

FLAC Annual Report 2022

BRINGING ACCESS TO JUSTICE TOGETHER



About FLAC

FLAC (Free Legal Advice Centres) is an independent legal, equality and human rights organisation which exists to promote equal access to justice. Our vision is of a society where everyone can access fair and accountable mechanisms to assert and vindicate their rights.

FLAC:

- Operates a legal information and referral telephone line.
- Runs a nationwide network of legal advice clinics where volunteer lawyers provide basic free legal advice.
- Through the Public Interest Law Alliance (PILA), operates a Pro Bono Referral Scheme and engages the legal community and civil society in using the law to advance social change.
- As an Independent Law Centre takes cases in the public interest and runs a Roma Legal Clinic, an LGBTQI+ Legal Clinic and a Traveller Legal Service.
- Campaigns for policy and law reform in areas of law that most affect disadvantaged and marginalised people and communities through research and advocacy.
- As a partner with INAR on the Equal Access Project (EAP), ran a training course for advocates to assist people in taking discrimination claims on the race ground to the WRC, funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020).
- Is a partner with the Centre for Criminal Justice and Human Rights at UCC on the Traveller Equality and Justice Project, funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020).

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A MESSAGE FROM FLAC'S CHAIRPERSON

FLAC's 2022 Annual Report underlines just how pressing a challenge access to justice remains in Ireland today. From the area of personal and family relationships to the fields of employment, social welfare, housing and beyond, the lack of effective and equal access to justice continues to take a significant toll on the lives of many members of our community.



The Report provides much evidence of the known unmet legal need in Ireland. But, because Ireland, unlike many other jurisdictions, does not measure unmet legal need, we still do not have a clear picture of the likely significant unknown unmet legal need in this country. What is clear, however, is that – 100 years after becoming an independent State - there remains a very significant deficit in access to justice.

This is why the Civil Legal Aid Review, established by the Minister for Justice in 2022, represents an important milestone. Alongside 45 NGOs, FLAC mobilised for the establishment of such a review, one of FLAC's long-term campaign goals. I wish to pay tribute to Eilis Barry and her team who played such an important role in this campaign.

FLAC also acknowledges the significant contribution of the Chief Justice's Access to Justice Committee, commenced by former Chief Justice Frank Clarke and continued by Chief Justice Donal O'Donnell. This Committee has shone a valuable spotlight on access to justice within the legal system and has brought together for the first time a very wide range of stakeholders to reflect on how this complex challenge can be best addressed.

The Civil Legal Aid Review, chaired by Mr Justice Clarke, is a vital opportunity to re-imagine and re-invest in our legal aid system, which can play a critical role in building a fairer and more equal Ireland. FLAC is pleased to participate in the Review, seeking to ensure that the voice of individuals and communities experiencing poverty, disadvantage and exclusion are at the heart of this Review and that the Review delivers on FLAC's foundational goal of establishing a comprehensive system of civil legal aid in Ireland. We look forward to seeing the progress of the Review's work, and its implementation, in the coming years.

This year's Report shines a light on the very many ways in which FLAC has worked to address unmet legal need and to promote access to justice in 2022 – many of which could usefully inform the reform of the civil legal system if properly resourced. The telephone information and referral line and legal advice clinics play a key role in making accessible early legal assistance available. The dedicated legal services – run in partnership with the Traveller, Roma and LGBTQI+ communities – seeks to ensure that access to justice is a reality for marginalised groups in Irish society and also that we better understand the needs of those communities. FLAC's independent law centre, spearheaded by Sinéad Lucey, is instrumental in advising and representing individuals and groups who otherwise would have no path to justice. Training of lay advocates in the field of discrimination will help in opening up access to the WRC, for which legal aid remains unavailable. In collaboration with universities, FLAC seeks to engage the next generation of lawyers in the fight for access to justice. All of this work is complemented by FLAC's important policy work and advocacy, which, in 2022, continues to have a major social impact.

None of this work would be possible without the inspiring and invaluable work of FLAC's staff and volunteers, and without the support of FLAC's funders.

On behalf of FLAC Council, I want to express our huge gratitude to all those who volunteered to assist with FLAC's work in 2022: from the individual volunteers and firms working on the phone line and clinics, to the barristers who assist with casework, members of the PILA alliance, and the staff and management of Citizens Information Centres and the Citizens Information Board. The strong response to our call for volunteers during the COVID-19 pandemic and the Ukraine crisis reminded us of the commitment of our volunteers and we look forward to building our network of volunteers in the coming years. In 2022, we were delighted to be able to mark volunteers' contribution by reinstating the Golden Pin award and honouring 32 of the volunteers who contributed so much during the pandemic. And we were particularly delighted to do so in person on the occasion of the inspirational FLAC Annual Justice Lecture, in memory of Dave Ellis, delivered by Professor Philippe Sands KC in December 2022. We are grateful to the King's Inns, and Dr Eimear Brown in particular, for welcoming so many members of the FLAC community for that special event.

I also wish to express our huge gratitude to all of FLAC's funders - from Government Departments and statutory bodies to the Law Society, the Bar of Ireland, and philanthropic organisations such as the Community Foundation of Ireland, as well as our wide array of sustaining and supporting partners, individual law firms, practitioners and private citizens - for providing the crucial funding that allows FLAC to undertake its work.

As Chair, I am also very grateful to my fellow Council members for their continued support and contribution to FLAC in 2022. In November, we were delighted to mark the huge contribution of our former Chair, Peter Ward SC, who has invested so much in FLAC over the decades. Julie Herlihy and Joanne Hyde went beyond the call of duty with their invaluable work and guidance on finances and governance respectively. We were also delighted to welcome Áine Maguire to Council in 2022 and, more recently, Róisín Fitzpatrick, Maria-Elena Costa Sa and Owen Keany, each of whom brings a wealth of experience and expertise to Council.

Finally, I wish to thank each and every member of FLAC's wonderful and dedicated staff, Eilis Barry, whose commitment and dedication to FLAC's mission is second-to-none, has provided valuable leadership in the organisation and has been instrumental in making the Civil Legal Aid Review, among many other things, a reality in 2022. We were sad to bid farewell to two very well-known and much-loved FLAC stalwarts in 2022: Maureen Gourley and Catherine Hickey, each of whom made an enormous contribution to the organisation over the years. We wish them well.

Promoting access to justice and building a fairer legal system for a fairer and more equal Ireland requires commitment, collaboration and imagination. In 2022, as in previous years, FLAC has been very fortunate to be able to draw on the deep commitment to access to justice within the legal profession and beyond to support it in its work and we look forward to building on this work with our partners in the coming years.

David Fennelly, FLAC Chairperson



FOREWORD

Collaboration and new ideas were the themes of another busy and eventful year for FLAC.

2022 was a significant moment in the history of access to justice with the establishment by the Minister for Justice of the Civil Legal Aid Review Group, chaired by the former Chief Justice Frank Clarke. FLAC's experience and involvement in this area stems from its foundation, and is the reason for its continued existence. The Review is also the result of a number of happenings and collaborations, including FLAC's campaign (together with over 45 civil society groups) for a root and branch review of the civil legal aid system. Impetus for the Review also includes the work of the Chief Justice's Access to Justice Committee and criticism of the legal aid system from a number of international human rights monitoring groups, on foot of regular complaints from civil society organisations, about the gaps in legal aid in the areas of social welfare housing and discrimination having a negative impact, especially for Travellers and minority ethnic groups. FLAC is delighted to be a member of and participate in the Review Group and the Access to Justice Committee.

The need for such a review is very evident from the contents of this report. While 13,556 callers were provided with legal information, we are acutely aware and concerned that at least 4,466 callers were not able to get through to our oversubscribed phonenumber, despite very welcome additional resources being provided by our pro bono partners Arthur Cox and Matheson.

The experience of our Telephone Information and Referral Line and our Legal Advice Phone Clinics clearly illustrates the known unmet need for early legal information and advice in relation to family law and employment law. In relation to issues such as domestic violence, there was a significant proportion of calls in 2022; as well as queries about contract terms, dismissals, bullying/harassment, discrimination and maternity leave. With the absence of legal aid in claims before the WRC, it remains a matter of profound concern that there is nowhere to refer the 2063 callers with employment law queries, who contacted FLAC during 2022.

2022 saw a number of exciting new initiatives:

We were delighted to partner with INAR to design and run a training course for non-legal advocates, to equip them with the knowledge and skills to support a claimant in taking a case of racial discrimination to the WRC. The impetus for

such training arose out of the very obvious unmet legal need in this area which FLAC cannot attempt to meet. Housing, social welfare and discrimination issues continue to dominate the work of the Independent Law Centre which dealt with 85 active casefiles during 2022.

FLAC's legal team run a number of dedicated legal services, which recognise that certain groups experience significant inequality that is not addressed through mainstream legal services. We are grateful to the members of the National Roma Network, Cairde and Crosscare who work with us in the Roma Clinic and to the Traveller groups who make up the steering group that guides the Traveller Legal Service.

In 2022, FLAC's third specialist legal service, an LGBTQI+ Legal Clinic, was launched with guidance and direction from a steering committee which helps ensure that it is tailored to meet the needs of the communities it serves. FLAC also began a unique research project in measuring unmet legal need among the LGBTQI+ community. The measurement of unmet legal need should be a prerequisite of a reformed legal assistance landscape to ensure evidence-based prioritisation of resources.

In 2022, FLAC casework informed FLAC's policy recommendations at all levels from policy and law reform proposals all the way up to drafting constitutional amendments in the areas of housing and equality. The fourth and final paper in the Pillar to Post series was published with the assistance of Dr Stuart Stamp. PILA, FLAC's public interest law project, dealt with 89 new requests for legal assistance from NGO members of the PILA alliance.

We were also delighted to renew and invigorate our friendship and partnership with the NI Law Centre and the FLAC university societies.

I want to thank David Fennelly and the council of FLAC for their ongoing support and essential hidden work, Julie Herlihy for her vital ongoing guidance on finances and David and Joanne Hyde's crucial work on the Governance Subcommittee. I am honoured, lucky and grateful to work with a very passionate, committed, and expert team in FLAC whose work fills the pages of this report.

Eilis Barry, FLAC Chief Executive

BRINGING ACCESS TO JUSTICE TOGETHER: FLAC'S VISION FOR THE FUTURE OF PUBLIC LEGAL ASSISTANCE IN IRELAND

The establishment of a Civil Legal Aid Review Group

2022 was a significant moment in the history of access to justice in Ireland when Minister McEntee established this Civil Legal Aid Review Group. FLAC is delighted to be part of the Review Group.

FLAC was established in 1969 to campaign for comprehensive legal aid and to provide legal assistance to people of limited means. FLAC's experience in this area continues from its foundation, to its membership of the Pringle Committee all the way to its campaign (together with over 45 civil society groups) for the first comprehensive review of the Civil Legal Aid system and its membership of the present Review Group.

We regard this Review as a golden opportunity for fundamental Civil Legal Aid reform and the reimagining of public legal assistance.

FLAC's vision is based on our experience over the last 50 plus years of providing different forms of public legal assistance, including through:

- our hugely oversubscribed telephone information line, which in 2022 provided legal information to 13,556 people;
- our pre-Covid network of legal advice clinics all around the country where

volunteer lawyers provided basic free legal advice to approximately 12,000 people each year in 75 centres;

- PILA's *pro bono* referral scheme which facilitates community and voluntary groups in getting legal assistance from private practitioners acting *pro bono*;
- specialised Traveller Legal Service, Roma Clinic, LGBTQI+ Clinic and work undertaking public interest litigation as an independent law centre;
- the training of lay advocates and providing second tier advice to MABS and Citizens Information Centres;
- research and policy work, including on unmet legal need.

Our vision is not about making some minor adjustments to the current restrictive legal aid system. Our vision is of a new public legal assistance body that is principles-based, with access to justice as its overarching aim and with an explicit preventative justice function. This would involve early legal advice, public legal education, advocacy, training and early intervention to address problems before they escalate and which can prevent cases going to court.

It is of the creation of a new Legal Assistance Authority which aims to equip disadvantaged individuals and communities with four basic tools:

- Awareness of rights and entitlements,
- Awareness of ways to avoid or resolve legal problems in a timely way,
- Ability to effectively use court and non-court dispute resolution systems,
- The ability to effectively participate in the resolution process to achieve just outcomes.

The new Legal Assistance Authority which we envision:

- Is user-led, and brings services to where individuals and disadvantaged communities are (using human-centred design).
- Is outcome-focused and has timely resolution as its goal and views litigation as a last resort.
- Is based on domestic and international human rights and equality standards and is poverty-proofed.
- Regularly measures unmet legal need and legal capabilities among low income and disadvantaged individuals and communities and uses targeted outreach approaches to meet their needs.
- Adopts best practice, is innovative and flexible, and able to coordinate

legal assistance services with other aspects of the legal assistance community like the information and advocacy functions of the Citizens Information Board, the Workplace Relations Commission and IHREC.

- Provides joined-up services and works in a coordinated way in healthcare, welfare and community settings.
- Establishes, operates or supports a range of properly resourced legal assistance models such as a telephone information line, a network of community law centres in disadvantaged areas, specialised legal services (tailored to the needs of the communities they serve) and a panel of highly trained lawyers. It has the capacity to train lay advocates, staff of community and voluntary NGOs, and Citizens Information Centres.
- Uses technology to maximise accessibility, while ensuring that persons who cannot access such technology are not excluded.
- Carries out research and derives policy and law reform proposals from its work.
- Is sufficiently flexible to work with and harness the potential of the growing, more structured pro bono culture, and clinical legal education programmes in universities.

See: [FLAC's Stakeholder Submission to the Review of the Civil Legal Aid Scheme](#)



“ “ This review is a golden opportunity to demonstrate the value of and invest in access to justice. We need to devise methods to measure and address unmet legal need. Access to justice needs to be viewed as and treated as an essential service, not an add on when resources allow.

We are heartened by the appointment of the former Chief Justice with his long stated commitment to access to justice. It is also symbolic of the important role that access to justice should play in our society.

We consider today’s announcement to be a positive milestone on the road to a fairer and more equal society and look forward to participating in this review, and seeking to ensure that the voice of the individuals and communities experiencing poverty, disadvantage and exclusion are at the heart of this review.

” ”

Eilis Barry, CE FLAC commenting on the establishment of the Civil Legal Aid Review Group.

FLAC HIGHLIGHTS 2022

13,556 calls to the Telephone Information and Referral Line

Family law queries = 30% of calls. Significant proportion of calls in relation to divorce/separation, custody/access/guardianship, maintenance, domestic violence, family homes and civil partnerships.

Employment law queries =15% of calls. Significant proportion of calls in relation to contract terms, dismissals, bullying/harassment, discrimination and maternity leave.

7% of all calls (970) were from **lay litigants** - an increase of 15% since last year and the highest number of lay litigants contacting FLAC since we started recording this category in 2016. Of these, 8% had an employment law query. Almost half (49%) had a family law issue. 5% had a debt-related query.

3,318 Phone Legal Advice Consultations

- 32 Volunteers received the FLAC Golden Pin Award for responding to our call for FLAC volunteers during the COVID-19 pandemic.
- 360 Volunteers attended 7 online training events.

Equal Access Project

- A training programme to provide non-legal advocates with the knowledge and skills to support a claimant in taking a case of racial discrimination to the Workplace Relations Commission (WRC).

PILA

- **Ukraine Legal Panel** - 48 lawyers joined and provided 10 training sessions to upskill lawyers.
- **5 Guides** published to assist NGOs, both North and South of the border, to navigate the justice system - in partnership with Arthur Cox, FLAC and the PILS Project.

Independent Law Centre

- **85 active** casefiles in the areas of Housing, Social Welfare and Discrimination/Equality law.
- During 2022, clients of FLAC were awarded a total of **€48,500** in compensation for acts of discrimination by the Workplace Relations Commission (WRC) or pursuant to settlement agreements in their favour.
- **LGBTQI Legal Clinic launched:** 41 people received legal advice through the clinic during 2022. FLAC acts in four ongoing cases relating to access to Trans Healthcare.

Policy

- FLAC's paper on access to justice and equality legislation - delivered to IHREC's Future of Equality Legislation Advisory Committee (FELAC) and which contains specific draft amendments to the equality legislation - was adopted by the FELAC and its recommendations were included in their first report to IHREC.
- FLAC's submission to the Housing Commission Consultation on a Referendum on Housing recommended that a referendum to propose the inclusion of a right to adequate housing in the Constitution should take place as a matter of priority and recommended **wording for a constitutional right to adequate housing.**
- The final **Pillar to Post** Paper- 'A review of Debt Resolution Mechanisms and Debt Support Services: with Final Recommendations for Reform' - was launched on 17 November 2022 at the FLAC office.

SECTION ONE: Legal Information, Advice, Advocacy & Training

FLAC provides legal information, advice, advocacy and training in a number of different ways to enable people to assert and enforce their rights.

It provides early information and advice through its Telephone Information and Referral Line and its legal advice clinics.

2022 HIGHLIGHTS



13,556 calls to the Telephone Information and Referral Line in 2022



3,318 legal advice consultations were held at phone clinics



The number of calls logged in 2022 was the highest since 2015



32 Volunteers received the FLAC Golden Pin Award



15% of callers had an Employment law query



42 social justice organisations were assisted through the PILA Pro Bono Referral Scheme



30% of callers had a Family law query



86,259 people visited the FLAC website with 279,390 page views and 6,073 downloads from flac.ie



6% of callers had a housing query

TELEPHONE INFORMATION & REFERRAL LINE

FLAC provided legal information to 13,556 callers through its Telephone Information and Referral Line in 2022, which was a 3% increase on the calls dealt with the previous year and the highest since 2015. However, the figure does not reflect the huge demand on the service. We are acutely conscious of the number of callers seeking to contact FLAC for legal information and we are concerned at the number of callers who do not get through.

While 13,556 calls were answered and provided with legal information, we estimate that over 4400 people didn't get through and others only got through after calling more than once. That is unacceptable and indicative of a huge need for early legal information and advice.

We owe a huge debt of gratitude to Arthur Cox LLP & Matheson LLP for making their staff available to answer the Telephone Information and Referral Line, allowing an increased number of calls to be answered.



FLAC's Legal Rights team – Ingrid Colvin, FLAC National Volunteers and Clinics Manager and Erin Brogan, FLAC Telephone Information and Referral Line Development Manager

Other Ongoing Issues of Concern:

- **Legal Aid:** We continue to receive many queries and complaints about the service provided by the Legal Aid Board. These include callers not being able to access their solicitor, delays in being approved for legal aid and, once approved, the process remaining very slow. FLAC receives regular calls from people who have been granted legal aid who are looking for interim information/advice because they cannot get in contact with their own solicitor. Some callers report emailing a query and weeks passing with no answer. Callers also complain about not being able to contact their solicitor on the Legal Aid Board's private practitioner scheme.
- **Nowhere to refer Callers with Employment Law Queries:** Another ongoing and consistent issue is the lack of any other avenue available to the 2063 callers who sought employment law advice from FLAC in 2022. Employment law queries are the second highest area of calls. There is no legal aid available in employment claims before the WRC so, apart from FLAC, there is no avenue for callers who cannot afford a private solicitor (or who are not members of a trade union) to receive legal assistance. The WRC has a statutory mandate to provide employment law information. However, we receive calls from people (including from employers) who have been referred to FLAC by the WRC.

FLAC received a record number of calls in a number of areas of law during 2022. These included family law queries, employment law queries, queries about a will, consumer queries, immigration queries and discrimination queries.

Queries to Flac’s Telephone Information and Referral Line 2022

Calls	%	Annual % change	Primary area of law:
4136	30.5	6.2	Family
2063	15.2	4.8	Employment
1014	7.5	-4.6	Civil
979	7.2	8.7	Will/Probate
861	6.4	-11.9	Criminal
824	6.1	9.0	Housing/Landlord & Tenant
648	4.8	6.2	Consumer
394	2.9	-11.9	Property/Interest in Land
371	2.7	64.9	Other
353	2.6	-13.1	Credit & Debt
351	2.6	2.0	Legal representation issues
326	2.4	26.4	Immigration/refugee
293	2.2	9.7	Negligence/Personal Injury
232	1.7	-4.5	Neighbour disputes
177	1.3	14.9	Social Welfare
168	1.2	-30.6	Legal Aid
151	1.1	-6.8	Legal Services
87	0.6	33.8	Discrimination
68	0.5	-41.4	Contract
60	0.4	30.4	Company
13,556			<i>*Legal Services: Calls seeking details about FLAC advice clinics and other services</i>



What were the calls about?

FAMILY LAW QUERIES



30.5% Family Law:

A record 4136 family law queries were answered by FLAC's Telephone Information and Referral Line, more than any previous year, accounting for almost one third of all calls received. Family law queries rose by 6% compared with the previous year.

43% of family law queries were in relation to divorce or separation, 30% in relation to custody, access or guardianship, 19% in relation to maintenance, almost 13% in relation to domestic violence and 12% in relation to the family home.

Calls about a divorce or separation rose by 5% compared with the previous year, while calls about custody/access/guardianship rose by 8%. Calls about maintenance rose by 22%, and calls about domestic violence rose by 13%.

EMPLOYMENT LAW QUERIES



15% Employment Law:

2,063 employment law calls were logged in 2022, which was an increase of 5% on the previous year.

One third of all employment law queries were in relation to contract terms, while 16% were in relation to dismissals. Roughly 10% of employment law calls were about grievance procedures, a further 10% were about redundancy and another 10% were about bullying/harassment.

Queries about dismissals rose by 24% compared with the previous year.

* Calls may relate to multiple issue which are reflected in these figures



Erin Brogan, FLAC Telephone Information and Referral Line Development Manager

7.5% Civil Queries

This category of calls includes civil queries that do not fall under the pre-defined list of areas of law. In 2022, almost 8% of calls were logged in this category.

Of these:

- 24% were about tort law
- 21% had a query about court proceedings
- 8% had a query about powers of attorney
- 6% had a query regarding defamation

Other civil queries included queries about freedom of information (3%) and deed poll (2%).

Lay Litigants

FLAC's information line regularly receives calls from lay litigants who are endeavouring to represent themselves in complex court cases and who are desperately in need of assistance, advice and representation which FLAC does not have the resources to provide.

970 calls to the Information Line in 2022 were from lay litigants, 7% of all calls, which was an increase of 15% on the number of lay litigant callers contacting the FLAC Telephone Information Line the previous year, and the highest number of lay litigants contacting FLAC since we started recording this category in 2016.

Of these:

- Almost half (49%) had a family law issue
- 9% had a civil law issue
- 9% had a criminal query,
- 8% had an employment law query, a 64% increase on the previous year
- 5% had a debt related query, which was a 135% increase on the previous year
- 4% had a housing related query, which was a 20% increase on the previous year.

FREE LEGAL ADVICE CLINICS

HIGHLIGHTS



Key FLAC Clinic Statistics

- 3,318 consultations
- 38% of callers had a family law query
- 25% of callers had an employment law query

A FLAC clinic is a legal information and advice service delivered by volunteer lawyers providing confidential, basic, first-stop free legal information, advice and referrals in family law, immigration law, employment law and “general” law.

In 2022, the face-to-face clinics remained closed which impacted our capacity to provide early legal advice. Prior to the pandemic, FLAC clinics operated primarily in the network of local Citizen Information Centres around the country. As government restrictions were lifted FLAC, the Citizen Information Board and Citizens Information Services continued to explore how FLAC clinics could resume in person.

During 2022 we continued to provide phone legal advice for urgent and substantive issues. 3318 individual consultations took place at the clinics in 2022, which was an increase of 22% on the number of consultations the previous year. Compared with the previous year, there were

75 more service users assisted in specialised family law clinics, 15 more service users assisted in employment law clinics, 16 more service users assisted in Zoom/video clinics and 5 more service users assisted in immigration law clinics organised by FLAC.

Most FLAC clinics operate for approximately 2 hours with approximately 4 appointments taking place in each clinic. 1069 phone advice clinics were held in 2022, which was a 26% increase on the 845 clinics held last year. The number of clinics organised through our Telephone Information Line rose by 5%, which included 31 more specialised family law clinics, 9 additional employment law clinics and 4 additional Zoom clinics.

The number of clinics organised by Citizen Information Services almost doubled compared with the previous year (up by 92%), which included new clinics in South Dublin CIS and North Munster CIS. As a result, FLAC Phone clinics are available through 7 Citizens Information Centres across the country. We are grateful for the support of the Regional and Development Managers, Administrators and Information Officers who work with us to deliver these services.

In addition a FLAC clinic is available through Drogheda Community Service Centre. We are grateful for their support.

Appointments made via FLAC Telephone Information Line

Clinics held	Consultations*	Type of clinic
255	777	Employment
200	762	Family
199	593	General
14	37	Immigration
8	28	Zoom clinics

Appointments made via Citizens Information Centre

87	177	South Leinster CIS
68	169	North Dublin CIS
59	172	South Munster CIS
53	186	South Dublin CIS
50	136	South Connacht CIS
47	186	North Munster CIS
8	15	Sign Language Service
5	8	North Leinster CIS



ISL FLAC Clinic
Free Legal Advice Clinic for Irish Sign Language Users
2nd & 4th Thursday every month

Text 087 133 2232

ISL interpreter provided through IRIS, the national remote interpreting service run by SLIS

flac promoting access to justice
Citizens Information
IRIS IRISH REMOTE INTERPRETING SERVICE
Service Precision Through Irish Sign Language

Independent

16	72	Drogheda CSC
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Total

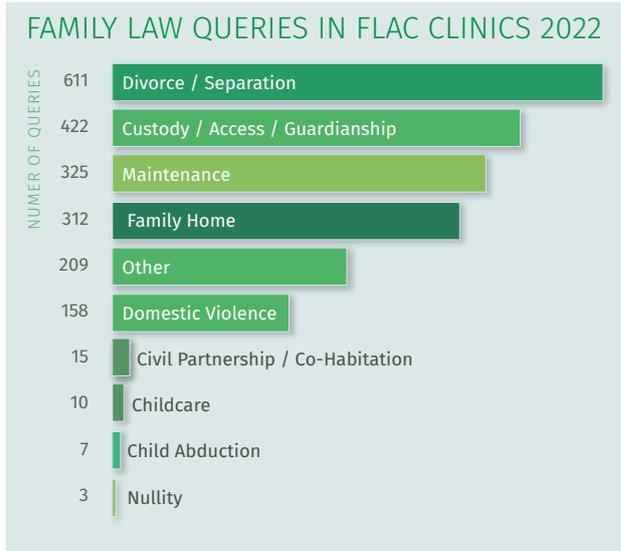
1069	3318	* Number of consultations attended are based on Data Collection Form returns
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What were the appointments in FLAC Clinics about?

Consultations*	% of Consultations	% of Annual Change	Primary area of law:
1263	38.1	38.1	Family
833	25.1	25.1	Employment
169	5.1	5.1	Other
160	4.8	4.8	Will/Probate
153	4.6	4.6	Consumer
137	4.1	4.1	Housing/Landlord & Tenant
109	3.3	3.3	Property/Interest in Land
92	2.8	2.8	Credit & Debt
90	2.7	2.7	Criminal
64	1.9	1.9	Negligence/Personal Injury
58	1.7	1.7	Neighbour disputes
48	1.4	1.4	Immigration/refugee
47	1.4	1.4	Legal Representation issues
32	1.0	1.0	Civil
29	0.9	0.9	Contract
13	0.4	0.4	Social Welfare
8	0.2	0.2	Company
6	0.2	0.2	Discrimination
1	0.0	0.0	Legal Aid
6	0.2	0.2	Not recorded
3318			<i>*Area of law recorded at each appointment based on Data Collection Forms returned in 2022</i>

38.1% Family Law:

- Roughly one third of all appointments in FLAC clinics in 2022 were in relation to a family law query, and the number of family law queries in FLAC clinics was 30% higher than the previous year.
- Almost half of service users with a family law query were seeking legal advice in relation to a divorce or separation (48%), which was a 20% increase on the number of service users seeking legal advice in this area.
- 33% of service users with a family law query were seeking legal advice in relation to custody, access or guardianship, which was a 21% increase on the previous year.
- One in four service users with a family law query were enquiring about maintenance (an increase of 34%), and one quarter were seeking advice regarding a family home (an increase of 17%).



- 13% of service users with a family law query were seeking assistance in relation to domestic violence, which was an increase of 26% on the number of service users seeking assistance in relation to domestic violence compared with the previous year.



FLAC Volunteers Bríd, Roisin and Mick with Ingrid Colvin, FLAC National Volunteers and Clinics Manager at the Volunteer Ireland Award Ceremony in Athlone.



Recipients of the FLAC COVID Clinic Champions Golden Pin Award at the FLAC Annual Lecture.

25% Employment law:

One-quarter of all appointments in FLAC Clinics in 2022 were in relation to an employment law query.

Roughly one-third of service users (31.5%) with an employment law query were seeking advice in relation to an employment contract, an increase of 2.7% on the previous year.

Award for responding to our call for FLAC volunteers during the COVID-19 pandemic. These volunteers stood in solidarity with people who needed urgent free legal advice and volunteered eight or more times.

Two law firms, McCann Fitzgerald and Arthur Cox, also received a Golden pin award for their support with FLAC clinics during the pandemic.

EMPLOYMENT LAW QUERIES IN FLAC CLINICS 2022



22% of service users with an employment law query were seeking advice in relation to dismissal, an increase of 4.5% on the previous year.

COVID Clinic Champions – Golden Pin Award

In 2022, we were delighted to honour 32 of our Volunteers with the FLAC Golden Pin

Volunteer Portal

We developed a new online volunteer portal where volunteers can access relevant documents, links and resources to assist their volunteering at FLAC clinics.

“We are delighted to finally be able to recognise the generosity and ingenuity shown by these FLAC volunteers during a time of great uncertainty and upheaval. Our Covid Clinic Champions’ generous contribution of their time and expertise allowed FLAC to continue to offer legal advice clinics throughout the darkest days of the pandemic, in many instances to people in dire circumstances”

-Eilis Barry, FLAC Chief Executive

LEGAL ASSISTANCE FOR SOCIAL JUSTICE ORGANISATIONS - PILA, THE PUBLIC INTEREST LAW ALLIANCE AND THE PRO BONO REFERRAL SCHEME

“Engaging in pro bono work is an opportunity for a lawyer to exhibit commitment to justice and the public interest, benefitting those in society who need it most. But it also enables lawyers an opportunity to develop their legal knowledge and skills and other essential expertise in delivering legal advice such as accessible communication and dedication.”

- Former Attorney General, Paul Gallagher SC speaking at the launch of Pro Bono Week

PILA (the Public Interest Law Alliance) is a project of FLAC that promotes the use of law in the public interest in Ireland –by engaging the legal community and civil society in using the law to advance positive social change. At the core of our work and central to how we deliver that is through our Pro Bono Referral Scheme.

PILA HIGHLIGHTS 2022:

- PILA’s Ukraine legal panel.
- Facilitating over 48 social justice organisations to get legal assistance through the Pro Bono Referral Scheme.
- Receiving 89 new requests for legal assistance from partner NGOs.
- Producing the first All-Ireland Guides for NGOs to navigate the justice system.
- Hosting Pro Bono Week 2022.
- Facilitating and coordinating the launch of the inaugural Annual Pro Bono Pledge Ireland Report.
- Holding 4 NGO Pitch Events under Pro Bono Pledge Ireland.
- Running 10 Legal Education Sessions, training over 468 NGO staff.
- Moving to an online Pro Bono Portal to facilitate our Pro Bono Referral Scheme.
- Publishing 25 issues of the PILA Bulletin which has a circulation of over 2,791.

“As a Firm, we are delighted to partner with PILA who offer an invaluable service in increasing access to justice and the provision of legal advice to those organisations and individuals who most need it.”

Eversheds Sutherland LLP: Eoin Mac Aodha, Partner

“Since 2016 McCann FitzGerald has been a sustaining partner of PILA, providing pro bono legal advice to the PILA network of NGOs. We approach pro bono assignments with the same energy, enthusiasm and resources as we do work for commercial clients, and our associates receive billable-hour credit for their pro bono work. Undertaking pro bono work not only gives us the chance to give back to our communities but it also improves our skills and knowledge as lawyers.” Mary Brassil, Partner, McCann FitzGerald.

Ukraine

As we started to find our way out of the pandemic and the world began to re-open, we were faced with the shock created by Russia’s invasion of Ukraine. Many people were forced out of Ukraine and fled to Ireland for refuge. PILA put out a call to our Alliance of Lawyers and Pro Bono Pledge signatories to be a part of PILA’s Ukraine Legal Panel, the aim of which was to provide legal support and assistance to those in need. 48 lawyers came on board to offer their services (25 law firms, 5 individual solicitors and 18 barristers) and through this project, we provided 10 training sessions aimed to upskill lawyers on relevant topics.



Legal Assistance

In 2022 our network of 52 law firms, 350 barristers and 9 in-house legal teams delivered direct legal assistance to 48 NGOs, community organisations and independent law centres, with nearly a third of referrals in the area of immigration, followed by data protection, company law and governance.



PILA is an amazing resource and source of support for Crosscare Migrant Project. We’ve benefitted from legal advice and training to upskill our advocacy teams, and most importantly we’ve been able to get pro bono representation for some of our most vulnerable and complex client cases.”

Richard King,
Crosscare Migrant Project.



Adam Finlay, Mary Brassil and Shamika Dwarika at the Launch of the Data Protection Guide for NGOs

All-Ireland NGO Guides

In partnership with Arthur Cox, FLAC and the PILS Project, PILA compiled a series of 5 Guides designed to assist NGOs, North and South, to navigate the justice system.

The 5 Guides include:

- An NGO Guide to being appointed an Amicus in the Irish court system
- An NGO guide to individual non-court complaint mechanisms at European level
- An NGO guide for engaging with UN Special Procedures mandate holders
- An NGO guide for taking individual complaints to UN Human Rights Treaty Bodies
- An NGO Guide to Judicial Review

“Through our partnership with the PILS Project and PILA we developed the All Ireland Guide engagement series – important resources helping people gain access to justice”

Carolann Minnock, Arthur Cox

Data Protection Guide for NGOs 2022.

PILA worked with McCann Fitzgerald LLP to produce an updated Data Protection Guide for NGOs.

Mary Brassil, Partner, McCann FitzGerald:

“McCann FitzGerald’s Data Protection team was delighted to create and launch a data protection guide designed specifically for NGOs. The not-for-profit sector, by the nature of its work, often holds or processes personal data or personal information from service users. The aim of this guide is to provide a practical resource to support their understanding of and compliance with data protection obligations. This collaboration with PILA allows us to use our legal skills and expertise to deliver a vital resource for PILA members.”

Emily Doran, PILA Legal Officer, Eilis Barry, FLAC CE, Niamh Counihan, Matheson Pro Bono Partner and Shamika Dwarika, PILA Pro Bono Development Officer at the PILNet Global Forum

Michael Jackson, Managing Partner of Matheson, Eilis Barry, FLAC Chief Executive and Niamh Counihan, Matheson Pro Bono Partner at the launch of the Pro Bono Pledge Ireland Report

Emily Doran, PILA Legal Officer, Fiona McNulty, Senior Associate, Mason Hayes & Curran, Carolann Minnock of Counsel, Arthur Cox, Eithne Lynch, Head of Pro Bono, A&L Goodbody, Shamika Dwarika, PILA Pro Bono Development Officer and Niamh Counihan, Matheson Pro Bono Partner at the launch of the Pro Bono Pledge Ireland Report.



PILNet Global Forum

In October, PILA welcomed the PILNet Global Forum as part of the Host Country Committee. PILA facilitated a session on Increasing the Value of Pro Bono for Clearinghouse professionals and separately discussed our cross-border collaboration for the All-Ireland NGO Guides in an open session, with our partner law firm and Northern Irish counter-parts.

Pro Bono Pledge Ireland

PILA has continued in its role as coordinator of Pro Bono Pledge Ireland. The Pledge provides a common definition of pro bono legal work, a commitment to a minimum aspirational target of 20 pro bono hours per lawyer per year and a mechanism to benchmark progress through annual reporting of anonymous pro bono data.

During Pro Bono week the inaugural Pro Bono Pledge Ireland Report was launched. In the 2 years since it was launched, the Pledge has gained the support of 54 law firms, 40 barristers, 2 in-house teams and 6 individual solicitors. 33 signatories reported under the Pledge having undertaken 37,109

hours of pro bono work. The Pledge is open for signature by solicitors, barristers, law firms and in-house legal departments.

“As a long time Sustaining Partner of PILA we were delighted to see the launch of the first impact report under Pro Bono Pledge Ireland in 2022. Coordinated by PILA the Pledge is the first collaborative effort in Ireland to articulate the shared professional responsibility of lawyers to promote access to justice and provide pro bono legal assistance to those in need. Through the Pledge we were delighted to collaborate with our law firm peers to deliver the first outreach legal information clinic to Ukrainian refugees with the Irish Red Cross; a project that continues to grow from strength to strength”

- Eithne Lynch, A&L Goodbody

NGO Pitch events

We ran 4 NGO Pitch events for lawyers who are Pledge Signatories in 2022. These Pitch events are opportunities for NGOs to speak about their work and possibly match with a lawyer / law firm who will assist with their legal needs or a specific project or piece of work.

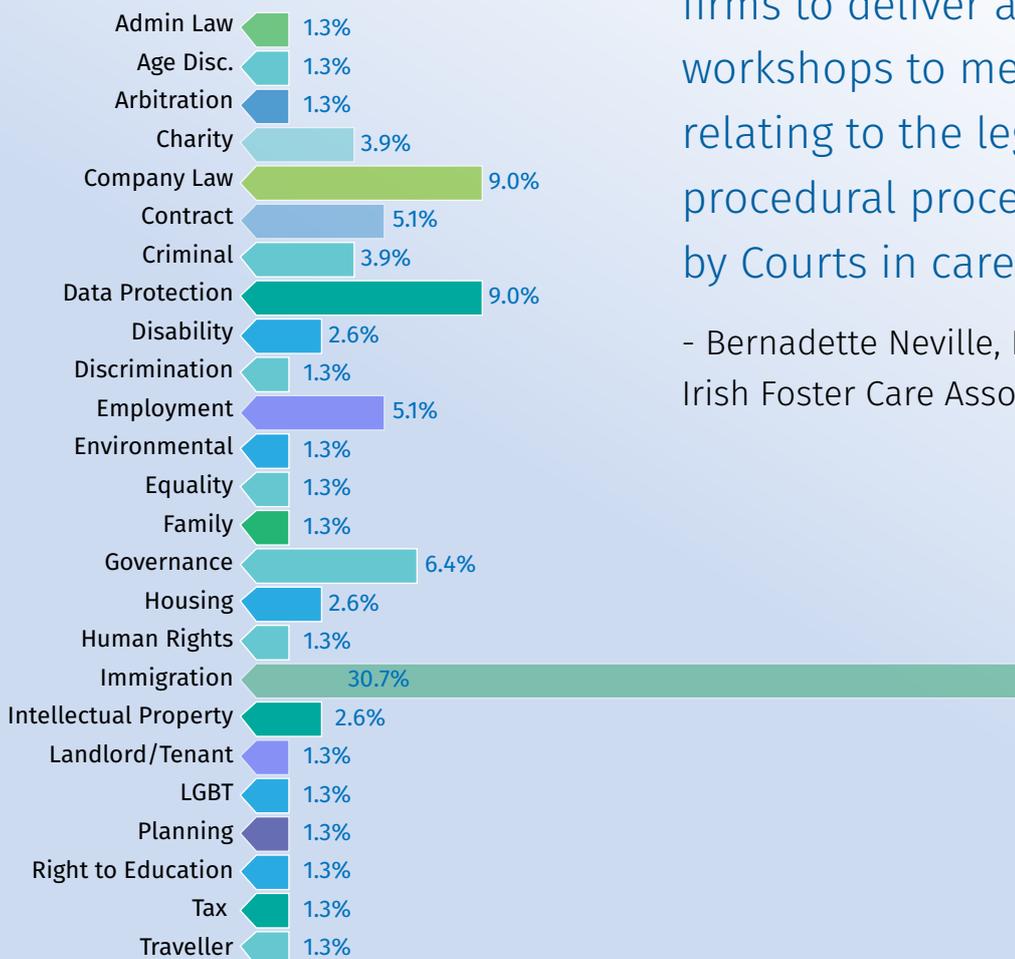
Pro Bono Week

We ended the year with Pro Bono Week, which was launched by former Attorney General Paul Gallagher SC.

“IFCA’s experiences of working with PILA has been very positive. The referral pathway was clearly sign-posted and we received great guidance and support in making the pitch and securing law firms to deliver a series of legal workshops to members on topics relating to the legislative and procedural processes followed by Courts in care proceedings”

- Bernadette Neville, Interim CEO, Irish Foster Care Association.

REFERRAL FOCUS 2022



Pro Bono Support Highlights 2022:

Open Community Sponsorship Programme:

10 trainings for the Legal Panel, 4 trainings for community hosts and sponsors and dealt with 10 referrals: PILA has partnered with five of Ireland's leading law firms to create a legal panel for the Open Community project, to provide legal support for community sponsors across Ireland who are welcoming refugees into their communities, and supporting their integration into local communities. PILA has supported the provision of legal advice through the creation of this legal panel, in the areas of housing, immigration and charity law to support both the community sponsors, as well as the families they work with.

Housing: Advice on HAP and tenancy agreements.

Social Welfare Law & Age Discrimination:

Legal opinion sought on Social Welfare Law & Age Discrimination for a national representative organisation for visually impaired people.

Drafting: Assistance drafting Heads of Bill for legislation to disregard convictions for sexual activity between men.



Having access to the PILA pro bono legal panel has meant that The Open Community have been able to ensure that people who have arrived in Ireland through Community Sponsorship or with the International Temporary Directive have access to legal support. Sometimes this support is to navigate and understand what steps need to be taken but also for issues that have arisen where peoples' rights and entitlements are not being adhered to.

Through The Open Community there are many people who are offering support to refugees within their homes and communities and it is vital that they are given the tools they need to continue this support. The pro bono legal panel that has been set up in partnership with PILA has meant that there is free accessible support available””

- Karen Moynihan, Open Community Sponsorship Programme.

PILA Legal Education Sessions

PILA ran a number of legal training sessions for NGO staff in order to help them understand the law and assist service users in navigating it more effectively. In 2022, PILA delivered 5 legal education sessions for over 167 participants on topics such as the Temporary Protection Directive, amendments to the Assisted Decision-Making Act and the Amicus Curiae Procedure.

“In 2022 IFCA was supported to deliver 6 legal workshops, attended by 400 members, comprising of foster carers, social workers and other professionals working in the fostering system. The workshops clearly met a need. Many foster carers who receive support from IFCA through the National Helpline Service and the National Advocacy service experience difficulties understanding and navigating the legal system which makes decisions in respect of the children in their care. The workshops helped foster carers identify the legal processes they could use to better advocate for the child in their care.”

- Bernadette Neville, Interim CEO, Irish Foster Care Association.

“I was delighted to join the Pro Bono Department at A&L Goodbody LLP last year and to become part of the vibrant pro bono community in Ireland. It is a pleasure to work with social justice organisations like PILA and to collaborate to use our legal skills and expertise to assist those most in need in our society.”

- Amy Martin, Pro Bono Lawyer, A&L Goodbody LLP

PILA Bulletin

During 2022, we published 25 issues of the PILA Bulletin which has a circulation of over 2,791. The Bulletin aims to provide a resource bridging the fields of law and social justice, and shining a spotlight on domestic and international case-law, policy issues, legislation and legal trends.

The PILA Bulletin is an excellent source of legal and human rights news – you can subscribe to the Bulletin by emailing pila@flac.ie.

LEGAL EDUCATION AND TRAINING

FLAC Volunteer Training

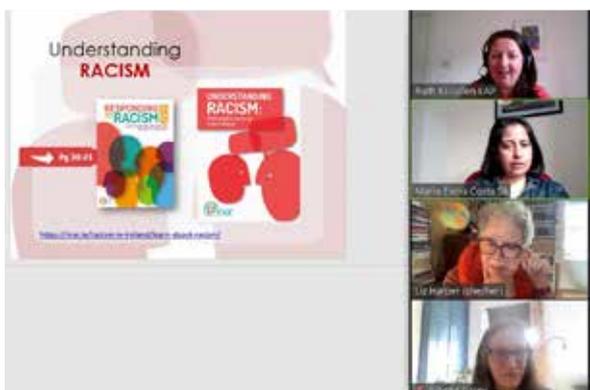
- 7 online training events were delivered, which were attended by 360 FLAC Volunteers.
- The topics included Immigration Law, Employment Law, Social Welfare, Housing Law and Family Law.
- CIC staff were invited to attend 3 training events.
- FLAC Society Committee Members were invited to 3 training events.

A huge thanks to the trainers for sharing their expertise and experience. Thanks to Catherine Cosgrave, Katherine McVeigh, Christopher Bowes BL, Lewis Mooney BL, Keith Walsh and Owen Keany BL.

The Equal Access Project: Training for non-legal advocates in discrimination claims

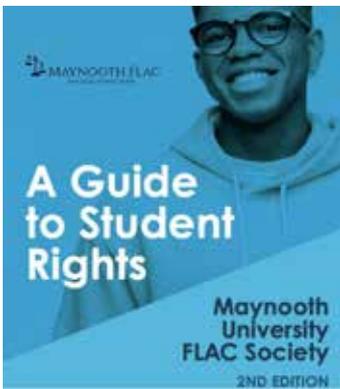
The Equal Access Project (EAP) is a joint initiative between FLAC and INAR (the Irish Network Against Racism) which began in 2021. It is funded by the EU under the Rights, Equality, and Citizenship (REC) Programme. The EAP aims to improve access to justice for people discriminated against in employment or access to goods and services on the grounds of race or membership of the Traveller community. The project has two focus areas: research and training.

An innovative training programme in Anti-Racism Advocacy was designed and delivered for the first time in 2022. The purpose of the training was to provide non-legal advocates with the knowledge and skills to support a claimant in taking a case of racial discrimination to the Workplace Relations Commission (WRC). The trainees came from a range of backgrounds including youth work, social work, LGBTQ+ advocacy, Travellers' rights advocacy and more. Based in organisations



Equal Access Project Trainings via zoom





Maynooth FLAC Society members at the launch of their student rights guide.

across Ireland, these advocates are well-placed to respond to the advocacy needs of their communities. While the EAP will end in 2023, it is crucial that this training is delivered again to increase the capacity of advocates and improve access to justice for people who experience racial discrimination.

There were 22 participants in the EAP's Anti-Racism Advocacy Training, with 13 completing the assessment portion to gain a QQI certificate in Information, Advice, and Advocacy Practice. The course was delivered over 12 sessions, and the trainers included equality and anti-racism experts from FLAC and INAR, as well as Judy Walsh of UCD, James Kane BL, Kiwana Ennis BL, Clare Bruton BL, WRC Adjudication Officer Aideen Collard, Jane O'Sullivan of Community Law and Mediation, and Lorraine Hennessy of the INOU.

The second area of the EAP's focus is research that examines whether our current system provides an accessible and effective mechanism for the adjudication of complaints on the race and membership of the Traveller community grounds. The research is due to be published in 2023.

Traveller Equality and Justice Project (TEJP)

The TEJP is a partnership between UCC and FLAC responding to the need for legal research and increased data on the discrimination which Irish Travellers

face in the provision of goods and services, and the legal supports for challenging acts of discrimination. The TEJP is currently supported by the European Commission under the Rights, Equality and Citizenship Programme (REC-AG-2020) January 2021-December 2022.

The Project and Legal Clinic is based within the School of Law, UCC and is supported by the FLAC Traveller Legal Service.

FLAC Societies

There are seven active FLAC societies at universities around Ireland. These societies operate independently of FLAC, however FLAC works with the societies as part of its aim to support legal education to complement the academic training law students receive.

In collaboration with the societies, FLAC created a Guidance Note for FLAC societies in order to provide some suggestions for societies in running their own legal advice/legal information clinics with volunteer solicitors/barristers. FLAC and a number of the FLAC societies gathered together twice on Zoom during 2022, in February and October.

In May 2022, FLAC Chief Executive Eilis Barry was delighted to attend the launch of Maynooth University FLAC's 'A Guide to Student Rights'. FLAC and PILA were also very happy to welcome Jennifer Salmon as an intern for the month of July. Jennifer won the internship as a prize in Trinity FLAC's Moot Court Competition.

SECTION TWO: Litigation in the Public Interest and Strategic Casework

FLAC, as an Independent Law Centre, takes on a number of cases in the public interest each year. As well as being important to the individual clients, these cases are taken with the aim of a wider community benefit.

The FLAC legal team also runs a Roma Legal Clinic, LGBTQI+ Legal Clinic and provides a Traveller Legal Service.



FLAC Independent Law Centre team. L-R. Christopher McCann, FLAC Solicitor, Sinéad Lucey, FLAC Managing Solicitor, Christopher Bowes, FLAC Legal Officer and Kelsey Lee, FLAC Legal Officer.

“Pursuing litigation in confronting the power of the state and the vested interests that sustain the status quo, has had a new lease of life in recent times. This tactic is currently pioneered by: the Free Legal Advice Centres (FLAC)...”

- Niall Crowley, Civil Society for Equality and Environmental Sustainability: Reimagining a Force for Change (TASC & St. Stephen's Green Trust, 2022. p.70)

2022 CASEWORK HIGHLIGHTS



WRC ordered supermarket to pay €12,000 for Traveller Discrimination



Clients of FLAC were awarded a total of €48,500 in compensation for acts of discrimination by the WRC or pursuant to settlement agreements in their favour



WRC Ordered Waste Management Company to pay €2,000 in compensation to FLAC's client for refusal to provide a skip at a halting site



A revised social welfare appeal decision concerning the entitlement of the daughter of an EU worker to One Parent Family Payment saw FLAC's client receive a significant back-payment



FLAC acted for a Roma woman who had been removed from the housing list on the basis of a previous minor conviction. She was restored to the housing list on foot of an oral appeal hearing



FLAC successfully acted for a Traveller woman who had received a Notice of Termination from an Approved Housing Body giving no reason other than their entitlement to cancel the tenancy during the probationary period



FLAC acts in four ongoing cases relating to access to Trans Healthcare



41 people received legal advice through the LGBTQI+ Legal Clinic during 2022



WRC found Bank's refusal to engage with customer through an ISL interpreter constituted unlawful discrimination

New Casefiles by Area of Law

%	New casefiles	Area of Law
57.1%	24	Discrimination/Equality
40.4%	17	Housing
2.4%	1	Social Welfare
100%	43	

OVERVIEW OF FLAC'S CASEWORK

FLAC opened 42 new casefiles during 2022. 43 files opened prior to 2022 remained active during the year.

Each of the total of 85 active casefiles can be categorised as relating to Housing, Social Welfare or Discrimination/Equality law.

Over the past five years, these have consistently been the areas of law in which FLAC most frequently provides legal representation.

DEDICATED LEGAL SERVICES

FLAC's legal team run a number of dedicated legal services – each of which have emerged from a recognition that certain groups experience significant inequality that is not addressed through mainstream legal services and where legal aid is absent or not sufficiently responsive to meet the need concerned.

FLAC believes that the Traveller Legal Service provides a rights-based, strategic model which should be replicated in respect of other groups.

While these services cannot act as an alternative to a comprehensive system of civil legal aid, they seek to identify and respond to unmet legal need to the greatest extent as their resources allow, and undertake strategic litigation which has the potential to benefit the wider community. They also allow for barriers to justice to be identified and for the accumulation of expertise as to how those issues may be addressed.

The provision of dedicated legal services is contingent on funding and resources. The Traveller Legal Service is funded by the

Community Foundation of Ireland, and the Roma Legal Clinic and LGBTQI+ Legal Clinic each receive project funding from the Department of Children, Equality, Disability, Integration and Youth.

All Active Casefiles during 2022

Files Carried Over	New Files	Total Open Files	% Total Open Files	Area of Law
24	24	48	56.5	Discrimination/Equality
10	17	27	31.7	Housing
9	1	10	11.8	Social Welfare
43	42	85	100%	

2022 Traveller Legal Service Casefiles by Area of Law

Files Carried Over	New Files (% of New Files)	Total Open Files	% Total Open Files	Area of Law
10	12	22	56.4	Housing
8	9	17	43.6	Discrimination/Equality
18	21	39	100%	

Traveller Legal Service

39 of the 85 (46%) casefiles which were active during 2022 were opened on behalf of clients of the Traveller Legal Service.

The Traveller Legal Service received 119 individual queries during 2022.

FLAC provides assistance to these individuals through the provision of legal representation, assistance in submitting applications to the Legal Aid Board, the provision of written and oral legal advice, and assistance in submitting Freedom of Information and Data Subject Access Requests.

Roma Legal Clinic

23 of the 85 (27%) casefiles which were active during 2022 were opened on behalf of Roma clients.

The Roma Legal Clinic continued to largely operate remotely throughout 2022. FLAC also continued to offer advice and assistance to other advocates working directly with the Roma community, including Cairde, Crosscare and Donegal Travellers Project, and opened a number of case files based on referrals from such organisations.

FLAC is a member of and attends the regular meetings of the National Roma Network (NRN).

Queries received by the Traveller Legal Service 2022

No of Queries	Area/Issue
50	Accommodation
31	Discrimination
17	Eviction
21	Other
119	

All Active Roma Casefiles during 2022

Files Carried Over	New Files	Total Open Files	% Total Open Files	Area of Law
8	1	9	39.1	Social Welfare
0	4	4	17.4	Housing
6	4	10	43.5	Discrimination/Equality
14	9	23	100%	

LGBTQI+ Legal Clinic

The FLAC LGBTQI+ clinic was launched in 2022. It provides tailored legal advice and information to LGBTQI+ individuals. This project was established in recognition that the LGBTQI+ community in Ireland has faced significant legal and societal barriers throughout history resulting in a need to continue towards creating greater understanding and legal support.

FLAC established a steering group involving LGBTQI+ organisations to provide guidance on the overall project, and to ensure that their valuable insights into the legal issues faced by the LGBTQI+ community in Ireland are incorporated, with a view to working together to provide better legal services to the LGBTQI+ community. Organisations participating in the Steering Group include TENI, LGBT Ireland, Lesbian Lawyers Network, Gay Switchboard Dublin, Linc Cork, Limerick GOSHH, Outcomers Louth, Amach LGBT Galway, NXF, and Intersex Ireland.

The FLAC LGBTQI+ clinic is a place where lesbian, gay and trans individuals can access high quality legal advice in a safe and supportive environment. The weekly clinic is appointment only and can provide advice on a wide range of legal issues where gender and sexuality are a factor, including discrimination matters, equality, family law, gender identity, immigration, hate crimes, and access to healthcare. Consultations may be held remotely or in-person.

Almost three-quarters of inquiries received during 2022 were made directly by the individual concerned.

41 people received legal advice through the LGBTQI+ Legal Clinic during 2022.



FLAC's LGBTQI+ Clinic Launch. L-R Stephanie Lord, FLAC Legal and Policy Officer, Eilis Barry, FLAC Chief Executive & David Fennelly, FLAC Chairperson.



James Rooney BL, FLAC LGBTQI+ Clinic Advisor and Caroline Smith, FLAC Media Officer at the Outhouse LGBT+ Groups Info Day, 18 June 2022.



LGBTQI Legal Clinic Appointments 2022

No of Appointments	%	Area / Issue
16	39	Family
8	20	Discrimination
8	20	Trans Healthcare
5	12	Immigration
2	5	Housing
1	2	Employment
1	2	Other
41	100%	Total

HOUSING CASEWORK

Cases relating to housing and homelessness continue to dominate the work of the Traveller Legal Service, and also constitute a significant proportion of the casework arising from the Roma Legal Clinic. These trends reflect:

- the disproportionate negative impact of the current housing and homelessness crisis on marginalised and disadvantaged groups, and
- the deeply embedded and structural discrimination experienced by Travellers and Roma in Ireland, including in access to housing.

Prior to the launch of the LGBTQI+ Clinic, FLAC had opened two casefiles in relation to access to Trans Healthcare. These cases remain ongoing.

5 casefiles were opened on behalf of callers to the Clinic during 2022:

- 1 relates to Social Housing / Discriminatory Harassment.
- 2 relate to discrimination in access to goods/services.
- 2 relate to access to Trans Healthcare.
- Of the 4 files relating to access to Trans Healthcare, 2 relate to minors (whose parents act on their behalf).

A notable feature of FLAC's casework in this area during 2022, is the number of cases which did not involve recourse to legal proceedings. Many cases concerning social housing resolved on the basis of correspondence and engagement with local authorities (which is reflected in the notable outcomes listed below under the headings *Social Housing / Emergency Accommodation Casework* and *Evictions Casework*). This reflects the importance of access to expert legal advice and advocacy as elements of access to justice which can bring about the early resolution of problems.

However, clients did also have to initiate proceedings in a significant number of cases – see below *Housing Cases before the Courts during 2022*.

Social Housing / Emergency Accommodation Casework

FLAC continued to act in eight cases concerning access to adequate social housing supports or emergency accommodation.

A further thirteen new files were opened in this area. These included files opened on behalf of:

- A Traveller family moved to emergency accommodation outside of their area of application and in a location from which it took two hours by car to reach their community and their children's schools. After correspondence from FLAC, the local authority provided alternative accommodation in a more suitable location.
- A Traveller couple in HAP accommodation in a state of total disrepair and whose requests to the local authority to enforce the relevant standards against their landlord had been ignored. The family were allocated a house by the local authority following correspondence from FLAC.
- A Roma woman who had been removed from the housing list on the basis of a previous minor conviction. The local authority did not issue a written decision or advise her how long she was suspended from the housing list. She was restored to housing list on foot of an oral appeal hearing of which she was represented by FLAC.
- A Roma family in emergency accommodation who had been separated on the basis of allegations of anti-social behaviour (which they denied). The father had been deemed eligible for hostel accommodation suitable to single men only and was therefore unable to live with his family. The family deny there was any anti-social behaviour and were never given an opportunity to respond to the claims or access the evidence that they were based on. The family were placed together in a family hub on foot of correspondence from FLAC.
- A widowed Roma man whose family had been removed from the housing list on the basis of an out-of-date calculation of his income. His families' access to emergency accommodation was also cut off as a result. After intensive correspondence, the relevant local authority agreed to restore FLAC's client to the housing list and give his family immediate access to emergency accommodation.



Eviction Casework

FLAC opened three new files on behalf of clients facing evictions. This included cases on behalf of:

- A Traveller woman who had received a Notice of Termination from an Approved Housing Body giving no reason other than their entitlement to cancel the tenancy during the probationary period. The notice was withdrawn on foot of correspondence from FLAC.
- A woman who had received a Notice of Termination which was inconsistent with the terms of her tenancy agreement – which only allowed for the termination of her tenancy if she was in breach of her tenant's obligations and not by reason of the landlord selling the property (which he was now purporting to do). The notice was withdrawn on foot of correspondence from FLAC to her landlord.



Housing Cases before the Courts during 2022:

- A new casefile was opened on behalf of a Traveller woman subject to criminal prosecution under the Planning and Development Acts. The prosecuting local authority object to the woman and her family living in caravans situated on the family's property after their house burned down.
- Two sets of judicial review proceedings were filed during 2022 but the cases resolved prior to an application for leave (i.e. permission from the Court to pursue the case) being made. Those cases include:
 - A file opened on behalf of an older Roma couple experiencing homelessness whose application for medical priority on the housing list was refused. The local authority reversed their decision after FLAC highlighted that it was at odds with the authority's own policy and the provisions of the Housing Acts, as well as the medical evidence the couple had provided.
- FLAC also continued to act in:
 - Ongoing judicial review proceedings challenging the decision of a local authority to suspend FLAC's clients, a Traveller family, from the housing list, as well as the constitutionality and compliance with the ECHR of certain provisions of the Housing Acts.
 - High Court proceedings against An Garda Síochána on behalf of a Traveller family whose home was subject to an armed raid and search in circumstances where the address on the search warrant did not correspond to their address.

SOCIAL WELFARE CASEWORK

All but one of FLAC's ten social welfare casefiles which were active during 2022 were opened on behalf of members of the Roma Community. Of those nine files, six concerned issues relating the habitual residence condition. The other three cases concerned reviews of ongoing entitlement to social welfare.

FLAC has repeatedly highlighted the disproportionate impact of the Habitual Residence Condition on marginalised groups such as Roma. FLAC's casework also demonstrates the complex legal issues that can arise at all stages of social welfare decision-making (including while making an initial application) and the specific barriers that groups such as Roma face in engaging with those processes – including in dealing with the complex question of EU law and in compiling documentary evidence of habitual residence.

Barriers to (and delays in) accessing social welfare payments can have a devastating impact on individuals' and their families' lives – it can result in evictions, and exacerbate or create health issues and debt issues. In three of the social welfare casefiles active during 2022, Roma clients who were in receipt of no weekly social welfare payment were also experiencing homelessness. Other Roma clients were living in manifestly inadequate or over-crowded accommodation, or actively at risk of becoming homeless.

Revised Appeal Decision concerning entitlement of the daughter of an EU worker to One Parent Family Payment

FLAC acted for a young Roma woman whose application for One Parent Family Payment was refused in 2019 on the basis that she does not have a right to reside in Ireland or satisfy the habitual residence condition. This decision was upheld on appeal and an advocate with a community organisation referred the client to FLAC. In a submission to the Social Welfare Appeals Office seeking a revised decision, FLAC highlighted that the Department had decided that our client was entitled to Child Benefit (and therefore satisfies the Habitual Residence Condition). Further, the Department had accepted that her father has a right to reside as an EU worker and, as a result, our client has a right to reside as his dependent family member. A revised decision was subsequently issued by the Department and FLAC's client received a significant back-payment in respect of the period during which her claim had been incorrectly refused.

Constitutional Challenge to the exclusion of a bereaved cohabitee from the Widower's Pension Scheme

In October 2022, the High Court issued judgment in *O'Meara v Minister for Social Protection*. The Court refused judicial review proceedings taken by FLAC's clients, Mr John O'Meara and his three children, challenging their exclusion from the Widow's, Widower's or Surviving Civil Partner's Contributory Pension Scheme – which is not available to non-marital families. Mr O'Meara and his partner of over two decades, Ms Michelle Batey, planned to marry after her recovery from breast cancer in 2020. However, in January 2021, Ms Batey tragically died after contracting Covid-19.

Mr Justice Heslin noted that, “the applicants’ pain is unimaginable to those who have not experienced such loss... All four applicants were present in court throughout the hearing, this loss as well as their deep love and concern for each other was evident”. He also recognised that “most people in

Irish society would, without hesitation, regard [Mr O'Meara, Ms Batey and their children] as a “family”. However, he decided that, for reasons including “the special place of marriage in the Constitution”, the legislation was not contrary to the Constitution's equality guarantee and that he could not interfere with the apparent aim of the legislation to support and promote marriage.

In 2023, the Supreme Court accepted a leap-frog appeal of the High Court's decision on the basis that the “intended appeal raises matters of general public importance” and because “the appeal may require the Court to address its past precedents relating to Article 41”. The Court also noted that the “application of Article 40.1 in the area of social welfare law raises difficult and important issues”. The appeal is due to be heard in July 2023.



EQUALITY / DISCRIMINATION CASEWORK

In 2022, 36 active casefiles related to discrimination in access to goods, services, education or accommodation (i.e. potential discrimination contrary to the Equal Status Acts). A further 2 casefiles related to discrimination in employment (i.e. potential discrimination contrary to the Employment Equality Acts).

The majority of those cases emerged from the Roma Legal Clinic and Traveller Legal Service and related to discrimination on the grounds of ethnicity and membership of the Traveller Community. However, FLAC also acted in a number of cases related to discrimination on other grounds, including: disability (including cases relating to discrimination on the basis HIV status), gender (including cases relating to discrimination against transgender people) and the housing assistance payment ground.

Respondents in discrimination cases dealt with by FLAC included shops, hospitals and other providers of medical services, schools, hotels, restaurants, banks and landlords.

FLAC's experience is that many discrimination cases raise complex issues of law and evidence – and are decided upon in an increasingly formal and adversarial manner. In many instances, it would be impossible for clients to pursue complaints in the absence of representation. However, FLAC cannot meet the demand for representation in this area or fill the gap created by the absence of legal aid for cases heard by the WRC.

During 2022, clients of FLAC were awarded a total of €48,500 in compensation for acts of discrimination by the Workplace Relations Commission (WRC) or pursuant to settlement agreements in their favour.



Thanks to you I was able to teach my daughter not to let anyone treat you differently because you are a Traveller, always stand up for your right to be treated fairly and with respect. Thanks to people like you, there is hope for the next generation of Travellers



– FLAC Client who received a positive outcome in a discrimination case during 2022.

Notable equality / discrimination outcomes during 2022 include:

- A Traveller woman whose booking for a wedding venue was cancelled after the hotel discovered her ethnicity received €1,000 pursuant to a settlement agreement.
- A Traveller woman and her daughter received €2,500 each pursuant to a settlement agreement after they were refused service by a beauty salon.
- Four sisters who are Travellers received €2,000 each pursuant to a settlement agreement after a hotel refused to honour their booking for a dinner to mark their mother's anniversary.
- A Roma woman refused service and asked to leave a shop received €1,000 pursuant to a settlement agreement.
- A Circuit Court Appeal in relation to HAP discrimination settled with FLAC's client receiving €1,500.
- During 2022, the Circuit Court overturned a decision of the WRC (delivered earlier that year) to award a Traveller family €22,000 on the basis that a hotel's refusal to provide emergency accommodation constituted discrimination on the Traveller community and housing assistance payment grounds. The matter is currently before the High Court.

WRC finds Bank's refusal to engage with customer through an ISL interpreter constituted unlawful discrimination

In July 2022, the WRC upheld a discrimination complaint taken by Ms Sofiya Kalinova (who was represented by FLAC) against Permanent TSB. The WRC held that Permanent TSB discriminated against her on the ground of disability and failed to provide reasonable accommodation, when they refused to deal with a query she raised over the phone with the assistance of an ISL interpreter through the Sign Language Interpreting Service (SLIS).

In their decision, the WRC Adjudicator stated that "...the ISL interpreter is an essential aid to the deaf person in the same way as the guide dog is for a blind person... The failure of the Respondent to take this on board has amounted to an indirect discrimination on the grounds of disability."

The bank repeatedly referred to Ms Kalinova as "vulnerable" in their dealings with her after the issue arose. The Adjudicator noted that this is "not an appropriate descriptive to give to anyone, least of all someone as formidable as the Complainant... As an undoubtedly strong and independent person I accept that the thoughtless categorisation of her as being vulnerable has had an impact."

The decision notes the efforts made by the bank to put in place a system which allows deaf people to engage with their telephone service. However, the Adjudicator notes that these efforts have not resolved the complaint raised by Ms Kalinova. In finding that the bank's failure to provide reasonable accommodation constituted discrimination, he noted that the reasonable accommodation provisions of the Equal Status Acts require service providers to "to deal with the individual person's specific circumstances as presented" and that "there can rarely be a blanket policy of refusal"

The WRC awarded Ms Kalinova €8,500 in compensation in light of "the effect that the discriminatory treatment has had on the Complainant".

See FLAC's Press Release: [WRC finds Bank's refusal to engage with customer through an ISL interpreter constituted unlawful discrimination.](#)

WRC orders supermarket to pay €12,000 for Traveller Discrimination

In October 2022, the WRC awarded clients of FLAC €12,000 for the effects of the discrimination they suffered on a visit to Iceland Stores Ireland Ltd.'s Finglas supermarket in November 2020.

FLAC's clients, three of whom were under 18, entered Iceland's Finglas supermarket on the afternoon of 20 November 2020. CCTV evidence obtained by FLAC showed that within moments of entering the supermarket, a security guard and assistant manager confronted FLAC's clients and told them to leave.

In full view of other customers, FLAC's clients were followed out of the supermarket by the Iceland staff.

The Adjudicator found that FLAC's clients had received different treatment from other customers at the supermarket: "that difference in treatment has been corroborated by CCTV footage that shows [FLAC's client] along with others who are all members of the traveller community were escorted out of the shop while other young people were not."

No objective reason was provided by Iceland's staff to FLAC's clients for requiring them to leave, nor was any evidence adduced at the WRC hearing to justify their actions. Accordingly, the Adjudicator awarded each of FLAC's clients €3,000 to compensate them for the "emotional upset and public embarrassment" they experienced.

See FLAC's Press Release: [WRC orders supermarket to pay €12,000 for Traveller Discrimination](#)



FLAC Litigation Team outside the FLAC office. Sinead Lucey, Managing Solicitor, Maureen Gourley, Solicitor, Christopher McCann, Solicitor and Christopher Bowes, Legal Officer.

WRC Orders Waste Management Company to pay €2,000 in compensation for refusal to provide a skip at a halting site

In September 2022, the WRC awarded a FLAC client €2,000 for the effects of the discrimination he was subjected to by a local waste management company.

In February 2021, FLAC's client sought to hire a skip for the purpose of tidying up around his halting site. He contacted a local waste management company by telephone and spoke to a customer representative who informed FLAC's client about the company's skip options and associated prices. However, having provided the customer representative with his address, FLAC's client was informed, point-blank, that the company would not deliver a skip to a halting site.

At the WRC hearing, the waste management company asserted that the refusal to deliver to a halting site was a premised on a policy based on objective reasons concerning the

safety of the skip. However, in reaching her decision, the WRC Adjudicator noted that the company had been unable to produce any written evidence of its asserted policy to substantiate its defence, nor could the company provide any direct evidence of a substantial risk of damage to its skip if it completed the transaction.

The Adjudicator found that FLAC's client had established that he had been treated unfavourably on the Traveller community ground and that the waste management company had failed to show that there was a credible, non-discriminatory reason for its treatment of FLAC's client.

See FLAC's Press Release: [WRC awards FLAC Client Compensation for Traveller Discrimination.](#)



Constitutional action on behalf of a former resident of a Mother and Baby Home

In 2022, FLAC continued to act on behalf of a former resident of a Mother and Baby Home.

FLAC's client, Mr Derek Leinster, claimed that the ongoing delay in providing a redress scheme in respect of former residents of the Bethany Home constituted a breach of his rights under the Constitution and ECHR.

In October 2022, the High Court issued judgment in relation to a number of pre-trial applications. Dignam J rejected the State's application for a preliminary trial on the

question of whether the case was statute-barred and made an order for discovery in favour of Mr Leinster.

Very sadly, Derek Leinster died in November 2022 before his full case could be heard by the High Court. Mr Leinster was a tireless campaigner and advocate for justice. FLAC was honoured to represent Derek in this important case. All those who worked with him at FLAC wish to offer our deepest condolences to his beloved family.



SECTION THREE: Policy proposals arising from casework

FLAC develops policy and law reform recommendations which are derived from its work as an independent law centre and in providing dedicated legal services. It also organises events and prepares blogs (see: [The FLAC Casebook](#)) on relevant issues arising from public interest case work.

2022 HIGHLIGHTS



FLAC's paper on access to justice and equality legislation - delivered to IHREC's Future of Equality Legislation Advisory Committee was adopted and its recommendations were included in their first report to IHREC



FLAC's submission to the JOC on Gender Equality on the subject of Constitutional Change & Gender Equality, proposed an alternative wording for amending the Constitution's Equality Guarantee



FLAC expressed concerns at the proposal to introduce a right to reside condition for access to social housing.



FLAC's submission to the Housing Commission Consultation on a Referendum on Housing recommended that a referendum to propose the inclusion of a right to adequate housing in the Constitution should take place as a matter of priority



FLAC's submission on Youth Homelessness recommended that

- the full basic rate for all social welfare payments to those aged under 25 be restored
- the habitual residence condition is reviewed "to eliminate its discriminatory impact..."



FLAC highlighted that any amendment to the provisions of Article 41 of the Constitution in relation to the family must be concerned with the rights of all families (including non-marital families)



FLAC also called for further consideration as to how the Constitution should protect and promote the rights of people with disabilities.

EQUALITY & ANTI-DISCRIMINATION LAW

Discrimination and equality matters consistently constitute one of the largest categories of casefiles dealt with by FLAC and frequently arise in each of its dedicated legal services.

The outcomes of FLAC casework in this area reflect how individuals who have experienced discrimination may effectively seek redress under the Equal Status Acts and Employment Equality Acts. However, FLAC's experience, particularly in providing legal services to marginalised groups, gives rise to serious concerns as to whether Ireland's equality legislation is robust enough to combat structural discrimination. FLAC has further concerns as to whether the existing equality legislation provides an effective remedy for all those who have experienced discrimination, and in relation to the absence of legal aid for equality cases before the WRC.

The Review of the Equality Acts

FLAC has fully engaged with the comprehensive Review of the Equality Acts - announced by Roderic O'Gorman TD, Minister for Children, Equality, Disability, Integration and Youth, in delivering the closing address at FLAC's equality law seminar series in 2021. Throughout 2022, FLAC was an active member of and supported IHREC's Future of the Equality Legislation Advisory Committee (FELAC).

FLAC's [**Submission to the Department of Children, Equality, Disability, Integration and Youth's Consultation on the Review of the Equality Acts**](#) provides a blueprint for next generation equality framework and infrastructure.

Our ambition for this Review is that it ensures that:

1. The aim of the Equality Acts is established as being the achievement of Full Equality in Practice for all grounds covered, with provisions to match that ambition.
2. The State and all public bodies are brought explicitly within the scope of the Equal Status Acts.
3. The Equality Acts reflect and respond to the experiences of discrimination by disadvantaged and minority groups:
 - New grounds and concepts need to be added, and the current discriminatory grounds need to be more inclusive. This includes the introduction of a Disadvantaged Socio-Economic Status ground and the prohibition of intersectional discrimination.
 - The Family Status ground must be expanded to include all carers.
 - The Gender ground must be broadened to prohibit discrimination on the basis of gender identity, gender expression and sex characteristics (to provide explicit and strengthened protection for trans, non-binary and intersex people).
 - The obligations to provide reasonable accommodation to people with disabilities must be strengthened, as provided for by the UNCRPD, and the nominal cost exemption to the reasonable accommodation provisions in the Equal Status Act must be removed.

4. The Equality Acts ensure access to justice and have effective, deterrent remedies. This must include the removal of compensation limits and the repeal of section 19 of the Intoxicating Liquor Act 2003 which has acted as a barrier to justice for members of the Traveller community.
5. The Equality Acts must be clear and effective, clarifying and strengthening the key concepts and removing unnecessary exemptions.

Access to Justice & Equality Law

In September 2022, FLAC Chief Executive Eilis Barry presented a paper prepared by FLAC on the topic of access to justice and equality legislation to IHREC's Future of Equality Legislation Advisory Committee (FELAC). The paper deals with the issues identified in FLAC's submission to the review under the headings: Access to Justice, Procedural Issues, Jurisdictional Issues, Redress and Equality Bodies (IHREC and the WRC). It advances the proposals in FLAC's submission to the Review into specific proposals for legislative reform - in the form of draft amendments to the equality legislation. That paper was subsequently adopted by the FELAC and its recommendations were included in their first report to the Commission.

FLAC's submission to the Review of the Scheme of Civil Legal Aid dealt specifically with the topic of legal assistance in the area of equality law. It highlighted that the role of bodies such as the WRC, IHREC and the Citizens Information Board must be enhanced in relation to the provision of legal information, advice, and advocacy, training and public legal education. It also

recommended that a new Legal Assistance Authority should ensure the provision of legal representation in equality cases at all stages of proceedings in matters before all tribunals and courts. The legislation governing the new system of Civil Legal Aid must mandate the provision of (and/or funding of) dedicated legal services for marginalised and disadvantaged groups, including across the grounds protected by the equality legislation.

Equality in the Constitution

In November 2022, FLAC made a [Submission to the Joint Oireachtas Committee on Gender Equality on the subject of Constitutional Change & Gender Equality](#).

In our casework, FLAC has sought to rely on the Constitution and, in particular, the equality guarantee and the provisions concerning the family, in cases concerning discrimination, housing and homelessness, and social welfare (including in respect of non-marital families). As a result, we are keenly aware of the limitations of the current constitutional provisions, as well as how the provisions (and the manner in which they have been interpreted) have reduced the impact and potential of Ireland's equality and anti-discrimination legislation.

FLAC's submission emphasised that "changes in the constitutional text may have significant practical and symbolic effects" and that "the provisions of the Constitution may give rise to effective protection for individuals and groups in practice through legislation, policy and judicial decisions in individual cases". As a result, it was submitted that any process for formulating recommendations for constitutional change should have regard to the impact of the existing

wording on law and policy in the State and the potential impact in this regard of any new wording introduced.

FLAC's submission set out a comprehensive analysis of Article 40.1 (the Constitution's 'equality guarantee'). FLAC noted that as a result of the current wording (and how it has been interpreted by the courts), "Irish constitutional law has rarely been beneficial for disadvantaged groups". The wording has also constrained the ability of the Oireachtas to give effect to Ireland's international human rights obligations concerning equality through legislation. The Court's extremely restrictive approach to equality has (in a number of ways) limited the extent to which the equality legislation may be used to combat systemic and structural forms of discrimination. It has also meant that national equality legislation contains only minimal provisions relating to reasonable accommodation for people with disabilities.

FLAC proposes an alternative wording informed by the experience of the equality guarantee to date, EU and international human rights and equality law and international best practice:

ARTICLE 40

- 1 The State recognises that, in a democratic society, the principles of equality and non-discrimination are fundamental to the common good.
- 2 All persons shall be held equal before the law and shall enjoy the equal benefit and protection of the law without discrimination, save only for measures which constitute a proportionate means of achieving a legitimate aim.
- 3 Discrimination includes direct discrimination, indirect discrimination and discrimination by association, on the ground of sex, gender, race, colour, nationality, ethnicity (including membership of the Traveller community), disadvantaged socio-economic status, sexual orientation, language, religion or belief, political opinion, disability, age, family status, civil status, other such status, or a combination of grounds.
- 4 With a view to ensuring full equality in practice, the Oireachtas may take legislative and other measures to promote equality and to prevent and compensate for discrimination, disadvantage and social exclusion.
- 5 In order to promote equality and eliminate discrimination, the State shall take all appropriate steps to ensure that reasonable accommodation is provided to people with disabilities.

HOUSING LAW

FLAC also expressed concerns that replacing Article 41.2 of the Constitution with a gender neutral provision in relation to “care” may make the absence of any explicit reference to the rights of persons with disabilities from the Constitution all the more noticeable. This should give rise to further consideration as to how the Constitution should protect and promote the rights of people with disabilities, including those provided for in the UNCRPD. FLAC also emphasised that any amendment in this area should be explicitly concerned with rights and clearly set out the extent of the State’s obligations.

Similarly, any amendment to the provisions of Article 41 of the Constitution in relation to the family must be concerned with the rights of all families (including non-marital families) and avoid creating the perception of a constitutional hierarchy or preference for the marital family.

FLAC continues to engage with the proposals to amend Articles 40 and 41 of the Constitution by Referendum, including through engagement with civil society, academics and practitioners, and the Inter-Departmental Committee currently considering the proposal to hold constitutional referendums in this area in November.

Issues relating to housing and homelessness have consistently been one of the most prevalent categories of case files opened by FLAC.

FLAC’s March 2022 [Submission on the development of a Youth Homelessness Strategy](#), highlighted specific issues which Roma and Travellers encounter in seeking to access social housing supports. It also noted that the aspiration of the Government’s Housing for All plan may only be realised if the delivery of the plan is grounded on the principles of human and equality (in light of the disproportionate impact of the housing crisis on those from disadvantaged and marginalised communities - including minority ethnic and migrant communities, people with disabilities and members of the LGBTQI community).

The Right to Housing

In September 2022, FLAC made a [Submission to the Housing Commission Consultation on a Referendum on Housing](#) and recommended that a referendum to propose the inclusion of a right to adequate housing in the Constitution should take place as a matter of priority.

We recommended that the wording of the amendment to the Constitution should ensure that:

- Adequate housing is expressly recognised as a fundamental right.
- The right to adequate housing is enforceable, with breaches of the right subject to review by the courts.



ADEQUATE HOUSING • ARTICLE 43A

- The duty of the State to vindicate the right (including through legislation) and to ensure access to adequate housing is recognised.
- A minimum standard of adequate housing is stated through a non-exhaustive list of factors.
- The right to housing is explicitly recognised as connected to other constitutional rights (such as the right to privacy, family life, education and the rights of the child) and values such as dignity.
- The role of the right in promoting social inclusion is affirmed.
- The right is underpinned by a substantive conception of equality and requires the specific circumstances and housing needs of individuals and groups, including ethnic groups such as Travellers to be taken into account.

Each of these elements are reflected in FLAC's proposed wording for a constitutional amendment:

1 The State recognises, and shall vindicate, the right of all persons to adequate housing.

2 The State shall ensure access to adequate housing and where necessary, in view of actual conditions, provide adequate housing.

3 The State affirms that, in particular, adequate housing encompasses habitability, security, affordability, accessibility, cultural appropriateness and suitability.

4 The State acknowledges the connection between the right to adequate housing and human dignity, social inclusion, substantive equality and the enjoyment of other fundamental rights.

5 The State shall take legislative and other measures to ensure the realisation and vindication of the aforementioned right having due regard to the nature of the right.

Rights-Based Housing Legislation

FLAC noted in its submission on youth homelessness that the full realisation of a right to housing in Ireland can only come about if a potential constitutional amendment is accompanied by legislation to ensure that the housing rights of all individuals and groups are comprehensive, clear and enforceable. A rights-based housing system must include legally enforceable minimum standards. While Housing For All commits to “examine the potential for independent regulation of the social housing sector”, it does not contain any commitments in relation to the introduction of minimum legislative standards for emergency accommodation, Traveller accommodation and the system replacing Direct Provision.

In our submission on a right to housing, FLAC noted that supporting legislation, and the amendment of existing legislation, is necessary to ensure that the right to adequate housing is effective from the outset and in practice.

While the absence of a constitutional right to adequate housing does not pose a barrier to the introduction of rights-based housing legislation, the introduction of such a right should mandate the reform of the housing code to ensure that it is consistent with the right and also prevent future regressive policies or legislation that would undermine the right:

- The statutory obligations on local authorities to provide social housing and emergency accommodation should be elevated to a duty to ensure the vindication of the right to adequate housing.
- The minimum standards for social housing, emergency accommodation, Traveller accommodation, and the system replacing Direct Provision should be clearly provided for in legislation and provide that each of these forms of accommodation are adequate by reference to their habitability, security, affordability, accessibility, cultural appropriateness and suitability. These minimum standards should be enforceable with effective oversight where standards are breached.
- Section 2 of the Housing Act 1988 should be amended to ensure that it includes all forms of homelessness, including those living in inadequate accommodation.
- The Residential Tenancies Acts should be reformed to ensure the adequacy of private rented accommodation by reference to the factors listed above. Security of tenure and the prevention of arbitrary evictions should be provided for in the Residential Tenancies Acts.
- All forms of arbitrary eviction should be prohibited, ensuring that any proposed eviction is subject to a merits based review by an independent tribunal.

Emerging Issues of Concern in relation to Housing Legislation

Right to Reside condition for Social Housing

In November 2022, the Minister for Housing stated that he intends “to bring forward legislation early in the new year regarding eligibility of non-nationals for social housing, including provision for legal residence as an eligibility criterion in any assessment for social housing support”. On foot of that statement, FLAC (along with Crosscare, Mercy Law Resource Centre, Community Law and Mediation, the Irish Refugee Council, and the Immigrant Council of Ireland) wrote to the Minister. That letter set out a number of concerns in relation to the proposal based on the previous experience of Housing Circular 41/2012. The Circular has the effect of acting as a barrier to individuals and families from disadvantaged and marginalised communities from accessing social housing supports. The letter emphasised that any legislation in the area must:

- Explicitly provide that the right to reside does not apply to access to emergency accommodation.
- Fully comply with the principles and objectives of the EU Treaties, Charter of Fundamental Rights, Regulations and, ideally, exceed the minimum standards set by EU Directive 2004/38/EC.
- Only be introduced alongside measures to:
 - Ensure that any right to reside condition for access to social housing supports is applied correctly and consistently.
 - Create an accessible and independent review and appeal mechanisms in respect of decisions concerning applicants’ residency status.

The letter highlighted that it is vital that the voices of marginalised and disadvantaged communities, and the experience of those who advocate on their behalf, inform any proposal to replace the Circular with legislation. For that reason, we advocated for an open and participatory consultation process regarding any such proposed legislative change.

Review of Emergency Homeless Accommodation laws

The Housing for All Q4 2022 Progress Report stated that a “review of sections 2 and 10 of the Housing Act 1988 has been completed” and that the Department will seek “legal advice on the recommendations emerging from the review with a view to implementing the appropriate responses once complete”. Those sections of the 1988 Act set out the definition of ‘homelessness’ and deal with the provision of emergency accommodation by local authorities.

The completion of that review – seemingly without any consultation with relevant stakeholders or bodies such as IHREC – is a matter of serious concern for FLAC, particularly in the context of the ongoing housing and homelessness crises.

Access to Justice & Housing Law

Access to justice is crucial to any discussion of a right to adequate housing and issues in this area were raised in all of FLAC's housing policy work during 2022.

There is limited accountability for local authorities and the State in the field of housing. Judicial review is often the only means to challenge decisions of local authorities in relation to housing. This is not an effective remedy in many cases given that it is not a merits-based review and it is not accessible in terms of procedure or costs. Further, although the current scheme of civil legal aid allows the Legal Aid Board to provide representation in judicial review cases, this is not reflected in the Board's practice.

The vindication of the right of access to justice in respect of housing and housing rights requires specific measures to be taken, including:

- The scope of the Civil Legal Aid Scheme to be expanded to include

provision of legal aid where legal advice and representation is required in quasi-judicial tribunals and other areas currently not covered by the Civil Legal Aid Act 1995. This includes cases heard by the Workplace Relations Commission, the Residential Tenancies Board and the Social Welfare Appeals Office.

- The Civil Legal Aid Act 1995 should be amended to ensure that legal aid is available in eviction cases.
- The provision of dedicated legal services for marginalised groups, including through long-term funding for such services.
- Revision of rules of standing to enable representative actions in housing matters concerning systemic issues.
- The introduction of a specialised and accessible housing tribunal which uses an inquisitorial model for resolving disputes relating to social housing and emergency accommodation.



SOCIAL WELFARE LAW

Social Welfare matters have consistently been one of the most prevalent categories of case files opened by FLAC. FLAC's submission on the development of a Youth Homelessness Strategy noted that barriers to accessing social welfare payments (or sufficient rates of payment) increase vulnerability to homelessness, particularly for those who may already belong to groups who suffer from disadvantage, discrimination or social exclusion.

That submission highlighted the discriminatory impact of the Habitual Residence Condition (HRC) on vulnerable and marginalised groups such as Roma. Those who are not entitled to another social welfare payment (or whose applications are subject to an ongoing review or appeal) may generally apply for Supplementary Welfare Allowance (SWA). However, SWA is also subject to the HRC. This means that those whose applications for social welfare are refused on the basis of a failure to satisfy the HRC have no access to SWA (a basic income support intended to act as a social safety net) even in circumstances where they have access to no other form of income.

FLAC called on the Department of Social Protection to implement United Nations Committee on Economic, Social and Cultural Rights' recommendation to review the habitual residence condition "so as to eliminate its discriminatory impact on access to social security benefits, particularly among disadvantaged and marginalized individuals and groups". This should include a review of the inclusion of the HRC as a criterion for receipt of Supplementary Welfare Allowance.

The submission also noted that people under the age of 25 years who are eligible for certain social welfare payments currently receive a lesser amount than those aged 25 and over. Those lower rates fall below the basic minimum income standard set by the Government. FLAC recommended that the Minister for Social Protection should restore the full basic rate for all social welfare payments to those aged under 25.

Access to Justice & Social Welfare

FLAC has consistently called for access to legal aid in social welfare cases. FLAC's submission to the review of the civil legal aid scheme highlighted a number of access to justice issues in relation to social welfare appeals, and social welfare more generally. That submission noted that the right to access to justice must be vindicated from the time of initial entitlement to payments and during all social welfare adjudication processes. Achieving this requires measures across the continuum of access to justice through the provision of various forms of legal assistance, including legal information and advice regarding welfare rights, advocacy, public education, training and legal representation. Many of FLAC's recommendations in that submission in relation to social welfare focus on the role of the Citizens Information Board – which should have enhanced social welfare information, advice and advocacy functions.

SECTION 4: Policy, Research & Law Reform

HIGHLIGHTS



The establishment of a Review of the Civil Legal Aid System.



Final PILLAR TO POST Paper published.



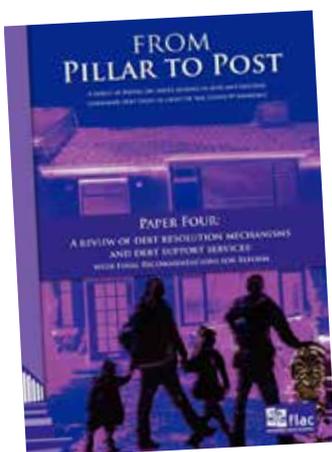
Research report commissioned by MABS on Debt Relief Notices.

PERSONAL DEBT, CREDIT AND FINANCIAL SERVICES LAW REFORM

Publication of Pillar to Post, Final Paper Four

A significant amount of work was carried out in 2022 researching and writing the final and most extensive paper in the Pillar to Post (PtP) series, a series of papers on law reform and practice issues arising in consumer debt cases. Papers One to Three were published in June, August and November 2021 respectively.

The final Paper Four – ‘A review of Debt Resolution Mechanisms and Debt Support Services: with Final Recommendations for Reform’ - was launched on 17 November 2022 at the FLAC office. The roll-out of the research material and the campaign to implement the recommendations made in the Pillar to Post series continues in 2023.



Research report commissioned by MABS on Debt Relief Notices (DRN)

The Debt Relief Notice (DRN) is one of three insolvency arrangements available under the Personal Insolvency Act 2012 (as amended), and is targeted at so-called “Low income, Low Assets” debtors. Unsecured debts of up to €35k may be written off after a three year supervision period and if the debtor has no available surplus income, no payments are made to creditors during this period. Numbers of completed cases have, however, been low.

In 2021, the eight Money Advice and Budgeting Service (MABS) regional companies commissioned Dr Stuart Stamp, Independent

Social Researcher and Research Associate at the Department of Applied Social Studies, NUI Maynooth and Paul Joyce of FLAC to conduct research and analysis into DRN’s and the reasons for the comparatively low completion rate. The final research report made a number of recommendations to improve both the access mechanisms and the substantive provisions in the legislation and was launched at an event in the Hilton Hotel, Kilmainham, Dublin in June 2022.

Webinar to discuss the forthcoming update of the Consumer Credit Directive (CCD)

In March, Financial Inclusion Europe organised a webinar on behalf of a coalition of European consumer organisations, including BEUC (the umbrella group for such organisations) to provide an update and a discussion forum on the evolution of the European Union’s Consumer Credit Directive (CCD). Speakers included MEPs and FLAC acted as one of a number of panelists at the session - posing relevant questions to the keynote speakers.

Central Bank of Ireland (CBI) Mortgage Measures Review

At the end of 2021, the CBI published a Consultation Paper for the purpose of reviewing its principal dwelling house (PDH) mortgage lending limits and guidelines, and sought submissions from interested parties and organisations. FLAC made its submission to the review in March 2022 and subsequently attend two consultation meetings. The CBI issued revised guidelines announcing targeted changes to the mortgage measures framework in October 2022, including a moderate increase in the borrowing criteria.



Paul Joyce, FLAC Senior Policy Analyst at the Mabs 30th Anniversary Conference with fellow speakers

MABS 30th Anniversary conference

In September, the Money Advice and Budgeting Service marked thirty years of assisting indebted clients to resolve their financial difficulties and, in conjunction with the Citizens Information Board (CIB), held a conference to celebrate the milestone at Dublin Castle. At a panel session to recall and to discuss important events and landmark moments in the evolution of the service, FLAC’s Paul Joyce, spoke of the ‘Gabriel’ case, a successful test case in the High Court concerning the interpretation of a critical provision in Hire Purchase legislation that ultimately served to benefit a significant number of MABS clients.

Symposium on debt issues in Ireland/ UK at University College Cork

Also in September, FLAC spoke at a ‘hybrid’ symposium, at the invitation of the Department of Applied Social Studies at University College Cork (UCC), exploring the comparative UK and Ireland responses to dealing with issues of debt arising in the course of the Covid-19 crisis. FLAC’s contribution to the event focused on the available arrears data in Ireland and the research conducted and the findings made in Paper Three of the Pillar to Post series, ‘Assessing current research data on the

payment breaks on credit agreements offered by credit institutions as a result of the Covid 19 pandemic’.

Other events:

- **Talk on debt to Legal Aid Board Consultative Panel meeting:** In April, FLAC provided an update on issues of consumer debt and the options available to those in financial difficulty, at the Legal Aid Board’s quarterly ‘Consultative Panel’ meeting.
- **Central Bank of Ireland Consumer Protection Code review:** FLAC attended the Central Bank’s conference on financial services in October and further meetings concerning the Bank’s review of its Consumer Protection Code (CPC) which is ongoing in 2023.
- **McCambridge Duffy webinar:** In March, FLAC was one of a number of speakers at a free online webinar hosted by the prominent Personal Insolvency Practitioner company, McCambridge Duffy Ireland, on the arrangements and options available to insolvent borrowers under the personal insolvency regime in Ireland.

Engagement with Courts Services

Throughout 2022, FLAC engaged with the Court services in relation to the ongoing and welcome programme of modernisation and improvements to accessibility - including the Courts Service 'digital proof of debt' project to allow for the issue and enforcement of debt related legal proceedings online.

FLAC LGBTQI+ Unmet Legal Needs Research

Following an allocation of funding from the Department of Children, Equality, Disability, Integration and Youth LGBTI+ Community Services Funding Programme, FLAC established a research project into unmet legal needs in the LGBTQI+ community in Ireland in addition to the dedicated LGBTQI+ legal clinic in 2022.

Unmet legal needs is an under-researched area in Ireland despite the fact that it should be an essential consideration in the design and delivery of legal services. Understanding the scope and nature of unmet legal need can assist in identifying gaps in legal service provision and inform policy decisions aimed at improving access to justice. Engaging in research of this kind can help inform the development of tailored legal services that are more responsive to the needs of specific groups such as migrants or low-income individuals who experience legal problems but who are also less likely to have access to the resources to resolve them. This approach is designed to understand what the root causes of barriers to justice are in order to develop solutions.

FLAC also began research to develop a national survey of unmet legal needs in the LGBTQI+ community during 2022, which was launched in 2023. FLAC is keen to continue

working to ensure that we better understand their unique legal needs and work to create more equitable and just policies.

CIVIC ENGAGEMENT

FLAC continued its work of community engagement with other NGOs in umbrella groups and stakeholder forums throughout 2022. Working in partnership around shared interest in areas intersecting with legal rights work is an important mechanism that allows organisations to coordinate efforts in working towards common goals – which may lead to significant and long-lasting impact in communities.

Using an approach of solidarity and community building allows groups to share knowledge and learn from each other. FLAC also engages in a range of consultative groups with statutory bodies.

External Consultative Panel to the Legal Aid Board.

FLAC sits on the External Consultative Panel to the Legal Aid Board, which is a forum developed by the Board to keep stakeholders informed and updated on relevant developments in the areas they are working in. During 2022 discussions were held concerning legal aid issues in international protection, Abhaile related services, initiatives to better support the legal needs of Travellers, Assisted Decision Making legislation, family mediation services, and the needs of previous applicants for legal aid affected by prior rules relating to the Housing Assistance Payment in the means test.

Additionally, FLAC advocated for broader membership of the External Consultative Panel, improvements to general legal services and increased awareness raising of the Board's services within the forum.



Trans Equality Together Coalition Launch

External Consultative Panel to the Legal Aid Board Sub Group on Domestic Violence

Following advocacy from FLAC and other participants, the Legal Aid Board established a subgroup of the External Consultative Panel to focus specifically on matters relating to domestic violence. The group also meets quarterly and has a diverse membership of 18 groups including representatives of the Courts Service and domestic violence service providers.

Throughout 2022, the subgroup has worked to identify issues that impact the pathway for a person seeking to address domestic violence issues and provided expert advice and recommendations to the Legal Aid Board. The group has also made recommendations to the Board on improvements to data collection and research that would improve services for those experiencing domestic violence and in need of the Board's services.

Trans Equality Together Coalition

In 2022, FLAC joined the Trans Equality Together Coalition - a coalition in Ireland working to support solidarity amongst the LGBTQI+ community. The objectives of the coalition include working to promote positive attitudes towards trans and non-binary people and advocate for policy and legislative changes that will improve the lives of trans people and make Ireland a more equal society for all.

Migrant Consultative Forum

FLAC has continued to participate in the Migrant Consultative Forum - a periodic engagement between the Department of Social Protection and organisations working with migrants and is aimed at improving the experiences of migrants interacting with the social welfare system.

NOPFA - National One Parent Family Alliance

NOPFA was established in 2020 during the Covid pandemic and currently comprises ten national organisations who are concerned about issues that cause poverty in one-parent families. FLAC's focus within NOPFA is advocating for more accessible court and quasi-judicial bodies and improved access to effective remedies and substantive justice.

LGBT Network on Intimate Partner Violence

During 2022, FLAC began participating in a broad network of advocacy organisations including LGBT groups and advocates and service providers working to combat domestic violence with a view to engaging in long term collaboration on the issues of domestic violence and intimate partner violence in LGBTQI+ relationships.

Although in the initial stages of this work, the network has already had significant discussions regarding the need to raise awareness and promote legal and policy changes to ensure that intimate partner violence in LGBTQI+ relationships is taken seriously by An Garda Síochána, the Courts Service and service providers, and the need to develop the culturally sensitive and responsive services that are required.



SECTION FIVE: Access to Justice Events

The Chief Justice's Access to Justice Working Group

Recognising the potential of the Judiciary to work with some key actors with a shared interest in advancing access to justice, the former Chief Justice Frank Clarke established an Access to Justice working group, of which FLAC is a member, along with the Law Society of Ireland, the Bar of Ireland, the Legal Aid Board and Mr Justice John McMenamin. The working group organised a major two day conference on the complex, interconnected and overlapping issues involved in access to justice in 2021. The report of this conference was launched on March 22, 2022. It is available here: <https://bit.ly/3D1MUu9>.

Chief Justice O'Donnell has continued the Working Group which throughout 2022 focused on organising a conference on legal aid, which was held in February 2023.

Pillar to Post Fourth paper launch

The final Paper Four in the Pillar to Post series- 'A review of Debt Resolution Mechanisms and Debt Support Services: with Final Recommendations for Reform' - was launched on 17th November 2022 by Colin Daly, Judge of the Circuit Court, and former solicitor in charge at Community Law and Mediation. Speakers included Judge Daly, Joseph Spooner, Associate Professor at the London School of Economics (LSE) Law School and international insolvency expert, Gwen Harris, Manager, Dublin North Region Money Advice and Budgeting Service, Eilis Barry, Chief Executive, FLAC and the authors of the papers, Paul Joyce, Senior Policy Analyst, FLAC and Dr Stuart Stamp, Independent Social Researcher and Research Associate at the Department of Applied Social Studies, NUI Maynooth.

Paul Joyce, FLAC Senior Policy Analyst and author of FLAC's Pillar to Post report series, Gwen Harris, MABS & Stuart Stamp, Co-author of Pillar to Post speaking at the launch of the final Pillar to Post report.





Eilis Barry FLAC Chief Executive speaking at the launch of FLAC's LGBTQI+ Clinic.



Catherine Hickey (FLAC) and Shamitia Dwarika (FLAC).



Dr. Mary McAuliffe (UCD), Paula Fagan (LGBT Ireland) and David Fennelly (FLAC).



James Rooney BL, Ailsa Spindler (The Gay Project) and Sinéad Lucey (FLAC).



Cillian Bracken BL.

Pilot LGBTQI+ Legal Clinic Launch

FLAC's pilot LGBTQI+ legal clinic was launched on Monday, 30 May 2022 by Minister for Children, Equality, Disability, Integration and Youth, Roderic O'Gorman TD, along with guest speakers Dr Mary McAuliffe (Director of Gender Studies UCD) and Paula Fagan (LGBT Ireland) who discussed contemporary and historic legal issues facing the LGBTQI+ community in Ireland. The launch also heard from Cillian Bracken BL and James Rooney BL, who gave an overview of the work of the clinic to date.



“I and the Government are fully committed to improving the lives of members of the LGBTI+ Community in Ireland. We know that, unfortunately, members of the LGBTI+ Community are often disproportionately impacted by discrimination. This project will provide tailored legal advice and advocacy to LGBTI+ people through a specialised legal advice clinic. I am delighted that my Department could provide financial support to FLAC towards the development of such an important service”

– Roderic O'Gorman, Minister for Children, Equality, Disability, Integration and Youth officially launches the FLAC LGBTQI+ clinic



FLAC Council with guest speaker Professor Philippe Sands KC.
L-R Joanne Hyde, Peter Ward, Aine Maguire, FLAC CE Eilis Barry,
Professor Philippe Sands KC, Julie Herlihy and David Fennelly

FLAC ANNUAL JUSTICE LECTURE

Colonialism, racism, and the rule of law were the central themes of FLAC’s Annual Justice Lecture 2022, in memory of Dave Ellis, delivered by international human rights lawyer and author Professor Philippe Sands KC. Professor Sands launched his latest book, *The Last Colony: A Tale of Exile, Justice and Britain’s Colonial Legacy* at the event, held in King’s Inns. The book details the forced removal of the people of the Chagos Islands by the British colonial administration to facilitate the establishment of a US military base on the Indian Ocean archipelago. Professor Sands led their repatriation case against the British government. In the book, Professor Sands charts a journey from colonialism to the making of modern international law, as told through the personal story of Liseby Elysé.

“FLAC is honoured to host Professor Philippe Sands for this year’s Dave Ellis memorial lecture. Professor Sands practises at the highest levels of international law, appearing as counsel before the International Court of Justice among many other international courts and tribunals. This is a rare chance to hear and learn from a leading international human rights lawyer,”

- Eilis Barry, FLAC Chief Executive

“Thrilled to be back in Dublin and Ireland, home of the greatest readers in the world, who know a thing or two about colonialism, to support justice and the fantastic work done by FLAC,”

- Professor Philippe Sands KC



Professor Philippe Sands KC delivering the FLAC Annual Justice Lecture



Eilis Barry, FLAC CE, Professor Philippe Sands KC and David Fennelly, FLAC Chairperson.



Professor Philippe Sands KC signing his latest book at the event



Access to Justice & Digital Justice event in the NI Law Society.

Partnership with Law Centre NI

During 2022 we were delighted to build on our partnership with the Law Centre NI with the assistance of funding from the Community Foundation. We co-hosted two joint events during 2022:

Access to Justice & Digital Justice.

We co-hosted an event, in the NI Law Society on Access to Justice & Digital Justice on 8 November 2022. Sinéad Lucey, FLAC Managing Solicitor, shared our experience of digital and remote justice from the frontline. Professor Gráinne McKeever from the Ulster University Law School spoke on User Participation in the Justice System. Natalie Bryom from The Legal Education Foundation spoke on Digital Justice: Key issues to date.

Karen Ward, Courts and Tribunal Service (NI), Angela Denning, CEO Courts Service (RoI) and Hugh Lonsdale, Adjudication Officer, Workplace Relations Commission spoke on Modernisation & Digital Justice.

Strategic Litigation to Advance Socio-Economic Rights: New Challenges

We were delighted to host our colleagues from the Law Centre NI for a return visit to the FLAC office in November 2022. The roundtable brought together NGOs, litigators and academics from both jurisdictions to share learning from the use of strategic litigation for a discussion of our work and how strategic litigation could be used in advancing socio-economic rights. Colm Ó'Cinnéide, Professor of Constitutional and Human Rights Law at UCL gave an opening address.



FLAC and our Law Centre NI colleagues at roundtable event on Strategic Litigation to Advance Socio-Economic Rights.

Event to mark Peter Ward's contribution to FLAC and civil society

For over 40 years Peter Ward was a guiding light and driving force behind FLAC. A reception was held in the FLAC office on Thursday the 3rd of November for family and friends to mark Peter's length tenure and significant contribution to FLAC, and a portrait of Peter by James Hanley was unveiled.



SECTION 6: Staff, Governance & Funding

FLAC is committed to the principles of transparency and accountability and works hard to ensure that all funding is put to the best possible and most efficient use in our efforts to maximise impact and promote access to justice.

FLAC (Free Legal Advice Centres) is a company limited by guarantee not having a share capital and is and is registered in Dublin (Company Reg. No. 49413). It is recognised by the Revenue Commissioners for Charitable tax exemption (CHY No. 6097).

FLAC is registered with the Charities Regulator (Registered Charity Number 20010256), and is fully compliant with the Charities Governance Code and

submits its accounts and annual report annually to the Charities Regulator.

FLAC is an independent law centre under the terms of the Solicitors Acts 1954-2002 (Independent Law Centres) Regulations 2006, SI 103/2006.

As a campaigning organisation, FLAC is registered as a lobbyist in line with Regulation of Lobbying Act 2015 and makes returns to the Lobbying Regulator every four months.

FLAC is governed by its Council/Board of Directors who provide guidance on the strategic direction of the organisation. FLAC Council holds regular meetings each year and has a Governance Sub-Committee, and a Finance and Audit Committee, which also meets regularly.

FLAC COUNCIL **Number of meetings of FLAC Council held in 2022: 9.**



David Fennelly
(Chairperson)



Don Crewe



Julie Herlihy



Joanne Hyde



Áine Maguire



Peter Ward

STAFF



Eilis Barry
Chief Executive



Lauren Bashir
Telephone Information
Line Officer
(until 31/10/2022)



Christopher Bowes
Legal Officer



Cillian Bracken BL
LGBTQI Clinic Advisor



Erin Brogan
Telephone Information
and Referral Line
Development Manager.



Kate Brosnan
Information Line Officer



Corina Byrne
Finance, HR and
Office Manager



Molly Byrne
Intern
(since 01/11/2022)



Conall Cahill
Volunteer Assistant and
Information Line Officer



Ingrid Colvin
National Clinics
and Volunteer
Development Manager



Danielle Curtis
PILA Legal Officer
(until 22/04/2022)



Deirdre Curtis
Information Line Officer



Emily Dornan
PILA Legal Officer
(since 18/07/2022)



Shamika Dwarika
Pro Bono Development
Officer (since 14/02/2022)



Catherine Eagers
Legal Secretary
(since 19/09/2022)



Maureen Gourley
Solicitor
(until 31/07/2022)

STAFF



Liz Harper
EAP Training Consultant
(until 12/05/2022)



Jackie Heffernan
Information Line Officer



Demetra Herdes
Pila Intern (17/01/2022
to 24/06/2022)



Catherine Hickey
Director of Fundraising
and Governance
(until 31/10/2022)



Laura Horan
Information Line Officer
(since 29/08/2022)



Monica Horyszna
Legal Executive
(until 26/05/2022)



Paul Joyce
Senior Policy Analyst



Kasey Kelly Quinn
Information Line Officer
(until 18/04/2022)



Gillian Kernan
Research Officer



Ruth Kilcullen
EU Project Co-ordinator



Liz Lee
Receptionist &
Administrative Assistant



Kelsey Lee
Legal Officer
(since 9/08/2022)



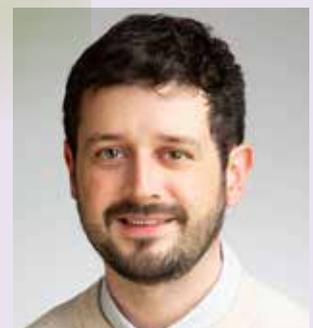
Sinéad Lucey
Managing Solicitor



Stephanie Lord
Legal and Policy Officer



Nijole Matiukiene
Housekeeper



Christopher McCann
Solicitor

STAFF



Avril McCrann
Information Line Officer
(since 01/06/2022)



Anne McSharry
Information Line Officer
(since 24/04/2022)



Hannah McSweeney
Legal Intern
(until 20/05/2022)



Daithi O'Maonaigh
PILA Administrative Assistant
(until 31/08/2022)



James Rooney BL
LGBTQI Clinic Advisor



Maria Saracut
Information Line Officer



Sinéad Scales
Volunteer Rostering
and Support Officer



Caroline Smith
Media and
Communications Officer



Alessia Vecchio
Volunteer Rostering
and Support Officer
(until 10/06/2022)



Gill Waters
Fundraising Manager
(until 06/05/2022)



Hugh Gallagher
Intern (30/05/2022
to 31/08/2022)

“Access to justice is an integral part of the Arthur Cox pro bono practice. Arthur Cox is proud to be a sustaining partner of the Public Interest Law Alliance and to support its work in developing a strong pro bono culture in Ireland. We also partner with PILA to maintain resources on services available to Ukrainian people. These tools assist the NGO community in navigating and utilising available services to improve the circumstances of their service users. Providing high-quality legal services to those without the means to pay has long been a part of the Arthur Cox’s culture and part of our commitment to give back to the communities where we live and work.” Arthur Cox: Caroline Minnock of Counsel

Farewells & Welcomes

In 2022, we said a sad farewell to Catherine Hickey. She had been with FLAC for over two decades and played an integral role in its development.

We also said farewell to Maureen Gourley, Danielle Curtis, Kasey Kelly Quinn, Lauren Bashir, Liz Harper, Monica Horyszna, Hannah McSweeney, Daithi O'Maonaigh, Alessia Vecchio, Gill Waters and Hugh Gallagher.

We welcomed two new members to the PILA team – Shamika Dwarika and Emily Doran. We also welcomed Catherine Eagers, Molly Byrne, Laura Horan, Kelsey Lee, Avril McCrann, Anne McSharry, James Rooney and Cillian Bracken.

Funders:

FLAC is deeply grateful to all our funders and supporters who have shown their commitment to FLAC through grants and donations. This support enables FLAC to provide vital services and to campaign for better systems that enable people in Ireland to access the law and legal system, when they need it to vindicate their rights.

In 2022, FLAC's funders included:

Citizens Information Board

Community Foundation for Ireland

Department of Justice

Department of Children, Equality, Disability, Integration and Youth

Department of Rural and Community Development – Scheme for National Organisations (2019-2022) administered through Pobal

Dublin City Council – Small Grant

European Union - DG: JUST Rights Equality and Citizenship Programme

Individual Donors and Friends of FLAC

Irish Human Rights and Equality Commission

JP McManus Charitable Foundation

Members of the Bar of Ireland

Members of the Law Society of Ireland

In addition, PILA was supported by a number of law firms who demonstrated their commitment to pro bono and law in the public interest by becoming Sustaining or Supporting Partners.

Sustaining Partners in 2022 were:

A&L Goodbody

Arthur Cox

Matheson

McCann Fitzgerald

Supporting Partners in 2022 were:

Eversheds Sutherland

FLAC INCOME & EXPENDITURE 2021

FLAC's accounts are prepared in accordance with FRS102, the Financial Reporting Standard applicable in the UK and Republic of Ireland. The accounts are audited by KPMG and are made available in full on [FLAC's website](#). FLAC's financial year runs from 1 January to 31 December. The following extracts are from FLAC's audited accounts for the year ending 31 December 2022.

INCOME	2022	2021
Philanthropic Funding	155,473.98	68,000
Bar Council & Law Society Members' Contributions	326,653.00	311,567
Statutory Funding	611,522.02	626,339
Fundraising and Donations	146,649.78	133,869
Legal costs received	92,943.90	122,403
European Funding	122,477.45	64,132
Total	€1,455,720.13	€1,326,310
EXPENDITURE	2022	2021
Staff costs	1,431,856.15	1,247,554
Programme of work	198,547.00	150,261.5
Overheads, equipment & depreciation	163,478.00	168,293.5
Public Interest Law Support Fund	0.00	0.00
Total	€1,793,881.15	€1,566,109

FLAC'S VALUES

Access to Justice at the heart of everything that we do and this is enshrined in all of our values:

Independence : FLAC is an independent organisation, whose governance, programmes and policies and are entirely independent.

Respect for universal human rights principles: FLAC seeks to advance international and national standards that promote human rights and equality and recognises that human rights and equality are fundamental to everyone and permeate all areas of law.

Valuing staff, Volunteers and Interns: FLAC values, respects and supports the development of skills and abilities of all staff, volunteers and interns and promotes positive work practices. We value staff excellence, accountability and creativity.

Equality and Non-Discrimination: FLAC promotes equality, non- discrimination and diversity within its own organisation and seeks to reflect these principles in all of its work and activities.

Solidarity: FLAC believes that in working on behalf of and in solidarity with those in need, it can enable and empower access to justice for those marginalised from society.

Working with Integrity: In carrying out its goals and objectives, FLAC aims to conduct its work with integrity, high standards and professionalism.



85/86 Dorset Street Upper
Dublin 1, D01 P9Y3, Ireland

T: +353 1 887 3600 E: info@flac.ie

Information & Referral Line:
01 906 1010

www.flac.ie

www.pila.ie

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