



FLAC annual report 2012

FLAC Annual Report 2012

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Foreword

2012 was a busy year which stretched the capacity of all of FLAC's staff and volunteers to carry out our mission of promoting equal access to justice for everyone in Ireland. Throughout the year, the economic recession continued to particularly impact on those who are most vulnerable in our society, with many issues arising as a result of inadequate systems for people seeking to manage their problems to a decent and dignified conclusion.

In a country where more people than ever need to access social welfare supports, the labyrinthine social welfare appeals system is beset by delays and confusion. In response to cases we were seeing on the ground, FLAC published *'Not Fair Enough: Making the case for the reform of the social welfare appeals system'*. This combined analysis and survey identified several deficiencies in the system, to the point where we had to conclude that people's fundamental rights were not being respected. It was notable that when our report was being debated in the Seanad, on the initiative of the Independent Senators, even those who ultimately voted with the government in not accepting our recommendations conceded that there were serious flaws and frustrations in the system. FLAC believes that many of the report's recommendations would not be difficult or costly to implement; what is needed is simply the will to implement them.

The publication and passage through the Oireachtas of the Personal Insolvency Bill was a major milestone in FLAC's debt law reform work. We have been campaigning for change in this area for many years. FLAC was prominent throughout the debate and discussion on various aspects of the new law, advocating on behalf of consumers and promoting practical and workable solutions. Our conference in April was an occasion to discuss the societal implications of updating debt management legislation, bringing in valuable national and international perspectives. At the same time, FLAC's analysis of how lenders were dealing with indebted people brought a particular consumer voice to the debate.

FLAC's services providing basic legal information and advice to the public remain crucial to the organisation's work. We are hugely grateful to our volunteer lawyers and our colleagues in Citizens Information Centres around the country who enabled some 13,000 people in 2012 to access free legal advice in a local FLAC centre. In addition, some 12,459 people received first-stop legal information over the phone through FLAC's telephone information and referral line. This is not to mention the thousands more who made use of FLAC's information leaflets and resources on our website; nor the legal expertise provided by *pro bono* lawyers to 60+ NGOs through FLAC's Public Interest Law Alliance (PILA) .

One of the additional benefits of FLAC's information and advice services is that they provide us with data, collected anonymously, about the nature of the legal queries and concerns that people contacting us have. This assists us in painting a picture of legal need and, in particular, the need for state-funded legal aid. In spite of the best efforts of the Legal Aid Board, those who sought to access civil legal aid in 2012 often had to wait for far longer than is acceptable

for their representation, while also delaying anyone else involved in the case. FLAC continued to highlight the deficiencies in this service and to promote ways in which the situation could be improved for the thousands who need it.

As an Independent Law Centre, FLAC has the capacity to take on a small number of cases each year. These cases are selected carefully. Beyond benefit to the individual client involved, they must also have the potential to change the law or the application of the law for the benefit of others. One of the most high profile and long-running cases has been that of Dr Lydia Foy, a transgender woman who has been seeking a birth certificate in her female gender for almost two decades. Despite success in the courts, a declaration of incompatibility between Irish law and the European Convention on Human Rights and numerous government commitments, Dr Foy is still without her birth certificate. We continue to work with Dr Foy and with others to push for the implementation of gender recognition legalisation.

Also in 2012, FLAC went back to the High Court to appeal a second decision of the Financial Services Ombudsman in relation to a Hire Purchase agreement. Having established in 2011 that providers of hire-purchase finance had been wrong in refusing to accept the return of goods where the hirer could no longer pay, the Ombudsman continued to rule that the 2011 case only had an impact on cases that had come after it. This new case contested the Ombudsman's view and, in October 2012, the Ombudsman's office withdrew its opposition to the claim and conceded that it had decided the case incorrectly.

FLAC's other casework in 2012 included a number of appeals to administrative tribunals concerning social welfare appeals, application of a habitual residence condition to social welfare payments, legal aid and the recognition of migrants' rights following the *Zambrano* decision from the Court of Justice of the European Union. These cases involved vulnerable clients struggling to access the supports they needed, and were entitled to, in order to live in basic dignity and to access justice.

In May, we were delighted and proud to learn that FLAC Council member Iseult O'Malley SC had been appointed to the High Court as a judge. Involved with FLAC since her student days, Ms Justice O'Malley had been a member of FLAC's National Council since 1990. Her appointment to the High Court was a testament to her distinguished legal career and while FLAC will miss her greatly from our National Council, we wish her every success in her new role.

FLAC is committed to critically reviewing its work and strives to develop and improve where possible. To that end, the organisation's work in 2012 was externally evaluated by Pamela Montgomery and Sarah Cooke, who concluded in their final report:

"There is good evidence that FLAC is making a difference in increasing access to justice across its core areas of law in a very challenging operating environment. During 2012 it made a significant contribution to the public, policy and political debate in its core areas of law and in particular in the area of consumer credit and debt. It has contributed to legislative and administrative changes which will provide or have the potential to provide greater access to justice, rights and entitlements for disadvantaged people."

This impact would not have been achieved without the dedication and commitment of our volunteers, staff, board and interns. We would also like to thank those individuals and organisations who supported FLAC financially in 2012 – their ongoing commitment to access to justice continues to make FLAC's work possible.

Peter Ward, Chairperson

Noeline Blackwell, Director General

About FLAC

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

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

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

HOW WE WORK

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

These activities can be grouped under three broad headings:

Advice and Information, Analysis, and Advocacy.

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

ANALYSIS

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

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

ADVICE & INFORMATION

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

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

ADVOCACY

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

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

Legal Advice Centres

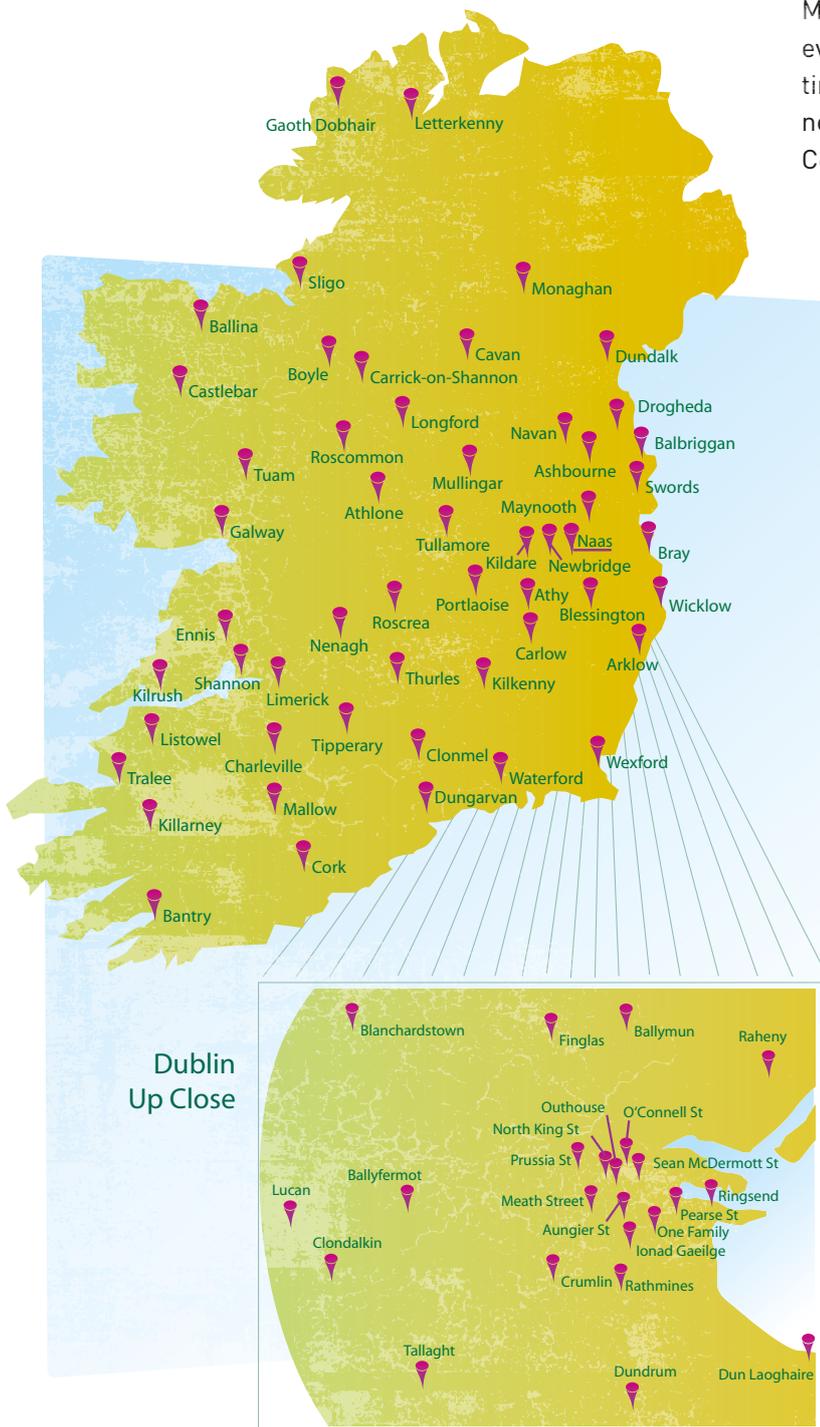
About FLAC Centres

There are part-time legal advice centres at 81 locations around Ireland which provide a free service whereby people can come in and sit down with a volunteer barrister or solicitor for a once-off, confidential discussion about their legal issue.

The volunteer legal advisor may be able to resolve the caller's query there and then, advise as to what the most appropriate next step is, or direct the caller towards a more appropriate service to meet the specific need. The centres provide an essential service for people who require legal advice to address a problem that they are facing but who do not have the resources to pay for a consultation with a private solicitor.

Most of these services are run in the evening-time with a small number of day-time services; we were delighted with the new day-time service in Ballymun Civic Centre which started in 2012. A specialist refugee law clinic was also set up in conjunction with the Irish Refugee Council and a new FLAC centre opened in the Citizens Information Centre in Charleville, Co. Cork. Details of the times and days of these new services, and all of the legal advice centres, are available on FLAC's website.

Since its inception, FLAC has relied on the dedication and commitment of hundreds of volunteer solicitors and barristers to provide legal advice, free of charge, to people up and down the country. For many people, money is a barrier to getting the legal information that they need in order to begin to resolve the difficulties that they are facing in their lives. We are hugely grateful to our volunteers; without them, almost 13,000 people would not have had access in 2012 to free legal advice.



“

I joined FLAC as a student in 1977. We were based in a Society of St Vincent De Paul centre at Ozanam House, Mountjoy Square. There were no private consultation rooms, we students listened and advised the clients in one big room, probably the original drawing room of the house. A year later, I helped out in the Ballymun centre where we were located on the ground floor of one of the original very high tower blocks. Those were the days when the heating couldn't be regulated and residents had to deal with the lifts not functioning properly; much of the time, imagine trying to get an infant in a buggy up to the fourteenth floor? At my Mother's first anniversary mass in Dundalk four years ago I was introduced to an elderly woman who remembered me from the FLAC centre in the town in 1979. I had forgotten about my volunteering days in Louth; FLAC was based in the old Social Services offices and I worked in the town for a year after qualifying as a solicitor. My job ended five years ago, and I rejoined FLAC. My friend Mary Jo regularly writes reminding me: 'To those to whom much is given, much is expected'. Being a FLAC volunteer makes me so happy. It gives me a sense of peace and purpose. I do my best to advise, help and empathise with callers. Often they are bewildered and worried by their problems. A sympathetic ear at a short consultation with some basic legal advice and practical suggestions as to what are the next steps to be taken can help callers to begin to resolve their issues."



”

Mimi Goodman, Volunteer in Sean McDermott Street FLAC and in the FLAC head office

The volunteer advisors are further supported by a smaller number of volunteer assistants. These volunteers have a legal background but are not yet fully qualified; they provide valuable additional support in the centres each week. Induction and training is made available to FLAC volunteers each year. Highlights in 2012 include the intensive immigration law course which was run in both Dublin and Cork over two separate five-week periods, as well as evening training

sessions on a range of issues, including updates on developments in debt and mortgage arrears, employment law, child law, civil partnership and co-habitation, caller care and legal aid.

The legal advice centres are located in Citizens Information Centres and local community centres around the country. FLAC acknowledges the vital work done by the management, staff and volunteers in these centres, without whom delivering this service would be impossible.

Recognising FLAC Volunteers

In order to more formally thank our volunteers and acknowledge the work that they do, FLAC introduced a Volunteer Awards Scheme in 2012. For the first year, those volunteers who are directly managed by FLAC in Dublin and Cork and who have volunteered regularly (10 or more times per year) over the past three years were added to the Roll of Long Service Volunteers and were awarded a certificate and a gold version of a FLAC lapel pin. This all took place at the annual Dave Ellis memorial lecture in December. We will expand the awards over the coming years and look forward to celebrating the volunteers that are based around the country.

2012 Statistics from Legal Advice Centres

FLAC's Data Collection Programme enables us to collect basic information on the type of queries that people coming into the centres have. This is all done on an anonymous basis and the data is analysed in order to give an indication of the nature of legal need around the country, and what the trends are.

In 2012, FLAC collected this statistical information from centres at 73 locations. 12,991 forms were returned with information on 13,997 queries (some callers had more than one query or their query involved a number of areas of law). The numbers are slightly up on 2011, when 12,656 forms were returned.

Family law remains the most frequently discussed area of law in the centres, with almost 35% of callers needing to discuss some aspect of family law. Almost half of these callers' concerns were related to separation and divorce; over 30% were concerned with custody, access and guardianship of children. Employment continues to be the second most common type of query, followed by credit and debt-related problems.

Some noticeable trends in 2012 include a 15% increase in housing-related issues, a 10% increase in neighbour dispute problems and queries regarding wills, and an 11% increase in solicitor-client disputes.

Areas of law discussed at FLAC Centres in 2012	Callers to FLAC centres	% of all callers	% change 2011 to 2012
CIVIL LAW			
Family	4467	34.4	7.1
Employment	1983	15.3	-1.7
Credit & Debt	1255	9.7	8.2
Wills/Probate	1019	7.8	10.7
Consumer	840	6.5	1.8
Housing/Landlord & Tenant	727	5.6	15.6
Property/Interest in Land	629	4.8	3.6
Negligence/Personal Injury	592	4.6	-5.1
Other	512	3.9	17.4
Immigration	454	3.5	-9.0
Social Welfare	379	2.9	8.9
Neighbour Dispute	291	2.2	10.4
Solicitor-Client relations	177	1.4	11.3
CRIMINAL LAW	672	5.2	-7.5
Total callers for whom forms were returned	12,991	100	2.6

User Survey 2012

As part of an external evaluation of FLAC's work in 2012 by independent consultants Pamela Montgomery and Sarah Cooke, a survey was undertaken with callers to FLAC centres in order to assess their satisfaction with the service. Fourteen centres around the country took part in the survey and 181 out of the 218 callers to these centres on selected evenings in November and December participated. Some of the key findings:

45% of callers had heard about the service from their Local Citizens Information Centre and 28% were referred through word of mouth.

91% of callers said that they thought the volunteer legal advisor was either very knowledgeable or somewhat knowledgeable in the specific area of law that they had spoken about.

13% of callers said that their issue had been resolved by visiting the FLAC centre; the other 87% of callers needed to take further steps and of these callers 82% were very clear about what these next steps were.

95% of callers said that they would recommend the FLAC service to a friend who had a legal problem.

A number of callers gave some practical suggestions about ideas for further improving the service. We are grateful to all who took the time to take part in the survey and to the volunteer surveyors who gathered the data.



Most people who come to avail of the service have a problem, however they don't know if they require legal advice, or need to go to a government department or elsewhere to fix it. However all of them have a pressing problem that they need to share and seek guidance on. I listen to them and try to steer them onto the right path to resolve the problem. I like when the caller is happy leaving with information to assist them in resolving their problem. People from all walks of life use the service. The majority of the callers I come across come from difficult socio-economic backgrounds and very often have no place else to turn to for help.



Damien Rudden, FLAC volunteer since 2004, currently volunteers in Cavan

“

I like to volunteer with FLAC to help and get connected to the community and its people. It helps me give awareness to people in need and bring back their hope. It gives me a sense of achievement assisting the community, people who cannot afford to engage a private solicitor, and explain to them what options they have.

Salma Paryani, volunteer advisor in a number of FLAC centres across Dublin

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Telephone Information and Referral Service

FLAC's telephone information and referral line operates Monday to Thursday, 9am to 5:30pm and Friday, 9am to 5pm on lo-call 1890 350 250. There was a huge increase in calls in 2011 from 2010 (up by 39%) and in 2012 demand remained similarly high. Some 12,459 people phoned FLAC for assistance in 2012 compared with 12,923 in 2011.

As in the legal advice centres, family law is the most common area of concern with approximately one in four callers to the information line having a family law query. One-third of family queries were regarding a divorce or separation, one-quarter in relation to custody, access or

guardianship of children and roughly one-fifth had a maintenance query.

Credit and debt has become the second most frequent query on the telephone information line. Almost half of all debt-related queries were seeking help with mortgage arrears.

Some trends on the telephone information line show an increase in housing & landlord/tenant related queries (up 69%), legal aid queries (up 35%), negligence and personal injury queries (up 34%) and client/solicitor issues (up 10%).

John Creegan and Emma McCarron providing basic legal information over the phone



12,459 calls received in 2012

23% of callers had a family law query

12% of callers had a debt or credit query

69% increase in calls on housing/landlord and tenant issues

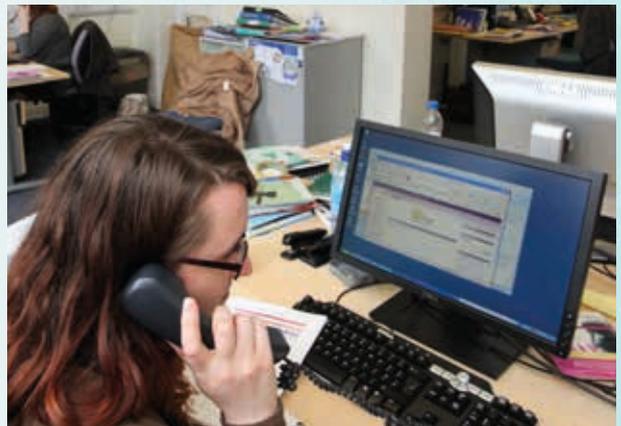


Area of Law	Number of calls in 2012	Percentage of all calls in 2012	Percentage change in number of calls from 2011 to 2012
CIVIL LAW			
Family	2,817	22.6	-8.8
Credit & Debt	1,486	11.9	-3.4
Legal Services	1,283	10.3	-8.7
Employment	965	7.7	-16.3
Housing/Landlord & Tenant	642	5.2	68.9
Wills/Power of Attorney	638	5.1	-9.9
Legal Aid	608	4.9	34.5
Solicitor/Client Issues	405	3.3	10.7
Consumer	370	3.0	-14.2
Property	275	2.2	-16.4
Negligence/Personal Injuries	267	2.1	33.5
Social Welfare	241	1.9	-14.8
Immigration	182	1.5	-17.3
Contract	124	1.0	-58.4
Neighbour disputes	98	0.8	-4.9
Company	68	0.5	74.4
Other civil	1,337	10.7	19.0
CRIMINAL LAW	653	5.2	-18.9
Total legal queries	12,459	100.0	-3.6

Advising the Advisors

FLAC also provides a 'second-tier' advice service for Citizens Information Centres and MABS (Money Advice & Budgeting Service) and an outreach service for a number of NGOs. This service complements the services provided directly to the public, and involves working with advisors and staff from these organisations and providing them with information and advice on technical legal queries relating to debt, consumer credit, employment and

social welfare law. In 2012 FLAC dealt with 318 queries, many of which were very complex and required significant time and expertise to resolve. As well as helping advisors to assist the client with a particular query, the other benefit of this service is that the advisors who are themselves extremely knowledgeable can often then use the information or advice with other clients in the future.



“

We were told by the Citizens Information that it is free and confidential. It is great that we just came in, no appointment needed. And after it you know where you stand. Our problem isn't solved yet, but now we know what is next.

”

Martin and Thomas, callers to Cavan FLAC



Liam Herrick, Irish Penal Reform Trust, answers a question from the audience at PILA's practitioner seminar on the role of NGOs in public interest litigation in February

Public Interest Law Alliance - PILA

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

In February, PILA hosted the fifth of its practitioner seminars. The seminar, which focused on the role of non-governmental organisations in public interest litigation was chaired by Professor Colin Harvey of Queen's University Belfast. Liam Herrick of the Irish Penal Reform Trust spoke about the challenges of pursuing litigation on behalf of mentally ill prisoners and TJ McIntyre of University College Dublin discussed hurdles to public interest litigation, including standing and costs, drawing on his experience of litigation with Digital Rights in Ireland, an independent civil liberties group concerned with law and technology.

In May the PILA Progress Report 2009-2012 and the redesigned PILA website was launched. Oxfam General Counsel Joss Saunders gave a presentation on innovative ways that lawyers can practise *pro bono*. He also described the “three waves of *pro bono*” – the first being lawyers giving *pro bono* advice on anything (i.e. not what they're specialised in), the second being lawyers giving *pro bono* advice in areas they are specialised in, and the third wave is lawyers doing *pro bono* to change the law/system. Mr Saunders noted that PILA was unique and possibly ahead of the UK – as it was doing both the second and third wave.

Another key event in 2012 was the joint annual conference with the PILS Project Northern Ireland, held in Belfast in June. The conference was entitled “*Using international standards in human rights litigation: north and south*” and looked at using international human rights law in conjunction with economic and social rights and non-discrimination and equality. It also looked at how NGOs and lawyers can collaborate to increase the use of international human rights law in the courts.

PILA Pro Bono Referral Scheme Numbers for 2012

64 pro bono referrals made

62 NGOs and independent law centres supported

11 law reform working groups set up

14 legal education sessions delivered; 340 NGO staff attended sessions

68 new lawyers and 5 law firms signed up to the pro bono register, leading to a total of 146 individual lawyers and 11 law firms as of December 2012



A final important seminar was held in association with Marriage Equality in October. The seminar dealt with three different legal rights issues: marriage equality; poverty, business & human rights; and Indigenous people's rights, and was held to coincide with the International Bar Association's annual conference which was in Dublin in 2012. PILA was delighted to have renowned international speakers at the seminar, including R. Douglas Elliott LSM, one of Canada's leading constitutional lawyers.

At the annual European *Pro Bono* Forum hosted by PILnet in Madrid in October, both FLAC Director General Noeline Blackwell and PILA Project Officer Lianne Murphy were invited to speak. Drawing on the experience of PILA since it was set up, they addressed the role that *pro bono* lawyers can play in addressing the needs of the most vulnerable people in society, and also the value of lawyers getting involved in strategic *pro bono* projects which can result in systemic change. Campaigning for the removal of barriers to public interest litigation is another of PILA's focus areas and in November PILA assisted in the organisation of a conference in the European Parliament in Brussels on the use of class actions.

PILA Bulletin & Website

As an alliance, PILA aims to be a hub for news, information and resources on public interest law in Ireland. Its website and the PILA Bulletin play a key

role in this. In March PILA launched its new website with extensive resources available under 'Key Issue' topics, including housing, social welfare law, immigration, and public interest litigation. As of December 2012, there were 1665 subscribers to the PILA Bulletin, a fortnightly electronic newsletter that provides a round-up of the latest developments, events, news and jobs to those interested in using the law as a tool for social change. The bulletin has also been redeveloped for easy access by smartphone users.

Pro Bono Referral Scheme

PILA's *pro bono* referral scheme matches the legal needs of NGOs and law centres with law firms, barristers and solicitors who have signed up to PILA's *pro bono* register. Lawyers give their legal expertise to the NGOs in a number of ways: by providing legal advice in conjunction with an NGO's policy and campaigning work and on organisational issues, by participating in law reform working groups, by taking part in legal education sessions and by providing litigation support. In 2012 legal education sessions were held on a wide range of topics including: employment law, mental health law, social media liability and landlord & tenant law. Law reform working groups were convened on complaints mechanisms for those in mental health services, standards on detention on remand, models of domestic violence legislation and on gender identity as a protected characteristic in law.

Target group	Examples of change supported by PILA in 2012
Vulnerable and at-risk children	Legal research on aftercare (care for young people leaving state care upon reaching 18) in other jurisdictions fed into NGO's campaign to have mandatory aftercare in Ireland. Led to joint seminar held between PILA and NGO. Campaign ongoing.
Older people	Legal advice received on widowers' state pension, on equality law and the state pension and the application of the household charge to those in nursing homes, assisted NGO in clarifying their position on these issues.
Transgender people	Legal research received on hate crime based on transgender prejudice and legal research also received on whether "gender identity" is a protected characteristic in other jurisdictions in respect of equality law.
Vulnerable migrants	Legal advice on drafting legislation on an earned regularisation scheme for migrant workers.
Women affected by prostitution and trafficking	Various pieces of legal advice have fed into NGO campaigns, including on the Spent Convictions Bill and advice on third parties and Freedom of Information Act.
Women affected by domestic violence	Legal research received on models of domestic violence in other jurisdictions led to a submission on a review of domestic violence legislation. NGO is also devising a briefing for politicians on foot of the paper, which included most of the recommendations that the lawyers on the working group made.
People at risk of homelessness	Legal advice received on the legality of imposition by local authority of penalty on local authority tenants for late submission of household income returns and advice on obligation of receiver to tenants when the receiver takes over the property from the landlord or developer.
Prisoners and families of prisoners	Legal research on standards on detention on remand in Ireland and in other jurisdictions formed basis of NGO's discussion document to use as a platform for engagement with the professional bodies and other interested stakeholders.

Professor Gerry Whyte, TCD, asking a question at PILA's practitioner seminar on the role of NGOs in public interest litigation in February



Larry Donnelly, PILA Manager until September 2012. Larry has returned to the Law Faculty in NUI Galway where he continues to work closely with PILA, leading on the clinical legal education component of the project

Civil Legal Aid

FLAC's work in the area of civil legal aid, one of its core areas since the organisation was established in 1969, continued throughout 2012. Civil legal aid in Ireland is provided through the Legal Aid Board, an agency staffed by committed and experienced lawyers and other personnel, but the demand for their services far outstrips the resources available to them, resulting in longer and longer waiting lists. As a campaigning organisation, FLAC monitors the waiting times and numbers of people waiting to access legal aid, drawing attention to trends in these figures. At the end of 2012, there were 5,068 people waiting for a first appointment with a solicitor, with average waiting times varying hugely across the country from just one month in Monaghan to fifteen months in Clondalkin and

Wicklow. By comparison, the number of people waiting for a first appointment at the end of 2010 was 3,870; at the end of 2011, there were 4,781 people waiting.

FLAC's own services that are provided through the telephone information line and by volunteers at the network of FLAC centres around the country provide first-stop support for people who require legal assistance to manage their affairs; however they are no substitute for a properly state-funded legal aid system. FLAC has a positive working relationship with the Legal Aid Board and engages through the Legal Aid Board's External Consultative Panel. During the year, FLAC was encouraged to see that the Legal Aid Board trialed

its so-called 'triage' system in a number of centres, where those who qualify for legal aid but have to wait a considerable time for representation are given a single appointment about 4 weeks after being placed on the waiting list. This appointment allows the client and solicitor to discuss the main issues in a case and perhaps what interim steps a client might take while waiting for full representation. On some occasions, this triage system has resulted in the client getting all of the advice and assistance that they needed. The Board also continued its innovative work with the Family Mediation Service (now under the stewardship of the Legal Aid Board) and the Courts Service in a project at Dolphin House Dublin where mediation is prioritised over court work in suitable cases.

In 2012, FLAC's legal aid team provided training to the Citizens Information Board (CIB) in criminal and civil legal aid as part of the Board's national calendar of training events. Two training sessions were run, one in Lucan in April and one in the CIB headquarters in Dublin in

 	 
A voluntary non-governmental, not for profit human rights organisation. FLAC is a charity.	A state body established under legislation
Founded by law students in 1969	Founded in 1979 following Airey case, Pringle report and FLAC lobbying, and put on a statutory footing with the Civil Legal Aid Act 1995
Service provided by volunteers	Service provided by salaried solicitors and private practitioners who are paid a fee
Service provided in 80 clinics, usually run in the evenings from Citizens Information Centres	Run in full time Law Centres. Some outreach/branch offices where staff go out from the full time office to see clients
Provides basic legal information and advice and takes a small number of strategic test cases each year	Provides legal advice and full representation in most areas of civil law subject to a means test and a merit test

May, with a view to providing clear and practical information on how the legal aid system in Ireland works so that CIC information providers could best direct and advise callers.

Throughout 2012, FLAC continued to communicate with political representatives, in relation to the availability of legal aid in their areas. Because the civil legal aid scheme can be quite complex, FLAC also alerted Oireachtas members to our factsheets on civil legal aid, and also highlighting waiting times in various parts of the country. This was in turn publicised in their local media by a number of TDs.

FLAC assisted some people in 2012 who experienced difficulties in accessing legal aid, several involving complex legal situations where legal aid was essential for the individuals involved

to resolve their difficulties. Areas of particular concern that were highlighted through FLAC's involvement in these cases were the limitations of legal aid, with some people excluded simply because of the legal issue involved. Other questions related to whether a case should be treated as a priority by the Legal Aid Board, representation in childcare proceedings and cross-border legal aid.

“
*This is a good service.
It gives you a few options
on how to solve your own
problem. It opened our eyes
to other ways to tackle
our problem.*
..... ”

John and Patricia, callers to Cavan FLAC

FLAC's Chairperson Peter Ward SC and Director General Noeline Blackwell welcome Minister for Social Protection Joan Burton TD to FLAC's conference on personal insolvency on 19 April



Debt Law Reform

2012 heralded the publication and eventual passage of the Personal Insolvency Act 2012, a piece of legislation as contentious as it was lengthy. FLAC has consistently and vociferously campaigned for debt law reform for over a decade. Unsurprisingly, personal debt and supports for insolvent households therefore continued to form a large part of FLAC's policy and campaign work in 2012.

The year began amid concerns over the composition of the draft legislation and publication delays. The draft heads of the Personal Insolvency Bill were revealed at the end of January and FLAC took the earliest opportunity to raise its concerns around the issues of creditor veto and minimum income thresholds with the Joint Committee on Justice, Defence and Women's Rights on 15 February.

In April, FLAC held a full day conference on the issue of personal debt in Dublin, launched by Minister for Social Protection, Joan Burton TD. Entitled 'Legislating for personal insolvency in Ireland: international developments and domestic issues', the event attracted international speakers and national experts on debt law reform including Professor Jason Kilborn, John Marshall Law School Chicago; Egil Rokhaug, lawyer and author of the 1993 Norwegian Debt Reorganisation Act; and Melina Mouzouraki, Greek consumer rights lawyer. Conference attendees also heard from Irish experts Prof Gerry Whyte, Trinity College Dublin; Tom McDonnell, TASC economist; and FLAC's Paul Joyce. The conference aimed to take a holistic look at Ireland's insolvency crisis and was attended by money advisors, NGOs, lawyers, banking officials and interested media outlets. It was the only public event on personal insolvency issues held in advance of the publication of the Personal Insolvency Bill.

The long awaited Bill was finally published in June 2012. FLAC was invited to appear before the Joint Oireachtas Committee on Justice, Equality and Defence on 12 September where we argued for greater consumer safeguards and pointed out the complexity of the process for people who cannot



FLAC's Senior Policy Analyst Paul Joyce speaking on the rationale for debt settlement at the April conference

afford legal advice. In November, the Personal Insolvency Bill was debated in the Seanad. In the days before its introduction to the upper House, FLAC summarised its views on the Bill within the overall context of the Government's four-pronged Action Plan on mortgage debt. FLAC representatives presented their assessment to Oireachtas members and staff in the AV Room at Leinster House.

As part of its on-going monitoring work, FLAC continued to respond to the Central Bank's quarterly publication of mortgage arrears figures throughout 2012. FLAC issued several calls for additional support for over-indebted individuals in a year that saw the number of mortgage accounts in arrears of over 90 days grow from 10.2% at the end of March to 11.9% at the end of December 2012.

FLAC's resources on debt law reform are available on www.flac.ie :

Presentation to the Joint Oireachtas Committee on 15 February:

bit.ly/FLACPR_joc_debtsub

Submission on the Draft Personal Insolvency Scheme:

bit.ly/FLACsubHOB

Resources from the April conference:

bit.ly/flacdebtconf2012

Submission on Personal Insolvency Bill (September):

bit.ly/sept12PIsub

Additional submission on the Bill (November):

bit.ly/nov12PIsub



FLAC Senior Policy Analyst Paul Joyce briefing Oireachtas members and staff on the proposed personal insolvency legislation at Leinster House in November 2012.



Professor Jason Kilborn, John Marshall Law School, Chicago presenting at FLAC's conference on personal insolvency on 19 April

Consumer Credit Law

FLAC's work on consumer credit in 2012 included strategic casework, training for MABS money advisors and preparatory work on a consumer protection research project.

Following on from the *Gabriel v Financial Services Ombudsman* case in 2011, FLAC filed a second High Court appeal against a ruling by the Financial Services Ombudsman (FSO) in May 2012. This case was taken on behalf of a client who, in his complaint to the FSO, had tried to rely upon the High Court's ruling in the *Gabriel* case. The *Gabriel* decision had clarified 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. Nonetheless, the FSO ruled that the client in this case could not be reimbursed for payments he had made following his frustrated attempt to terminate his HP agreement and hand back the car before the decision in the *Gabriel*

case was made. The FSO ruled that the effect of the decision in the *Gabriel* case was to create new law whereas FLAC maintained that it merely interpreted and clarified the existing legislative position. In October 2012, the FSO ultimately declined to oppose the FLAC appeal.

In October 2012, FLAC commissioned Dr Stuart Stamp of NUI Maynooth to work with us on a research project to analyse and assess standards for the protection of consumers of financial services in Ireland. In particular, this work focuses on the complaint and redress mechanisms offered by the Financial Services Ombudsman. The resulting report will be published in 2013.

FLAC also provided training sessions for MABS staff on the Consumer Protection Code on several occasions throughout 2012 and continued to provide technical legal support to MABS money advisors on debt and credit issues throughout the year.

Recognition of Transgender Persons

April 2012 marked 15 years since Dr Lydia Foy, represented by FLAC, initiated proceedings in the High Court against the Registrar of Births' refusal to provide her with a birth certificate in her female gender. In spite of several government promises and growing support for transgender rights in Ireland, both at home and internationally, 2012 came and went with no transgender recognition law introduced and no birth certificate for Dr Foy.

The year had begun well when 'Maria', a transgender woman from another EU country, who was represented by FLAC, was allowed to enter into a civil partnership in her female gender, the first such case in Ireland. We had argued that under EU law the Irish authorities had to recognise 'Maria' in the gender recognised by her home country. They agreed and 'Maria' and her partner were happily united, but unfortunately, Irish citizens in the same position are still unable to marry or enter into civil partnerships in their true gender.

FLAC worked hard throughout the year pressing for recognition for Dr Foy following the decision by

the courts that the failure to legally recognise her in her female gender was in breach of the ECHR. We also made a claim for compensation for Dr Foy following the declaration of incompatibility with the ECHR made in her case. This was the first such claim to be made in Ireland.

In March, FLAC solicitor Michael Farrell met a working group of officials in the Department of Social Protection who were preparing Gender Recognition legislation and it emerged that they were considering requiring married Trans persons to divorce before they could be recognised in their acquired gender.

In June, the Government announced that they had appointed a former Attorney General to advise on possible compensation to Dr Foy and FLAC made further representations to him. However, by year's end there had been no progress about this issue.

In July, a FLAC volunteer solicitor translated into English key decisions of the German and Austrian Constitutional Courts striking down "compulsory divorce" provisions in their Gender Recognition

President Michael D. Higgins gave a warm welcome to Dr Lydia Foy at the Irish Human Rights Commission's annual lecture on International Human Rights Day, 10 December (Photo by Derek Speirs and with kind permission of the IHRC)



laws. Prior to this the decisions had not been available in English. FLAC sent them to the Department's working group and had another meeting with them in September.

Transgender Europe, an umbrella body working towards full equality and inclusion of all transgender people in Europe, held its annual conference in Ireland for the first time in September, hosted by TENI (Transgender Equality Network Ireland). Speaking at the conference, at which Dr Foy received a standing ovation, Minister for Social Protection Joan Burton TD acknowledged that Ireland was in breach of the European Convention on Human Rights (ECHR) on this issue and that the law must be changed. The Minister referred to preliminary advice just recently received from the Attorney General that needed to be considered and she committed to referring the Heads of the Bill to an Oireachtas committee for discussion within the next few months.

Also speaking at the conference, Michael Farrell warned that if legislation was not introduced speedily, FLAC would have to issue new legal proceedings on behalf of Lydia Foy. Nils Muiznieks, Council of Europe Commissioner for Human Rights, visited Dublin in October and FLAC arranged for him to meet Dr Foy. Following this, he wrote to Minister Burton criticising the lack of progress in this area, and saying that *"Five years of non-implementation of the High Court's judgment finding Ireland in breach of the ECHR sends a very negative message to society at large"*. Commissioner Muiznieks also expressed his view that divorce should not be a pre-condition for gender recognition.

Regrettably by December there was still no draft legislation and FLAC sent the State copies of legal proceedings we intended to issue for Dr Foy in January 2013 if there was no progress by then.

FLAC hopes that 2013, in which yet another milestone will be marked – 20 years since Dr Foy applied for a birth certificate in her female gender – will finally be the year that gender recognition legislation will be introduced.

Read more about the Foy case and Lydia's long journey towards gender recognition in Ireland:

bit.ly/FoyFeb13



Council of Europe Commissioner for Human Rights, Nils Muiznieks, meets with Dr Lydia Foy and FLAC Senior Solicitor Michael Farrell at the ILGA Europe conference in Dublin in October (Photo with kind permission of Louise Hannon)



Dr Lydia Foy with former Council of Europe Commissioner for Human Rights, Thomas Hammarberg, predecessor to Nils Muiznieks, at FLAC's Dave Ellis Memorial Lecture in December. Thomas Hammarberg, a strong supporter of transgender rights during his time as Commissioner, highlighted the lack of progress in this area when he delivered the annual lecture.



Right of Deaf Persons to Serve on Juries

Since it represented Joan Clarke in her legal challenge against the Galway County Registrar's decision to excuse her from jury service despite not having sought to be excused (*Clarke v Galway County Register and Ors.*), FLAC has continued to advocate for the inclusion of deaf people in jury service. Joan Clarke and FLAC Senior Solicitor Michael Farrell addressed students at NUIG's Centre for Disability Law in February 2012, sharing their experience of taking this case to the High Court where it was held in 2010 that a blanket ban on deaf jurors could no longer be imposed.

FLAC engaged with the Law Reform Commission as they researched and drafted a report on jury service, providing additional information from other jurisdictions about the practicalities of deaf persons serving on juries, including guidelines and codes of practice for sign language interpreters. FLAC contributed to a legal consultation roundtable organised by the Law Reform Commission in May. We also helped the Commission to organise a consultation with representatives of the deaf and blind communities and sign language interpreters to increase the Commission's understanding of the views of these communities.

Not Fair Enough

In October, FLAC published a major research report on the social welfare appeals system, *Not Fair Enough: Making the case for reform of the social welfare appeal system*. Ombudsman Emily O'Reilly launched the report at an event in the Mansion House, attended by the Chief Appeals Officer, Geraldine Gleeson, interested NGO partners, politicians and other stakeholders. *Not Fair Enough* outlines the operation of Ireland's social welfare system, describes the role played by the Appeals Office and examines the entire appeals process from a human rights perspective. The report provides a detailed analysis of the decision making procedures within the social welfare appeals system and highlights the significant waiting times associated with appeals. FLAC consulted other advocates who have helped clients navigate the complex appeals process and used their feedback, along with FLAC's own casework, to formulate recommendations for improvement.



Senator Katherine Zappone, FLAC Senior Solicitor Michael Farrell, Northside Community Law Centre Acting Managing Solicitor Moya de Paor and FLAC Policy and Advocacy Officer Saoirse Brady prepare to brief Oireachtas members on social welfare appeals reform in October 2012.

The launch of *Not Fair Enough* also gave FLAC the opportunity to publicise the suite of social welfare factsheets updated during 2012. The factsheet on the Habitual Residence Condition (HRC), a checklist for making a social welfare application and a guide to the appeals process are all available on the FLAC website and were distributed to TDs, Citizens Information Centres nationwide and FLAC volunteers.

Following on from the launch, a group of independent Senators put down a motion in the Seanad calling for prompt and practical reform of the social welfare appeals system. The motion included many of FLAC's recommendations from *Not Fair Enough* and also drew on 2005 research carried out by the Northside Community Law Centre (NCLC). The proposal highlighted the need for greater transparency, consistency and even-handedness when assessing an appellant's case and asked the Minister for Social Protection to consider a number of cost-effective changes to the appeals system. Despite the fact that the motion was ultimately defeated by 25 votes to 11, positive sentiment was expressed by government, opposition and independent Senators alike.

Ombudsman Emily O'Reilly with FLAC Director of Funding and Development Catherine Hickey

Access to Social Protection for Migrants

FLAC became a partner in a tri-city project at the end of 2011 with colleagues from the AIRE Centre in London and Lize Glass, a consultant from the Netherlands. Funded by the European Commission, the 15 month long project aims to raise awareness among migrant workers of a specific set of mean-tested social welfare payments known as 'Special non-Contributory Benefits'. The project involves a combination of roundtable discussions, surveys and data sharing.

On foot of a report published by Crosscare, NASC and Doras Lumni on the issues faced by immigrants accessing social protection, in February Minister for Social Protection Joan Burton TD announced the establishment of a Migrant Consultative Forum to discuss how to improve migrants' experience of the social protection system; FLAC was appointed to this expert group.

Mortgage Interest Supplement

In April, FLAC reacted to the proposed changes to Mortgage Interest Supplement (MIS). In a joint submission with Northside Community Law Centre, FLAC urged the Department of Social Protection to reconsider amendments to the Social Welfare and Pensions Act 2012 that would restrict MIS eligibility to only those in mortgage arrears who have already been engaged in a Mortgage Arrears Resolution Process with their lender for at least 12 consecutive months.

FLAC Director General Noeline Blackwell, Ombudsman Emily O'Reilly, FLAC Senior Solicitor Michael Farrell and FLAC Policy and Advocacy Officer Saoirse Brady at the Not Fair Enough launch at the Mansion House in October 2012



Budget 2013

FLAC attended the annual NGO Pre-Budget Forum in October to voice its concerns around the social welfare appeals system, the Habitual Residence Condition, the changes to Mortgage Interest Supplement as well as the impact of austerity measures and the need to introduce a social protection floor. We also released a joint submission with Northside Community Law Centre in December, reacting to the proposed budgetary measures.

All of FLAC's publications including the policy submissions mentioned above and *Not Fair Enough* are available for download on bit.ly/pubFLAC

Social Welfare Casework

FLAC's social welfare law research and policy work in 2012 was complemented by assisting a small number of clients with social welfare appeals where, as well as supporting the individual client concerned, there was also a broader principle to be established.

Among FLAC's clients in 2012 was a woman from Northern Ireland, who is an Irish citizen and had become destitute after being cut off from social welfare payments. Having originally received a payment, she was then denied any further payments after being deemed not to satisfy the Habitual Residence Condition. Officials in the Department of Social Protection did not consider the time that FLAC's client had spent in the Common Travel Area (Republic of Ireland and the UK) when determining her habitual residence status. The client had appealed this decision but the appeal was turned down by the Social Welfare Appeals Office. She was forced to rely on friends, local charities and hostels, scavenged in bins for food and, at one point, was offered a single train ticket to Belfast. FLAC, along with a Citizens Information Centre official, helped the client to seek a review of this decision by the Chief Appeals Officer, who referred it back to the original Appeals Officer who revised his decision and held that she was habitually resident. The Chief Appeals Officer also stated that the original decision to find her habitually resident and award her a social welfare payment should not have been changed, unless

there had been a material change in circumstances. The client was awarded payment and substantial arrears.

FLAC assisted an African woman who had been denied Child Benefit while awaiting a decision on her asylum application. She had initially applied for Child Benefit but was refused on the grounds that she had not yet been recognised as a refugee and her legal status in Ireland was uncertain.

She was recognised as a refugee and the

Department of Social

Protection began paying Child Benefit from the date of recognition. FLAC argued that the woman's refugee status should date from when she made the asylum application. At the appeal hearing, FLAC pointed out that the circumstances that had led to her refugee recognition had applied from the beginning and the recognition merely confirmed that fact. Accordingly she was entitled to Child Benefit as soon as she satisfied the remaining elements of the Habitual Residence Condition. The Appeals Officer agreed with FLAC's points and the client was awarded Child Benefit arrears.

FLAC also helped a non-EU national client to recover over two years of Child Benefit arrears to which she was entitled. After originally coming to Ireland as an asylum seeker, the client had a baby in 2002. The baby was entitled to Irish citizenship under the law at that time. Mother and baby left Ireland later that year only to return in 2007 and make another application for asylum. The family lived in direct provision until 2011 when the mother was given leave to remain following the *Zambrano* decision in the Court of Justice of the European Union. The *Zambrano* ruling meant that if a child was an EU citizen and was dependent upon her/his parents, the parents should be allowed to stay in the EU state with the child. The mother had



previously applied for Child Benefit since returning to Ireland but had been refused numerous times on the basis that they did not have a right to reside here. When they were given leave to remain following the *Zambrano* decision, Child Benefit was paid from that date. FLAC then helped the client to seek a review by a Deciding Officer, making the point that the effect of the *Zambrano* judgment was that the parent concerned should have had a right to reside all along. This point was accepted by the Deciding Officer, who agreed to backdate the Child Benefit payment for two years.

FLAC represented a non-EU national woman who was living in direct provision but was in a relationship with an Irish citizen. They had two children who were Irish citizens but the Department of Social Protection refused to pay the mother Child Benefit because she was not co-habiting with the father. We began judicial review proceedings on behalf of the mother, but following the *Zambrano* decision, she was given leave to remain. The case was then settled with the mother receiving substantial arrears of payment.



Access to Justice

All of FLAC's work is informed and driven by its overall mission of promoting equal access to justice, and by positioning this within a human rights context.

Child Care Law Reporting Project

FLAC is delighted to be associated with the Child Care Law Reporting Project, an innovative project devised and commenced in November 2012 under the direction of Dr Carol Coulter, former legal editor of the Irish Times.

The project, funded by One Foundation, the Atlantic Philanthropies and the Department of Children and Youth Affairs and supported by FLAC and the Children's Rights Alliance, is an independent project which will run over a five-year period. The project will publish regular reports from the courts which make orders under the Child Care Act, mainly relating to taking children into care, on its dedicated website. It will also collect and analyse data from the proceedings, report on the nature and outcomes of the child care proceedings and promote a public debate on the issues raised through seminars and conferences. The anonymity of the children and their families will be preserved throughout. FLAC is providing administrative and technical support to the project.

Legal Services Regulation Bill 2011

The Legal Services Regulation Bill 2011, a major piece of legislation that will alter how the legal profession in Ireland is structured and regulated, reached Committee Stage in 2012. FLAC issued a submission on the Bill in February, with recommendations centred on four main areas: legal costs, the proposed Legal Services Regulatory Authority, public interest law concerns, and wider issues on access to the law and to lawyers.

FLAC presented to the Joint Oireachtas Committee on Justice, Defence and Equality on 21 March, noting that the Bill presents a unique opportunity to reform and improve the provision of equal access to legal services to people.

For more detail on FLAC's recommendations, its submission on the Legal Services Regulation Bill 2011 is available to download:

bit.ly/FLAC_legalservbill11

Noeline Blackwell's speaking notes from the Committee hearing in March are also available to download:

bit.ly/flac_lsrbriefing

Fundamental Rights Agency Annual Conference

The European Union Agency for Fundamental Rights (FRA) annual conference took place in December 2012. Entitled 'Justice in Austerity', the two-day conference examined the challenges and opportunities for access to justice in the current economic crisis. Over 300 people from civil society organisations, Council of Europe and EU bodies and the legal profession attended the event in Brussels. Director General, Noeline Blackwell represented FLAC at the FRA conference.

Speakers included Nils Muiznieks, Council of Europe Commissioner for Human Rights; Navi Pillay, UN High Commissioner for Human Rights; Martin Schulz, President of the European Parliament and Viviane Reding, Vice President of the European Commission. The conference reinforced FLAC's access to justice message and highlighted the vital importance of easily accessible information, independent advice and clear guidance on how to interact with the legal system.

Human Rights & Equality Infrastructure

FLAC is an active member and sits on the steering committee of the Equality & Rights Alliance (ERA), a coalition of 172 civil society groups and activists working together to protect and strengthen the statutory equality and human rights infrastructure in Ireland. The focus in 2012 was on the merger of the Irish Human Rights Commission and the Equality Authority. In May, ERA members presented a petition to the Minister for Justice & Equality calling on the Minister to take the merger as an opportunity for renewal of the country's human rights infrastructure rather than a regression. The heads of a Bill to legislate for the merger were published in the summer. Prior to this, FLAC Senior Solicitor Michael Farrell, who sat on the Working Group for the merger of the two bodies, presented a paper to a seminar of the European Commission against Racism and Intolerance (ECRI) outlining the background and context to the merger and the Working Group's recommendations.

Equality & Rights Alliance members presenting a petition to Minister for Justice and Equality, Alan Shatter TD on 10 May calling for the Minister to ensure that the new merged human rights and equality body is a renewal of Ireland's human rights infrastructure rather than a regression



International Monitoring of Human Rights in Ireland

FLAC has continued to advocate that even in straitened times, we must continue to respect our human rights obligations under international law. In 2012, a number of human rights bodies visited Ireland and FLAC engaged with them, highlighting areas of concern relating to access to justice.

Human Rights Defenders

Margaret Sekaggya, UN Special Rapporteur on the situation of human rights defenders visited Ireland in November 2012. This visit was notable as it was Ms Sekaggya's first fact-finding mission to a European Union member state since she took up her mandate in 2008.



Noeline Blackwell, Mary Lawlor, Aryeh Neier, Mary Robinson and Chris Martin at 'Five decades on the frontline: Reflections on what the human rights movement has accomplished', an event in Dublin on 7 June 2012 chaired by Mary Robinson at which Aryeh Neier, President of the Open Society Foundations shared his reflections on fifty years working in the international human rights arena. The event was organised by Front Line Defenders and the Irish Times in association with FLAC and the Irish Society of International Law.

Racism & Intolerance

Two Council of Europe bodies visited Ireland in February: the European Commission against Racism and Intolerance (ECRI) and the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC). They conducted a joint visit to assist with the preparation of their respective country reports on Ireland. Among the issues raised by FLAC were the substantial cuts inflicted on NGOs and the human rights infrastructure in recent years, the system of direct provision and Ireland's treatment of asylum seekers, and the use of the Habitual Residence Condition (HRC) in social welfare decision-making. Both ECRI and ACFC met with other national NGOs as well as government representatives. Members of ECRI assessed the conditions at a direct provision centre in Galway and the ACFC delegation also visited a Traveller halting site. The report on the joint visit is for publication in 2013.

In a trip lasting five days, Ms Sekaggya met with President Michael D. Higgins, Chief Justice Susan Denham and the Director of Public Prosecutions Claire Loftus. She also held meetings with Minister for Justice Equality and Defence Alan Shatter, members of the Irish Human Rights Commission and officials from the Department of Foreign Affairs.

To build up an accurate picture of the situation of human rights defenders, Ms Sekaggya spoke at an NGO roundtable and met directly with civil society organisations. FLAC was able to assist Ms Sekaggya by hosting several of her thematic meetings with human rights organisations at its office.

Human Rights and Extreme Poverty

Following her visit to Ireland in January 2011 and country report later that year, Magdalena Sepúlveda Carmona published her follow-up report in April 2012. Ms. Sepúlveda, the UN Special Rapporteur on Human Rights and Extreme Poverty, analysed the progress made and challenges that remain since her initial visit. Ms Sepúlveda's assessment of Ireland's progress was partly based on a follow-up questionnaire issued by her office. In her follow-up report, Ms Sepúlveda referred to several of FLAC's areas of concern including the negative impact of the Habitual Residence Condition (HRC) on vulnerable groups, the need to reform the direct provision system for asylum seekers and concerns around possible changes to taxation.

FLAC also made a separate submission to the UN Special Rapporteur in July to assist with another report she was compiling in 2012 on access to justice. This submission made a series

of recommendations that FLAC felt would increase access to justice for people living in extreme poverty.

FLAC's access to justice submission from July 2012 is available to download: bit.ly/A2Jjul2012

The Special Rapporteur's follow up report is available through the UN Office of the High Commissioner for Human Rights website: www.ohchr.org

Linking with domestic and international NGOs on human rights

FLAC is a member of the joint Department of Foreign Affairs & Trade/NGO standing committee on human rights where FLAC also represents the FIDH (International Federation for Human Rights). FLAC is a correspondent member of the FIDH and thus links to NGOs around the world who share its ambition to promote equal access to justice for all.

UN Special Rapporteur on Human Rights Defenders Margaret Sekaggya and her assistant Dolores Infante Canibano meet with FLAC interns on her visit to Ireland in November when Ms Sekaggya held a series of meetings with Human Rights Defenders in FLAC's office on Dorset Street.



FLAC Student Societies

2012 proved to be another vibrant and successful year for the FLAC student societies operating on university campuses around the country. In February, NUI Maynooth and in September, Griffith College Dublin became the latest third-level institutions to set up student societies dedicated to furthering FLAC's aim of equal access to justice. They joined the ranks of the four existing FLAC student societies in Dublin City University, Trinity College Dublin, NUI Galway and University College Cork, whose work is also complemented by the Student Legal Service organised by law students at University College Dublin. Representatives of the societies came together in the FLAC office in Dublin in November for a planning and strategy session, looking at opportunities throughout the year for supporting access to justice in their respective campuses. One particular highlight of 2012 was the award given to DCU FLAC Co-Chair Rebecca Townsend at the DCU President's Awards for Civic Engagement. The

Pictured at the launch of NUI Maynooth FLAC are (Front, L-R) Sinéad Finnerty, Peter O Loughlin, Dr Louise Kennefick, Sé Sweeney McCabe (Back, L-R) Liam Sunner, Deirdre McGowan, Kevin Clarke, Matt McDermott, Patrick Cagney and Zsé Varga, FLAC Volunteer and Centres Manager



Chancellor of DCU Martin McAleese, DCU FLAC Co-Chair Rebecca Townsend and DCU President Brian McCraith at the university's 2012 Autumn Graduation ceremony where Rebecca received a Chancellors Medal

Awards recognise on-going commitment to public service and community work. Rebecca set up DCU FLAC along with her colleague, Elaine Marum. In March 2012, Trinity FLAC organised a campaign for transgender rights including a letter-writing campaign urging legislation on gender recognition and hosting a talk with Dr Lydia Foy, and with Louise Hannon of TENI.





Thomas Hammarberg

Dave Ellis Memorial Lecture

FLAC was deeply honoured in December to welcome Thomas Hammarberg to give the Sixth Annual Dave Ellis Memorial Lecture. Having only recently stepped down from post of Council of Europe Commissioner for Human Rights, Mr Hammarberg (whose other previous roles included Secretary General of Amnesty International and of Save the Children Sweden), used his remarkable wealth of experience to talk about human rights norms in times of austerity. In an address entitled *'Access to justice for all – regardless of means'*, Mr Hammarberg noted that the economic crisis was not a natural disaster, saying *"...the crisis is man-made. It is the result of a series of decisions taken by human beings... this is a political challenge, unprecedented in our time. And it is certainly a human rights priority."* Having been a long-time supporter of transgender rights and having spoken out previously about the Irish government's failure to address the declaration of incompatibility with the European Convention on Human Rights in the Lydia Foy case, he expressed surprise and disappointment that five years had passed since her successful High Court judgment with still no sign of legislation. Mr Hammarberg also praised the work of national NGOs and Irish civil society for the role they have played in

advocating for vulnerable and marginalised groups of people. He said that FLAC and the NGO community *"...represent a caring, democratic spirit which gives some hope in the darkness."*

FLAC's annual lecture commemorates the work of legal activist, Dave Ellis, who died in 2007.

The full text of Thomas Hammarberg's speech is available to download:

bit.ly/Hammarberg12

Current and former FLAC Staff and Volunteers: Edel Quinn, Jo Kenny, Niamh McEvelly, Gillian Kernan, Lianne Murphy, Maeve Regan



Fellowships

Since 1997, FLAC and the University of Washington, Seattle, have run a fellowship programme which commemorates the lives of two lawyers, Thomas Addis Emmet and William Sampson. Both born in Ireland in 1764, they went on to have high profile, successful legal careers in the United States; the fellowship programme celebrates this Irish-American link.

Thomas Addis Emmet Fellow 2012: Valerie O'Driscoll, UCC

Before sitting her final year BCL International exams in UCC, Valerie O'Driscoll travelled to Seattle for two months as FLAC's 2012 Thomas Addis Emmet Fellow. Valerie worked as a Legal Fellow with Washington Appleseed, a public interest justice centre that operates by linking pro bono legal resources with community organisations. There, she contributed to research on the negative effects of disciplinary policies in the Washington State school system that rely on suspension and expulsion of students and worked on a number of other Washington Appleseed projects including their campaign against the death penalty in Washington State and research into mental health supports for children in schools.

Valerie also spent some time working with Professor Walter Walsh at the University of Washington and taking the opportunity to attend seminars in the University's law school.

William Sampson Fellow 2012: Kelli Gano, University of Washington

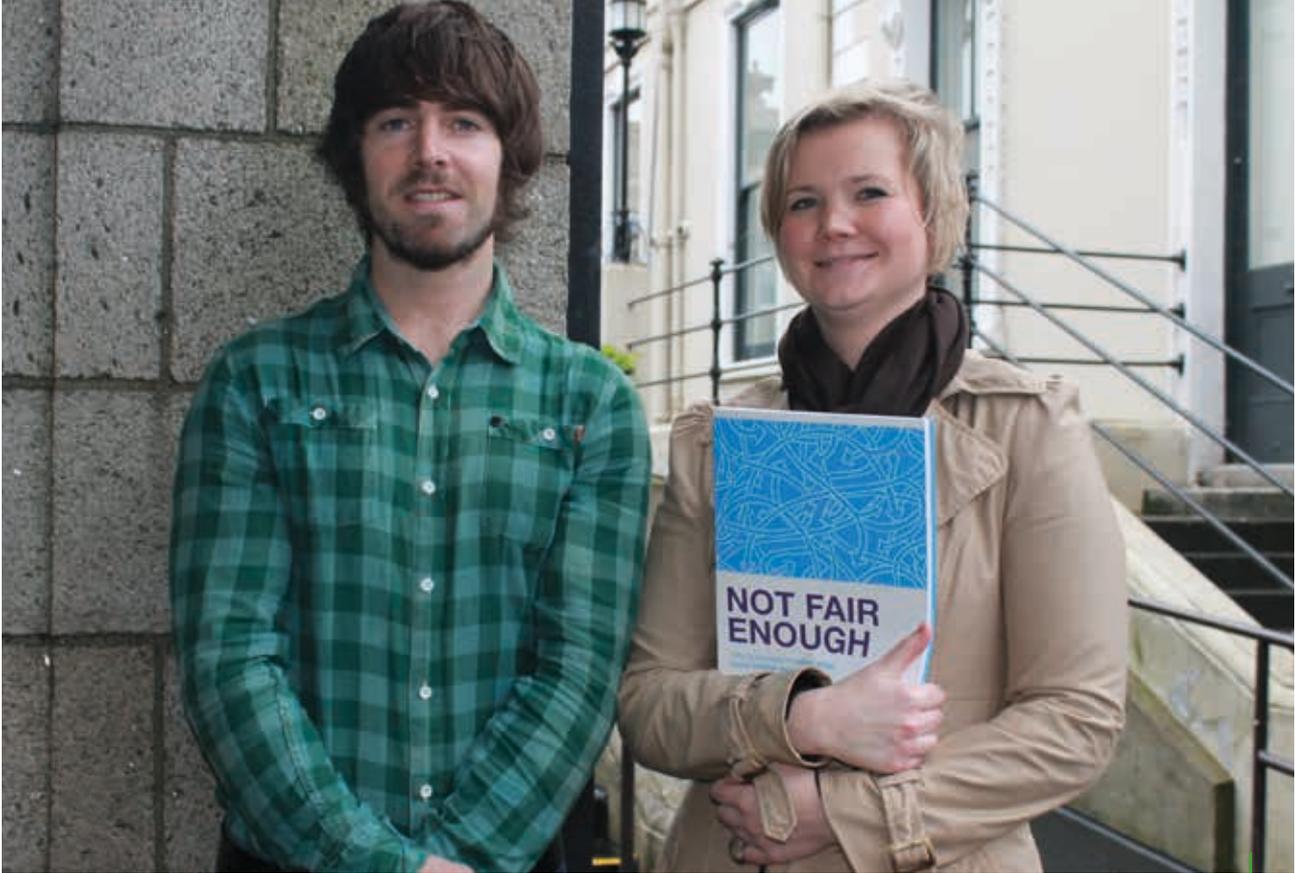
Kelli Gano, a law student at the University of Washington, was the 2012 William Sampson Fellow. Kelli came to Ireland for the summer and completed an internship in FLAC where she was placed with the Public Interest Law Alliance (PILA) team and carried out valuable research into one of the major barriers to public interest litigation, the non-justiciability of socio-economic rights. Kelli also contributed an informative essay to the PILA Bulletin on the Affordable Care Act in the United States and the widely publicised Supreme Court challenge regarding its constitutionality. While in Ireland, Kelli took the opportunity to attend a summer law course in the University of Limerick. She also visited the Four Courts and Leinster House, where she ran into the Governor of Washington State Christine Gregoire who, by coincidence, was meeting with Senator Katherine Zappone and other members of the Oireachtas.

Kelli Gano, William Sampson Fellow 2012; Christine Gregoire, Governor of Washington State; Meghan Anthony, FLAC intern from Boston University; and Senator Katherine Zappone on 5 July 2012



Valerie O'Driscoll, Thomas Addis Emmet Fellow 2012, at the Dave Ellis Memorial Lecture in December with her grandfather Edward O'Driscoll and father PJ O'Driscoll





Andrew Guy and Fionnuala Power at the launch of Not Fair Enough, 24 October

Interns

Each year, FLAC relies on a group of talented and hard-working interns to support our work. These interns play a vital role in the running of the organisation and are involved in all aspects of FLAC's work. They play a particularly important role in the operation of our telephone information line. We thank them for their dedication and commitment to access to justice.

The interns in 2012 were:

Meghan Anthony, Ciara Boylan, Clara Chiesa Barboza, Emma Cassidy, John Deignan, Laura Feely, Fiona Finn, Ciara Flatley, Andrew Guy, Marianne Hennessy, Anita Howlin, Vanessa Lawlor, Anita Lenihan, Sinead Madden, Amy McDermott, Karen McLaughlin, Rachel McMahon, Louise Mitchell, Doris Obot Ogodo, Dearbhaile O'Brien, Fionnuala Power,

Monta Taurmane, Rebecca Tomkins, Maria Victory, Lorraine Walsh, Chuhan Xing.

In addition, FLAC would like to thank Mimi Goodman and Mary Guy who volunteered in the FLAC office throughout 2012.



Vanessa Lawlor, Anita Howlin, Doris Obot Ogodo, Louise Mitchell and Maria Victory at the Dave Ellis Lecture

New Opportunities for Women in Law

In 2012 FLAC was fortunate to receive funding through the Equality for Women Measure (EWM), an initiative of the Department of Justice and Equality and managed collaboratively between the Department and Pobal. The EWM receives European Social Fund support under the Human Capital Investment Operational Programme. FLAC ran its *New Opportunities for Women in Law* programme, a project which supports unemployed women lawyers and women who wish to pursue a career in law to facilitate their entry or re-entry into the employment market. The project involves a combination of training in a range of legal areas, facilitated group learning sessions and volunteering in FLAC centres.

“

During my internship in FLAC I worked on the telephone information line providing legal information to the public. I found this to be very challenging but rewarding work. It really opened my eyes to the problems people are facing every day in this recession and how vital services like FLAC's can be in helping people to find a way forward.

”

Andrew Guy, FLAC Intern in 2012



Anita Lenihan, Sinead Madden, Monta Taurmane, Emma Cassidy and Rebecca Tomkins at the FLAC office



Andrew Guy, Emma Cassidy, Lorraine Walsh and Anita Howlin

FLAC Staff & Council

FLAC Council



Peter Ward SC
Chairperson



Don Crewe



Iseult O'Malley SC
(to May 2012)

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**Kim Watts, Legal
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**Caitriona de Paor, Legal
Information & Communications
Officer (temporary cover)**

Funding & Support

FLAC would like to thank all those who provided financial support in 2012. Their generosity and commitment to access to justice is much appreciated, particularly in these challenging times. Without them, and their confidence in FLAC's work, none of the work described in this report would have been possible.

- The Atlantic Philanthropies
- Citizens Information Board
- Department of Environment, Community and Local Government
- Department of Justice and Equality
- Equality for Women Measure (European Social Fund, Department of Justice & Equality, Pobal)
- European Commission (project led by the AIRE Centre in London)
- FÁS
- Individual donors (including mini-marathon participants)
- The Ireland Funds
- Iris O'Brien Foundation
- MABS
- Members of the Bar Council
- Members of the Law Society

“ This is a good service. It gives you a few options on how to solve your own problem. It opened our eyes to other ways to tackle our problem. ”

John and Patricia, callers to Cavan FLAC

FLAC depends heavily on the work of volunteers, qualified barristers and solicitors, who provide legal advice to the public at Citizens Information Centres throughout the country. Lawyers who are interested in volunteering with FLAC can find more information and a registration form on the FLAC website.

Help us widen access to Justice

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

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

- By sending a cheque to FLAC, 13 Lower Dorset Street, Dublin 2
- By logging on to www.flac.ie and following the link to www.idonate.ie
- By making a regular donation by standing order (Please contact – fundraising@flac.ie or phone (+353) 1 887 3600 to get the appropriate form)

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





Waiting for justice: Almost 5,000 on Legal Aid Board lists



A s we go to print, the latest waiting lists for what the Legal Aid Board (LAB) has published show that almost 5,000 people are waiting for a legal adviser to help them with their legal problems. This is a significant increase on the 3,500 people waiting for legal aid in October 2011. The LAB has also published waiting lists for other areas of legal aid, such as housing, mental health and family law. The LAB has also published waiting lists for other areas of legal aid, such as housing, mental health and family law.



Personal insolvency conference examines government debt proposals

On 19 April, FLAC held a public conference to discuss the government's proposals for a new Personal Insolvency Bill. The conference was held at the University of Edinburgh and was attended by a number of experts in the field of personal insolvency. The conference was held at the University of Edinburgh and was attended by a number of experts in the field of personal insolvency. The conference was held at the University of Edinburgh and was attended by a number of experts in the field of personal insolvency.



Dealing with over-indebtedness: social as well as economic necessity

A s the end of February the Joint Committee on the Draft Bill on Insolvency Law published its report on the reform of the Personal Insolvency Bill. The report is a landmark document in the history of the reform of the Personal Insolvency Bill. The report is a landmark document in the history of the reform of the Personal Insolvency Bill. The report is a landmark document in the history of the reform of the Personal Insolvency Bill.



There are two main reasons why the reform of the Personal Insolvency Bill is necessary. The first is that the current law is outdated and does not reflect the needs of the people who are over-indebted. The second is that the current law is too complex and difficult to understand. The reform of the Personal Insolvency Bill is necessary because the current law is outdated and does not reflect the needs of the people who are over-indebted.



Social welfare appeals system is Not Fair Enough - FLAC report

FLAC's latest report, 'Not Fair Enough', examines the social welfare appeals system. The report is a landmark document in the history of the reform of the social welfare appeals system. The report is a landmark document in the history of the reform of the social welfare appeals system. The report is a landmark document in the history of the reform of the social welfare appeals system.



Don't forget -

FLAC has a quarterly newsletter, FLAC News, that you can download from our website at <http://www.flac.ie/publications/>

You can subscribe by contacting us at info@flac.ie



flac

promoting access to justice

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