

flac News

FREE LEGAL ADVICE CENTRES

Irish Government must recognise rights of Transgendered persons

FLAC welcomes first ever Declaration of Incompatibility
with European Convention on Human Rights



Photo © Brian Barron/Courtpix

Dr Lydia Foy after her historic court win flanked by solicitor Michael Farrell; full story on page 3 inside.

in this edition...

Government must recognise rights of Transgendered persons 1 & 3

FLAC concerns reflected in LRC programme 2008-2014 2

FLAC Fellowship 2008 2

Why should the poor pay more for credit? 4-5

Inaugural Dave Ellis memorial lecture 6-7

Child Benefit: Proving the centre of interest 8

Child Benefit - campaign update 9

New look for FLAC website 9

TDs raise unfair exclusion of older people from juries 10-11

Focus on new FLAC staff 11

Volunteer training in Cork 12

Staff announcements 12

FLAC News is published quarterly by Free Legal Advice Centres Ltd., 13 Lower Dorset Street, Dublin 1.

Editing & Layout: Yvonne Woods

Contributors: Noeline Blackwell, Saoirse Brady, Michael Farrell, Catherine Hickey, Sarah Horgan, Paul Joyce, Katie Hayes

ISSN 07914148

Photos: Brian Barron/Courtpix, FLAC, Derek Speirs

The views of individual contributors do not necessarily represent the views of FLAC.

FLAC News - ISSN: 0791 4948

FLAC concerns reflected in Law Reform Commission work programme 2008-2014

In December 2007, the Law Reform Commission announced its programme of work over the next seven years. The programme is the principal basis on which the Commission carries out its statutory mandate to keep the law under review.

In all, 37 law reform projects will be examined by the Commission. As stated by its President, the Hon. Mrs. Justice Catherine McGuinness, the commission's work in framing the Third Programme of Law Reform followed a wide-ranging consultation with the public, government departments, members of the legal profession and non-governmental community and voluntary organisations.

The Commission received over 200 submissions from a range of individuals and organisations, including FLAC. Thus it is heartening to note that issues raised by FLAC are amongst the 37 projects to be undertaken. These relate to juries, debt enforcement and gender recognition. One topic which the Commission proposes to treat as a priority is a gen-

eral review of the law relating to juries. FLAC is concerned about the exclusion of certain categories of people from jury service and is currently challenging the exclusion of a potential juror aged over 70 and another juror who is deaf.

The Commission will also examine the legal issues surrounding debt enforcement and securing interests over personal property. FLAC is pleased to see that our work in this area has been specifically noted and the Commission proposes to consult with FLAC and other interested parties.

Finally, at a time when FLAC is working on transgendered issues, particularly in the case of Dr Lydia Foy, the Commission proposes to review current law on gender recognition to ensure that it complies fully with international human rights standards, including the ECHR.

Full details of the programme are available from the Commission website at www.lawreform.ie/

FLAC Fellowship 2008

Through the Thomas Addis Emmet Fellowship, FLAC gives one Irish student the opportunity to take part in a programme run in conjunction with the University of Washington, Seattle each summer.

In his or her two-month stay in the United States, the successful candidate has the chance to work in the field of international public interest law and earn invaluable first-hand experience in human rights and public interest cases.

The fellowship competition is now open and completed entries must be received by 8 February 2008. Further details and an application form may be obtained at www.flac.ie/about/fellowships or by contacting FLAC.



2007 Fellow Claire McHugh receiving her award from Mrs Justice Catherine McGuinness, who kindly adjudicated the fellowship

Photo © Derek Speirs

Irish Government must recognise rights of Transgendered persons

On 19 October 2007, Judge Liam McKechnie gave judgment in the High Court in Dublin in the long running case of *Foy v the Registrar General*.

Dr Lydia Foy had issued the proceedings claiming that Irish law breached her human rights by failing to provide legal recognition for transgendered people.

She began judicial review proceedings on 14 April 1997. The case was first heard over 14 days in October 2000 and judgment was given by Mr Justice McKechnie on 9 July 2002. He found against Dr. Foy. She appealed to the Supreme Court and the case was fixed for hearing in November 2005, but when she sought to raise issues under the European Convention on Human Rights (ECHR) Act, 2003, the Supreme Court referred it back to the High Court to deal with the ECHR issue.

Dr Foy then issued new proceedings in January 2006, which were clearly covered by the ECHR Act, and both sets of proceedings were heard together by Judge McKechnie in April 2007.

On the occasion of the 2007 judgment, FLAC, which has acted for Dr Lydia Foy in the 10-year long proceedings, issued the following press release:

Free Legal Advice Centres (FLAC) today (19th October) welcomed the judgment in the Lydia Foy case and called on the Government to take immediate steps to provide legal recognition for transgendered or transsexual people.

FLAC, which represented Dr Foy in this case, also welcomed the High Court's declaration

that the law in Ireland on this issue is incompatible with the European Convention on Human Rights. This is the first ever declaration of incompatibility under the European Convention on Human Rights Act, 2003 and FLAC said that it showed that the 2003 Act could help defend human rights that were not sufficiently protected by our domestic laws.

FLAC said: "The Foy decision, which recognises the difficulty and pain undergone by the transgendered community and their family members, is an important step towards breaking down stereotypes, accepting difference and creating a more diverse and tolerant society in Ireland.

The human rights body, which specialises in access to justice issues, paid tribute to Dr Foy for her courage and determination in taking this case and persisting with it for more than ten years. It is just over five years since her application was first turned down in the High Court on 9 July 2002, ironically by Mr Justice McKechnie, and she has struggled on since then with great courage and conviction.

We welcome the strong and courageous decision by Judge McKechnie to declare that the existing law fails to protect the rights of transgendered persons and that Ireland is now extremely isolated on this issue in the whole of Europe.

FLAC welcomes the judge's compassionate recognition of the plight of the transgendered persons and their burning desire to have what they regard as their

true gender legally recognised.

We welcome this decision to grant a declaration of incompatibility that now sends this issue back to the Oireachtas but with a strong message that the rights of transgendered people must now be officially recognised.

We welcome in particular the judge's statement that the court would be lacking in any integrity if it did not recognise that Dr Foy's human rights had been violated.

We call upon the Government to seize the opportunity this decision offers to bring in compassionate and forward-looking proposals for change instead of remaining on the outer fringes of European opinion on this issue."

FLAC thanked the members of its legal team, past and present, who have worked on this case over the last ten years and all those who helped in researching the legal position around the world for the purposes of this case.

Persons interested in finding out more about campaigning for transgendered persons' rights may wish to contact the following organisations:

Press For Change: www.pfc.org.uk

Gender Identity Disorder Ireland: www.gidi.ie

Transgender Equality Network Ireland: www.teni.ie

Gay & Lesbian Equality Network: www.glen.ie

Paul Joyce asks: Why should the



FLAC (Free Legal Advice Centres) has republished its information guide — first produced in 1998 as a guide for customers of moneylenders — *Moneylending and the Law*.

Although the law on moneylending has changed little in the past decade, the consumer credit market has undergone a major transformation with a greater range of products available and a far greater reliance on credit apparent.

Not all these developments have been positive and dangers await consumers who avail of credit and who may not fully understand the potential implications. The recent spate of repossession cases in the High Court and the potential dangers of sub-prime lending are a salutary reminder of what may lie in store for the hard pressed borrower whose home is given as security for a loan.

On the other hand, moneylenders loans are not secured on borrowers family homes and it is unusual for a moneylender to bring legal proceedings against a borrower in arrears, yet it is fair to say that, in general, moneylenders get a bad press.

From Shylock in Shakespeares

Merchant of Venice to the wicked uncle in Dickens Nicholas Nickleby, moneylenders have been portrayed in fiction as grubby, greedy and greasy. In a more modern context, they are often portrayed as potentially violent and sinister loan sharks. There are good reasons why moneylenders are not universally loved. They offer very expensive credit and you can and probably will get a better deal elsewhere. However, the old journalistic cliché never let the facts get in the way of a good story equally should not apply. There is a critical distinction to be drawn between illegal and licensed moneylenders.

Licensed moneylenders are legitimate businesses, involved in providing a product that some people find convenient, where repayments are often made on the doorstep and few questions about credit rating or employment status are asked. Each lender's licence is subject to annual renewal with the Financial Regulator based on proposed interest rates and collection charges.

As FLAC's booklet points out, paperwork requirements and collection practices are controlled by law and moneylenders who overstep the mark may lose their licences under the supervision of the Regulator. Equally, while the loans may be very expensive, what you see is what you get, by and large. Licensed moneylenders will often tolerate a few missed payments during the course of an agreement and extend its length accordingly.

Thus, although many a politician or media analyst in search of a headline may bang the disgraceful moneylending rip-off drum, the reality is that the State itself licenses moneylenders to charge these rates. Perhaps these howls of protest might be redirected at a thorough examination of whether moneylending rates of interest should be legally capped. A comprehensive

debate on access to affordable credit options for those on low incomes in Ireland is long overdue. Why should the poor pay more to borrow money in a society that seems to have accepted that credit is a beneficial thing?

The principal low cost alternative to the moneylender has traditionally been the local credit union but loans from credit unions have not always suited or indeed been sufficiently accessible to traditional customers of licensed moneylenders. Renewed efforts in recent years by the Irish League of Credit Unions to focus its member's efforts on providing accessible and affordable credit to those on low incomes are encouraging.

Campaigns such as Keep the Wolves from the Door at Christmas serve to highlight both the high cost of moneylending and the existence of alternative forms of credit. However, it is also apparent that some credit unions have moved away from their traditional lending base in search of more lucrative higher income customers.

Where gaps in the provision of credit occur, high cost options often fill the void. As recent reports have shown, sub prime lending is a growing phenomenon in Ireland and mortgage brokers have played a significant role in arranging these offers. Many sub prime lenders specialise in consolidating existing loans that are often in arrears into one larger loan, which is then secured on the borrower's home. What seems like a solution to a household's debt problems can however lead to disastrous consequences. Interest rates charged are well above market rates, often double or treble the going rate and in many instances it is not long before arrears accumulate, leaving the borrower to face repossession proceedings in the High Court.

Up to recently, the sale of the family home had been available as a last

poor pay more for credit?

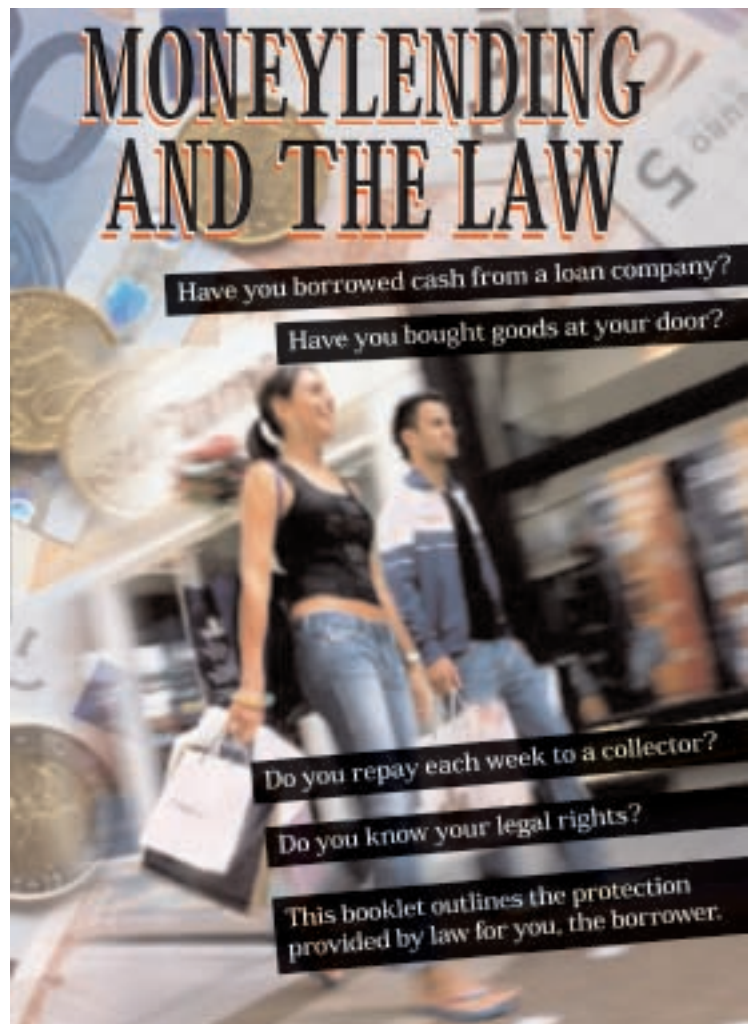
resort to the borrower to clear their arrears. However, a less than buoyant property market has curbed even this unpalatable option, with some borrowers recently reporting back to the courts an inability to sell their dwellings.

When it comes to regulation, sub prime lenders have operated in a twilight zone in Ireland. Up to now, they have not required the same authorisation as other banks because they do not operate savings accounts paying interest. This also has meant that the Financial Regulator's Consumer Protection Code, which provides enhanced protection for borrowers in their dealings with providers of financial services, has not applied to them.

Thus, where moneylenders are tightly and justifiably regulated, sub prime lenders have operated with relative impunity, taking advantage of a gap in the market and a gap in the regulation of financial services.

Plans to regulate this growing market have recently been announced with the Department of Finance publishing a consultation paper and promising imminent legislation.

In the course of its submission on this consultation, FLAC has argued that regulation should involve a comprehensive examination of these lenders practices. Where a lender is proposing to offer loans at rates substantially above market rates on the basis that the borrower is a greater credit risk, the risk should be clearly identifiable. There should also be a greater obligation to assess the borrower's ability to repay, especially where default may lead to the loss of the family home. Sundry charges such as administration and arrangement fees which are subtracted from the sum borrowed should be outlawed. After all, a licensed moneylender is prohibited by law from charging them.



Designed by Printwell Co-operative

Paul Joyce, barrister, is the Senior Policy Researcher with FLAC. FLAC's *Moneylending and the Law* is a practical guide for borrowers, outlining the protection to which they are entitled in law when taking out a loan with a licensed moneylender.

More information:

www.flac.ie/publications/legal-information.html

<http://www.mabs.ie/>

<http://www.citizensinformation.ie/>

<http://www.financialregulator.ie/>

Interested in Public Interest Law?

Every fortnight, FLAC circulates a bulletin by e-mail summarising news and events in the area of public interest law.

If you are not receiving these bulletins, but would like to do so, please mail us at piln@flac.ie

Note: There is an archive of PILN bulletins available to read on the FLAC website at:

<http://www.flac.ie/publicinterest/piln.htm>

First Dave Ellis memorial lecture



Photos © Derek Speirs

Professor Gerry Whyte delivering the inaugural lecture

FLACs Inaugural Dave Ellis Memorial Lecture took place on 15 October 2007 at Trinity College Dublin. Almost 200 people turned out for the lecture which was followed by a reception in the Atrium.

The lecture was dedicated to the late Dave Ellis, who pioneered so much in the area of community law in Ireland. The lecture was introduced by FLAC Chairperson Peter Ward, who fondly remembered Dave and reminisced about his commitment to the Dublin Welfare Rights Group and his dedication to Coolock Community Law Centre.

The late Dave Ellis was a community activist who dedicated his career to working with community groups on a number of areas, including welfare rights, legal aid, legal education and legal entitlements generally. Dave was Community Law Officer at Coolock Community Law Centre (now Northside CLC) for more than 20 years and subsequently established Community Legal Resource as a resource providing information, training

and support for the voluntary and community sector.

The keynote address, entitled *A Strategic Vision for Legal Aid*, was delivered by Professor Gerry Whyte, a great friend and colleague of Dave for many years at Coolock (Northside) Community Law Centre. (Gerry was a board member of the Law Centre.)

Gerry Whyte paid tribute to Dave's dedication to community law initiatives in Coolock Community Law Centre and to the concepts of empowering the community and community control of the law centre. He described how Dave had joined the Law Centre in 1976 as Community Law Officer and had given extraordinary service to the Community over more than 20 years.

Many voluntary and community groups working with disadvantaged people at the Law Centre benefited from Dave's wisdom and knowledge. Dave's specialist areas included social welfare law, employment law, company law.

Gerry discussed the issues of barriers

to Access to Justice, Models of legal aid provision and the work of the Coolock Community Law Centre. He mentioned the barriers to access as defined in the Pringle Report of 1977 - cost, knowledge and the social cultural and psychological barriers associated with engaging a solicitor. Also he explained that in the 70s and 80s, the majority of solicitors' firms were based in the city centre and that geographical location was also another barrier.

Gerry spoke about community law centres in Ballymun and Coolock which operate from a strategic approach to legal services provision centres as opposed to the service model which is operated by the Legal Aid Board. For example, Northside Community Law Centre provides access to justice through taking cases for individuals, taking test cases, campaigning on local issues and educating the community. The community law centres operate from an empowerment approach and are community-controlled.

Anne Colley, Chairperson of the Legal Aid Board, provided a superb response to the keynote address. She spoke about access to justice, current and proposed initiatives of the Legal Aid Board and policy areas that might be addressed in moving towards equitable access to justice.

She pointed to the reforms in civil legal aid that FLAC has advocated which are under consideration by the Legal Aid Board. She spoke about the dearth of research into access to justice and unmet legal need and the need for this. Eligibility limits for the legal aid were revised by Government in 2006 and Ms Colley said that the Legal Aid Board supports an annual revision of eligibility to avoid otherwise inevitable hardship to people.

Ms Colley said that the Legal Aid Board has become increasingly conscious that the problems presented by clients demand more than a traditional legal

held in Trinity College Dublin

approach. She revealed that the results of a pilot programme to deliver a walk-in advice only service are currently being examined and research on a telephone advice service is ongoing. Ms Colley also emphasised the fact that the accessibility and location of services continues to be a clear priority for the Board and this includes the dissemination of information to and education of groups who may be in a position to advise and guide Legal Aid Board clients.

What was striking about Gerry's lecture was the amount of work undertaken by Dave in a disadvantaged community in the late 70s, throughout the 80s and into 90s and the range of issues that faced the community at the time. The Law Centre assisted families affected by the Stardust Disaster, lobbied for changes in the legislation to protect people experiencing domestic violence and for the introduction of divorce and wrote manuals to assist people in appealing social welfare decisions.

Gerry closed his address with a quote from M.K.Ghandi: Think of the poorest person you have ever seen and ask whether your next act will be of use to him. This reflection was very much appreciated by all of us who attended the lecture and hopefully will have spurred us on to continue Dave's work.



Pictured L-R: FLAC Chairperson Peter Ward; Dave Ellis's wife Sarah Flynn; and FLAC Director General Noeline Blackwell



Anne Colley, Chairperson of the Legal Aid Board, responding to keynote address



Dave Ellis' brother Brian and his mother Mrs Doris Ellis were among the attendees at the lecture



Sarah Flynn (centre) pictured with Dr Vinodh Jaichand of the Irish Centre for Human Rights and his wife Milly

Child Benefit: Proving the centre of interest

In consultation with several NGOs working in the sector in relation to the Habitual Residence Condition (HRC), it has recently come to the attention of FLAC that the previous reliance on the two years requirement to prove habitual residence is no longer used when decisions regarding eligibility for social welfare payments are being made. This position has also been confirmed by the Department of Social and Family Affairs (DSFA).

One of the main reasons for the apparent change in policy is that Ireland, as a signatory to the European Code of Social Security, is prevented from specifying a fixed period of time to establish habitual residence. In relation to the former two year habitual residency requirement, in its 32nd Report (covering the period 2004-5) to the Council of Europe on Ireland's compliance with the European Code of Social Security, the Government stated at page 9:

Ireland is aware that the relevant jurisprudence of the European Court of Justice precludes reliance on any specific duration of residence (e.g., two years) for the purposes of establishing habitual residence and has ensured that no such specific period is the determining factor in any HRC decision.

Previously the two-year rule was seen as the most influential if not the determining factor in decisions concerning an applicant's right to a social welfare payment where he or she had to satisfy the HRC. Although the European Code of Social Security is limited to EEA members, in practice the change has also been extended to non-EEA applicants.

More recently, in cases in which FLAC and other NGO caseworkers have been involved, the focus has been placed on the centre of interest cri-

terion. That is to say, they have considered the individual circumstances of each case and decided the habitual residence issue in terms of the connections the applicant has with Ireland.

The presence of close family here, integration into the community and activities in which the person is involved are just some of the details taken into account when deciding whether the applicant's main centre of interest is in Ireland. The person's connections, both financial and familial, with their home country or another country in which they lived will also be taken into consideration when deciding where their centre of interest lies.

In a recent appeal by the DSFA against an Appeal Officer's decision, it emerged that in October 2006 the Chief Social Welfare Appeals Officer had upheld a decision that an asylum-seeker who had been turned down at first instance and was awaiting an appeal should be granted Child Benefit. The Department had argued that due to the applicant's undecided status her centre of interest could not be found to be based in Ireland.

The Chief Appeals Officer (CAO) criticised the long delays in processing asylum claims. He stated that people who were awaiting appeal hearings for extended periods of time should not be penalised for this and should instead be able to rely on the length of their residence in Ireland to meet the Habitual Residence Condition. The CAO held that the person at the centre of this appeal satisfied the HRC as her centre of interest was here due to the fact that a number of her family members were living in Ireland.

Although decisions of the Social Welfare Appeals Office are not published, this decision of the CAO was quoted by the Appeals Officer in a

recent case taken by OPEN (One Parent Exchange Network), with whom FLAC has been collaborating on the Child Benefit matter. The Appeals Officer in this case relied on the CAO's decision in the aforementioned case and added that he was aware of similar decisions made by other Appeals Officers. The Appeals Officer found in favour of OPEN's client, the mother of an Irish citizen child who he felt had established her centre of interest in Ireland despite awaiting a final decision on her status by the Refugee Appeals Tribunal.

Through these decisions it can be seen that the DSFA's position to refuse social welfare payments to asylum-seekers on the basis that their status remains undecided can be successfully challenged. The change from reliance on a two-year period of residence to the centre of interest criterion means that the situation of each applicant must be taken into consideration by the Deciding Officer or Appeals Officer before making a decision.

In another recent case, Child Benefit was granted on appeal to an asylum-seeker who arrived in Ireland prior to the introduction of the HRC but who was unable to make her application before it came into effect. Furthermore, since the accession of Romania to the EU in January 2007, Child Benefit has been paid to Romanian women who had previously lived in Ireland as asylum-seekers.

FLAC hopes that this move away from the two-year rule will encourage more people to apply or reapply for social welfare payments which they may have previously been refused on the basis that they had not been resident in Ireland for two years.

FLAC Child Benefit campaign update

F LAC used International Children's Day on 20 November 2007 to again highlight its ongoing campaign for the restoration of Universal Child Benefit.

A number of events and initiatives were organised to mark the day. A joint press release by FLAC and other NGOs calling on the Government to restore Child Benefit as a Universal Benefit was picked up by a number of media outlets.

TD Olwyn Enright and Senator Ivana Bacik also brought up the issue in the Dail and Seanad respectively. The response from the Minister for Social and Family Affairs, Martin Cullen TD, however, was disappointing. He equated Direct Provision with Child Benefit, despite the fact that Direct Provision is €9.60 per week and Child Benefit is €166 per month.

The postcard campaign in conjunction with the Child Benefit Campaign is also continuing and students from Trinity, UCD, UCC and UL organised successful postcard-signing events at their



Photo © Derek Speirs

respective universities on International Children's Day. These will be added to the growing number of postcards that will be delivered to An Taoiseach in the New Year.

What is the CB campaign?

Since 20 November 2006 FLAC has been heading a campaign calling for the restoration of Child Benefit as a universal payment.

To see how you can support the campaign, log on to <http://www.flac.ie/cam->

[campaigns/current/campaign-to-restore-universal-child-benefit/](http://www.flac.ie/campaigns/current/campaign-to-restore-universal-child-benefit/) or contact us by telephone on 01-874 5690 or by e-mail at campaigns@flac.ie to request a campaign pack. This includes an information leaflet, a postcard, a factsheet and a sample letter to TDs.

Simply sign the postcard and send it back to FLAC, post the enclosed letter to your local TD and download and sign the petition.

New look for FLAC website

The FLAC website has a new look. Now when you visit www.flac.ie we hope that you will find a site which is easier to navigate and which has more current information on the work of FLAC, including its current campaigns.

The site contains sections on volunteering and Public Interest Law as well as details of legal advice centres around Ireland and downloadable information leaflets on various areas of law and other publications

Work on the website will be ongoing and we welcome any comments that readers might have on it.



TDs raise unfair exclusion of older people from

In recent times FLAC has been seeking a change in the law to permit everyone over the age of 18 to serve on juries provided that they are fit to do so. As the law stands currently, a number of groups are excluded, including everyone over the age of 70.

This latter issue was raised in the Dail on 12 December 2007 by Deputy Pat Rabbitte, Justice spokesperson of the Labour party, supported by a number of other TDs. The context for the debate was a proposed amendment to the Civil Law (Miscellaneous Provisions) Bill 2007.

The exchange between Deputy Rabbitte and Deputy Sean Power on behalf of the government is reproduced below:

Deputy Pat Rabbitte: I move amendment No. 71:

In page 41, before section 62, but in Part 8, to insert the following new section:

Amendment of section 6 of Juries Act 1976.

62. Section 6 of the Juries Act 1976 is amended by the deletion of and under the age of seventy years and the insertion of and not incapable by reason of infirmity. .

In keeping with my party's reputation for political correctness, we ought to remove the discriminatory bar that disqualifies a citizen after he or she has reached the age of 70 and change it to the term in amendment No. 71. This amendment provides that so long as the person is not incapable by reason of infirmity, he or she can serve on a jury if he or she is over 70 years of age.

Many older people take an interest in and have time available to them to serve on juries. If our betters on

the bench can serve until they are 72 years of age, why ought a citizen who is fully compos mentis be excluded from jury service purely because he or she reaches the age of 70?

Deputy Seán Power: In my previous role I had responsibility for services for older people so I can see great merit in Deputy Rabbitte's amendment. We would all agree that older people are playing an increasingly active part in society at much more advanced ages than was previously the case. When we look to Northern Ireland and see the contribution that Dr. Ian Paisley is making, it brings home to us that the fact that a person reaches a certain age-----

Deputy Pat Rabbitte: Is the Minister for State recommending that Dr. Paisley would serve on juries and not here?

Deputy Seán Power: One sees the difference Dr. Paisley has made. If he was not around, I am not sure what progress would have been achieved. There is considerable merit in what Deputy Rabbitte has said. I will give the matter serious consideration and we will revert to the Deputy on Report Stage.

Deputy Charles Flanagan: The praise for Dr. Paisley from Fianna Fil only came after he reached the age of 80, which, in itself, is quite remarkable.

Deputy Noel Treacy: However, it was a new beginning.

Deputy Charles Flanagan: It is an important point because we can ensure the availability of persons, be they citizens of any age or description, to serve on juries. Experience shows that people are becoming more and more reluctant to engage in the civic duty that is

jury service. The number of people who wish to offer any reason or excuse, be they busy or otherwise, in order to avoid serving on a jury is increasing. Perhaps we should review entirely the manner in which we recruit for jury service, the duties of the juror and the role and function of those who serve on juries. This is an important aspect of that and I would be supportive of the amendment.

Perhaps we need to look at some form of compensation for people who might give of their time and lose business to serve on a jury, which, unfortunately, is no longer regarded as the public service or civic duty that perhaps it should be or that it was for many years. As part of an overall review, this amendment in the name of Deputy Rabbitte is eminently sensible and should be looked at seriously.

Deputy Seán Power: We will give it serious consideration but I remind members that a few months ago, the retired Supreme Court judge, Catherine McGuinness, expressed her concerns that juries should reflect the community to ensure the constitutional right to a fair trial. We do not disagree with the contributions that have been made.

Deputy Pat Rabbitte: I am doing no more than arguing that there ought not be an arbitrary cut-off point, that there ought to be a more flexible test and that capable and informed senior citizens ought to be enabled to perform their civic duties. If that is by discharging their role on a jury, so be it.

Deputy Finian McGrath: I strongly support Deputy Rabbitte's amendment. I support the principle of not excluding people, particularly elderly people who are of sound

juries

mind and body, in respect of the major positive contribution they can make to any State or jury. It is a very positive amendment and I am pleased the Minister will look at it very favourably. We have gone past the day of discriminating against people because of their age. That debate is over as far as I am concerned. Many people, particularly senior citizens, want to make a contribution to society. This would be one role for them so I would be very supportive of the amendment.

Deputy Noel Treacy: I have a technical question. I am not sure if jurors get any sustenance during their period of service. They must look after their own meal requirements. If that is not addressed they should be looked after while they are carrying out one of the most serious pieces of service anybody could give to a country.

Deputy Seán Power: I understand that there is a contribution made towards subsistence but we will check it out. I have not come across a complaint from any juror about being neglected.

Chairman: How stands the amendment?

Deputy Seán Power: I am sure the Deputy is very happy with it.

Deputy Pat Rabbitte: I accept what the Minister of State has said and look forward to him being in the curtilage of the House if his senior does not deliver on the positive vibrations coming from across the floor.

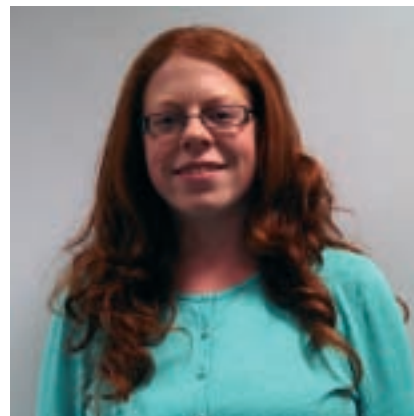
This exchange was taken from the government website which contains Dail debates from 2004 onwards at <http://debates.oireachtas.ie/>

Focus on new FLAC staff

In September three new full time members of staff commenced their new roles with FLAC. We look forward to the expansion of FLAC's work that their appointment permits and are delighted to welcome Edel, Saoirse, and Sarah. Profiles of the new staff members are outlined below:

Edel Quinn, Researcher

Edel has recently completed the International Covenant on Civil and Political Rights shadow report on behalf of FLAC, ICCL, and the Irish Penal Reform Trust (IPRT), which is to be launched in early 2008. At FLAC Edel continues to work on the ICCPR shadow report. She is also working on a feasibility study on unmet legal need in north east inner city Dublin and is coordinating the Public Interest Law (PIL) network and events.



Sarah Horgan, Volunteers and Centres Co-ordinator

Sarah is primarily involved in organising and supporting FLAC's volunteer lawyers. This includes providing resource materials and holding training seminars for the volunteers, and recruiting new volunteers. Her aim is to create an even stronger relationship between volunteers and FLAC. Sarah is also conducting research in the area of access to justice. She joins FLAC following on her internship with the Irish section of Amnesty International.



Saoirse Brady, Policy and Campaigns Officer

Saoirse was the Frank Jennings Intern with Front Line — the International Foundation for the Protection of Human Rights Defenders. She spent four months with the Human Rights Defenders Mandate at the UN Office of the High Commissioner for Human Rights in Geneva. Saoirse is conducting research in the area of social welfare law, in particular the application of the Habitual Residence Condition and Direct Provision. She will also be continuing FLAC's campaign to restore Universal Child Benefit.



Volunteer training in Cork marks International Human Rights Day

Sarah Horgan, FLAC's volunteers and centres co-ordinator, writes about a volunteer event in Cork on 10 December 2007, International Human Rights Day.

FLAC was long overdue a volunteer training evening in Cork so we felt our volunteers deserved an informative session. The Law Society in Cork kindly provided us with a lecture theatre for the evening and we managed to line up five expert speakers.

From our data collection programme, it was apparent that the Cork Centre at South Mall deals predominantly with family and criminal law matters with a rising demand for advice on immigration and asylum law. Our first speaker was Cork-based solicitor, Frank Buttimer. A former FLAC volunteer, Frank knew the type of issues that frequently crop up in the centres. His presentation focused on commonly occurring criminal offences, such as section 4 of the Public Order Offences Act, 1994.

Frank also gave invaluable advice on directing clients towards getting legal aid and on basic issues like reading their charge sheet correctly.

Our second speaker was Colm

Roberts, a Legal Aid Board solicitor. Colm's presentation focused largely on civil legal aid and the broad areas of law where legal aid is available. He also dealt with commonly reported Family Law issues through a formal and later an informal Q&A session. His presentation was important for the volunteers so they can understand the full extent of the Legal Aid Board's remit.

Our third speaker was long-standing FLAC volunteer solicitor, John Hussey. John, who practices in Fermoy, spoke about the practical experiences of volunteering in a FLAC centre. He talked about how to manage the time for consultation and how to get to the heart of the issue in a short time-frame; he used case studies to illustrate this.

Our fourth and fifth speakers complemented each other as they spoke on immigration and asylum law.

Bernadette McGonigle, managing solicitor at the Refugee Legal Service in Cork made a very clear presentation on Irish refugee law and gave an

overview of the asylum procedure. Bernadette distributed a very useful and simplified chart that outlined its different stages.

FLAC director general Noeline Blackwell spoke briefly on immigration, naturalisation and the Habitual Residence Condition. The PowerPoint slides gave a breakdown of the different visas — and their limitations — that are available to those entering the state.

All in all it was a successful seminar which was appreciated by all who attended. A much deserved Christmas drink was had afterwards. We would like to thank our speakers, the Law Society and all those who attended.

FLAC is always seeking new volunteer barristers and solicitors to operate its centres around Ireland. For more information, see the website at: <http://www.flac.ie/volunteering/>

Staff announcements

Farewell to Elizabeth Mitrow

Elizabeth Mitrow was a qualified solicitor in her native Australia before moving to Dublin in June 2005. She joined FLAC in August 2005 as Centres Co-ordinator. While at FLAC she made a great contribution to legal advice provision. Elizabeth, having qualified as a solicitor in Ireland, has now taken up a position



Elizabeth Mitrow

as an immigration lawyer at a city centre firm. We wish her every success in her future career.

New baby Sadhbh Eleanor Woods

All at FLAC extend their warmest congratulations to FLAC's Information Officer, Yvonne Woods, who gave birth to an adorable baby girl on 1st August. Yvonne and her partner Brian have named their

baby Sadhbh Eleanor. Baby Sadhbh has visited the FLAC offices on a few occasions and we're taking the fact that she hasn't cried when here as an early sign of



Sadbh Woods

interest in FLAC policy and campaign work!

While we miss Yvonne we hope that she is enjoying her maternity leave.