

# flac News

FREE LEGAL ADVICE CENTRES

## Immigration Bill impairs access to justice

### FLAC proposes key changes to crucial legislation

**T**he Immigration, Residence and Protection Bill which will be debated by the Oireachtas in April and May 2008 is a significant piece of legislation which affects not just those who seek to come to live in Ireland, but a large part of existing Irish society, including long established citizens and residents.

In a submission made to the Joint Oireachtas Committee on Justice, Equality, Defence & Women's Rights in March 2008, FLAC focused particularly on how this new legislation may affect the right of access to justice in Irish society.

In particular, FLAC's submission considered access to information, access to an independent appeals mechanism, access to the Courts and access to services. This article contains a summary of the main points of the submission. The full submission can be accessed on FLAC's website.

#### Access to information

One of the components of access to justice is access to information. The current immigration and refugee system is hindered by the lack of a comprehensive code setting out rights, responsibilities and procedures. Therefore, it was good to hear from

Minister Brian Lenihan TD in introducing the Bill, that it aims to bring clarity to many aspects of immigration that are at present unclear.

FLAC however is concerned that the promised clarity does not appear in the Bill as initiated. The Bill lacks detail. The current draft would give the Minister for Justice Equality & Law Reform the power to make regulations at a later stage on many important matters. Thus it will not provide the badly needed comprehensive code.

Currently, decisions in immigration and protection matters are outside the remit of the Ombudsman — something which she has called a gap in [her] remit. Rather than plug that gap, the new legislation would further restrict access to information by proposing that the Freedom of Information Acts should not apply to a record relating to the determination of a protection/ refugee application.

FLAC recommends that access to information be increased by spelling out the rules in the current legislation and by deleting the proposed new restrictions on access to documents. It also recommends that the Ombudsman be given power to inves-

tigate complaints about the workings of the immigration and protection mechanisms.

#### Access to an appeals mechanism

FLAC has identified two main concerns on the question of appeals. They are the absence of an appeal mechanism for many decisions, and the failure to use this chance to strengthen the Protection Review Tribunal which will replace the Refugee Appeals Tribunal.

Under the proposed legislation, there will be no independent appeals mechanism at all against immigration decisions, or even against some protection decisions. This means that many people who are making important personal, family-based and rights-based applications to reside in Ireland will have their applications considered by the Minister for Justice Equality & Law Reform, or his agents, from start to finish. For some, there is not even an internal review mechanism. The absence of an independent appeal mechanism for most decisions — or in some cases any appeal at all — is particularly disappointing, as the Programme for Government 2007-12 promised that the Bill would

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# Immigration Bill impairs

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ensure a visibly independent appeals process. FLAC calls on the Oireachtas to include an independent appeals mechanism for all decisions made under the legislation.

This is also the opportunity to strengthen the Protection Appeals Tribunal, which will replace the Refugee Appeals Tribunal. In particular, FLAC has called on the Oireachtas to ensure that decisions of the Tribunal are published. Only 22 decisions of the Tribunal, in place for over 10 years, have ever been published, and then only following a Supreme Court case. This is in marked contrast to similar Tribunals elsewhere.

In addition, given the high level of technical expertise needed for many of these cases, FLAC suggests that the act stipulate appropriate qualifications for Tribunal members. FLAC has called for publication of decisions of the Tribunal in the interest of consistency and transparency and for appropriate qualifications for Tribunal members.

### Access to the courts

FLAC is greatly concerned at the substantial restriction on access to the courts in the current Bill. As Mr. Justice Ronan Keane CJ stated in 2001:

It would be contrary to the very notion of a state founded on the rule of law, as this State is, and one in which, pursuant to Article 34 justice is administered in courts established by law, if all persons within this jurisdiction, including non-nationals, did not, in principle, have a constitutionally protected right of access to the courts to enforce their legal rights.

He went on to say:

The court is satisfied that, in the case of applications to the High Court to challenge the validity of such decisions or other matters, a non-national is entitled to the same degree of natural justice and fairness of procedures as a citizen.

FLAC is concerned that access to the courts will effectively be denied to many people if the provisions of the Bill as initiated are passed. People will not have enough time to challenge decisions, especially as all challenges will have to be by judicial review. Time limits within which judicial review can be brought have been substantially restricted to 14 days, without any account being taken of holidays or weekends.

The Bill is clear. A court challenge should not of itself delay deportation. It does concede that a stay may be granted if a court is satisfied that the giving of instructions would be impossible if the person was deported. This makes access to the court extremely difficult, greatly restricting a lawyer's access to the client, and thus inhibiting the capacity of the lawyer to present the case in court.

Lawyers would also be under increased risk of personal penalty by a provision which would allow an award of costs against them if a judge concludes that the grounds put forward are frivolous or vexatious. State lawyers are never at such a risk. The combined difficulties will make access to lawyers and to the courts extremely difficult.

FLAC recommends that no person should be deported from the country without being given reasonable access to their lawyer, and to the courts if necessary. Further, the

## access to justice - FLAC proposes key changes

intimidatory provision which will leave lawyers vulnerable to personal liability for costs should be removed.

There is also a worrying lack of judicial oversight for those who make protection applications and are placed in detention because it is not practicable to issue a protection application entry permit to the applicant. There is no obligation to notify a person of their right to contact a lawyer or to access legal aid. There is no need to bring them before a court.

FLAC recommends that all detentions which occur because the State finds it not practicable to issue a permit should have a very limited time span. If there is to be delay, then there must be provision for court supervision. Anyone in detention should be given information about the right to access a lawyer and to legal aid. Protection applicants should be notified of their right to consult UNHCR

### Access to services

An underlying theme of the Bill is that it proposes that a person will be regarded as unlawfully in the State as soon as their specific permission expires or is withdrawn. At that stage then, such persons will only be able to access very limited services. All social welfare, except emergency supplementary welfare allowance and a once-off exceptional needs payment are to be withdrawn. The legislation provides that other benefits of a humanitarian nature can be provided by later regulation.

FLAC recommends that when passing this Act, the Oireachtas might insert an overall provision that no person is to be left destitute or without the necessary provisions for a reasonable quality of life by virtue of the withdrawal or ending of residence status.

While the Bill provides that certain

essential services can be maintained — sometimes means tested - it is not clear whether those deemed unlawfully present in the State will have access to the Courts, the Social Welfare Appeals Tribunal, the Employment Appeals Tribunal, the Equality Tribunal and the Ombudsman and like bodies.

FLAC recommends that the legislation specify that all persons are entitled, without discrimination, to equal access to all courts, tribunals, ombudsman's offices and like bodies

The Bill stipulates very limited circumstances in which someone will be entitled to civil legal aid. A person will not even be entitled to legal advice about why their residence status was withdrawn or to any advice as to their rights and obligations following on withdrawal of status. They may not be entitled to civil legal aid at all in non-immigration matters, which might prevent a person seeking the protection of the law in matters such as domestic violence or workplace exploitation.

This is to exclude people from access to legal aid based on a particular area of law, rather than on the basis of the person's need for legal advice and assistance. Exclusion from legal aid by topic, rather than by need has been found by the European Convention on Human Rights to be contrary to the right of a fair hearing in civil matters.

FLAC recommends that the restriction which limits civil legal aid be removed in order to enable reasonable access to justice.

The new Bill also seeks to remove the right of confidentiality for clients of a number of government and semi-state agencies. There is a duty on so-called information holders to give information to the Minister for Justice, Equality & Law Reform on

request. This could affect solicitors employed by the Legal Aid Board including the Refugee Legal Service, amongst others.

FLAC recommends that this requirement be removed, or at least not applied to confidential information.

FLAC's submissions have been made on the Bill as initiated. Many other organisations and institutions have also made submissions to the Oireachtas Committee in the hope that in its passage through the Dáil and Seanad, that issues which have enormous impact on the human rights of many individuals in Ireland can be properly addressed and that the Bill, where necessary can be remedied.

### More information:

**FLAC's full submission is available on the internet at**

**<http://www.flac.ie/news>**

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## Study on unmet legal need in Dublin's inner city

**F**rom November 2007 to January 2008, FLAC carried out a feasibility study into unmet legal need in the North East Inner City area of Dublin. This feasibility study, conducted by Edel Quinn, involved a comprehensive survey completed by forty organisations based in the north inner city. The research was funded through a grant from Dublin City Council Community Gain minor grants scheme.

FLAC believes that this research was important for two reasons. Firstly, we wished to get a sense of what the unmet legal need is in the area and to develop an appropriate response to this. Secondly, given the location of our Head Office in the north inner city, we wanted to establish whether there was a need for FLAC to enhance its presence there through the provision of another FLAC centre and/or community legal education.

The findings from the survey show that 69.2% of the organisations give information on legal rights and entitlements with just 38.5% providing legal advice to their clients. 74% indicated that they would like more support in their legal work.

The issues that organisations are asked to deal with by their clients can be broken down as follows:

- » In property issues: local authority housing at 77.5%
- » In family matters: domestic violence at 72.5%
- » In health: information on health entitlements 70%
- » In criminal matters: domestic violence at 62.5%
- » In child-related issues: maintenance 57.5%
- » In immigration: asylum matters at 55%
- » In employment: work entitlements at 52.5%
- » In discrimination: race 50%
- » In credit and debt: fines at 40%
- » In other matters: social welfare entitlements at 77.5%

The majority (89.5%) of organisations refer clients on to another agency for legal or other advice. 65% said that they refer clients to FLAC for legal advice when they cannot or do not provide it themselves. 61.5% refer their clients to FLAC's evening Advice Centres for the most part to deal with queries in relation to family matters, immigration and property/housing.

In many cases the organisations help their clients identify that a legal need exists and then refer them to the agency which they believe is most suitable to their needs. In fact, 55% refer to private solicitors and 52.5% refer to the Legal Aid Board.

The organisations would describe the levels of awareness among their clients of their legal rights and entitlements as not good for most at 64.1%, with only 3% describing their clients awareness as good.

Indeed, the lack of awareness that a legal issue exists in the first place was identified by organisations as a key barrier to accessing legal services in the area. Cost, fear, perceived complexities, literacy issues and the belief that they would not be successful are also cited as barriers for clients. Clients experiences with private solicitors was described as not very good for 38.5% of the organisations.

A further 38.5% of organisations were not clear on the services provided by the Legal Aid Board. They responded that they were not aware that the Legal Aid Board provided legal services in all areas of law other

than criminal law or some restricted categories of civil law. There was a mixed response regarding the experiences of clients who actually dealt with the Legal Aid Board.

The organisations were asked whether they felt that a need for a new FLAC Advice Centre in the north-east inner city, to which 64.1% replied in the positive; indeed a number of suggestions were offered as to the best possible locations for a new FLAC Advice Centre. It is hoped that this additional Advice Centre could be established in the new Community Centre in Sean McDermott Street. The Citizens Information Centre is hoping to have accommodation there and the FLAC centre would operate out of their premises.

It is clear from the research findings that there is a demand for a new FLAC Advice Centre in the North East Inner City Dublin and, further, that there is much room for improvement in access to legal services and access to justice in the area generally.

We hope to continue our relationship with voluntary and community organisations in the area and respond to emerging needs for legal advice and community legal education.

## Government reviews equality legislation

**T**he Department of Social and Family Affairs is currently undertaking a technical review of the Social Welfare Code to examine its compatibility with the Equal Status Acts, 2000-2004. The review will be carried out by five independent consultants - Mel Cousins, Gerry Whyte, Eileen Drew, Karen Dowling and Eoin Doyle - and is due to be completed in December of this year.

On 18 January, FLAC and the ICCL held an information session for NGOs working in the fields of human rights and equality, in the Blue Room of the Law Society with presentations by Gerry Whyte, Associate Professor of Law at TCD, Judy Walsh, Head of Equality Studies in the UCD School of Social Justice and Public Information Consultant Ciara Murray.

FLAC used the opportunity to make a submission to the Department and raise a number of issues in relation to the various areas in which we are working directly and others which are of general concern to us. Organisations and individuals were invited to submit issues of concern

under nine headings: gender; marital status; family status; sexual orientation; religious belief; disability; age; race, colour, nationality or ethnic or national origin; and membership of the Traveller Community.

Under the headings of gender and age, FLAC highlighted the discrimination suffered by women who were forced to leave work due to the marriage bar which was in force until 1973 which has caused great difficulty for many women as they do not have enough contributions gathered in order to make them eligible for a full contributory pension in their own right.

Another area of concern which was included in the submission is a Ministerial decision which prohibits people in receipt of Irish Contributory Old Age (State) Pensions who are resident outside the State, from having access to the Free Travel scheme available to pensioners in Ireland when they return to this country. A case concerning this issue has been taken by FLAC and FIDH (International Federation of Human Rights) to the European Committee of Social Rights

under the Revised European Social Charter.

Of particular concern to FLAC is the indirect discrimination caused to children not in receipt of Child Benefit. These are usually the children of asylum seekers or people seeking humanitarian leave to remain who are living in Direct Provision. Both children and those living in Direct Provision were identified as groups of people we feel may be disadvantaged by the application of the Habitual Residence Condition (HRC).

FLAC also raised a number of different issues concerning discrimination against co-habiting partners, same-sex couples, unmarried fathers and members of the Travelling and Roma communities.

### More information:

The full submission can be viewed on our website at: [http://www.flac.ie/download/doc/submission\\_to\\_d\\_sfa\\_equality\\_review\\_of\\_social](http://www.flac.ie/download/doc/submission_to_d_sfa_equality_review_of_social)

## New member joins FLAC Council



Photo © Derek Speirs

**R**oisin Webb is Legal Policy Officer for the Children's Rights Alliance since September 2007. Roisin qualified as a barrister in 2005 and has experience and interest in the areas of child law, disability and mental health law, youth justice, international human rights law and asylum and immigration law.

She holds a BA in Law and European Studies from the University of Limerick and a European Masters in Human Rights and Democratisation from the Universities of Padua and Utrecht.

Roisin worked in FLAC from 2000 to 2002 as legal aid researcher. She has also worked as the Legal and Policy Officer of Disability Legal Resource. Roisin has delivered advocacy and legal rights training in the area of disability and equality law. She has been an assistant lecturer in DIT in Family Law and European Law.

As a member of Community Legal Resource, Roisin worked on the initial phase of a report into public interest law in Ireland and has worked on other research and advocacy projects in the community and voluntary sector.

# Human Rights & Clinical Legal Education in Argentina

*In its exploration of the potential of public interest law in Ireland, FLAC has had the benefit of contact with a number of initiatives where legal education forms part of the advancement of law in the public interest. The piece below is from Lucas Gilardone, an Argentinian lawyer. Lucas, one of the coordinators of Public Interest Legal Clinic of Cordoba, was a FLAC intern on behalf of the Open Society Justice Initiative from January to March 2008.*

There is a general idea that education reflects more than just a technique for reproducing formal knowledge: instead, it is a way of transmitting values and traditions, sometimes explicitly, and sometimes in a hidden way. Often those hidden values have more weight and effectiveness than what is openly expressed.

During the 1960s and the 1970s, authoritarian leaders developed a logic of trenches that was spread over Latin America as dictatorial regimes ousted the remnants of weak democracies and de facto governments took power. That trench logic divided society between friends and enemies, deeming as suspects every expression of dissent.

With the recovery of democracy in Argentina, concerns arose about the role of legal education in the newly established rule of law and the increasing importance of human rights. The impressive experience of the trials against members of the military Junta for massive human rights violations seemed to lack a corresponding response from the law schools. There, the traditional method of providing an professor, who would give a speech as a lecture, unaware of social context, to a group of passive students, was the unchallenged norm. However, the need for a more social-minded and critical use of the traditional system led to some innovative ventures in legal education.

The new experiments focused on the case-law method, barely known in Argentina until the early 1990s. Another way of achieving those goals was an increased participation of students and young graduates in legal advising in grass roots and human rights

organisations, but this method was barely related to the academic world.

## The rise of Legal Clinics

And then, legal clinics appeared. One of the pioneers was the legal clinic of the University of Palermo, a private institution located in Buenos Aires which started that programme in the mid 1990s. This clinic sought to deal with the (then) recently amended Constitution, which included such new procedural devices as wider *locus standi* (allowing NGOs, among others, to appear before the courts). The clinics also worked on collective rights protection, injunctions and the constitutional standing of international human rights law. The key idea of the clinics was to enforce those legal devices by strategic litigation, and to produce innovative legal theory from the leading cases that were dealt with by that clinic.

Soon other clinics appeared, some with a general scope and some focused on the defence of specific disadvantaged groups, such as women, childhood and the native peoples of the region. They began in universities and sometimes within — or managed by — leading human rights NGOs. One of the most important clinics opened in the University of Tucuman, one of the smallest and poorest provinces of Argentina in 2003. This clinic focused more closely on social and economic rights, with cases related to undernourishment of the population and access to basic services such education.

At the same time another clinic was opened in Cordoba, the second largest city in Argentina and the location of the oldest university in the country. It dealt first with human rights and the environ-

ment, and later with child rights, the penal system and rights hinging on such issues as gender and identity. The clinic was an educational programme of a social justice NGO, and, although it is not a part of the curriculum of the local university, all of its members (director, co-ordinators and students) are closely related to and involved with the university.

Lately, an initiative called Mirror Advocacy was launched, which engages in certain cases in different court jurisdictions within Argentina at the same time but respecting the different focus of each clinic. The goal is to profit from the diversity of arguments and experiences that emerge from open dialogue between participating members of clinics in Cordoba, Tucuman, La Plata, Buenos Aires and Santa Fe.

## Prospects

Alternative legal education seems to be growing strong in Argentina. In 2006, the Cordoba Clinic organised the 4th Conference of the Global Alliance for Legal Education (GAJE), hosting members of many clinics, street law advocates, free legal aid offices and several other similar initiatives world wide.

The conference statement reflected the energy of the sector, noting that even though alternative legal education is still far from being mainstream, the diversity and growth of practices and experiences of this type prove that some things are changing. For those involved in this work in Argentina, there is a sense that by recovering a sense of social justice within the concept of the rule of law in transitional democracies, law is approaching the ideal often attributed to it, that of creating a civilised community of human beings.

# State appeals historic Foy decision

## Government must move on Transgender issue

**T**he first declaration of incompatibility with the European Convention on Human Rights (ECHR) to be made by an Irish court was finally issued on 10 March in the Lydia Foy transgender case. High Court Judge Liam McKechnie declared that sections of the Civil Registration Act, 2004 are incompatible with Article 8 of the ECHR because they make no provision for legal recognition of transgendered persons in their acquired gender.

Three weeks later the State appealed the decision to the Supreme Court. Unfortunately, Lydia Foy must now wait for the Supreme Court to rule on her case, which was begun by FLAC eleven years ago in April 1997. But the Government must not wait for that decision before taking action on the issue of legal recognition for transgendered persons.

In his judgement in favour of Lydia Foy, Judge Mc Kechnie pointed out that the European Court of Human Rights had changed dramatically and irreversibly the position of transsexuals under the Convention in its decision six years ago in the case of *Goodwin v the UK*. That case dealt with legislation very similar to the current law in this jurisdiction and the Strasbourg Court held that it failed to protect the rights of transgendered persons.

Judge McKechnie said Ireland ... is very much isolated within the member states of the Council of Europe on this issue. He added that case law in Australia and the European Court of Justice (the EU

Court) form[s] part of an expanding base of broad judicial opinion supporting the fundamental claims of transsexual persons. In other words, he added, Irish law on this issue is now even further disconnected from mainstream thinking.

He also made clear that any new legislation in this area would have to allow transgendered persons to marry in their new gender as well.

The State is, of course, entitled to appeal the High Court decision, but it is clear that the present situation is in breach of the ECHR and legislation will have to be introduced sooner or later to end what Judge McKechnie described as a living tragedy for many people. The Judge was clearly frustrated because, in an earlier judgment in the Foy case as far back as 2002, he had urged the Government to do something about the plight of transgendered persons and nothing at all had been done in the interim.

At the very least, the Government should now set up a working group to begin the process of drafting legislation to protect the rights of transgendered persons and their family members. There is no reason why legislation should not be introduced even before the Supreme Court deals with the appeal. It is no longer a question of whether there should be new legislation, but of when and what it should contain.

That is, unless the Government wants to continue to be isolated from the rest of Europe and most of the democratic world on this issue

### What is a Declaration of Incompatibility and what effect does it have?

Under Section 5 of the European Convention on Human Rights Act 2003, the High Court or Supreme Court can declare that any statutory provision or rule of law is incompatible with the State's obligations under the ECHR. The Declaration by itself does not change the law. It just requires the Taoiseach to report to the Oireachtas that the law is now in breach of the ECHR.

In theory the Government could just leave it at that. But in the Foy case, Judge McKechnie strongly urged them not to flout this new provision. He said: [A]s such a declaration can only issue from a constitutional court, such a court can have a reasonable expectation that the other branches of Government ... would not ignore the importance or significance of the making of such a declaration".

The UK has a similar provision in its Human Rights Act 1998 and doubts were raised at the time as to whether it would be an effective remedy. So far, however, 13 declarations of incompatibility have been made by the UK's higher courts and the law has been changed in all cases, including *Bellinger v Bellinger*, which dealt with the law on transgendered persons.

Hopefully, the Irish Government will not be any less willing to carry out its ECHR obligations than its UK counterpart.



Lydia Foy following her historic victory in the High Court last year. Also pictured is her lawyer, FLAC Senior Solicitor Michael Farrell.

Photo © Brian Barron/Maxwell Photo Agency

## Seizing the opportunity to help girls in detention

*Claire McHugh, the author of this article, is the FLAC/IUW Law 2007 Thomas Addis Emmett Fellow in Comparative Public Interest Law at Washington Appleseed Center for Law in the Public Interest. Kelly Angell and Alice Ostdiek are attorneys at Foster Pepper PLLC collaborating pro bono with Appleseed on this project.*

The United States incarcerates more women than any other country. And, according to a recent report of the National Council on Crime and Delinquency, the proportion of girls to boys in custody is steadily rising in the juvenile justice system.

This creates a somewhat invisible female population in a system developed for young men. Teenage girls in juvenile detention who are pregnant or parenting are especially vulnerable. Already engaged in risky behaviour, and often with a history of victimisation, substance abuse or family conflict, these girls are even less prepared to be parents than the average teen.

Yet statistically, they are more likely to be young mothers. Due to the steadily increasing number of girl offenders (accounting for 30% of juvenile arrests in Washington state in 2004, an increase of 10% since 2000), the juvenile justice system regularly comes into contact with teens who are pregnant or already parents. It's a problem, but it's also a valuable opportunity.

A specific and standardised response to the needs of pregnant and parenting teens in the juvenile justice system would contribute greatly to achieving a positive outcome for these girls and their children. Simple measures, such as routine pregnancy screening of all girls admitted to detention facilities, could make a big difference. Pregnant teens could then receive advice on their options, be referred to public health programmes, benefit from prenatal and post-partum care, and even be equipped with vital life skills through parenting classes and family planning

education. Furthermore, juvenile rehabilitation staff could assist girls in successfully re-entering the community by ensuring that immediate access to health and financial benefits is in place before a girl leaves a detention facility. Once a teen leaves the juvenile justice system, the opportunity for intervention with a young mother may be lost.

Currently, no such comprehensive policy response exists at either a state-wide or county level, and there is a lack of structured coordination between the juvenile justice system and social and health service agencies. At a minimum, pregnant and parenting girls deserve to be fully informed of their rights and options when entering detention and staff working with them deserve to be trained in how best to assist. Additionally, there are opportunities for extensive parenting education and skill-building. Unwritten practices and spontaneous, ad-hoc assistance are unreliable and insufficient.

Washington Appleseed is working with

youth advocates, *Powerful Voices*, and with Kelly Angell and Alice Ostdiek, a *pro bono* legal team at Foster Pepper PLLC, to produce an information pamphlet for teen mothers in the juvenile justice system, which outlines available social services and their legal rights.

The team is also producing a resource guide for the juvenile justice professionals responsible for the girl's welfare. A systemic approach is necessary, however, such as legislation directing the adoption of appropriate policies and procedures to ensure the best possible outcomes for these girls and their babies. This is a juvenile justice issue, but it also involves wider considerations — rights to healthcare, women's rights, children's rights and family rights.

Only by being proactive about this problem can legislators and policy-makers ensure that the unique opportunity to help a teen mother and her child achieve a better quality of life isn't missed.



2007 Thomas Addis Emmett Fellow Claire McHugh (L) pictured receiving her certificate from Fellowship adjudicator, the Honourable Mrs Justice Catherine McGuinness

Photo © Derek Speirs

# Proposed amendment to Civil Legal Aid Act 1995

**S**ec 29(2) The Board may, in accordance with regulations under section 37, provide legal aid or advice to an applicant without reference to his or her financial resources and may waive any contribution payable pursuant to this section and to any other regulations under section 37 or may accept a lower contribution.

FLAC recently became aware of a proposed amendment to the Civil Legal Aid Act 1995. Amendment no 28 of the Civil Law Miscellaneous Bill 2006, which was, to our knowledge only introduced at the report stage of the legislative proceedings, proposes to replace sec 29(2) of the Civil Legal Aid Act 1995 with the following:

- (2) The Board may
  - (a) in accordance with regulations under section 37, provide legal aid or advice to an applicant without reference to his or her financial resources,
  - (b) waive any contribution payable pursuant to this section and to any other regulations under section 37, or

accept a lower contribution, on the ground that a failure to do so would cause severe hardship to the applicant.

FLAC is concerned with the proposed amendment for a number of reasons. We have referred to s. 29 in at least one appeal to the Legal Aid Board on behalf of a client who has been refused legal aid and we are aware that the board has received counsel's opinion regarding the section. FLAC is of the opinion that this section may currently allow the Legal Aid Board the discretionary power to grant legal aid and/or advice without reference to an applicant's financial resources and without the need for specific regulations to be passed.

A finding to this effect could have wide-ranging implications for legal aid applicants. It is also apparent that the new test of severe hardship proposed in relation to waivers or reductions of financial contributions for legal aid will place an onerous burden on applicants and will reduce the current discretion of the Legal Aid Board to grant such waivers

FLAC highlighted these concerns in a submission made to the opposition

parties just prior to report stage. The amendment was discussed in the Dail on Wednesday 27 February 2008 by the Minister for Justice Brian Lenihan, Fine Gael Deputy Charles Flanagan and Labour Deputy Brian O Shea.

The broad thrust of the Minister's explanation was that the proposed amendment was benign and intended to widen the circumstances in which waivers would be granted. Having analysed the debate in some detail subsequently, it is very difficult to see how this conclusion can be supported. Although the amendment was ultimately passed, it was agreed that the proposed amendment would be discussed further when the Bill comes before the Seanad. It is anticipated that this will happen in the following few weeks.

For those interested, we hope to have further submissions on this issue on the FLAC website as soon as possible.

The full text of the Dail debate is available on the government website:



## New Lo-Call number for FLAC information line

**F**LAC is pleased to announce the introduction of a new low cost telephone number to ease access to its information and referral line.

As well as contacting FLAC on its existing number, **01-8745690**, callers seeking legal information or referral to a FLAC centre can contact us at **1890 350 250** for the price of a local call. Those seeking information on legal topics can also access FLAC leaflets on our website by clicking on the publications/legal information pages. (Pictured left is Nnenne Ibezim of the information line team.)

## FLAC makes presentation on HRC to Joint

**O**n 6 February 2008, FLAC attended the Houses of the Oireachtas Joint Committee on Social and Family Affairs to make a presentation on the Habitual Residence Condition (HRC). This was an important occasion for FLAC to persuade policy makers that the HRC has had and continues to have a detrimental effect on certain people in Irish society.

Officials from the Department of Social and Family Affairs (DSFA) including representatives from the Child Benefit Unit, the HRC Unit, the Supplementary Welfare Unit and the EU/International Unit attended and also made a presentation at the Committee meeting.

The HRC was introduced on 1 May 2004, on the accession of ten new countries to the European Union to counter a perceived threat of welfare tourism where citizens of the newly acceded countries were expected to travel to the existing Member States which were permitting entry, where they were expected to apply for welfare payments. In reality, the threat never materialised. Under the HRC one must prove, regardless of nationality, that they are habitually resident in the state at the time of making an application for a social assistance payment or Child Benefit.

FLAC's presentation to the Committee concentrated on the inconsistencies in the application of the HRC by decision makers, namely Deciding Officers (DOs) in the DSFA and Community Welfare Officers (CWOs) in the Health Service Executive (HSE). It was apparent from cases that FLAC have come across that different decision-makers use different criteria when deciding whether an applicant is

habitually resident. It was noted that the two year rule is still being applied despite the change in legislation in the Social Welfare and Pensions Act 2007 that this should no longer be a deciding factor.

FLAC welcomed the position of the Department in relation to the family unit concept whereby the father of a child who satisfies the HRC can receive Child Benefit on behalf of his child/children even if his partner does not satisfy it. However FLAC has come across cases where the family unit concept is not taken into consideration. Inconsistencies were also found where an applicant satisfies the HRC for one payment but on application for a second payment the same person is not considered habitually resident by another DO.

FLAC also focused on the delays in the Social Welfare Appeals Office as some people are waiting up to one year for their appeals to be heard, some of whom have already waited a considerable amount of time for their initial application to be assessed. This period of time where the applicant is not in receipt of a payment can leave already vulnerable people, including children, in dire financial situations.

The presentation also alluded to FLAC's ongoing Universal Child Benefit campaign as it again contended that the refusal to give Child Benefit to every child in the State was against both International Human Rights Law and the Government's own anti-poverty policies on children. The resultant hardship this brings to the children affected was also outlined.

FLAC's presentation received wide support from the opposition TDs and Senators of the Committee.

Olwyn Enright TD (Fine Gael) and Roisin Shorthall TD (Labour) were particularly outspoken on the issues involved. Deputy Enright concentrated on the Child Benefit issue and questioned the officials from the Department about the inconsistencies in decisions and also the incompatibility with the UN Convention on the Rights of the Child of denying Child Benefit to some children in Ireland. She particularly referred to asylum seeker children living in direct provision.

Deputy Shorthall concentrated on the denial of Carer's Allowance to returning Irish emigrants who come back to Ireland to care for an elderly parent or relative.

Seymour Crawford TD (Fine Gael) provided the Committee with practical examples of constituents who had approached him due to difficulties in satisfying the HRC for welfare payments.

Fianna Fil TD and Deputy Chairperson of the Committee, Charlie O'Connor also expressed concern about the application of the HRC.

Representatives from FLAC also attended the meeting of the Joint Committee on Social and Family Affairs on 20 February 2008 as Minister Martin Cullen TD was making a presentation. The Minister outlined the Government's satisfaction with the operation of the HRC and explained it was their view that the policy was required to protect the Social Welfare system from abuse. While he accepted that inconsistencies in decision making arise from time to time he invited people to contact the DSFA if they came across such cases.

He also pointed out — as the

## Committee

Department Officials did in their presentation — that guidelines for DOs were currently in the process of being revised to ensure consistency in the decision making process. He expected this process would be completed by 10 March 2008.

In relation to Child Benefit, the Minister was adamant that it would not be taken off the list of payments affected by the HRC. He argued, as he had done previously in the Dail, that children in Direct Provision are receiving Child Benefit in kind as their accommodation and food are provided. He did not take into consideration FLAC's position regarding the UN Convention on the Rights of the Child and the Government's own anti-poverty policies on children.

Please see the FLAC website for a full version of FLAC's presentation to the Joint Committee on Social and Family Affairs. You will find the transcripts of the meetings of the Committee on 6 February 2008 and 20 February 2008 on the government website by following the links to Committee debates.

More information at

<http://www.flac.ie>

<http://www.oireachtas.ie>

# Marriage Equality

*Grinne Healy is the Co-Chair of Marriage Equality.*

**M**arriage Equality is a new initiative that has a simple goal: the provision of equality for gay and lesbian people in Ireland through access to civil marriage.

Marriage Equality grew out of an initiative introduced to support the case of Katherine Zappone and Ann Louise Gilligan to have their Canadian marriage recognised in Ireland.

Marriage Equality believes that the only way for equality to be achieved is to allow lesbians and gay men the option of marrying in a civil registry office. In doing so, gay and lesbian couples would receive all the same legal rights and benefits that are automatically given to heterosexual couples.

Rather than legislate in a piecemeal way through a civil partnership scheme that would create a separate, unequal and legally untested institution, a simple straightforward amendment to the Civil Registration Act could be introduced to open the institution of civil marriage to gay and lesbian people.

Marriage Equality believes that Ireland is ready for civil marriage for gay and lesbian people. However, we also recognise that for a number of different reasons gay and lesbian people have been slow or reluctant to ask for their rights.

Marriage Equality wants that to change. We want gay and lesbian people, our friends, and our families to go directly to our TDs and make them aware that their rights are infringed by being denied access to marriage.

Speaking in the Dail last November during the debate on Civil Unions Fianna Fáil TD, Martin Mansergh stated that the issue of gay and lesbian marriage is not a matter that I can recall being raised with me, face to face, in my constituency from any angle, either for or against.

Marriage Equality wants to ensure that no Oireachtas member ever again stands-up in the Dail or Seanad and utters such words.

That is why a vital part of our work is the We are not out till we are out to our TDs campaign. Marriage Equality will help gay and lesbian people, their family and friends with the process of visiting their TDs to raise awareness of the issue. We have created a pack for people to use before they visit their TDs. It provides information on what they might say to their TD and the views they may come across. We will provide whatever support we can to encourage people to visit their public representatives and to ask for civil marriage.

Please log on to the internet site at [www.marriageequality.ie](http://www.marriageequality.ie) to download this pack, to read our position paper, or simply to sign up for an Ireland that treats everyone equally.

## Volunteer training focuses on immigration & employment law

**W**e had a great turnout for our volunteer training on 4 March, 2008 in the Bar Council's Distillery building.

Thanks to a good response from the volunteer questionnaires it was obvious that advisors wished to receive training in employment and immigration law. Advice on these two areas of law has been on the increase over the past year, immigration requests have almost tripled in the centres in 2007.

Our first speaker on the night was Kevin Duffy, Chairman of the Labour Court and a long-standing FLAC volunteer in our Ballyfermot centre. Kevin gave a comprehensive presentation on Statutory Employment Protection through an examination of the statutory framework practice and procedure points.

As a volunteer, Kevin understands the time restraints faced by advisors in our centres and therefore gave a simple methodology to follow when giving advice on the statutes: this involves explaining the following to the caller; time limits, forum and appeals.

Our second speaker was Jacqueline Healy from the Migrant Rights Centre, Ireland. Jacqueline gave a very insightful presentation on the Rights and Entitlements of Migrant Workers and their Families. Jacqueline discussed the employment permit system, access to social protection and other supports and the issue of family reunification.

She also looked at the new regulations that are being brought in and the issues surrounding the Habitual Residence Condition (HRC) and the Immigration, Residence and Protection Bill 2008.

Our third speaker was long standing



Attendees at the volunteer training seminar - in the foreground is Sarah Horgan, FLAC Volunteer Coordinator



Attendees at the seminar

FLAC volunteer, Michael O Donoghue. Michael, a volunteer of 18 years standing, was definitely very well placed to speak on the practical experiences of volunteering in a FLAC centre. Michael gave some very useful tips on the do's and don'ts of being a volunteer advisor.

All in all, it was a successful seminar, much appreciated by those who attended. Many thanks to all the speakers, the Bar Council for provid-

ing the premises and all those who attended.

**If you are interested in volunteering for FLAC or if you would like copies of the above presentations, please contact Sarah Horgan by phone at 01-874 5690 or by e-mail at [volunteers@flac.ie](mailto:volunteers@flac.ie)**

## Lawyers launch 'Rule of Law' Project

**T**he Rule of Law Project is a joint initiative of members of the Law Society and the Bar Council which aims to develop and enhance the Rule of Law in the developing world so that human rights, democracy, good governance and justice may be available to all people.

This will be achieved through projects proposed and carried out by Irish lawyers. The initiative is run in conjunction with the Irish Aid section of the Department of Foreign Affairs which will help fund some projects.

Any lawyer with an idea for a project that fits the remit of the Rule of Law initiative should submit a proposal. At the same time lawyers interested in participating are invited to apply and can indicate interest in a particular project.

The project initially came about in December 2006 following the publica-

tion of the Government's White Paper (Irish Aid) in September 2006. The White Paper sets out the blueprint for reaching the 0.7% of GNP target of expenditure on overseas aid and, while the first Paper focused mainly in humanitarian response, the 2006 Paper moves toward Development Policy, where the rule of law plays a key role.

Turlough O'Donnell, Chairman of the Bar Council and Michael Irvine, then President of the Law Society, visited Irish Aid and received a very good response from department officials, who indicated that funding might be available for projects.

Further to this meeting, a Joint Committee formed by members of the Bar and the Law Society (including Sasha Gayer, Jonathan Kilfeather, Ken Murphy, James McGuill and Philip Joyce) was created to identify a strategy. The Committee will be chaired by the Attorney General and will also

screen proposals before they are submitted to Irish Aid for assessment and funding approval.

The project has been warmly received by solicitors and barristers and a number of well attended meetings have taken place, resulting many application forms received and a number of interesting proposals.

There are currently four major projects being undertaken. These include setting up a Law School in Kosovo, providing judicial training in Ethiopia, reconstructing the Courts in Bosnia and providing Commercial Law lectures in South Africa.

**For further information on the project or to participate or propose an idea, please e-mail: [ruleoflaw@lawsociety.ie](mailto:ruleoflaw@lawsociety.ie) or [advocateassist@lawlibrary.ie](mailto:advocateassist@lawlibrary.ie)**

## FLAC contributes to review of Ireland by international human rights body

**O**ver the past number of months, FLAC in conjunction with the Irish Council for Civil Liberties and the Irish Penal Reform Trust have been preparing a detailed Shadow Report to the Third Periodic Report by Ireland under the UN International Covenant on Civil and Political Rights (ICCPR).

Under Article 40 of the ICCPR, the State is required to submit periodic reports on the measures it has taken to give effect to the rights recognised in the Covenant. These reports are examined by the UN Human Rights Committee and Ireland's examination will take place in Geneva in July of this year. A Country Report Task Force, made up of Committee members and other staff, meets in advance of the July

session in order to consider and adopt a List Of Issues which the Human Rights Committee will focus on in its review. This List Of Issues stage took place in New York on 31 March 2008.

The alliance of FLAC, the Irish Council for Civil Liberties and the Irish Penal Reform Trust have made a joint submission for the List Of Issues stage, highlighting in summary the main areas of concerns which the groups feel the Committee should focus on in its examination of Ireland in July.

These included issues such as extraordinary rendition, liberty and security of persons in detention, including conditions of detention, the right to life, imprisonment for debt, discrimination against non-traditional families and

concerns surrounding access to justice such as the continued jurisdiction of the Special Criminal Court and civil legal aid.

The joint ICCPR Shadow Report is due to be launched in the coming months. This will be advertised in due course.

**This submission is now available on the website of the UN Office of the UN High Commissioner for Human Rights (OHCHR) at: <http://www2.ohchr.org/english/bodies/hrc/docs/ngos/flaccliprt.doc>**

# 2007 Statistical Report underlines steady growth

**A**s part of its mission to contribute to equal access to justice for all, FLAC operates a network of 63 part-time Legal Advice Centres throughout Ireland in conjunction with Citizens Information Services. These advice centres are generally open in the evening and the service is provided by volunteer lawyers or advisors. FLAC operates 22 Dublin centres and the Cork centre in conjunction with Citizens Information Centres (CICs). All other advice centres are operated directly by the CICs.

In addition, FLAC provides an information and referral telephone line. While legal advice is not given over the phone, basic legal information and referral to an appropriate centre or agency is provided. However, in certain areas like consumer credit/debt law, civil legal aid and social welfare law reform, specialised FLAC advisors may also be available.

The data collected from centres and telephone line enquiries provides FLAC with information on the extent of its service and helps in analysing unmet legal need. The following figures give an overview of FLAC activities in centres and on the telephone in 2007.

Centre	No.	Centre	No.	Centre	No.
Aungier Street	111	Meath Street	9	Navan	79
Ballyfermot	362	Cork	267	Sligo	144
Blanchardstown	306	Ballina	62	Tralee	93
Athy	13	Pearse St	58	Wexford	96
Clondalkin	371	Ballymun	213	Bantry	44
Crumlin	340	Rathmines	126	Leitrim	51
Dundrum	209	NAD	12	Tullamore	113
Finglas	392	Clonmel	119	Athlone	60
Listowel	56	Thurles	58	Mullingar	50
Tallaght	439	Naas	26	Castlebar	7
Prussia Street	52	Newbridge	89	Lucan	18
N. King Street	356	Whitehall/Beaumont	2	Centre not recorded	12

Table 1: Centre participation

### Centre participation

During 2007, 4815 data collection forms were returned from 35 Legal Advice Centres around the country (see Table 1 below). These comprised 16 centres in the Dublin area and 18 centres outside Dublin.

### Areas of law discussed at centres

Callers attending FLAC centres seek legal information and advice regarding one or more areas of law (see Table 2 opposite). The total number of legal queries recorded in 2007 was 5323. Callers mainly sought legal information and advice on civil law matters; only 5% requested information on criminal law matters. The most frequently discussed legal area was family law, comprising 32.7% of total queries. However, the remaining 67.3% indicates that two-thirds of FLAC callers needed legal advice and information on a wide range of non-family matters. Other common areas of law brought to FLAC centres included personal injury, civil litigation and road traffic accidents.

### Does the caller have a solicitor?

Callers to centres were asked whether they currently had a solicitor. Of the 4230 respondents who answered this

question, the majority said that they had no solicitor (87%). Fewer than one in five callers said they had a solicitor (13%).

### Client referral from centres

Callers attending FLAC centres receive first stop/initial legal information and advice relating to their query. Where further legal advice or legal representation is needed, FLAC advisors make referrals to appropriate agencies. The data collection form for 2007 asked the legal advisors whether they referred the client on to another agency or body.

This information was gathered in 4290 cases, and showed that of these 2702 (63%) clients were referred on to another body, while 1588 (37%) were provided with sufficient legal information/advice by FLAC volunteer advisors. (see Table 3 below).

Advice only	1588
Legal Aid Board	840
Private solicitor	1274
Family mediation	122
MABS	48
FLAC	63
CIC	61
Other	658

Table 3: Referrals

Other agencies to which clients were referred in 2007 included the Small Claims Court, the Garda, the Personal Injuries Assessment Board (PIAB) and the District Court Office.

### Cases brought to FLAC's attention

At the end of each data collection form, the volunteer advisor is asked whether they would like to bring the client's case to FLAC's attention. Fifty forms were returned with details of the client's case.

## in demand for civil legal aid & advice

### Calls to FLAC's Information and Referral Line in 2007

FLAC's telephone information and referral line assists callers in identifying the appropriate services for their legal needs. In 2007 FLAC head office received 6034 telephone enquiries to its information service (see Table 4 bottom right). This is up from 5786 calls in 2006, 4480 calls in 2005 and 4303 calls in 2004, showing a growing awareness of FLAC's service among the general public and other agencies, and indeed demonstrates a growing need for basic legal advice and information generally.

Family law was again the largest area of enquiry last year, with one in five calls to the information line being in this sector. The next largest area of enquiry was legal services, followed closely by employment law.

FLAC is aware that its voluntary legal advice centres and its information line service are no substitute for an adequately funded civil legal aid scheme to deliver timely advice and representation to people who are entitled to it as a right if they need it to access justice.

Nonetheless, there is a place for the FLAC service and, as the 11,350 consultations in its centres and on its telephone service demonstrate, there is a need for it. FLAC is very grateful to all those who contribute to making the service work.

As well as its dedicated staff, FLAC wishes in particular to thank both the FLAC volunteers in centres and those in Citizens Information Centres and other locations who provide the facilities that permit the service and help to manage it. This service and the data returned from it contribute to achieving the goal of equal access to justice for all.

Areas of law discussed at FLAC Centres			2007	
			Count	%
Civil law	Family	Family	1683	31.6
		Domestic Violence	58	1.1
		<b>Total family</b>	<b>1741</b>	<b>32.7</b>
	Non-family	Employment Law	508	9.5
		Succession/Probate	393	7.4
		Property	436	8.2
		Housing	330	6.2
		Consumer Law	348	6.5
		Credit and Debt	153	2.9
		Dispute with another person	205	3.9
		Immigration/Refugee Law	222	4.2
		Social Welfare Law	99	1.9
		Other civil matters	591	11.1
<b>Total non-family</b>	<b>3285</b>	<b>61.7</b>		
<b>Criminal law</b>			297	5.6
Total legal queries			5323	100.00

Table 2: Areas of law discussed at FLAC Centres

Areas of law discussed on Telephone Information Line			2007	
			Count	%
Civil law	Family	Family	1373	22.8
		<b>Total family</b>	<b>1373</b>	<b>22.8</b>
	Non-family	Children's Rights	7	0.1
		Civil	301	5.0
		Company	49	0.8
		Consumer	347	5.8
		Contract	148	2.5
		Debt	93	1.5
		Discrimination/Equality	14	0.2
		Employment	850	14.1
		Housing	54	0.9
		Immigration	110	1.8
		Landlord & Tenant	127	2.1
		Legal Aid	270	4.5
		Legal Services	1094	18.1
		Personal Injuries	77	1.3
		Probate	326	5.4
		Property	223	3.7
		Social Welfare	52	0.9
Solicitor/Client Issues	241	4.0		
<b>Total non-family</b>	<b>4383</b>	<b>72.6</b>		
Criminal law			278	4.6
Total legal queries			6034	100.0

Table 4: Telephone Information Line - 2007 Summary

# Reflection:

## So I Be Written in the Book of Love

*Alma Clissmann, who brought this speech to FLAC's attention and wrote the following introduction, is the Project Manager in Statute Law Restatement with the Law Reform Commission.*

Chicago, 1924: Fourteen-year-old Bobby Franks is kidnapped and murdered while on his way home from school. The murderers, it turns out, are two teenagers, wealthy with lives that had been full of promise: Richard Loeb and Nathan Leopold.

Richard Loeb, 18, is the youngest graduate in the history of the University of Michigan, the handsome and popular son of a Sears Roebuck vice president. Nathan Leopold is 19 and already a nationally renowned ornithologist and University of Chicago graduate. He is enrolled for classes starting the next fall at the Harvard Law School.

Loeb and Leopold, disciples of the German philosopher Nietzsche and entangled their own bizarre relationship, had hoped to pull off the perfect crime, involving ransom demands, phone signals, and packages thrown off of moving trains. But Providence, according to State's Attorney Robert Crowe, intervened: Leopold's glasses with a rare patented hinge are discovered along with young Bobby Franks' body in a South Chicago swamp. The net closes, the boys confess, and all in Chicago, it seems, are determined to have them hang.

Enter Clarence Darrow.

He waives the defendants' right to a jury trial and tries their case directly to Judge John Caverly. This is part of his address to the Court.

### So I Be Written in the Book of Love

Now, I must say a word more and then I will leave this with you where I should have left it long ago. None of us are unmindful of the public; courts are not, and juries are not. We placed our fate in the hands of a trained court, thinking that he would be more mindful and considerate than a jury. I cannot say how people feel. I have stood here for three months as one might stand at the ocean trying to sweep back the tide. I hope the seas are subsiding and the wind is falling and I believe they are, but I wish to make no false pretense to this court. The easy thing and the popular thing to do is to hang my clients. I know it. Men and women who do not think will applaud. The cruel and the thoughtless will approve. It will be easy today; but in Chicago, and reaching out over the length and breadth of the land, more and more fathers and mothers, the humane, the kind and the hopeful, who are gaining an understanding and asking questions not only about these poor boys, but about their own,—these will join in no acclaim at the death of my clients. These would ask that the shedding of blood be stopped, and that the normal feelings of man resume their sway. And as the days and the months and the years go on, they will ask it more and more. But, your Honor, what they shall ask may not count. I know the easy way.

I know your Honor stands between the future and the past. I know the future is with me, and what I stand for here; not merely for the lives of these two unfortunate lads, but for all boys and all girls; for all of the young, and as far as possible, for all of the old. I am pleading for life, understanding, charity, kindness, and the infinite mercy that considers all. I am pleading that we overcome cruelty with kindness and hatred with love. I know the future is on my side. Your Honor stands between the past and the future. You may hang these boys; you may hang

them by the neck until they are dead. But in doing it you will turn your face toward the past. In doing it you are making it harder for every other boy who in ignorance and darkness must grope his way through the mazes which only childhood knows. In doing it you will make it harder for unborn children. You may save them and make it easier for every child that some time may stand where these boys stand. You will make it easier for every human being with an aspiration and a vision and a hope and a fate. I am pleading for the future; I am pleading for a time when hatred and cruelty will not control the hearts of men. When we can learn by reason and judgement and understanding and faith that all life is worth saving, and that mercy is the highest attribute of man.

I feel that I should apologize for the length of time I have taken. This case may not be as important as I think it is, and I am sure I do not need to tell this court, or to tell my friends that I would fight just as hard for the poor as for the rich. If I should succeed in saving these boys' lives and do nothing for the progress of the law, I should feel sad, indeed. If I can succeed, my greatest reward and my greatest hope will be that I have done something for the tens of thousands of other boys, for the countless unfortunates who must tread the same road in blind childhood that these poor boys have trod, that I have done something to help human understanding, to temper justice with mercy, to overcome hate with love. I was reading last night of the aspiration of the old Persian poet, Omar Khayyam. It appealed to me as the highest that I can vision. I wish it was in my heart, and I wish it was in the hearts of all:

*So I be written in the Book of Love  
I do not care about that Book above.  
Erase my name or write it as you will,  
So I be written in the book of Love.*