied again to the Register General for a birth certificate. Refused again and new proceedings initiated in the High Court relying on the ECHR Act 2003.

2007: Case heard before the High Court, a decade after initial proceedings brought. High Court holds that Ireland's failure to recognise Dr Foy's gender is in breach of the European Convention on Human Rights and that Irish legislation in this area is incompatible with the ECHR - the first ever declaration of incompatibility under the ECHR Act. State appeals to the Supreme Court.

2010: State appeal dropped and declaration of incompatibility finalised.

2011: Report of the Gender Recognition Advisory Group published.



Right of Deaf Persons to Serve on Juries

Since representing Joan Clarke in her 2008 case which challenged her exclusion from jury service by the Galway County Registrar because she was deaf, FLAC has continued to work to end this discrimination against deaf people which prevents them from being treated as full and equal citizens in Irish society.

In December 2010, following a decision by the Central Criminal Court that a deaf man, represented by FLAC, could serve on a jury (he was objected to by the defence), Director of Public Prosecutions (DPP), James Hamilton sent a letter to state solicitors instructing them to oppose deaf persons being empanelled as jurors. This was very disappointing for FLAC and for the deaf community and was based on the outdated '13th juror' rule which states that having a sign language interpreter in the jury room would breach the principle of jury confidentiality. In 2011, FLAC entered into correspondence with the DPP in connection with this issue. In a detailed letter, Mr Hamilton agreed in principle with FLAC's stance on the inclusion of deaf jurors in the legal process but said that he was bound by the existing law in the area.

In the letter, Mr Hamilton said: "I would very much like to see a situation where deaf people could participate in juries. I have in the past publicly expressed the view that juries should be as representative of the community as is possible and ideally this should include the participation of persons who despite having a physical disability would be able to carry out the work of a juror with appropriate assistance." He went on to say: "However, regardless of any personal opinion I might have, my duty to the court is to ensure that relevant case law is drawn to their attention."

FLAC welcomed Mr Hamilton's frank explanation of his position and particularly welcomed his support in principle for the participation of deaf persons on juries; the issue now is to remove the barriers to this happening in practice. FLAC will continue to campaign on this important equality issue.

Read more about the Joan Clarke case which challenged the exclusion of deaf people from jury service:

http://bit.ly/Clarke_briefing

Social Welfare Law

Social welfare law is one of the areas of law that most impacts on poor and marginalised people. FLAC's overall goal in this area is that there would be greater fairness, consistency and transparency in the administration of the social welfare system. To this end, FLAC has concentrated most of its efforts in 2011 on three main areas: the Direct Provision system which provides for people seeking asylum or other forms of protection while they await a decision on their status; the Social Welfare Appeals system; and the Habitual Residence Condition, a complex and often misunderstood rule that governs eligibility for certain social welfare payments.

Direct Provision

FLAC's 2010 report *One Size Doesn't Fit All* which provided a human rights analysis of Direct Provision drew attention to many of the difficulties with the system. One of the specific issues raised was the lack of an independent complaints mechanism and some of the wording of the 'House Rules and Procedures' for the accommodation centres which was seen to discourage asylum seekers from

It is great that you get information on things you don't know, like immigration, passport, children's rights. I've been here 15 times at least, I live down the road. Today I came here about an insurance related issue. I thought I knew what to do, but it turned out I have to do something else and I am glad I came here. Thomas's advice was very useful.

Figo, caller to Finglas FLAC

making complaints about their living conditions out of fear that it would negatively impact on their application for asylum. This issue was raised by FLAC and its partners in the NGO Forum on Direct Provision in advance of a meeting of the Joint Oireachtas Committee on Health & Children in October 2010 which the Reception and Integration Agency (RIA) attended. FLAC was pleased to note that in January 2011, the *House Rules* were amended by RIA and the reference to frivolous or vexatious complaints having a negative impact on a person's application for leave to remain was removed. While much more remains to be done, and ultimately FLAC would like to see the Direct Provision system abolished altogether, this is at least a step towards recognising the rights and dignity of those people who seek protection on Irish shores.



Direct Provision centre at Mosney, Co Meath.



Members of the NGO Forum on Direct Provision at a briefing for new TDs and Senators in the AV room of Leinster House in July 2011.

Social Welfare Appeals

Access to Decisions

In a disappointing decision in October, the High Court rejected an application by a FLAC client for access to previous decisions of the Social Welfare Appeals Office (SWAO) that were relevant to her case. The SWAO is almost alone among quasi-judicial tribunals that hear appeals from the public in refusing to publish its decisions. It puts a small number of case summaries on its website but these do not cover the full range of benefits involved and the various conditions attached to them. FLAC's experience is that social welfare legislation and regulations are extremely complex and confusing and it is very difficult for claimants to know their entitlements and argue for them if they do not know how similar cases have been decided in the past and the reasons given for those decisions. FLAC had cited a Supreme Court decision requiring the Refugee Appeals Tribunal to make available copies of previous decisions but the Court seemed to view social welfare decisions as different and less important. The Judge held that appellants had no right to access copies of prior decisions and that it would be too expensive to create an anonymised and searchable database that would be available

to appellants or their representatives. The SWAO had admitted that until recently they had not even kept copies of appeal decisions for their own use. This was a disappointing outcome but it helped to draw attention to the lack of access to social welfare appeal decisions and has put pressure on the SWAO to publish a lot more decisions on their website. FLAC will continue to campaign on this issue of transparency and consistency for an appeals body whose role should be to help claimants assert their rights.

Guide to Social Welfare Appeals Process

In April FLAC published a guide explaining the social welfare appeals process for claimants who wish to appeal a decision on a social welfare payment. This was in response to a rise in queries about social welfare over the Telephone Information Line and a significant increase in the volume of appeals being taken. The guide, which includes instructions on how to make a Freedom of Information request, can be downloaded from FLAC's website:

http://bit.ly/SWappl_guide

Habitual Residence Condition & Other Social Welfare Casework

FLAC represented a number of other clients in social welfare appeals throughout 2011 with success in many cases. Some examples are given below.

One client, a separated woman with a large family, not only had her One Parent Family Payment stopped but also received a demand from the social welfare authorities that she pay back an alleged over-payment of €21,000. The Department claimed that her marriage tie to her separated partner was not broken. The Social Welfare Appeals Officer rejected this claim and the woman's appeal was allowed.

Another client, a separated woman with one child, had been given leave to remain in the State on condition that she would "take all steps (such as participation in training or language courses) to enable you to engage in employment, business or a profession". She had been unable to find a job and was getting Supplementary Welfare Allowance (SWA) and Rent Supplement. When her leave to remain was renewed, the condition was changed, without any explanation, to say: "That you will engage in employment and not become a burden on the State". She was then notified that she did not meet the Habitual Residence Condition because she was not working and so did not satisfy the 'no burden on the State' condition. FLAC helped the client to show that she had made genuine efforts to get a job and argued that it was unreasonable to make her access to benefits conditional on something over which she had not control. Her appeal was allowed.

In another case a woman was refused payment of Supplementary Welfare Allowance even after she had successfully appealed the initial refusal of the payment. FLAC assisted the client to complain to the Ombudsman and she was then paid substantial arrears. After the arrears were paid she was cut off from the payment once again and FLAC helped her to make another successful appeal, but once again she was not paid. After several months of correspondence she was finally paid what was owed to her.



An asylum seeker mother of two Irish citizen children was repeatedly refused payment of Child Benefit for her children on the basis that she did not satisfy the Habitual Residence Condition (HRC). Nor would the Department pay the Child Benefit to the children's father, who is an Irish citizen and satisfied the HRC, and was willing to assign the payment over to the mother. FLAC took judicial review proceedings, claiming *inter alia* that the children were being discriminated against because of their mother's status. The case was settled when the client was given leave to remain based on the *Zambrano* decision by the European Court of Justice, which held that parents of dependent EU citizen children were entitled to remain in the EU with their children. Arrears were paid for most of the period when the mother was in the asylum system.

Other Social Welfare Policy Work

In September, FLAC made a submission to the Advisory Group on Tax and Social Welfare regarding Child and Family Supports which was set up by the Minister for Social Protection Joan Burton to look at a number of specific issues around the operation and interaction of the tax and social protection systems. FLAC's submission focused on the need to uphold the rights of children and families to the social assistance supports necessary to alleviate the poverty that particularly vulnerable groups may suffer.

The submission is on FLAC's website:

http://bit.ly/FLACsub_AGTSW

In advance of Budget 2012, FLAC prepared a pre-budget submission which was presented to the Minister for Social Protection at an NGO Forum on 16 September 2011:

http://bit.ly/FLACsub_prebudget2012



Tomás Sercovich (Business in the Community), Esther Lynch (Irish Congress of Trade Unions), Michael Smyth CBE (Clifford Chance), Mr Justice Gerard Hogan and John Costello (President of Law Society) at PILA seminar on 'Business, Law and Human Rights' in the Law Society, 19 April 2011.

Public Interest Law Alliance - PILA

The Public Interest Law Alliance (PILA), a project of FLAC, was established in 2009 to promote the use of law in the public interest. Public interest law is not a traditional area of law - it is a way of working with the law for the benefit of marginalised and disadvantaged people. It involves using litigation, law reform and legal education as tools of change. PILA runs a professional *pro bono* referral scheme, and supports lawyers, organisations, universities and students to help marginalised and disadvantaged people.

Key PILA Statistics in 2011

48 new lawyers and five law firms signed up to the *pro bono* register, leading to a total of 90 individual lawyers and six law firms at end December 2011

208 NGO staff attended legal education sessions

1500 readers of the PILA Bulletin - an increase of around 600 readers

69 *pro bono* referrals made through the *Pro Bono* Referral Scheme

12 legal education sessions delivered through the *Pro Bono* Referral Scheme

Donncha O'Connell, School of Law, NUI Galway making the opening remarks at the PILA/PILS inaugural joint conference on 11 November 2011.



Prof Brice Dickson from the School of Law at Queen's University Belfast at the joint PILA/PILS Project Conference, November 2011.



PILA continued to go from strength to strength in 2011. In January, the Law Society Gazette featured an article by PILA as its cover story. The article was based on PILA's research into costs as a barrier to public interest litigation, highlighting the chilling effect of adverse costs awards on public interest cases and proposing 'protective costs orders' as a way of overcoming this barrier. PILA held a number of successful events throughout the year, bringing together NGOs, lawyers and other stakeholders on a range of important topics. Some highlights included a joint seminar with the Irish Penal Reform Trust on juvenile justice, a seminar on Business, Law and Human Rights in the Law Society featuring Michael Smyth CBE of Clifford Chance, and a 'meet and greet' event on public interest law. The biggest event of the year was PILA's joint conference with its Belfast-based sister project, the PILS Project, held on 11 November in Croke Park. The conference was entitled "Political Commitment, Practical Protection: Using the ECHR North and South", featured Shami Chakrabarti of Liberty as keynote speaker and attracted over 300 people.

PILA's *pro bono* referral scheme matches the legal needs of NGOs, law centres and community organisations with barristers and solicitors who have signed up to PILA's *pro bono* register. Lawyers give their legal expertise to the NGOs in a number of ways: by providing legal advice in conjunction with an NGO's policy and campaigning work and on organisational issues, by participating in law reform working groups, by taking part in legal education sessions and by providing litigation support. In 2011 legal education sessions were held on topics such as refugee & asylum law, mental health law and legal drafting and advocacy skills. There were law reform working groups on criminalising the purchase of sex, whistle-blowing legislation in relation to care homes and the right to care for older people and models of aftercare for children.

At the end of 2011, PILA was supporting 60 NGOs and the independent law centres.



Shami Chakrabarti, Director of UK human rights organisation Liberty, delivered the keynote address and the inaugural joint conference of PILA and the PILS Project on 11 November.

Examples of PILA's impact in 2011

Nasc, a Cork-based NGO that advocates for the rights of migrants, obtained legal advice from Neil Maddox BL through the PILA *pro bono* register about the rules governing eligibility for social housing. The legal advice found that the rules discriminated against migrants and automatically excluded certain nationalities from eligibility for social housing. Using the legal advice they received, Nasc was able to raise the issue with the Department of the Environment as well as highlight the discrepancy in the media. As a result the Department issued a revised circular which Nasc said was **“a lot clearer and fairer than its previous incarnation”**.

An equality challenge taken through the PILA *pro bono* scheme resulted in a Dublin hospital amending its policy on transgender people. Leanora Frawley of KOD/Lyons and Aoife Coghlan BL represented Ms Denise O’Herlihy in an equality tribunal challenge against the Hospital. When she attended the Hospital for treatment, the staff refused to address Ms O’Herlihy in her female gender, on the basis that she did not have a passport identifying her as such. Ms O’Herlihy received support from the Irish Women’s Advocacy Service, who approached PILA on her behalf. The matter settled with the Hospital agreeing both to train its staff on transgender issues and to amend its policy on transgender people. Ms O’Herlihy said she was **“very pleased with the support that she received, never has she felt so affirmed in her identity as when she met with her legal team”**.

Access to Justice

All of FLAC's work is underpinned and informed by a commitment to access to justice as a fundamental human right. Throughout 2011, a number of matters arose in relation to general access to justice issues which FLAC responded to. In addition, FLAC engaged with international human rights mechanisms and drew attention to Ireland's human rights commitments and obligations in this area.

Legal Services Regulation Bill 2011

The publication of the Legal Services Regulation Bill 2011 at the end of the year marked an opportunity for genuine reform in terms of the accessibility of legal services in Ireland, particularly with regard to the cost of legal services. FLAC's initial analysis of this draft legislation was done in the context of access to justice and international human rights standards, more specifically the *UN Basic Principles on the Role of Lawyers*. At a seminar organised by the Irish Women Lawyers Association in November which explored this major piece of legislative reform, Noeline Blackwell presented FLAC's perspective, highlighting in particular FLAC's concerns in relation to complaints, costs, and the independence of the proposed regulatory authority and disciplinary tribunal. The speech is available to download:

http://bit.ly/FLACsub_LSRbill2011

Maintaining Rights in a Recession

FLAC's work in 2011 was especially rooted in the fundamental belief that human rights are not an optional extra in times of austerity. In fact, the human rights and dignity of vulnerable groups should be at the forefront of policy formulation during a recession. FLAC developed a detailed legal and human rights analysis of this position in July, and then produced a shorter FLACsheet which was circulated to other NGOs with a view to it supporting their campaigning work in this challenging time.

Detailed analysis:

http://bit.ly/recession_rights

Shorter FLACsheet:

http://bit.ly/recession_rights_FS



“ Human rights are not a policy option, dispensable during times of economic hardship ”

Magdalena Sepúlveda Carmona, UN Special Rapporteur on Extreme Poverty and Human Rights (formerly Independent Expert), from her report on her visit to Ireland in 2011.

UN Independent Expert on Human Rights & Extreme Poverty

Magdalena Sepúlveda Carmona, UN Independent Expert on human rights and extreme poverty, visited Ireland in January 2011. It was the first mission to the country by a UN Independent Expert in over ten years and a number of issues highlighted by FLAC were reflected in Ms Sepúlveda's report on her visit published in June 2011. These issues of concern included: lack of civil legal aid for those appearing before tribunals such as the Social Welfare Appeals Office, barriers to social protection including the Habitual Residence Condition and the length of time spent by asylum seekers in Direct Provision accommodation. The report is available to download from the Office of the UN High Commissioner for Human Rights:

http://bit.ly/sepulveda_rep2011



Noeline Blackwell, FLAC and Deirdre Duffy, ICCL on 3 October 2011 at the Universal Periodic Review National Review Day.

Universal Periodic Review

Ireland's first examination under the UN's Universal Periodic Review process took place on 6 October 2011. FLAC was a member of the civil society coalition group, coordinated by the Irish Council for Civil Liberties, which produced a joint report, 'Your Rights. Right Now', which was endorsed by over 100 organisations and that outlined the concerns of civil society in relation to Ireland's adherence to international human rights standards. FLAC made its own detailed submission to the Office of the High Commissioner for Human Rights focusing on its core campaign areas and also issued a response to the State's report on Ireland. At the examination on 6 October, which used a peer review mechanism whereby other countries provide recommendations to the country under scrutiny, Ireland received 126 recommendations from other UN member states, with about 90% of the recommendations made by civil society taken up by other UN member states for consideration by the Irish government.

FLAC's submission to the UPR:

http://bit.ly/FLACsub_UPR2011

More information on the civil society response to the UPR:

www.rightsnow.ie

UN Committee on the Elimination of All Forms of Racial Discrimination

In addition to the UPR process, Ireland was examined by the UN Committee on the Elimination of All Forms of Racial Discrimination (CERD) in February 2011. FLAC contributed to a shadow report by the NGO Alliance against Racism and was pleased to see that the negative impact of the Direct Provision system on the welfare of asylum seekers was highlighted by the Committee as a concern in their concluding observations.

The shadow report can be downloaded from FLAC's website:

http://bit.ly/NGO_CERDreport2011

The concluding observations of the UN CERD committee are also available:

http://bit.ly/UNCERD_obs2011



Activists and members of the Civil Society Coalition Group launching the "Your Rights Right Now" campaign's 25m-high banner on Dublin's Liberty Hall on 22 September.



On 9 November, FLAC welcomed a group of governance and human rights programme officers from Trócaire to its offices for a discussion on access to justice issues in Ireland and internationally.

Council of Europe Commissioner for Human Rights

Council of Europe Commissioner for Human Rights, Thomas Hammarberg, visited Ireland in June and met with members of civil society. The Commissioner, who has in the past been particularly vocal about Ireland's lack of recognition of transgender people, discussed the impact of the economic crisis on human rights and called on the Government to take into account the long term effects of budgetary policies.

FLAC made a submission to the Commissioner in advance of his visit:

http://bit.ly/FLACsub_hammarberg2011

Equality & Human Rights infrastructure

FLAC is an active member of the Equality Rights Alliance, ERA, an alliance of 172 civil society groups and activists working together to protect and strengthen the statutory equality and human rights infrastructure in Ireland. Funding for both the Equality Authority and the Irish Human Rights Commission has been severely cut in recent years resulting in a weakening infrastructure for equality and human rights in Ireland as the two organisations have struggled to fulfil their respective remits with inadequate resources. In 2011, the Minister for Justice and Equality established a Working Group to advise on the merger of the two bodies to form the Irish Human Rights & Equality Commission. IHRC Commissioner and FLAC Senior Solicitor Michael Farrell was appointed to this Working Group.

FLAC contributed to and endorsed ERA's submission to the Working Group which is available from ERA's website:

www.eracampaign.org

FLAC also made its own submission:

http://bit.ly/FLACsub_EQHRmerger



Peter Ward SC, Michael Farrell, Nuala O'Loan and Noeline Blackwell at the 2011 Dave Ellis Memorial Lecture.

Fifth Annual Dave Ellis Memorial Lecture

FLAC was delighted and honoured to have the former Police Ombudsman for Northern Ireland, Baroness Nuala O'Loan give the Dave Ellis Memorial Lecture on 1 December 2011. 250 guests gathered in the Pillar Room of the Rotunda Hospital on Parnell Square for the fifth annual event honouring the memory of Dave Ellis, Law Officer at Coolock Community Law Centre (now Northside CLC) for over 20 years and a community activist who dedicated his career to working with community groups on welfare rights, legal aid,

legal education and legal entitlements generally. In her lecture, Baroness O'Loan focused on the challenges of making access to justice a reality, noting that: "One of the crucial factors in enabling access to justice is creating systems which will be robust, fair and inclusive".

You can download the text of Baroness O'Loan's speech at :

<http://bit.ly/nualatext>

Orla Farrell, Carmel Foley and Brian Kearney-Grieve at the 2011 Dave Ellis Memorial Lecture.



Baroness Nuala O'Loan giving the 2011 Dave Ellis Memorial Lecture in the Pillar Room, Rotunda Hospital.



Stuart Stamp, Paul Joyce, Dermot Sreenan and Roisin Connolly at the 2011 Dave Ellis Memorial Lecture.



Fellowships

Each year, FLAC and the University of Washington Law School offer two public interest law fellowships which honour Thomas Addis Emmet and William Sampson, two lawyers born in Ireland in 1764 who went on to have high profile, successful legal careers in the United States.

Thomas Addis Emmet Fellow 2011: Fiona McNulty

Fiona McNulty, who recently graduated from law in Trinity College Dublin, was awarded the Thomas Addis Emmet Fellowship. Based in Seattle for the summer of 2011, Fiona completed an internship with Washington Appleseed, a non-profit social justice organisation, which brings together volunteer lawyers and community organisations to develop systemic solutions to community needs. She was involved in a project looking at 'data-mining', a common practice in the United States which can impinge on the data protection rights of individuals and can have particularly significant negative consequences for low income individuals and families. She also worked on a second project looking at the issue of substandard housing. In addition, Fiona provided research assistance to Professor Walter Walsh, an Irish professor of law at the University of Washington, and attended classes at the Law School.

Thomas Addis Emmet Fellow 2011 Fiona McNulty with Prof Walter Walsh of the University of Washington, Seattle.



William Sampson Fellow 2011: Thomas Hudson

Thomas Hudson, a student at the University of Washington School of Law, was awarded the William Sampson Public Fellowship in Comparative Public Interest Law. Thomas completed an internship with FLAC in summer 2011 when he worked with the Public Interest Law Alliance (PILA) doing research on class action lawsuits and contributing to the PILA Bulletin. Commenting on his experience, Thomas wrote: "While Ireland and America come from a similar common law tradition, there are large differences in terms of the law and legal culture of these two societies. Learning about these differences greatly increased my understanding of the world's legal diversity, which will be invaluable as I continue my legal education in America."

William Sampson Fellow 2011, Thomas Hudson.



FLAC Student Societies

FLAC continues to be encouraged by the sterling work carried out by the student FLAC societies on university campuses across the country.

In January 2011, NUI Galway Law Day marked the first anniversary of the college's FLAC student society. The event was addressed by FLAC Director General Noeline Blackwell, PILA Manager Larry Donnelly, Dr Lydia Foy and Mrs Justice Catherine McGuinness. Trinity FLAC was named Best Small Society 2010-11 at Trinity College's Central Society

Committee Awards. Dublin City University joined the FLAC student society ranks in December 2011. Along with their colleagues in Trinity College Dublin, University College Cork and NUI Galway, the new DCU FLAC brought to four the number of on-campus FLAC clinics operating in Irish colleges in 2011. FLAC also strengthened its links and renewed its contacts with UCD's Student Legal Services (SLS) society which addresses many of the same issues as FLAC societies in other colleges. FLAC also facilitated a series of roundtable meetings in 2011, enabling the student societies to come together, compare experiences and identify opportunities for campaigning for access to justice.

Interns

Once again, FLAC was very fortunate to have a dedicated group of interns working with the organisation in 2011. The interns play a key role in the day-to-day operation of FLAC and are involved in all aspects of the work. They play a particularly important role in running the telephone information line. The interns in 2011 were:

Ailbhe Storan, Aine Walsh, Amina Adanan, Amy McDermott, Aoife O'Brien, Ciara Boylan, Clara Chiesa Barboza, Colin Lenihan, Doreen Mescal, Eoin Coffey, Fionnuala Power, John Deignan,

Juliette Hopkins, Clare Martinez, Lorna McDonnell, Karen McLaughlin, Maille Brady Bates, Max Ferullo, Monta Taurmane, Orla Hubbard, Peter Harper, Sally-Ann Dorgan, Sarah Farrelly, Sarah McCabe, Sinead Egan, Sinead Madden and Sinead Mahon.

In addition, FLAC would like to thank its small number of committed office volunteers in 2011: Mimi Goodman, Mary Guy, Emma Jane Morrissey and Carine Pessers.



Interns: John Deignan, Anita Lenihan, Sinead Madden, Fiona Finn, Karen McLaughlin, Amy McDermott, Rebecca Tomkins, Dearbhaile O'Brien, Anita Howlin, Emma Cassidy.

“

My internship with FLAC lasted 9 months and throughout that time I worked on the telephone information and referral line, I worked with the Volunteer and Centres Manager and finally I worked on the Civil Legal Aid campaign. The opportunity to work in FLAC and to help people with their difficult legal issues was very rewarding and worthwhile. It opened my eyes to the problems people face in their day to day lives. I thoroughly enjoyed my time at FLAC and I hope that I will be involved for many years to come.

”

Amy McDermott, FLAC Intern in 2011

FLAC Council & Staff

FLAC Council



Peter Ward SC



Don Crewe



Iseult O'Malley SC

FLAC Staff



Noeline Blackwell,
Director General



Saoirse Brady, Policy &
Campaigns Officer



Emer Butler,
Executive Officer



Paul Joyce,
Senior Policy Researcher



Gillian Kernan,
Research Officer



Zsé Varga, Volunteer
& Centres Manager

PILA Team



Larry Donnelly,
PILA Manager



Jo Kenny, Legal Officer
(to December 2011)



Lianne Murphy,
Project Officer



Dr Liam Thornton



Róisín Webb



Michael Farrell,
Senior Solicitor



Jacqueline Heffernan,
Information Line
Co-ordinator



Catherine Hickey,
Director of Funding
& Development



Yvonne Woods,
Communications & Information Officer



Maeve Regan, Legal Officer
(from December 2011)



Kim Watts, Legal Information &
Communications Officer (from April 2011)



Thanks to all those who ran, jogged or walked the Flora Women's Mini Marathon for FLAC in June 2011.

Funding & Support

FLAC would like to thank all those who provided financial support in 2011. Their generosity and commitment to access to justice is much appreciated, particularly in these challenging times.

- The Atlantic Philanthropies
- Citizens Information Board
- The Community Foundation for Ireland
- Department of Environment, Community and Local Government
- Department of Justice and Equality
- ESB ElectricAid Ireland
- Equality for Women Measure (European Social Fund, Department of Justice & Equality, Pobal)
- FÁS
- Individual donors
- The Ireland Funds
- JP McManus Foundation
- MABS
- Members of the Bar Council
- Members of the Law Society
- Vodafone Ireland

FLAC is constantly seeking support to deliver its services and to campaign for positive change. Those who are committed to access to justice and are interested in supporting FLAC can do so by giving their time or by making a donation.

FLAC depends heavily on the work of volunteers. The majority of volunteers are qualified barristers and solicitors who maintain the network of legal advice centres. Fully qualified legal practitioners who are interested in becoming volunteers can find more information and a registration form on the FLAC website.

Those who are interested in making a donation to FLAC can do so in a number of ways:

- By sending a cheque to FLAC, 13 Lower Dorset Street, Dublin 2
- By logging on to www.flac.ie
- By making a regular donation by standing order (please contact Catherine Hickey - catherine.hickey@flac.ie or phone [+353] 1 887 3600 to get the appropriate form)

All support is greatly appreciated and helps FLAC to pursue its vision of a society where everyone can access fair and accountable mechanisms to vindicate their rights.

“

I was here in October as well, and I came back today. It was about family and my children and access, you know what I mean. I am waiting for my solicitor in Legal Aid, I will meet him next month, but I needed advice before that. It is great to see that they are volunteers too, it is rare to see people to do stuff not for money. It is a very good service and very much needed service as well. A lot of people would be lost without it.

”

Mark, caller to Finglas FLAC



What do you cut when cuts have to be made?

Not only does the current recession cost jobs and money, it also creates enormous anxiety and uncertainty. As FLAC's annual report for 2010 published on 2 June 2011 shows, many of those who contact us for information or advice tell us that the dread of the unknown future is as substantial a challenge as the actual real events that bring them to seek information or advice at all.

One of the main functions of FLAC's services is to give people the information and advice that they need to understand their problem and to negotiate the legal and technical steps involved in dealing with it. While this will not make a difference to a stress of legal action, it can make a difference to a person's ability to understand the legal and technical steps involved in dealing with it. While this will not make a difference to a stress of legal action, it can make a difference to a person's ability to understand the legal and technical steps involved in dealing with it.

Commissioner Hammarberg Follow-Up Visit



State must honour commitments to human rights, not just IMF/EU

On 16 September 2011, Minister for Social Protection, Joan Burton TD, hosted a Pre-Budget 2012 Forum for voluntary sector organisations in St Andrew's Resource Centre, Dublin 2. Representing FLAC at the forum were Niall Blackwell, FLAC's Director and Saoirse Brady, Policy and



Making access to justice a reality

The 6th Dave Ellis Memorial Lecture took place on Thursday 1 December in Dublin's Rotunda Hospital. The annual event is intended to underline how important access to justice is for everyone and to remind us that there is no point in having systems for redress in law if there is no way for a vast majority of people to access them. This year's lecture was delivered by former Northern Ireland Police Ombudsman, Baroness Nuala O'Loon, who talked about making access to justice a reality. In particular, she addressed the obstacles posed by sky-high legal costs and a complex legal system to accessing justice in Ireland. As a long-standing champion of disadvantaged people, Baroness O'Loon has much in common with the late Dave Ellis, making it fitting that she speak at his memorial lecture.

Nuala O'Loon asked some hard questions about how the state approaches its funding of legal services to its people. In particular, she singled out the twin barriers of an overly complex legal system and high costs for legal services. These pose huge



Baroness Nuala O'Loon delivering the 6th Dave Ellis Memorial Lecture, 1 December 2011. Continued on page 6.



The Vitality of Volunteers

How harsh the world is in this time of economic downturn and the flow of money and jobs up. We are not ungrateful of our world, but the flow of money stopped our lives. It is less than a year. That is years are, to our civic residence.

Process begins in UN review of Ireland's Human Rights Record



Pictured at the Cross-Sectoral Civil Society Group's Consultation of the Universal Periodic Review held in the Ashby Hotel on Parkgate St, Dublin 8 were: Colin Usher, Director of Human Rights, Niall Blackwell, FLAC, Paul Rowe, Executive Director, Council for Civil Liberties. Photo courtesy of CCI and Human Rights, Right Now.

Your Rights, Right Now - Civil Society's Response to the UPR - Page 4

re made by her speech during 2011 of Hospital, January. A European is a

celebration of the value which volunteer organisations add to societies across the immense and often incalculable contribution volunteers make at all from healthcare to education to youth services and indeed legal services. The

Year's objectives are to empower the contribution of volunteers while simultaneously raising awareness and creating the best possible environment in which volunteering can flourish.

Continued on page 10

calls on Government to "commit to a human rights-based recovery" - page 7

Don't forget -

FLAC has a quarterly newsletter, FLAC News, that you can download from our website at

<http://www.flac.ie/publications/>

You can subscribe by contacting us at

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