



# FLAC annual report 2014



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## Foreword

The promotion of access to justice is not a straight-forward task. In 2014 FLAC's work encompassed different forms and approaches - combining the delivery of legal information and advice services with analysis and advocacy on key areas of concern. It was a busy year, with the impact of prolonged austerity continuing to be felt by so many. We acknowledge the hard work and commitment of our staff, interns, board members, and volunteers who demonstrate on a daily basis their belief that the protections and benefits of the law should be enjoyed equally, regardless of whether you are poor or live on the margins of society.

Delivering free legal information and advice services remains a top priority for FLAC and demand continues to be high; some 28,389 people directly availed of these services over the telephone and in person at a FLAC clinic last year - not to mention those who made use of our legal resources, FLACsheets and website. PILA's Pro Bono Referral Scheme provided access to the law in a different way, facilitating some 74 critical linkages between NGOs working for social justice and lawyers and law firms who advised them.

Continuing our work in the area of consumer debt, FLAC closely monitored the mortgage arrears crisis, highlighting critical areas of concern in the media and to our politicians and policy makers. On the other side of the coin, ensuring that strong protections are in place for consumers who are accessing credit is a key preventative measure against over-indebtedness. Our report, *'Redressing the Imbalance'*, was launched in March, and comprises a detailed investigation by FLAC of the redress mechanisms available to consumers in Ireland. The report concluded that in too many cases the odds are stacked firmly against any individual consumer trying to process a complaint about a breach of his or her consumer rights.

In preparation for Ireland's examination under the International Covenant on Economic, Social and Cultural Rights in 2015, FLAC, through PILA, consulted with, and coordinated the response of, a wide cross-section of Irish civil society in order to present their views on how Ireland is and is not complying with these international standards. The resulting Shadow Report, *'Our Voice, Our Rights'*, was submitted to the UN at the end of September 2014.

Since FLAC began legal proceedings on behalf of transgender woman Dr Lydia Foy in 1997 in her quest to secure a birth certificate in her female gender, we have reported each year in our Annual Report on the slow, incremental, and sometimes stalled, progress towards achieving this goal. In December 2014, the Government finally published the Gender Recognition Bill. While we have concerns about some aspects of the Bill, it marks one of the final steps in this long journey towards recognition for Dr Foy and for all transgender people in Ireland.

The support of the legal profession throughout the year, both financially and through volunteering time and expertise, has remained steadfast. It is no exaggeration to say that FLAC simply could not have achieved all that it did in 2014 without that support. We thank our other funders - statutory, philanthropic, corporate and individual - for their generous support throughout the year. Their continued belief in the importance of FLAC's work and their willingness to fund us across a wide range of activities provides the organisation with the resources that are essential to delivering on our commitment to make Ireland a place where the law and the legal system is more accessible to all.

Peter Ward, *Chairperson*      Noeline Blackwell, *Director General*



## About FLAC

FLAC is a human rights organisation which exists to promote equal access to justice for all. Our vision is of a society where everyone can access fair and accountable mechanisms to vindicate their rights.

## How we work

FLAC is involved in a variety of different activities in the pursuit of access to justice and the use of law in the public interest. These activities can be grouped under three broad headings: Advice and Information, Analysis, and Advocacy. Each of these activities is a powerful tool in its own right, but it is in combining them that FLAC is able to make the biggest impact.





## Advice & Information

The provision of legal advice and information, free of charge and in a way that is accessible and understandable, is a key first step in the pursuit of equal access to justice. As well as directly benefiting those who access our services, this work ensures that FLAC remains connected to the issues that people are facing on the ground.

## Telephone Information Line

FLAC's telephone information and referral line experienced its busiest year ever in 2014, answering 15,005 calls from members of the public. This was a 10.3% increase on the number of calls in 2013 (itself up 10.3% on 2012). It was the first time since 2011 that the number of people phoning FLAC exceeded the numbers attending at legal advice clinics. The telephone information line team also noted that calls were becoming longer and more complex, with people experiencing multiple intertwined legal issues; in particular,

many callers described challenging situations involving family law and debt issues.

Family law remained the most frequently discussed area of law on the telephone (21.4%). Housing/landlord & tenant issues made up 14.3% of all queries on the telephone and saw the most dramatic increase on 2013, rising 81.7%. Given that 2013 had seen an increase of 83.5% in this area, this demonstrates a continued upward trend which began in 2012 and reflects a real need for detailed legal information on the topic.

Trends in queries: Telephone Information Line	Number of calls in 2014	Percentage of all calls in 2014	Percentage change in number of calls from 2013 to 2014
Family	3215	21.4	12.3
Housing/Landlord & Tenant	2140	14.3	81.7
Legal Services	1635	10.9	-13.6
Credit & Debt	1297	8.6	-20.2
Employment	1012	6.7	21.1
Civil	922	6.1	17.5
Will/Probate	780	5.2	21.5
Criminal	732	4.9	7.3
Legal Aid	567	3.8	-2.7
Consumer	482	3.2	9
Property/Interest in Land	409	2.7	15.5
Client-Solicitor relations/issues	330	2.2	-5.4
Negligence/Personal Injury	285	1.9	19.2
Other	277	1.8	-39.3
Social Welfare	266	1.8	0.8
Contract	208	1.4	39.6
Neighbour disputes	179	1.2	17
Immigration/refugee	163	1.1	-1.2
Company	77	0.5	57.1
Discrimination	29	0.2	-17.1
<b>Grand Total</b>	<b>15,005</b>	<b>100.0</b>	<b>10.3</b>

Call FLAC's telephone information line for basic legal information, details of your nearest FLAC clinic or for a suitable referral. The phone line operates from 9am to 5.30pm, Monday to Thursday, and from 9am to 5pm on Friday. Phone **01 87 456 90** from a mobile phone or lo-call **1890 350 250** from a landline.

## FLAC Clinics

In total 13,384 people sought legal advice at a FLAC Clinic in 2014. These clinics, where callers can talk confidentially with a volunteer solicitor or barrister about their legal issue, are run by FLAC and local Citizens Information Centres in a long-established partnership. Most of the clinics are situated in the premises of local Citizens Information Centres and supported by CIC staff, who in most clinics outside Dublin also roster and coordinate volunteers. Some 70 of the 81 services provided FLAC with anonymous data about the nature of the legal queries discussed. This data was then collated and analysed to give an indication of legal need and the areas of law where people most frequently sought assistance.

The number of queries analysed is down by 3% on 2013, when 73 services participated in the data collection programme, with data provided on 13,805 queries.

Family law continued to be the most frequently discussed area of law in FLAC clinics (33.7%) and almost half of these queries (48.7%) related to separation and divorce. Employment law (14.2%), credit and debt (10.3%) and wills/probate (8.2%) remained roughly steady in the proportion of queries that they represent. Over half (56.6%) of the credit and debt queries related to mortgage arrears.



We would like to particularly acknowledge the staff and management of the Citizens Information Board and local Citizens Information Centres whose work in coordinating and facilitating FLAC clinics is key in ensuring that people can access free and confidential legal advice as and when they need it. Their participation in the data collection programme is especially valuable, as it ensures that FLAC can build up a more complete picture of legal need among people in Ireland as well as identify trends and patterns that can inform the development of services and policy. We look forward to a continued fruitful partnership with the network of CICs countrywide.

FLAC clinics could not operate without the dedication of hundreds of volunteers all around Ireland who so generously give their time at a local free legal advice clinic. These members of the legal profession demonstrate their commitment to equal access to justice on a daily basis, and use their skills and experience to assist those who couldn't

otherwise afford to access first-stop legal support. In 2014, some 138 barristers and solicitors started volunteering and 88 volunteers were honoured for long service with a FLAC Volunteer Golden Pin.

Get the locations and opening times of all legal advice clinics at: [www.flac.ie/help/](http://www.flac.ie/help/)

Trends in queries: FLAC Clinics	Number of calls in 2014	Percentage of all calls in 2014	Percentage change in number of calls from 2013 to 2014
Family	4506	33.7	-4
Employment	1894	14.2	-4.2
Credit & Debt	1382	10.3	-13
Will/Probate	1097	8.2	-2.5
Housing/Landlord & Tenant	851	6.4	3.9
Consumer	774	5.8	-0.8
Property/Interest in Land	689	5.1	-2.5
Criminal	672	5	-3.2
Negligence/Personal Injury	620	4.6	-3.3
Other	493	3.7	-15
Immigration/refugee	505	3.8	-3.1
Social Welfare	336	2.5	-15.2
Neighbour disputes	295	2.2	0.7
Client-Solicitor relations	144	1.1	-14.8
<b>Grand Total</b>	<b>13,384</b>	<b>100.0</b>	<b>-3</b>



FLAC Director General Noeline Blackwell and FLAC Chairperson Peter Ward were delighted to welcome Chief Justice Susan Denham to launch FLAC's 2013 Annual Report. A former FLAC volunteer herself, the Chief Justice acknowledged the vital contribution made by volunteers giving their time and expertise at FLAC clinics around the country.



Keynote speaker, former South African Constitutional Court Judge Albie Sachs, giving his address at PILA's annual conference

Attendees at PILA's public interest law conference on 28 March



## PILA Pro Bono Referral Scheme

The Pro Bono Referral Scheme is the flagship activity of FLAC's Public Interest Law Alliance (PILA). It matches the unmet legal needs of law centres and organisations working for human rights and social justice with private law firms, barristers and solicitors who have signed up to PILA's pro bono register. Lawyers lend their expertise to organisations by providing legal expertise advice on an organisational or policy issue, by participating in a law reform working group, giving training on a particular area of law or by providing litigation support.

Key PILA achievements in 2014:

- 62 legal advice and litigation pro bono referrals.
- 95 NGOs and independent law centres supported.
- 7 new or ongoing law reform working groups.
- 5 legal education sessions delivered training to almost 150 NGO staff
- 75 new lawyers, 2 new law firms and the second in-house legal team signed up to the pro bono register, leading to a total of 250 individual lawyers, 17 law firms and 2 in-house teams as of December 2014.

### Examples of referrals in 2014

**ENERGY POVERTY:** Research carried out on the legislative basis for promotion of energy efficiency in private rented property in Ireland.

**VULNERABLE MIGRANTS:** Legal opinion provided on a non-punishment clause for persons who have been forced to commit a criminal act as a result of human trafficking.

**CHILDREN:** Submission drafted for the Law Reform Commission on the criminalisation of cyber-bullying.

**PEOPLE WITH DISABILITIES:** Guidelines developed for solicitors taking instructions from a person with an intellectual disability.

In addition, those interested in using law to advance the public interest received regular fortnightly bulletins with details of legal advances, events and job opportunities. The PILA Bulletin had 2500 subscribers at the end of 2014. You can read more about PILA's work on its dedicated website: [www.pila.ie](http://www.pila.ie)

## Advising the Advisors: Second tier support & legal training

FLAC provides a 'second-tier' technical support service for Citizens Information Centres and MABS (Money Advice & Budgeting Service), which complements information and advice services they provide directly to the public. FLAC works with advisors on queries with a legal element, which are often complex and technical in nature. In addition to building partnerships with other key advocates, FLAC's input has the added advantage of building the knowledge base and expertise of MABS and CIC advisors to assist future clients. We provided support on 180 such queries in 2014, covering personal debt, employment and social welfare law.

As well as the legal education sessions facilitated by PILA for NGO staff, in 2014 FLAC staff delivered training across a wide range of legal issues. More than 335 FLAC volunteers, MABS money advisors, CIC staff, and the wider legal profession received this training on topics such as civil legal aid, hire purchase, moving out of debt, social welfare appeals, personal insolvency and family law, the Consumer Credit Act, and the Code of Conduct on Mortgage Arrears.

## Legal Information Resources

FLAC launched a new series of nine legal information booklets in 2014, a mixture of new and updated guides that aim to provide the public with concise and user-friendly information on:

- Divorce
- Separation
- Maintenance
- Domestic Violence
- Family Law & Children
- Wills & Intestacy
- Probate
- Enduring Power of Attorney
- Landlord & Tenant Law

In addition, guides to *Possession Proceedings in the Circuit Court*, and *Possession Proceedings in the High Court*, were issued in October in conjunction with Community Law & Mediation and the Phoenix Project and funded by the Citizens Information Board.

All of these resources are available on:  
<http://bit.ly/flaclegalinfo>



## Student Societies

FLAC traces its origins back to a group of law students who established the organisation in 1969 and this connection to students and to law schools remains an important link today. There are currently FLAC societies based in UCC, Trinity, NUI Galway, NUI Maynooth, DCU, Griffith College, and IT Carlow, as well as the UCD Student Legal Service. These groups are involved in a wide range of activities, including legal information clinics, seminars and campaigns. FLAC societies are an important legal resource on campus as well as offering students the opportunity to put their new legal knowledge to practical use.

Fergal McConnon, Gary Hansell and Deirdre Moore of the TCD FLAC Society at their stand during Freshers' Week



# Analysis

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With a strategic focus on areas that impact on people who are marginalised or experiencing disadvantage, FLAC conducts in-depth research through the lens of access to justice. We strive for our analysis to be practical and constructive, with recommendations that can be used to inform decision-making and policy-making.

## PILA Conference: Using the Law to Challenge Injustice

On 28 March 2014, PILA hosted a conference on public interest law attended by almost 400 members of the legal community, civil society and others. Minister for Social Protection, Joan Burton TD, opened the event and the inspiring keynote speech was delivered by former South African Constitutional Court Judge Albie Sachs, an anti-apartheid activist and pioneer in the constitutional recognition of human rights. The event demonstrated the appetite for and interest in public interest law in Ireland; the afternoon sessions - on institutionalising pro bono in Ireland, on mobilising NGOs in using the law, on ombudsmen and alternative routes to justice and on clinical legal education - generated practical and lively discussions on how to most sustainably and effectively grow the public interest law movement in Ireland.

Read more and watch a video of Judge Sachs' address at: <http://bit.ly/PILAconf>

## Redressing the Imbalance

Also in March 2014, FLAC launched a major research report, *Redressing the Imbalance: A study of legal protections available for consumers of credit and other financial services in Ireland*. The report authors, FLAC Senior Policy Analyst Paul Joyce and Dr Stuart Stamp, Independent Social Researcher and Research Associate with the Department of Applied Social Studies, NUI Maynooth, examined protections available to those availing of credit from banks, hire purchase companies, credit unions and other financial service providers, as well as redress mechanisms for consumers unhappy with the conduct of their provider. It concluded that there are wide-ranging flaws and gaps in the consumer credit infrastructure.

The report, which included interviews with complainants to the Financial Services Ombudsman (FSO), detailed the frustration and dissatisfaction experienced by consumers and pointed out that those wishing to appeal an FSO

Attendees at PILA's public interest law conference on 28 March





Key contributors to Redressing the Imbalance: (standing) Julie Heffernan, Dr Stuart Stamp, Gwen Harris, Paul Joyce, PJ O'Reilly, (sitting) Lynda Sweeney, Betty O'Shea, Derek Teeling

finding had to do so in the High Court, an intimidating prospect for many consumers and beyond the financial reach of most. The Report concludes with more than 40 recommendations to improve and strengthen legal and administrative provisions for consumers at all levels. FLAC was delighted to welcome representatives of MABS, the Central Bank, the Department of Finance and the Financial Services Ombudsman to the launch of the Report, and looks forward to their continued engagement with as we press for the implementation of the recommendations. The report findings were also presented to the Joint Oireachtas Committee on Public Service Oversight & Petitions in September. Two appearances at the Joint Oireachtas Committee on Finance, Public Expenditure and Reform built on FLAC's work in this area, where we were asked to comment on the proposed introduction of a Mortgage Insurance Scheme in Ireland and on the Consumer Protection (Regulation of Credit Servicing Firms) Bill 2014.

Read the full report at:  
<http://bit.ly/redressingtheimbalance>

## Monitoring the Personal Debt and Mortgage Arrears Crisis

Throughout the year, FLAC continued to carefully monitor the implementation of the Personal Insolvency Act 2012 and to track the latest figures showing the level of mortgage arrears in Ireland, providing analysis and highlighting critical areas of concern in the media and to politicians and policy makers. In April, FLAC made a presentation to the Joint Oireachtas Committee on Finance, Public Expenditure and Reform on the resolution process for mortgage arrears as part of the Committee's development of a comprehensive report into the way banks in Ireland are dealing with customers who are in arrears on their mortgages. Issues of concern consistently raised by FLAC include:

- continued increase in longer-term arrears cases,
- accelerated rates of applications for repossession,
- sustainability of restructured arrangements being offered to borrowers,

- ineffectiveness of the Code of Conduct on Mortgage Arrears and
- lack of access to affordable and independent legal advice for borrowers in arrears.

FLAC welcomed the Joint Oireachtas Committee report in July, noting how its 47 proposals clearly reflected FLAC's concerns and demonstrated the Committee's appreciation for the scale and severity of the issues facing people in mortgage arrears; as always, the challenge lies in implementing the recommendations. FLAC made two further submissions to Government towards the end of the year, on the Mortgage Credit Directive and on the Central Bank's proposed new lending rules for mortgages. In both instances, FLAC emphasised the importance of taking the wider view and placing both issues within the context of the housing and personal debt crisis in Ireland. In December, FLAC made a submission to the Department of Justice on the review being conducted by that department of the Personal Insolvency Act 2012 and proposed a number of improvements to a piece of legislation that was clearly proving less effective than anticipated by

Government. In the latter half of the year, FLAC also participated in a steering group set up by the Insolvency Service of Ireland (ISI) to agree a Protocol of rules to facilitate the proposal of Personal Insolvency Arrangements to creditors by insolvency practitioners on behalf of insolvent debtors.

## Access to Civil Legal Aid

One of FLAC's original aims and one of its continuing concerns is that those who need access to legal advice and representation can secure it even if their means are insufficient to hire a lawyer. FLAC continued in 2014 to monitor and comment on the capacity of the Legal Aid Board to provide the service that is needed. Despite no further cuts in recent years to its budget, and its access to a skilled, professional staff, the Legal Aid Board struggled to meet the expanded legal need that the recession has brought. FLAC's monitoring of Legal Aid Board waiting times showed that at the end of 2014, a person might have to wait

FLAC's Zsé Varga and Peter Ward with some of those who were honoured with a golden FLAC pin in 2014 for their long-standing commitment to volunteering: (Back Row L-R) Lorraine Lally, Maria Curran, Anne-Marie O'Sullivan, Mark Stafford, Anna Morgan, David Fennelly, Kevin Baneham, (Front Row) Yvonne Flanagan, Zuzana Caisova, Helen Coughlan, Aine Hynes, Michael Lynn, Elizabeth Mitrow, Ronan Hynes, Michael Kinsley, Nigel D Allen.



between 8 and 46 weeks for a first 'triage' appointment, with the average wait being 19 weeks. Full representation by the Board might be available immediately after that in some centres whereas in others, the average wait was 26 weeks; with one centre showing a 65 week or 15 month waiting list.

In an address to the Legal Aid Board's Annual Conference in 2014, FLAC Director General Noeline Blackwell contrasted the criminal legal aid system, flexible and centred on protecting access to justice, with the many rigid, exclusionary criteria of civil legal aid. Her conclusion was that there are many issues which will have grave consequences for a person's welfare or livelihood but which will not attract a right to legal advice, assistance and representation if necessary.

The failure to expand the state-funded service has meant that there was no legal advice or representation for many over-indebted people. FLAC kept this issue high on its agenda in 2014 as we campaigned for greater support for those who had to deal on their own with creditors in complex and stressful situations.



Judge Rosemary Horgan, President of the District Court, launched the second interim report of the Child Care Law Reporting Project on 28 October. The project is led by Dr Carol Coulter.

## Child Care Law Reporting Project

The Child Care Law Reporting Project, an independent project funded by the One Foundation, the Atlantic Philanthropies and the Department of Children and Youth Affairs, aims to shine a light on court proceedings where children are being taken into the care of the State. FLAC was pleased to continue administrative, communications and statistical support to this important and innovative project, led by Dr Carol Coulter, in 2014. The project's second Interim Report was launched in October, where it analysed and reported on 486 child care cases all over Ireland between September 2013 and July 2014. These cases involved 864 children – about 20% of all children in court-ordered care. As well as this Interim Report, the project launched four new volumes of case studies throughout the year, with the anonymity of the children and their families preserved throughout.





FLAC's quarterly publication *FLAC News* provides news, updates and analysis on the latest developments in our core areas of work.

## Pro Bono Survey

In November, PILA invited solicitors, barristers and law students to take part in an online survey to gauge the level of pro bono work activity among the legal profession in Ireland and to identify factors that encourage or discourage pro bono service. The survey drew 464 responses, from all but one county in Ireland, and revealed a healthy appetite for pro bono, with three-quarters of practitioners engaging in pro bono during their career and 38% doing so on a regular basis. While there is certainly evidence that pro bono is good for business and skills development, most lawyers reported being motivated to take on pro bono work because they felt it was their professional responsibility as well as finding it rewarding. One of PILA's aims is to promote and embed a culture of structured pro bono in Ireland and it is encouraging to see evidence of such a strong sense of commitment among the legal profession already.

Read the full results of the Pro Bono Survey at: [www.pila.ie](http://www.pila.ie)

Amy Smyth holding the nine new FLAC legal information booklets launched in July





## Advocacy

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When it becomes evident that the law itself is not fair or reflective of the realities of the world we live in today, FLAC advocates for changes to the law, or how the law is applied. We do this as a campaigning organisation and also as an Independent Law Centre. We take a small number of cases each year, test cases which, we believe, have the potential to benefit wider society, as well as the individual client.

## Our Voice, Our Rights: Shadow Report on Ireland's Human Rights' Record

Reporting under international mechanisms to promote access to justice is part of FLAC's strategic approach. Ireland will be examined by the UN in 2015 on its progress under the International Covenant on Economic, Social and Cultural Rights (ICESCR). While the State has submitted a report documenting progress under each article of ICESCR, the examination process also allows for civil society groups to provide an alternative narrative by submitting a parallel report. In May 2014, FLAC through PILA began a process of research and consultation to develop a report from civil society. *Our Voice, Our Rights: a parallel report in response to Ireland's Third Report under the International Covenant on Economic, Social and Cultural Rights* was submitted to the UN Secretariat in Geneva on 30 September.

The report includes recommendations across a diverse range of issues, including: employment, housing, social security, arts and culture, healthcare, and education. It also sets out the context, highlighting the fiscal restrictions imposed on the State during the bailout and the lack of consideration of human rights law during the recession. The report process was a collaborative one with five regional consultations as well as a final roundtable event in Dublin. In the end more than 50 individuals and organisations contributed to *Our Voice, Our Rights* and some 30 endorsed its recommendations. The report forms the basis for Irish civil society's interaction with the UN Committee on Economic, Social and Cultural Rights at Ireland's examination in June 2015.

Read more at [www.ourvoiceourrights.ie](http://www.ourvoiceourrights.ie)

*Our Voice, Our Rights* Project Team Lead Saoirse Brady at the report launch with Alice Mary Higgins

Moya De Paor, Brid O'Brien, Mike Allen and Eleanor Philips speaking at the launch of *Our Voice, Our Rights* in Dublin's Mansion House on 19 November. *Our Voice, Our Rights* is the parallel report coordinated by FLAC in response to Ireland's Third Report under the International Covenant on Economic, Social and Cultural Rights





Lydia Foy outside the FLAC office with Yvonne Woods, Emma Cassidy and Catherine Hickey

## Lydia Foy case and Recognition for Transgender Persons

Lydia Foy's long struggle for a birth certificate in her female gender, backed by FLAC, continued throughout 2014 and was on the brink of success by the end of the year. On 28 October, just one week before her third legal challenge to the State was due to be heard in the High Court, terms of settlement were announced. The Government promised to publish its long-awaited Gender Recognition Bill by the end of the year and committed to introduce the Bill in the Oireachtas early in the New Year and get it enacted as soon as possible.

The Bill would allow Lydia Foy and other Trans people to get birth certificates in their preferred gender and would give them official recognition. The Government also agreed to pay Dr Foy significant compensation for breach of her rights under the European Convention on Human Rights (ECHR) Act 2003. This was the first ever grant of compensation made under the ECHR Act, another milestone in its use to protect the rights of vulnerable people. In another new development, the International Commission of Jurists intervened in the case as *amicus curiae*, arguing that the State must provide an effective remedy in national law for breaches of rights under the Convention.

Given the lack of urgency shown by the State on this issue since the High Court ruled in Lydia Foy's

favour in 2007, FLAC did not agree to strike out this case when the settlement terms were reached. Instead the case was adjourned until the end of January 2015 to ensure that the Government delivered on its undertakings.

The Government finally published the Gender Recognition Bill on 16 December 2014. An earlier draft of the Bill had been criticised as too restrictive by an Oireachtas committee in January 2014 and some changes had been made in response. However, the Bill as published would require married Trans persons to divorce as a pre-condition for recognition; it also made no provision for Trans young persons under 16 and only very restrictive provision for those between 16 and 18, and required certificates from medical specialists for all Trans persons seeking recognition.

While publication of the Bill marked progress, it was criticised by FLAC and Transgender Equality Network Ireland (TENI) as seriously flawed. At the year's end FLAC and other groups were preparing a campaign to secure significant changes to the Bill as it was going through the Oireachtas in 2015.

You can read more about the Foy case on the FLAC website: <http://bit.ly/transgenderupdate>



FLAC's post-Budget seminar on 16 October focused on the human rights impact of policy changes flowing from the Budget and called for a human rights approach to budgeting

FLAC Director General Noeline Blackwell addresses FLAC's post-Budget seminar

## Applying a Human Rights Approach to Budgeting

FLAC believes that when making budgetary decisions about where to allocate resources and where to make cuts, governments should apply a human rights approach. This begins with an analysis to identify the potential risk of human rights breaches stemming from budgetary decisions. Immediately following the announcement of Budget 2015 on 14 October 2014, FLAC circulated a survey to NGOs to assess their reaction to the Budget. The survey captured the extent to which the groups felt Budget 2015 increased or decreased protections for the most vulnerable people in society and how it would impact on the lives of the people the organisations represented. Responses from 38 organisations were rapidly analysed and fed into a well-attended and lively event on 16 October, *Fairer Budget, Fairer Society: Analysis of Budget 2015 from*

*Irish civil society*. This gathering looked at the human rights commitments binding on the State under the International Covenant on Economic, Social and Cultural Rights even in times of recession, the link between economic progress and social justice, and the practical implications of Budget 2015 on vulnerable groups. Following the event, Independent TD Maureen O'Sullivan put forward a Private Members Motion in the Dáil proposing that the State adopt a human rights approach to national budgeting. While the Motion was defeated, it was encouraging to see the concept of human rights budgeting being debated in the Dáil and the support for such an approach within civil society, something that will continue to be built on in the years to come.

Read more about the survey at:

<http://bit.ly/budget2015survey>



## Strategic Casework

As an Independent Law Centre, FLAC takes on a small number of strategic cases each year in our priority areas of law. Below are some of the cases from 2014:

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### Termination of Hire Purchase Agreements: O'Brien v PTSB Finance

After a wait of almost 2 years since the Financial Services Ombudsman (FSO) had declined to contest a High Court appeal against a decision it had made in dismissing a complaint made by Mr David O'Brien against PTSB Finance, a fresh decision was issued by the FSO in favour of Mr O'Brien. The original complaint to the FSO dated back to October 2011 when PTSB Finance refused to allow Mr O'Brien to terminate a Hire Purchase agreement on a car. Relying on a previous High Court case taken by FLAC, *Gabriel v Financial Services Ombudsman*, Mr O'Brien argued that finance companies could not insist upon the payment of arrears or a shortfall up-front before accepting the return of a vehicle when, under the terms of the Consumer Credit Act 1995, the Hirer had terminated the agreement early. The FSO's May 2014 decision found that Mr O'Brien was correct and that in light of the *Gabriel* case, PTSB Finance was mistaken in not allowing Mr O'Brien to end his Hire Purchase agreement in November 2010.

This case has potential implications for other people who have been frustrated in their efforts to end Hire Purchase Agreements and return the hired goods. They may also wish to file a complaint with the FSO, but the key thing to note is the time limit of six years between the time of the conduct being complained about and the bringing of the complaint.

FLAC has developed and disseminated an information sheet to explain the issues involved which you can find on the FLAC website at:

<http://bit.ly/hirepurchasetermination>

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### Overpayment deductions stopped

In a case referred to FLAC by a Citizens Information Centre during 2014, the Department of Social Protection had been deducting 15% of a woman's One Parent Family Payment to pay off a claimed overpayment dating from 22 years earlier. A Freedom of Information application by 'Maria' (*not her real name*) revealed that Department officials had decided 10 years earlier not to attempt to recover the supposed overpayment because there was no longer any evidence of how it occurred or whether 'Maria' had ever been told about it. When this was raised with the Department they stopped making the deductions.

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### Subsidiary Protection and Child Benefit

In May 2014 the High Court granted leave to a FLAC client, who had been accorded Subsidiary Protection status, to challenge a refusal to backdate Child Benefit in respect of her son to when she had first applied for it. Our client argued that when the Minister for Justice declared that someone was in need of Subsidiary Protection, she was recognising that the person concerned had been in danger of serious harm at the time she made the application and so, like a refugee, she should have been entitled to reside in the State from that time on and should have been entitled to the same social welfare benefits as an Irish citizen. The case is due to be heard during 2015.

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### 'Hardship' and Legal Aid Fees

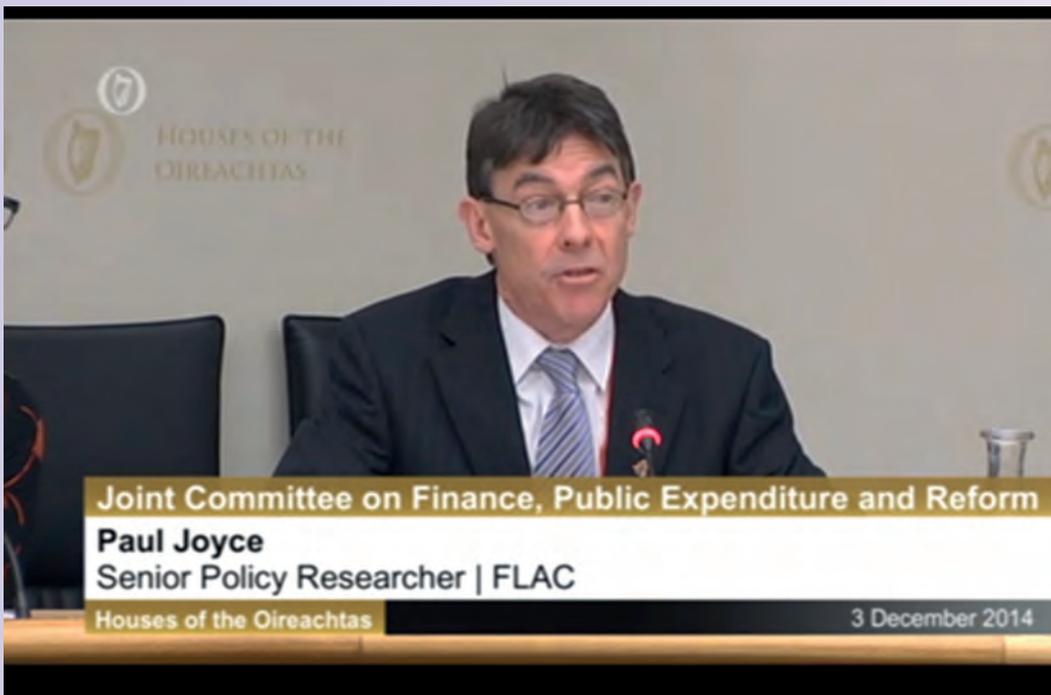
The definition of 'hardship' in the waiver of fees by the state Legal Aid Board gave rise to some challenges to Board procedures in 2014. Despite common perception, civil legal aid is not free. Indeed it can be expensive when the Board exercises its right to recover fees from clients who have received money at the end of a case. Those fees can be waived on hardship grounds.

Ms J's case came to FLAC via our telephone and information referral line. The case concerned the refusal of the Legal Aid Board to waive its fees of €4000 in the case. The Board wanted to recoup its fees from the proceeds of the sale of her former family home. However, this would mean Ms J could not then afford to purchase a home with her children and partner. The Board argued that, as she was already living in hardship, collecting the fees would not cause Ms J any further hardship than she was already experiencing. FLAC contacted the Board's head office and following substantial discussions, the fees were waived in full. Ms J was then able to complete the house purchase, without which she would have effectively become homeless just before Christmas. Commenting after the case,

Ms. J said:

*"We just want to be happy normal parents now with the kids and give them a nice relaxing Christmas and at least I can do some Christmas shopping for them now. God love them, they all just said that they wanted this house for Christmas and they would be happy with that, and I'm so so glad to say that thanks to all of your amazing hard work we can grant that wish."*

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FLAC's Paul Joyce discusses the sale of loan books to unregulated third parties at the Joint Oireachtas Committee on Finance, Public Expenditure and Reform in December

## Dave Ellis Memorial Lecture

FLAC's annual lecture, dedicated to legal activist Dave Ellis who died in 2007, took place on 1 December 2014. We were honoured to have Bryan Stevenson of the Equal Justice Initiative, based in Alabama, author of 'Just Mercy' give the keynote address in an inspiring speech to an audience of over 300 guests made up of current and past FLAC volunteers, staff, interns and board members, members of the judiciary, the legal profession, the broader NGO community and public service as well as friends and family of Dave Ellis. Bryan is one of the foremost public interest lawyers in the United States and focuses his work on challenging the death penalty, incarceration of minors and the links between racial inequality and economic injustice, among other issues of poverty and justice. He spoke about the difficulties of addressing inequality in the administration of justice, challenging the audience that Ireland is a country in which we should have full equality and where we are tantalisingly close to it but that we must get 'uncomfortable' and take on issues outside our comfort zone in order to get closer to that ideal.



Bryan Stevenson, founder and Executive Director of the Equal Justice Initiative giving the 2014 Dave Ellis Memorial Lecture

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Bryan Stevenson meets Sarah Flynn, partner of the late Dave Ellis, with Noline Blackwell





(Standing, left to right) Paul Joyce, Yvonne Woods, Jackie Heffernan, Rachel Power, Gillian Kernan, Michael Farrell, Noeline Blackwell, Eithne Lynch, Zs  Varga, Catherine Hickey (Kneeling) Eamonn Tansey, Lorraine Walsh, Yvonne O’Sullivan, Emer Butler

## Staff

- Noeline Blackwell – *Director General*  
 Emer Butler – *Executive Officer*  
 Corina Byrne – *Finance Officer*  
 Michael Farrell – *Senior Solicitor*  
 Mairead Healy- *PILA Project Officer (to July 2014)*  
 Jacqueline Heffernan – *Information Line Co-ordinator*  
 Catherine Hickey – *Director of Funding & Development*  
 Paul Joyce – *Senior Policy Analyst*  
 Gillian Kernan – *Research Officer*  
 Eithne Lynch – *PILA Legal Officer*  
 Nijole Matiukiene - *Housekeeper*  
 Yvonne O’Sullivan – *Advocacy & Policy Officer*  
 Rachel Power – *PILA Coordinator*  
 Eamonn Tansey – *PILA Project Officer (from July 2014)*  
 Zs  Varga – *Volunteer & Centres Manager*  
 Lorraine Walsh – *Volunteer & Centres Administrator*  
 Kim Watts – *PILA Legal Information & Communications Officer*  
 Yvonne Woods – *Communications & Information Officer*

FLAC’s staff are ably supported by a team of talented and committed legal interns who use their legal education and training to date to answer calls on the telephone information line, support legal casework and get involved in campaigning activities. The interns are an integral part of the organisation and we thank them for their work and dedication throughout 2014. The 2014 interns were: Aoife Callinan, Emma Cassidy, SarahJane Corbett, Columb Fortune, Rose Gartland, Daniel Hanrahan, Amy Heffron, Orla Hubbard, Kasey Kelly-Quinn, Emma Maguire, Kevin McCague, Emma McCarron, Geraldine Murphy, Laura O’Byrne, Fiona O’Donovan, Liz O’Malley, Meghan O’Meadhra, Amy Smyth, Eamonn Tansey, Fionn Toland, Kathryn Walker.

A number of law students worked with FLAC as part of their university’s clinical legal education programmes: Oliver Browne from UCC, Matthew O’Neill from UCD and Kyle Bradshaw from TCD. We thank our interns from the USA: Fredella Surjono who came to us on the EUSA Programme and Esther Ham, our William Sampson Fellow from the University of Washington. FLAC was also fortunate in having Community Employment participants Marian Ward and Liz Lee working with us in 2014.

## Fellowships



Esther Ham, William Sampson Fellow 2014

Eamonn Maguire was the recipient of the Thomas Addis Emmet Fellowship 2015. Run by FLAC and the University of Washington, the prestigious fellowship enables the winner to spend

two months in Seattle, Washington working in the field of international public interest law.



Esther Ham, William Sampson Fellow 2014

Esther Ham, a law student from the University of Washington, spent the summer working with FLAC in Dublin, as winner of the William Sampson Fellowship

2014. While with FLAC, Esther focused on reform of the social welfare appeals system and comparative legal research on the participation of deaf jurors.

## Governance

FLAC is committed to the highest standards of good governance and is on the journey towards full compliance with the Governance Code for community and voluntary organisations, which you can read more about at [www.governancecode.ie](http://www.governancecode.ie). There were 10 meetings of FLAC Council in 2014.

FLAC extends its thanks to all board members for their commitment and guidance throughout the year.

Peter Ward SC – *Chairperson*

Don Crewe

Julie Herlihy (*from October 2014*)

Joanne Hyde

Jo Kenny (*from November 2014*)

Dr Liam Thornton (*to September 2014*)

Róisín Webb (*to June 2014*)

## Funders

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

The Atlantic Philanthropies

Citizens Information Board

Department of Environment, Community and Local Government/Pobal

Department of Justice and Equality

Equality for Women Measure (European Social Fund, Department of Justice & Equality/Pobal)

Individual donors (including mini-marathon participants)

International Bar Association Foundation

The Ireland Funds

MABS

Members of the Bar Council

Members of the Law Society

Ulster Bank

William Fry

FLAC has signed up to the Statement of Guiding Principles for Fundraising, a voluntary code of conduct for the voluntary sector in Ireland. You can learn more about the Guiding Principles on [www.ictr.ie](http://www.ictr.ie)

Some of FLAC's interns in 2014: (back row) Daniel Hanrahan, Fionn Toland, Colum Fortune, Eamonn Tansey, Amy Heffron, (front row) Meghan O'Meadhra, Sarah Jane Corbett, Amy Smyth, Geraldine Murphy.



## Join the Friends of FLAC

FLAC is fortunate to have such a network of committed legal volunteers who give freely of their time, both in Legal Advice Centres around the country and through the PILA Pro Bono Referral Scheme. For those who cannot volunteer at present, or who are in a position to give some money as well as time, there is now a new way to show your support for access to justice – by joining the Friends of FLAC programme, a scheme where supporters of the organisation can sign up to make a modest monthly donation. Having a solid financial base is crucial for securing the future of FLAC and its work for equal access to justice and this kind of regular income is vital in enabling the organisation to plan for the future.

To find out more, log on to <http://www.flac.ie/donate> or phone us on +353 1 887 3600.

## Income and Expenditure 2014

FLAC's accounts are audited by KPMG each year. FLAC's financial year runs from 1 January to 31 December. The following extracts are taken from the audited accounts for the year ending 31 December 2014.



Income	2014	2013
Philanthropic funding FLAC	€404,579	€480,565
Philanthropic Funding PILA	€500,000	€655,000
Bar Council & Law Society members' contributions	€156,174	€149,795
Statutory funding	€310,378	€394,685
Fundraising and donations	€13,965	€16,705
Legal costs received	€19,460	-
Capital grant	€500,000	-
<b>Total</b>	<b>€1,904,556</b>	<b>€1,696,750</b>
Expenditure	2014	2013
Salaries	€845,128	€854,191
Programme of work	€234,744	€125,040
Overheads, equipment & depreciation	€171,391	€165,000
Capital expenditure	€487,922	-
<b>Total</b>	<b>€1,739,185</b>	<b>€1,144,231</b>



Noeline Blackwell (FLAC), Prof Gerry Whyte (TCD), Cliona Loughnane (Irish Heart Foundation), Moya De Paor (Community Law and Mediation), Brid O'Brien (INO), Mike Allen (Focus Ireland) and Eleanor Philips (Blue Drum) at the launch of *Our Voice, Our Rights*, the parallel report submitted by a coalition of NGOs to the UN Committee on Economic, Social and Cultural Rights in September. The report was developed by FLAC through the Public Interest Law Alliance.



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