



FLAC

ANNUAL REPORT

2016



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

WHAT DOES FLAC DO?

Operates a telephone information and referral line.

Runs a nationwide network of legal advice clinics where volunteer lawyers provide basic free legal advice.

Provides specialist legal advice to advisers in MABS and CISs on social welfare, personal debt and consumer credit law.

Engages in research and advocates for policy and law reform in areas of law that most affect disadvantaged and marginalised people.

Is an Independent Law Centre which takes on strategic cases in the public interest.

Operates PILA, the Public Interest Law Alliance (PILA) which seeks to engage the legal community and civil society in using the law to advance social change.

Provides administrative, communications and statistical support to the Child Care Law Reporting Project, an independent project led by Dr Carol Coulter.

Is an associate in the JUSTROM programme which promotes access to justice for Roma and Traveller women



FOREWORD

More than 25,700 people received free legal information or advice from FLAC in 2016, from our telephone information and referral line and the network of legal advice clinics at 67 locations around the country. Consistent with previous years, around a third of all queries related to family law, demonstrating that year in, year out, this is the area where people most need information and advice. The focus on services as a way of enabling people to assert their rights is a fundamental aspect of FLAC's work in promoting access to justice. It is then complemented by training, research, advocacy, campaigning and casework, as set out in this report.

PILA, FLAC's Public Interest Law Alliance, continued to develop and strengthen over the course of the year with 85 legal advice referrals facilitated for NGOs and community organisations. PILA provides another vehicle for members of the legal profession to use their professional skills and expertise to promote equality and social justice. It complements the work of the hundreds of individual lawyers all around the country who volunteer at FLAC clinics and work with individuals who find themselves in difficulty and in need of first-stop legal advice. We acknowledge the work of all FLAC volunteers in 2016, whether they give their time through the PILA Pro Bono Register, as a volunteer in a FLAC clinic, as a member of a student society, or through volunteering in FLAC's office.

After campaigning for many years for those in mortgage arrears, and at risk of losing their homes, to be given access to financial and legal advice, we were pleased to note the establishment of the Abhaile scheme which aims to do just that.



We will monitor its implementation and impact in the coming months. We were also pleased to note that a Private Member's Bill was progressed through the Oireachtas that was largely based on recommendations from FLAC's 2014 report, *Redressing the Imbalance*. While the pace of change can be frustrating at times, it is gratifying to see the direct impact of FLAC's work.

FLAC provided legal representation to a US non-governmental organisation, EPIC (Electronic Privacy Information Center) which was joined as *amicus curiae* (friend of the court) in a case of significant public and international importance concerning the right to privacy and protection of personal data of people across Europe in *Data Protection Commissioner -v- Facebook Ireland Ltd & Anor*. This is the latest example of our commitment to provide legal representation in important cases of significant public interest in circumstances where a party might otherwise be left without access to lawyers or representation in court.

Organisationally, the year was a time of transition for FLAC. Noeline Blackwell's contribution over a decade of service to the development of FLAC as an organisation and more broadly to the promotion of equal access to justice in Ireland has been transformational and we wish her well in her new endeavours. In September we were delighted to welcome Eilis Barry as FLAC's new chief executive. Eilis has a long and proud association with FLAC. We were also delighted to welcome Sinéad Lucey to the organisation as managing solicitor.

Finally we thank all our donors and funders - philanthropic, government, members of the legal profession, and other individuals - who continue to make this work possible. We look forward to your continued support and assistance in facing the challenges of the year ahead together.

Peter Ward, FLAC Chairperson



SECTION ONE: LEGAL INFORMATION, ADVICE AND EDUCATION

People need to know their rights and entitlements so that they can assert and enforce them. FLAC provides legal information and advice in a number of different ways.

2016 HIGHLIGHTS

12,229 people

received basic legal information from FLAC's Telephone Information and Referral Line.

13,481 callers

were dealt with by volunteer lawyers at legal advice clinics in 67 locations.

85 legal advice referrals

were facilitated by PILA where NGOs and community organisations received legal advice for free from members of the PILA Pro Bono Register.

2,800+ subscribers

received the PILA Bulletin, a fortnightly update on developments in public interest law.

171 FLAC volunteers

attended a training or induction session.

160 people

from 67 NGOs, community organisations and Independent Community Law Centres attended 9 legal education sessions that were delivered by members of PILA's Pro Bono register.

7 legal information leaflets

were newly produced or revised.

71,000 visitors

to www.flac.ie and more than 7,000 downloads.

Telephone Information & Referral Line

FLAC's telephone information and referral line provides people with first-stop legal information over the phone. Where an issue is complex or requires legal advice, callers will be referred to a FLAC clinic at a location that is most convenient to them, or to another appropriate body.

In 2016, there were some 12,229 calls to this service. Almost a quarter of callers had a query in relation to family law. The second most common issue was housing/landlord & tenant (8.6%) followed closely by employment law (7.9%).

- About one-third of family law calls related to divorce and separation, followed closely by custody/access/guardianship issues at 30%. Questions about maintenance made up another 17% of family law queries.
- Of the housing/landlord and tenant calls, 48% of calls came from tenants, 43% from landlords, with the rest made up of letting agents, management companies and lodgers.
- A third of employment law calls were about contract terms, 17% were about dismissal, followed by a wide range of other topics including: redundancy, grievance procedures, bullying, harassment, maternity leave and discrimination.

The telephone line is staffed by a group of legal interns, supervised and supported by Jackie Heffernan the Information Line Coordinator. We are very grateful for the huge work that the interns put in and thank them for their dedication and commitment.

“Working on the information line has been extremely educational, challenging and rewarding.

The volume and variety of calls highlight the complex and difficult challenges people face on a daily basis in so many areas of law. The service provides a platform for people to discuss the legal challenges and issues they face and when they learn of our free clinics they are often noticeably energised and relieved. For me, perhaps the most significant thing I’ve observed are the many barriers people face accessing justice in Ireland and the role FLAC plays in breaking those barriers down for people that feel they have nowhere else to turn.”

Senan Coughlan, Intern on the FLAC Telephone Information and Referral Line

KEY STATS IN 2016:

12,229

calls to the FLAC telephone & information line

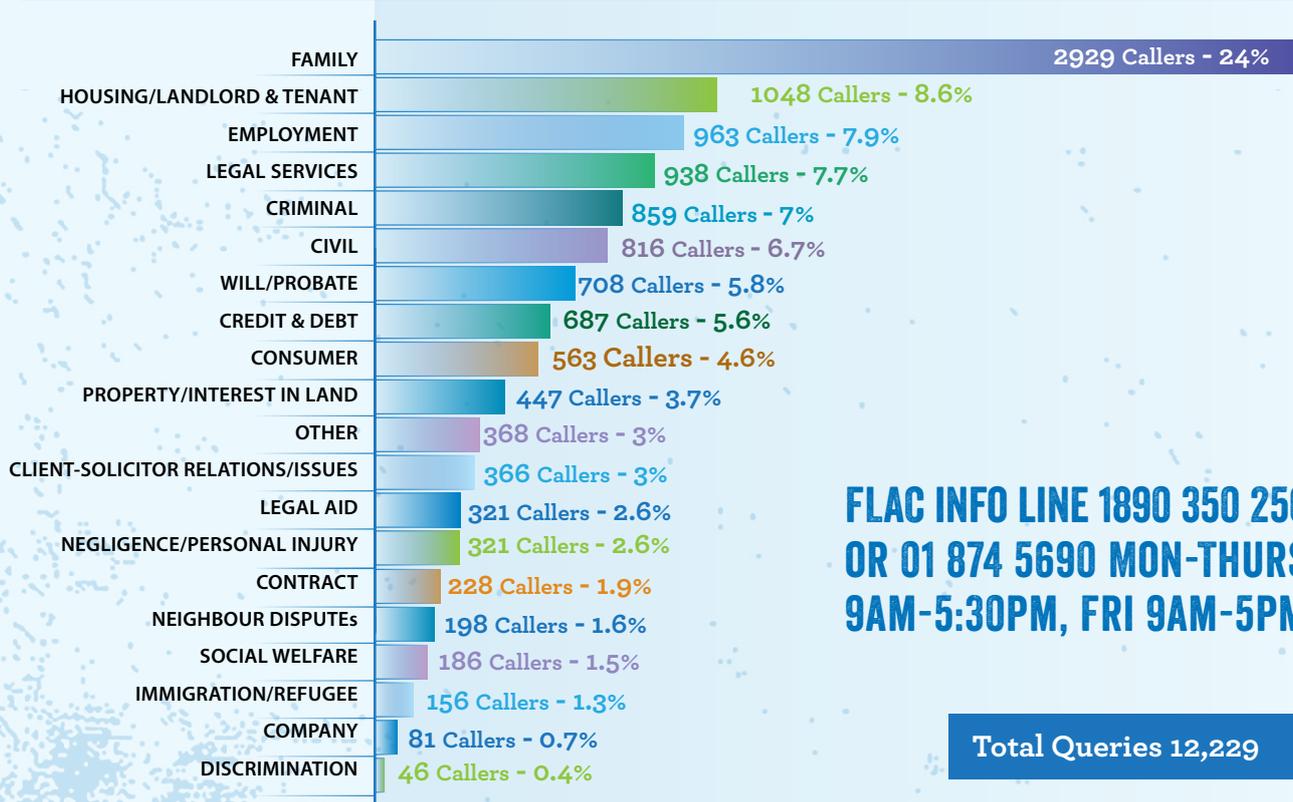
Main areas of inquiry:

family law, housing, employment

7,000

document downloads from the FLAC website

Queries to FLAC Telephone Information & Referral Line 2016



**FLAC INFO LINE 1890 350 250
OR 01 874 5690 MON-THURS
9AM-5:30PM, FRI 9AM-5PM**

Total Queries 12,229

Legal Advice Clinics

FLAC Clinics are mainly run in partnership with the Citizens Information Centres based in 67 locations around Ireland with first stop basic legal advice provided by volunteer barristers and solicitors.

Specialist advice clinics: There are specialist services available at a number of locations including family law clinics, immigration law clinics and employment law clinics.

Accessible clinics: The FLAC clinic at Cabra CIC offers Irish Sign Language Interpretation.

An tSeirbhís Saor-Chomhairle Dlí: In association with Conradh na Gaeilge, free legal advice services are now available through Irish by appointment in FLAC centres in Cork, Dublin, and Galway.

JUSTROM – Legal advice clinics for Roma and Traveller Women

In 2016 FLAC was invited to partner in the JUSTROM programme with a number of other organisations, including the Irish Traveller Movement, Pavee Point and the Legal Aid Board, to develop legal advice clinics and other initiatives to ensure that Traveller and Roma women have access to justice. The Programme was launched on a pilot basis in Ireland and four other European states in October 2016. It is funded by the EU Commission and managed by the Council of Europe.

“We got very good advice from your centre in the Carmelite Centre in Aungier Street this evening and we are grateful for that. It provided us with clarity and an outline of various options. You run a wonderful service.”

Email received from Margaret, caller to FLAC Clinic

Statistics from Legal Advice Clinics

In 2016, queries from 13,481 callers were recorded in FLAC’s data collection programme. One in three callers had a query about a family law matter, while almost 15% had an employment law question and 9.5% sought legal advice in relation to a will/probate issue. Housing/landlord & tenant queries formed the fourth largest area of enquiry at just under 7.5% followed by consumer issues (5.9%) and criminal law questions (5.5%).

- Just under half of the 4,589 family law queries in 2016 related to divorce and separation; custody, access and guardianship issues were the next most common areas, followed closely by maintenance. Almost 400 callers to FLAC clinics had experienced domestic violence.
- Employment law queries in the legal advice clinics covered a broad range of topics, with the most commonly discussed issues being contract terms, dismissal, redundancy, and discrimination.
- Mortgage arrears made up 43% of the 721 credit & debt queries, with 23% being focused on debt collection procedures.

KEY STATS IN 2016:

13,481

callers to legal advice clinics

85

services around Ireland, mainly in partnership with Citizens Information Services, based out of 67 different locations

Growth

in specialist and group-specific clinics throughout year

Jackie Heffernan and Georgina Forde on the telephone information line



We would like to particularly acknowledge the staff and management of the Citizens Information Board and especially the local Citizens Information Services who work to facilitate and coordinate these clinics. In 2016, FLAC further developed its relationship with the Citizens Information Board and is in the process of rolling out a greater level of support for volunteers and Citizens Information Centres outside of Dublin and Cork.

A full list of all the FLAC clinics, including their location, opening hours and whether an appointment is required, is available on the FLAC website. There are a number of other legal advice clinics that are run locally but whose statistics are not reflected in the totals shown in this report. We have included them here and on our website to show the full extent of clinics available to people who need legal assistance around the country and to acknowledge the work of the volunteers and all those involved in coordinating and delivering these services.



Queries in Legal Advice Clinics 2016

Callers to FLAC clinics often have queries that fit into more than one area of law





At Raheny FLAC Clinic, based in KARE CIC: Receptionist Seamus Murphy; Claire Colfer, Solicitor & FLAC Volunteer; and John McDermott, Dublin City (North Bay) Citizens Information Service Development Manager.

“The variety of issues that you can be asked to advise on is the most interesting thing about volunteering. Undoubtedly there is a large proportion of people seeking help with family law or debt issues, but you can also be asked for help on issues that you may never come across in daily practice, from disputes about headstones to pigeon racing and everything in between!

In terms of challenges, you often meet people who are experiencing the lowest moments of their lives who can be very emotional and feeling isolated. Many of them view the law as an obstacle rather than something that can assist them. The challenge in the short time that you have to speak with them is to allow them the time to tell their story and feel that they are being heard whilst also being able then to give them constructive advice or guidance that will help them to move forward in a practical way.”

Claire Colfer, Solicitor and FLAC Volunteer at Raheny FLAC Clinic



Citizens Information @YoughalCIC • 31 May 2016

Just about to open our door to the weekly FLAC service. Contact us if you need some legal advice. Thanks to the support of [@flacireland](#)



Launch of the “*Insiders Guide to Outside*” information booklet in July 2016. This was an initiative of Clondalkin CIS that was supported by FLAC. The booklet was printed in Wheatfield Prison under the direction of Clondalkin CIS.

L-R: David Lynch, Clondalkin Citizens Information Service Chairperson; Rachel Downes, Citizens Information Board Regional Manager; Zsé Varga, FLAC Volunteer & Centres Manager; Catherine Heaney, Volunteer at Clondalkin CIS; Nuala Crowe Taft, Development Manager, Clondalkin CIS; Mary Murtagh, Development Manager, Dublin 2, 4, 6 Citizens Information Service; Lorraine Walsh, FLAC Volunteer & Centres Administrator; Paul Monks, Clondalkin CIS Board Member.

Legal Advice for Organisations – PILA Pro Bono Referral Scheme

In 2016, PILA facilitated 85 legal advice referrals through its Pro Bono Referral Scheme - this involves a register of 330 barristers, 25 law firms and 4 in-house legal teams who provided their legal services for free (pro bono) to 120 NGOs, community groups and independent law centres.

About a third of the 85 referrals were related to organisational matters (governance, data protection, contracts and leases etc) with the remainder related to their campaigning work and issues relevant to their clients and service users (e.g. housing and homelessness, disability, immigration, mental health).

Some referrals in 2016:

- *Right to free primary education:* A legal opinion on the extent of the obligation on the State to realise the right to free primary education provided for under the Constitution was provided to an NGO.
- A legal review of legislative impediments to ratification of the *UN Convention on the Rights of Persons with Disabilities* was carried out.
- Information Leaflet on *Voluntary Care for Parents:* Community Law & Mediation Limerick launched an information leaflet for parents who are considering placing their children in voluntary care. The publication came about through a collaboration with the in-house legal team at Hewlett Packard Enterprise Ireland, and was facilitated by PILA.
- *Data Protection Handbook for NGOs:* A user friendly guide was developed by McCann Fitzgerald specifically for the not-for-profit sector, examining the data protection obligations of organisations and how to support individuals in accessing their personal data. The handbook was launched in November by delivering training to 16 staff from 14 NGOs.



Eithne Lynch and Rachel Power (PILA), with Mary Brassil and Adam Finlay (McCann Fitzgerald) at the launch of a handbook on data protection for NGOs and community organisations, developed by McCann Fitzgerald

PILA also facilitates *Law Reform Working Groups*. In 2016, there were five law reform working groups active, covering a diverse range of topics including older people and human rights, housing, mental health and workers' rights.

WHAT IS PILA?

PILA stands for Public Interest Law Alliance. It was set up by FLAC to promote the use of law in the public interest in Ireland, by bridging the gap between NGOs that advocate and work for social justice and the legal profession.

WHAT DOES PILA DO?

It operates a Pro Bono Referral Scheme for NGOs which facilitates legal advice and litigation referrals

It organises Legal Education Sessions and other events and seminars

It supports Law Reform Working Groups

It writes and distributes a fortnightly e-bulletin

It works on barriers to public interest litigation

It promotes Clinical Legal Education



PILA Bulletin

Every fortnight, PILA publishes the *PILA Bulletin* – an eBulletin which includes articles and updates from Ireland, Europe and further afield on legal issues that have a public interest law dimension. Over 2,800 people in the legal profession, NGO sector, and academia in Ireland and overseas receive the *PILA Bulletin*. To subscribe, e-mail bulletin@pila.ie. The *Bulletin* is also available to read on PILA's dedicated website which was redesigned in 2016 www.pila.ie.

“PILA enabled us to receive a really high level of legal advice and support on a problem that could have had a very detrimental impact on our organisation and on our members. Legal difficulties and questions can prove to be such deeply confusing, stressful and risky areas for unqualified persons to try and navigate, particularly for volunteers. PILA's support ensured that as an organisation we were informed and clear on all our legal options, responsibilities and risks. With this in hand we felt equipped to make the most appropriate decisions and choices on behalf of our members. Thank you so much!”

NGO which received legal advice through the PILA Pro Bono Register in 2016



Gavin Woods and Christina Moran, Arthur Cox, delivering a legal education session on defamation for a group of NGOs in December.



“A valuable resource to our policy making process. Enabled our organisation to have the requisite legal knowledge to develop policy proposals dealing with complex legislative issues.”

Threshold, the national housing charity



Elaine Nerney of Hewlett Packard Enterprise, Carol Coulter of the Child Care Law Reporting Project, Caroline Keane of Community Law & Mediation Limerick, and Rose Wall, Community Law and Mediation, at the launch of an information leaflet on Voluntary Care for Parents, Limerick, December.

Volunteers

We rely on an amazing community of volunteers.

FLAC Clinics: 99 new FLAC volunteers joined several hundred of their colleagues who regularly provide free legal advice to callers at FLAC Clinics all over the country.

PILA Pro Bono Register: 30 new lawyers and 3 new law firms signed up to the Pro Bono Register in 2016 bringing the total membership at the end of the year to 25 law firms, 330 barristers and 4 in-house legal teams.

“The work PILA does is really important and I am always glad to help.” David Dodd BL, member of

PILA Pro Bono Register

Office Volunteers: FLAC was also fortunate to have regular office volunteers throughout the year – Deirdre Curtis, Mimi Goodman, Niamh MacEvilly and Maureen Gourley – who we thank for their hard work, expertise and commitment.

Volunteer Awards Scheme 2016

FLAC’s ‘Golden Pin’ and a certificate is awarded to volunteers in recognition of long-standing and committed volunteering. The 2016 awards ceremony

took place at the beginning of the Tenth Annual Dave Ellis Memorial Lecture, with 37 volunteers added to the ‘Roll of Honour’ to acknowledge three or more years of regular volunteering in a FLAC clinic or as part of the PILA pro bono register. The 2016 awardees were:

Simon Brady	Mark Healy
Sarah Bruen	Ronan Hickey
Martin Callanan	Sarah Kelly
Eoin Cannon	John Kenny
Matt Carroll	Eoin MacAodha
Rosaleen Connolly	Sarah McDonald
Jennifer Cuffe	Ian Mc Sweeney
Aislinn Cullen	Aoife McMahon
Brian Dalton	Cian Moloney
Ciaran Doherty	Danny Nolan
Briege Downey	Eoin O’Connor
Miranda Egan-Langley	Ciarán O’Mahony
Cairbre Finan Óg	Conor O’Reilly
Irene Fisher	Conor Reidy
Gary Fitzgerald	Domhnaill Small
Clare Gahan	Sarah Sreenan
Julie Galbraith	Venetia Taylor
Gary Hayes	Kieron Wood

Some of the 37 FLAC Golden Pin awardees at the ceremony in December with FLAC’s Eilis Barry, Zsé Varga and Peter Ward. Bottom row left to right: Ian McSweeney, Sarah Kelly, Rosaleen Connolly, Julie Galbraith, Jennifer Cuff. Middle row left to right: Miranda Egan-Langley, Conor Reidy. Top row left to right: Gary Hayes, Martin Callanan, Aoife McMahon. Photo by Derek Speirs.



Summer Squad

For the last number of years, a 'Summer Squad' of FLAC volunteers has been assembled. This is a group of volunteers on call throughout the summer who make themselves available to take on extra clinics and to fill in at the last minute where needed to ensure that the service continues uninterrupted. The 2016 'Summer Squad' did an excellent job and we thank them for their generosity of time and expertise. The 2016 Summer Squad members were:

Niamh Barry
Ben Clarke
Anna Considine
Brian Dalton
Mark Doolan
Nicola Dowling
Kevin Duffy
Stephen Fitzpatrick
James Flanagan
Peter Gallagher
Kulwant Gill
Mary Henderson
Genevieve Hennessy
Setanta Landers
Sile Larkin
Michelle Lomasney
Debbie MacLachlan
Aoife Masterson
David McAlinden
Gillian McCauley
Kevin McCrave
Niamh McGowan
Fiona McMorrow

Cian (Paul) Moriarty
Sinead Mulhall
Peter D.R. Murphy
Bernard O'Connor
Michael O' Donoghue
Ciara Redmond
Conor Reidy
Emma Ryan
Michelle Spellissy
Beatrice Vance

Volunteer Day December
5th, Eithne Lynch (top)
and Zsé Varga (bottom).



FLAC Access2Justice @flacireland • 5 Dec 2016

Whether you've been volunteering with us for 10 yrs or 10 days, you're part of what we believe in: [promoting equal access to justice for all](#)



Susan Webster @susanwebstersol • 28 Nov 2016

It's always a privilege to provide the #familylaw training for @flacireland @FLACMU @zsevarga
Great turnout, lots of interested students.



Legal Education & Training

Training for Volunteers in FLAC Clinics

171 FLAC volunteers attended a training or induction session in 2016.

Four training seminars were held in 2016: one in Cork for Munster-based volunteers and three in Dublin for those based in Dublin and surrounding counties.

Topics covered include: updates in family law, landlord and tenant issues, small claims procedures, immigration law, as well as practical skills and tips for advising in FLAC clinics. There were also three induction sessions held for new and returning volunteers.

Thank you to all those who delivered training: Pat J. Barrett, John Hussey, Barry Magee, Aoife Moran, Suzanne Mullally, Julie O'Leary, Patrick Stagg, Venetia Taylor, Katie Timmins, Jim Walsh, Keith Walsh.

PILA Legal Education Sessions

PILA organised nine legal education sessions in 2016 for 160 people from 67 NGOs, community organisations and Independent Law Centres. The topics were: Civil legal aid, Traveller accommodation, Child & Family Law, Asylum & Refugee law (two sessions), Housing rights, Data Protection (two sessions), and Defamation.

Thank you to those who delivered these valuable legal education sessions: Noeline Blackwell, Mary



Dr Fergus Ryan, DIT, Prof Gerry Whyte, TCD and Dr Olivia Smith, DCU at the ICLEA workshop in October

Brassil, Katie Dawson, Emma Doyle, Adam Finlay, Ciaran Finlay, Rachel Hayes, Maria Hennessy, David Joyce, Sinead Lucey, John Magee, Christina Moran, Gavin Woods.

Clinical Legal Education Workshop

PILA and the Irish Clinical Legal Education Association (ICLEA) hosted a workshop in October to discuss the report, *Clinical Legal Education in Ireland: Progress and Potential*, written by Larry Donnelly, Lecturer and Director of Clinical Legal Education in NUI Galway's School of Law.

FLAC Training for MABS advisors and legal practitioners

FLAC delivered a one-day training session for MABS advisors in April on social welfare including navigating the social welfare review and appeals process and assisting people with social welfare overpayments, and in September we delivered a session on consumer credit law.

In April, FLAC delivered a module as part of a day long information event held by the Legal Aid Board for private practitioners interested in becoming legal advisors under the Abhaile scheme.



At a volunteer training event in February, FLAC's Katie Timmins, solicitor Keith Walsh and John Hussey present to attendees

Legal Information Leaflets and Online Resources

FLAC seeks to provide simple, user-friendly legal information through legal information leaflets and FLAC sheets, available online and at legal advice clinics.

In May FLAC published a short guide on the differences between the civil and criminal legal aid schemes and in July, revised factsheets on Asylum Seekers and on the Habitual Residence Condition were produced.

In November, FLAC updated leaflets on Maintenance, Family Law & Children and Landlord & Tenant: Basic Rights & Duties.

Also in November, the first-ever FLAC legal information leaflet *as Gaeilge* was launched in conjunction with Conradh na Gaeilge. *Uachtanna agus Díthiomnacht* is a translation of one of FLAC's most popular leaflets, on Wills and Intestacy, and is available online.

Guides to UN Human Rights Mechanisms

FLAC developed two guides which demonstrate the value of shining an international spotlight on domestic human rights issues. The guides, published in April, aim to better equip both civil society actors and individuals seeking to engage with international human rights mechanisms.

Taking individual complaints to UN Treaty Bodies is a practical guide for individuals taking complaints to UN Treaty Bodies and civil society actors taking cases on their behalf.

Engagement with UN Special Procedures Mandate Holders is a guide for engaging with UN Special Procedures mandate holders. Mandate holders are independent human rights experts who examine, monitor, advise and publicly report on human rights situations in specific countries or on certain thematic human rights issues such as migrants, minorities, education and violence against women.

All of these resources are available on <https://www.flac.ie/publications/>

Peadar Mac Donnchadha (Conradh na Gaeilge), Zsé Varga, Proinsias Ó Maolchalain BL and Eilis Barry launching the first Irish language version of a FLAC information leaflet. Photo by Conor McCabe Photography



UCD School of Law @UCDLawSchool • 21 Dec 2016

Comhairle dlí saor in aisce: labhair
@KatieMcGreal le Proinsias Ó Maolchalain
faoi chomhar idir @CnaG @flacireland



FLAC had a stand at the International Organisation on Migration (IOM) Information Day for Migrants in Dublin City Hall on 28 November. Pictured are FLAC interns Caroline Smith and Kuda Mushaya

FLAC Student Societies

There are currently FLAC student societies in: University College Cork, Trinity College Dublin, NUI Galway, Maynooth University, Dublin City University, and Griffith College Dublin. The newest FLAC society is in Waterford IT which was set up in 2016.

The societies operate information clinics where the student population can receive once-off legal information from law students under the supervision of qualified legal practitioners. In 2016 members of FLAC societies in DCU, Maynooth University, UCC and TCD developed a comprehensive 'Know Your Rights' guide for students travelling to the US on a J1 visa.

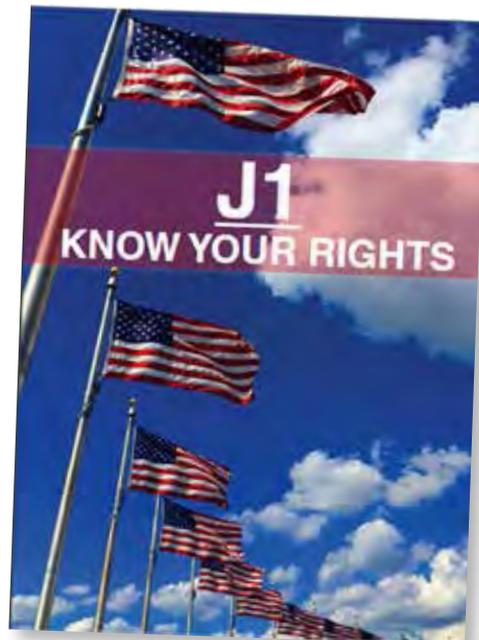
Two teams each from Maynooth University, University College Cork, Dublin City University and Trinity College Dublin took part in the inaugural FLAC Intersociety Public Interest



Inaugural FLAC Intersociety Public Interest Law Moot Court Competition. Conor Forde and Ailbhe Lawless of the winning team from Maynooth University FLAC Society with The Hon. Ms Justice Mary Laffoy who judged the competition.

Law Moot Court Competition, which was held in Blackhall Place on 26 February 2016.

The competition was adjudicated by Ms Justice Mary Laffoy. The overall winners, Conor Forde and Ailbhe Lawless of Maynooth University FLAC Society, received an internship with leading Irish criminal and human rights law firm KOD Lyons, as well as a cash prize.



J1 - Know Your Rights - FLAC handbook compiled by law students from Trinity College, UCC, DCU, and NUI Maynooth for students travelling to the United States on J1 visas.

Maria Hennessy @MP_Hennessy • 28 Nov2016

Thanks @iomireland for organizing migrant info day, great to see other orgs incl. @ENARIRI @AkiDwA @_IHREC @flacireland @MigrantRightsIR



SECTION TWO: RESEARCH, POLICY, ADVOCACY & LAW REFORM

We seek to use evidence-based research and analysis to advocate for change either through legislation or public policy.

2016 HIGHLIGHTS INCLUDE

“*Accessing Justice in Hard Times*”, a research report into the impact of the economic crisis on those seeking civil legal aid.

A campaign was initiated in relation to the requirement that people who experience domestic violence are required to make financial contributions for civil legal aid.

The final report of the Oireachtas Committee on Housing and Homelessness reflected a number of FLAC’s key concerns, including a recommendation that the Code of Conduct on Mortgage Arrears be placed on a statutory footing.

Abhaile, a State scheme to support those in mortgage arrears with financial and legal advice was established in 2016 and is a long-standing campaign issue for FLAC.

A Private Member’s Bill put forward by Pearse Doherty TD entitled *Central Bank and Financial Services Authority of Ireland (Amendment) Bill* was largely based on key recommendations from FLAC’s 2014 report *Redressing the Imbalance*.

A number of FLAC’s concerns were featured in the recommendations arising from the UN’s Universal Periodic Review of Ireland.

Civil Legal Aid

Accessing Justice in Hard Times

Launched in February 2016, FLAC’s latest report on the civil legal aid system in Ireland showed that as the recession took hold, pressures on the Legal Aid Board increased, reducing already limited capacities and straining a system which was never comprehensive in the first place. The Report documented that between 2007 and 2011, the number of applications for legal services provided by the Board, excluding asylum related applicants, rose from 10,164 to 18,657. Despite this heightened demand, however, the Board’s funding and staffing levels were reduced.

Inevitably, and despite the dedication and hard work of its staff, the Legal Aid Board’s capacities have been severely diminished. Between 2007 and 2013, the Report recorded the number of people waiting on a first consultation with a solicitor increased by 335% from 1163 to 5067, and between 2007 and 2012, the maximum waiting time in a Law Centre for a first consultation with a solicitor surged from 6 months to 15 months.

The Report made fourteen recommendations, both to the Government and to the Legal Aid Board itself. The recommendations included adequate funding and resourcing for the Scheme, and a human rights and equality impact assessment of any future cuts, as well as suggestions around eligibility, visibility and waiting times. FLAC would like to acknowledge the financial support provided by the International Bar Association Foundation for this report.



Launch of *Accessing Justice in Hard Times*, February 2016

FLAC's Legal and Policy Officer, Ciarán Finlay, was given the opportunity of hosting the July meeting of the Legal Aid Board External Consultative Panel where he presented the main findings and recommendations from the report, as well providing an update on FLAC's services.

Legal aid for victims of domestic violence

FLAC highlighted and campaigned against the requirement that people who experience domestic violence must make financial contributions for civil legal aid when seeking a safety, protection or barring order. This was done through a number of submissions to state bodies and international human rights experts, including the Commissioner

for Human Rights of the Council of Europe and the Universal Periodic Review and in a pre-election briefing in February.

Waiver and Hardship

The Law Society Gazette published a guest piece from FLAC entitled "*State civil legal aid explained*" in May seeking to highlight the power of the Legal Aid Board to waive all or part of the fee, or to accept a contribution by instalments, where not doing so would cause 'undue hardship'.

Pre Budget Submissions

In advance of Budget 2017, FLAC wrote to the Legal Aid Board and to Frances Fitzgerald TD, Tánaiste and Minister for Justice and Equality, requesting that additional resources be allocated to the Legal Aid Board in Budget 2017 and to adequately finance the new Abhaile scheme for people in mortgage arrears and at risk of losing their home. We were pleased to note that when it was announced in October, Budget 2017 allocated an additional €4m to the Legal Aid Board, including €2.4m for the Abhaile scheme.

Liz O'Malley @li_o_malley

@womensaid and @flacireland are calling for a fees waiver for legal aid for domestic violence victims



Social Welfare Law

Pre-Budget Submission and Social Welfare Bill

FLAC's Pre-Budget submission to the Department of Social Protection in July called for a review of the adequacy of existing rates of social welfare payments in order to guarantee a basic level of income and an adequate standard of living for everyone as well as for the phasing out of austerity measures. FLAC recommended that all budgetary proposals advanced by the Department of Social Protection be human rights and equality proofed.

We also called for greater efficacy, transparency and consistency in the social welfare appeals system and for the Social Welfare Appeals Office to be placed on a statutorily independent footing from the Department, and for the creation of a database of social welfare appeals decisions to support consistency in decision making among appeals staff. Finally, FLAC raised concerns regarding the disproportionate impact of the Habitual Residence Condition on vulnerable groups, and the rate of payments to asylum seekers living in Direct Provision.

In November, FLAC and Community Law & Mediation compiled a joint submission on the Social Welfare Bill, which gives legislative effect to changes announced in the Budget. The submission raised the issues of: reduced rates of jobseekers payments for young people under the age of 26, the need to restore a targeted use of the Mortgage Interest Supplement scheme, and the failure to place the Direct Provision allowance on a statutory basis.

The submission was circulated to all members of the Social Protection Committee and a number of FLAC concerns were raised during Committee Stage debate on the Bill. A FLAC-supported amendment, which would have compelled the Minister for Social Protection to prepare a report setting out the options for introducing a targeted use of the Mortgage Interest Supplement scheme, was tabled to the Bill at Report Stage but was not taken on board in the final version of the legislation.



FLAC Access to Justice @flacireland • 17 Nov 2016

This morning @OireachtasNews Social Protection Committee must stand by vulnerable groups & amend #SocialWelfare Bill <http://www.flac.ie/news/2016/11/10/social-welfare-law-must-not-leave-people-behind-sa/> ...



Migrant Consultative Forum

FLAC continues to participate in the Migrant Consultative Forum which provides an opportunity for NGO representatives to work with officials from the Department of Social Protection. The main issues in 2016 related to arrears, including full arrears not being paid, arrears payments being delayed, correspondence lacking sufficient detail, difficulties in sourcing information on arrears payments online and migrants with entitlement to arrears far in excess of the general 6-month limit on backdating late claims.



DIT Research Collaboration

FLAC collaborated with the Department of Law at Dublin Institute of Technology (DIT) as part of two community-based learning modules facilitated by Professor Deirdre McGowan entitled 'Law & Research Clinics'. FLAC commissioned two research projects on the impact of the recession on housing rights, with a particular focus on the Rent Supplement, Rental Accommodation Scheme and the Housing Assistance Payment schemes, and an assessment of the social welfare appeals system. The students made an excellent and useful presentation to FLAC staff and interns on the research they had undertaken. In recognition of our engagement with the project and the support provided to the students, FLAC was presented with an award by the President of DIT, Mr. Brian Norton, at the "Students Learning with Communities" annual awards event, held in April.

Law student Rachel Power and Brian Norton, President of DIT, at the Awards Ceremony.



"Students Learning with Communities" awards event at St Laurence's Church, DIT Grangegorman



Personal Debt, Credit and Financial Services Law Reform

Mortgage arrears

FLAC made a submission and presentation to the Oireachtas Committee on Housing and Homelessness detailing our main concerns and proposals on the topic and emphasising that a significant increase in the repossession of family homes would serve to exacerbate an already acute housing crisis in both the private rented and social housing areas. A number of Committee members highlighted FLAC's recommendations which included:

- Making the Code of Conduct on Mortgage Arrears a Ministerial regulation, expressly admissible in any legal proceedings,
- Promoting access to an expanded Mortgage-to-Rent scheme, and
- Establishing a mortgage rescheduling tribunal on a statutory footing to hear appeals from borrowers unhappy with the outcome of the Mortgage Arrears Resolution Process (MARP) process.

The Committee published its final report on 17 June reflecting a number of FLAC's key concerns,

including recommendations that the Code of Conduct on Mortgage Arrears be placed on a statutory footing and greater use of long-term solutions to mortgage distress.

FLAC continues to participate in the Insolvency Service of Ireland's Consultative Forum, which monitors the effectiveness of the solutions offered under the Personal Insolvency Act 2012.

Supporting MABS Research Regionally

FLAC provided support and guidance to South Mayo MABS to finalise a report '*An Analysis of Mortgage Arrears Among South Mayo MABS' Clients- A spatial dimension to a national problem?*'

The study examined the household experience of mortgage arrears in a rural setting, how those arrears were being treated, and made practical recommendations for change.

FLAC was also a member of the steering committee that oversaw a research report on the effectiveness of the Personal Insolvency Act 2012 for clients of Waterford MABS. The report recommended that access to free PIP (Personal Insolvency Practitioner) services should be expanded across the MABS network.

Setting off for Leinster House: Paul Joyce, Sinead Lucey, Eithne Lynch and Ciaran Finlay.



Eithne Lynch, Paul Joyce and Ciaran Finlay presenting FLAC's concerns to the Housing & Homelessness Committee



Open Society Justice Initiative

In January, FLAC completed a paper commissioned by the Open Society Justice Initiative (OSJI) which examined the potential application of recent case law of the Court of Justice of the European Union (CJEU) in mortgage enforcement cases to the Irish legal system. The materials in this report formed part of the training subsequently run by OSJI throughout the course of 2016 for practitioners interested in using European law arguments in repossession cases.

In June, FLAC participated in a study visit to Barcelona to visit the PAH (Plataforma de Afectados por la Hipoteca - Platform of People affected by Mortgages), a grassroots national organisation with 150 local branches throughout Spain. The trip was organised and funded by Open Society Foundation as part of its Justice Initiative to showcase the PAH model for Irish activists. The PAH's primary focus is to prevent evictions of people in mortgage arrears; more recently it has also started working with people in rented accommodation to secure and use their housing rights.

“I would like to take this opportunity to thank you and the board of FLAC for allowing your Senior Policy Analyst Paul Joyce to assist the staff of South Mayo MABS in completing our recent research “An Analysis of Mortgage Arrears Among South Mayo MABS’ Clients A spatial dimension to a national problem?” Paul came on board during the course of the study to provide guidance and support and I wish to acknowledge his tremendous work.”

Caroline Barry, Chairperson, South Mayo MABS



Barcelona PAH holds a weekly collective counselling session where people can discuss their problems and receive support



Abhaile Scheme

In January, FLAC welcomed the announcement by Minister for Justice & Equality Frances Fitzgerald TD of a new legal support scheme for those in mortgage arrears. This has been a long-standing campaign issue for FLAC – that those who find themselves in a situation of over-indebtedness and at risk of losing their homes must be given access to comprehensive legal and financial advice and representation as they negotiate with well-resourced financial institutions. The ‘Abhaile’ scheme operates a voucher system, managed by MABS, for independent financial and legal advice from a panel of experts (Personal Insolvency Practitioners (PIPs), Solicitors and Accountants). It is available to borrowers who are in mortgage arrears, insolvent, at risk of losing their home and who are ‘reasonably accommodated’. FLAC will monitor the delivery of outcomes under the scheme for distressed borrowers.

Financial Services

Ombudsman (FSO) office reform

FLAC’s 2014 report *Redressing the Imbalance: A study of legal protections available for consumers of credit and other financial services in Ireland* continues to underpin FLAC’s policy and campaigning work in the area of consumer credit.

A Private Member’s Bill put forward by Pearse Doherty TD entitled *Central Bank and Financial Services Authority of Ireland (Amendment) Bill 2014* was largely based on the recommendations from *Redressing the Imbalance*. FLAC presented a summary of the key recommendations from *Redressing the Imbalance* to a briefing for TDs and Senators on the Bill at Leinster House, which included amending time limits on submission of complaints and for submitting appeals, encouraging use of mediation to resolve issues, adjusting the degree of informality of proceedings, changing the categories of outcomes for decisions of the FSO and allowing for appeals to the Circuit rather than the



“It is an excellent piece of work that shines a light on just how imbalanced and unfair many of the rules are and how much they are tilted in favour of the banks and financial institutions over the customers... The report also pointed out many actions we as Members of the Oireachtas could and should take to help level the playing field, “

Pearse Doherty TD on the floor of the Dáil referring to FLAC’s *Redressing the Imbalance* report at the Central Bank and Financial Services Authority of Ireland (Amendment) Bill 2014: Second Stage [Private Members], 6 October 2016.

High Court. FLAC also gave a comprehensive legal analysis of the Bill itself, focusing on how it reflected the report’s recommendations and proposing some further amendments for Committee stage, including a reconsideration of the definition of ‘consumer’.

At the briefing Deputy Financial Services Ombudsman (FSO) Elaine Cassidy voiced the FSO’s broad endorsement of FLAC’s report, which had largely informed reforms launched by the current FSO since taking office in 2015. She conveyed the FSO’s support for the extension of the six-year period for bringing a complaint which has had the effect in some cases of excluding people from lodging legitimate complaints about financial products simply because they discovered the detrimental effects of the relevant misconduct outside the six-year time limit.

In relation to the Bill's other provisions, she said that while some sections required more nuance, the FSO was largely supportive of the suggested changes.

Deputy Dara Murphy on behalf of the Minister for Finance and Deputy Michael McGrath for Fianna Fail subsequently indicated that they would not oppose the Bill going forward to the next legislative stage and acknowledged its content and intention to secure wider consumer protections, particularly around time limits for complaint.

However, the Government then issued its own Heads of Bill dealing with the issue, titled the *General Scheme of the Financial Services and Pensions Ombudsman Bill 2016*. Later in October, FLAC made a presentation to the Oireachtas Finance Committee on this draft government legislation outlining the proposals from *Redressing the Imbalance* that would create a more level playing field for consumers. It highlighted the need for dedicated advice and assistance to help people articulate their complaints and to which they can refer for further guidance in the course of the complaint.

Mortgage Credit Directive

In February, FLAC made a submission to the Department of Finance that the Mortgage Credit Directive (EU Directive on Credit Agreements for Consumers Mortgage relating to Residential Immovable Property – Directive 2014/17/EU) should be transposed into Irish law through a full Act of the Oireachtas rather than by statutory instrument. FLAC suggested that taking the statutory instrument rather than primary legislation route would deprive elected members of the legislature of the opportunity to discuss, influence and shape a measure of fundamental importance to the future of lending to consumers in Ireland as well as further complicating an already complex set of legislative rules concerning the provision of credit to consumers. FLAC was disappointed in March when the Mortgage Credit Directive was eventually transposed into Irish law by ministerial regulation.

L-R Eilis Barry, Sinead Lucey and Pearse Doherty TD at the briefing for TDs and Senators on the Bill at Leinster House on 5 October 2016





Human Rights and Alliance of Civilisation Room of the Palace of Nations Geneva. Photo: Ludovic Courtés

International Human Rights Mechanisms

Follow-up Guide to the ICESCR Examination

In January, FLAC published a follow-up guide to Ireland's examination by the UN Committee on Economic, Social and Cultural Rights. Ireland's examination under the International Covenant on Economic, Social and Cultural Rights (ICESCR) took place in June 2015. FLAC, together with PILA, coordinated the civil society response to the UN Committee through two reports, *"Our Voice, Our Rights"* and *"Our Voice, Our Rights: An Update"*.

The guide reflects on the successes which have been achieved from the ICESCR examination to date, highlights case studies which demonstrate the value of UN Human Rights Treaty Body recommendations and proposes a range of potential follow-up actions for civil society organisations striving to progress the implementation of the UN Committee's recommendations.

Optional Protocol to ICESCR

FLAC called for ratification of the Optional Protocol to the International Covenant on Economic, Social

and Cultural Rights, or OP-ICESCR. Ratification of the OP-ICESCR would allow individuals present complaints that basic rights such as health, housing, education, decent work and social security, have not been upheld at the national level, to the UN Committee on Economic, Social and Cultural Rights, an independent UN body that monitors implementation of the ICESCR.

Ireland's second Universal Periodic Review (UPR)

FLAC was a member of the *"Your Rights. Right Now"* coalition, led by the Irish Council for Civil Liberties, which coordinated the civil society response to Ireland's examination under the UPR, a peer review mechanism whereby UN Member States make recommendations to the state in question on how best to improve its human rights record and uphold fundamental rights.

FLAC, together with other members of the coalition, organised a series of face-to-face meetings with diplomats working with the Czech, Finnish and Portuguese embassies.



Left; FLAC's Eithne Lynch at the FIDH Congress in South Africa

Below: Eithne Lynch with ICCL's Deirdre Duffy at the FIDH Congress



FLAC also developed and circulated a number of fact sheets which concentrated on six priority issues, namely the protection of economic, social and cultural rights, legal aid protections for victims of domestic violence, combating racial discrimination, the protection of civil society space, access to justice and the right to social security. These fact sheets were circulated, together with an updated copy of FLAC's UPR submission, to over 350 embassies and diplomatic missions located both in Dublin and Geneva.

We were pleased to note that several of FLAC's main concerns were featured in the recommendations from 93 delegations. In particular, Portugal, Spain and Finland recommended that Ireland ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR). Seven states, including Lithuania, Moldova and Uruguay, called on Ireland to strengthen legal aid protections for victims of domestic violence. In addition, Haiti recommended that Ireland provide civil legal aid to local authority tenants facing eviction. Furthermore, China urged Ireland to improve access to social security for migrants, refugees and asylum seekers.

FLAC joins FIDH as Full Member

FLAC attended the 39th Congress of FIDH, (International Human Rights Federation), a unique gathering of human rights defenders and activists from around the world, which took place in Johannesburg, South Africa in August. FIDH acts at national, regional and international levels in support of its member and partner organisations to address human rights abuses and consolidate democratic processes. The theme of the Congress, *'Fighting Back for Human Rights'*, arose from increased reports of attacks not only on human rights defenders but on respect for human rights themselves on the grounds of cultural mores, the fight against terrorism, or economic interests.

The Congress marked FLAC's admission as a full affiliate member of FIDH by unanimous resolution. This will see FLAC join the Irish Council for Civil Liberties as a full FIDH member with voting rights in Ireland, a departure from the usual rule of only one member per UN member state. Our colleagues at CAJ Northern Ireland were also admitted as full members alongside organisations from 15 countries, including South Korea, India and Norway.

Commissioner for Human Rights of the Council of Europe

FLAC provide a briefing to and met with Nils Muižnieks, the Council of Europe Commissioner for Human Rights, in November when he undertook a country visit to Ireland.

FLAC's briefing discussed a range of matters including concerns regarding the operation of the Public Sector Duty, the requirement for victims of domestic violence to make financial contributions for civil legal aid and implementation of the European Committee of Social Rights decision in *ERRC v Ireland*. Other issues outlined in the briefing included the practice of providing reduced rates of Jobseekers Allowance to young people under the age of 26, making Child Benefit a truly universal payment, guaranteeing an accessible, user-friendly forum is available for hearing employment and equality claims and ensuring that young trans, intersex and non-binary persons are meaningfully consulted as part of the review of the Gender Recognition Act 2015.

ECRI Recommendations

In March, the European Commission against Racism and Intolerance (ECRI), a human rights body of the Council of Europe which monitors racism and the treatment of ethnic minorities in 47 European countries, published its 2016 follow-up conclusions on Ireland. Its report echoed FLAC concerns that the Social Welfare Appeals Office has only published a very low number of social welfare appeals cases related to the Habitual Residence Condition and that no level of regularity in publishing decisions could be observed. The ECRI reiterated its 2013 call to publish appeals decisions related to the Habitual Residence Condition in order to ensure "a sufficient level of predictability" in decision-making.

FLAC used the opportunity presented by the Commission's recommendations to publicly repeat its call for the creation of a social welfare appeals database, noting that the United Nation's Committee on Economic, Social and Cultural Rights had also emphasised the need for consistency and transparency in social welfare appeals decisions following Ireland's 2015 review.



Ciarán Finlay @CiaranFinlay89 • 22 Nov 2016

Great to speak to @CommissionerHR about @flacireland concerns today, including access to justice for victims of domestic violence.

Public Sector Duty- mainstreaming equality and human rights

There is a statutory requirement under the terms of the Public Service Management Act 1997, on all government departments and offices to produce a strategy statement once every three years, or within six months of the appointment of a new minister. Following elections in February 2016, a new cabinet was formed in May. FLAC made submissions on the public sector duty to inform the development of departmental strategy statements relevant to our work, namely the Department of Social Protection, the Department of Justice and Equality, the Department of Public Expenditure and Reform and the Department of Finance.

FLAC drew attention to the mandatory obligations on all government departments and public bodies imposed by section 42 of the Irish Human Rights and Equality Commission Act 2014. This Act requires a broad range of public and statutory bodies to promote equality of opportunity and protect the human rights of staff and public alike. It specifically requires public bodies, such as government departments, to set out in an accessible manner in its strategic plan an assessment of the human rights and equality issues it believes to be relevant to its functions and purpose, and the policies, plans and actions in place or proposed to be put in place. FLAC argued that the new Public Sector Duty should form a key part of the development process for each departmental strategy statement and also be reflected in the outcome document.

The submissions detailed what measures are necessary to meet the minimum requirements of the duty, including the establishment of internal processes and structures that will ensure the duty is integrated into all decision making within each department. FLAC called for the establishment of a specialised task force or advisory body within each government department with sufficient expertise, resources and influence, including senior management input, to support all sections in developing their approach to the duty.



We were pleased to note that the Departments of Social Protection, Public Expenditure & Reform and Finance all refer to the Public Sector Duty in their strategy statements and that the Department of Justice and Equality undertook to carry out an assessment of the human rights and equality issues relevant to the functions and purpose of the Department and the policies, plans and actions in being or proposed to be taken to address those issues during the period 2016-2019.

Strategy for the Private Rented Sector

In December, FLAC made a submission to the Department of Housing, Planning, Community and Local Government's Strategy for the Private Rented Sector. FLAC recommended that as an initial step towards meeting the requirements of the Public Sector Duty, the Department would identify the human rights and equality issues relevant to the strategy, and the plans and actions that are already in place or proposed to be put in place to address

these issues. FLAC also proposed that an information campaign be initiated about the new prohibition in the Equal Status Acts on discrimination against social welfare recipients in the provision of private rented housing.

Sub-Committee on Dáil Reform

In April 2016 FLAC made a short submission to the newly created Oireachtas Sub-Committee on Dáil Reform, addressing the need for human rights and equality budgeting, the creation of greater avenues for consultation with civil society organisations in policy-making and ensuring that the Oireachtas sets aside adequate time for consideration of legislation. In May 2016, this Sub-Committee recommended that equality proofing should be a requirement of the 'pre-legislative' scrutiny of Bills, such as the Social Welfare Bill and the Finance Bill.

NGO Roundtable with Justice Edwin Cameron of South Africa's Constitutional Court, 6 December .



SECTION THREE: CASEWORK AND STRATEGIC LITIGATION

FLAC, as an Independent Law Centre, takes on a small number of strategic legal cases each year. These cases must have the potential to benefit a wider group of people as well as being important for the individual client. PILA also supports strategic litigation through its Pro Bono Referral Scheme, through the management of a Public Interest Law Support Fund and through working to remove some of the barriers to public interest litigation.

2016 HIGHLIGHTS

FLAC represented a woman in Direct Provision who experienced inordinate delays in receiving a decision on her application for international protection.

FLAC provided legal representation to a US non-governmental organisation, EPIC (Electronic Privacy Information Center) which was joined as *amicus curiae* (friend of the court) in a case of significant public and international importance concerning the right to privacy and protection of personal data of people across Europe in *Data Protection Commissioner -v- Facebook Ireland Ltd & Anor*.

FLAC provided technical legal advice to 151 queries from MABS Money Advisors.

PILA-supported litigation on the right of visually impaired people to a secret ballot began in the High Court.

The Public Interest Law Support Fund provided a total of €128,000 in grants to projects making strategic use of the law and litigation in the public interest.

Child Benefit and Direct Provision: Excessive Delays in International Protection Decision

FLAC issued Judicial Review proceedings in 2014 on behalf of a child born in Direct Provision in 2008 and his mother. Shortly after the child's birth, his mother had applied for Child Benefit, but was refused on the basis that she did not satisfy the Habitual Residence Condition required under social welfare law. Various other applications and appeals followed, and the applicant was not ultimately granted child benefit until 2012, when she was granted subsidiary protection.

The case was heard over five days in the High Court in 2016. It was argued on behalf of the Plaintiff that the failure to back-date the payment of child benefit was a denial of the child and mother's constitutional rights, and rights pursuant to EU law, and also that the delay in granting subsidiary protection had been inordinate and in denial of the applicants' rights, resulting in a loss of Child Benefit over a number of years.

In early 2017, the High Court ordered the State to pay compensation to the mother at the centre of the case. The Court did not find that the refusal to pay child benefit to families in Direct Provision was a breach of rights in itself, but it did find that the delay on the part of the State in finally making a decision

Maria Hennessy @MP_Hennessy • 6 May 2016

Great to see @flacireland are representing this significant case for back-dated child benefit payments in #DP #EndDP.



Representation for Amicus Curiae in major privacy case

In October 2016, FLAC provided legal representation to a US non-governmental organisation, EPIC (Electronic Privacy Information Center). EPIC had been joined as amicus curiae (friend of the court) in a case of significant public and international importance. *Data Protection Commissioner -v- Facebook Ireland Ltd & Anor* concerns a complaint to the Irish Data Protection Commissioner that an individual's personal data is being transferred to the US by Facebook in the absence of adequate protections as required by EU law. The case centres on the fundamental rights and freedoms of individuals in Europe, in particular the right to privacy and protection of personal data, and raises issues as to the interpretation of the EU

Directive on Data Protection and the application of the EU Charter of Fundamental Rights.

The High Court appointed EPIC as amicus in July 2016 on the basis that “it would be in a position to offer a counterbalancing perspective from the US on the position in the US and could bring to bear an expertise which might not otherwise be available to the court.” The US Government was also joined as an amicus curiae in the case, as well as the representative bodies of various technology companies.

FLAC considered the case was one of significant public importance and that the role of *amicus curiae* is an important mechanism by which the human rights considerations in a case can be highlighted for the benefit of the Courts and inform the ultimate outcome. Without representation from FLAC it was clear that EPIC might not be in a position to appear in the case and make submissions. Although conscious of the significant resources involved for the organisation, when weighted against the public interest, FLAC agreed to represent EPIC, and the case was ongoing at the end of 2016.

Robbie Sinnott of the Blind Legal Alliance. Photo by Derek Speirs



Right to a Secret Ballot

In July 2016, the High Court began hearing PILA-supported litigation on the right to a secret ballot. Through this litigation Robbie Sinnott, founding member of the Blind Legal Alliance, sought to assert the constitutional right of all visually impaired people to participate fully in democratic decision making processes. Currently if a person with a visual impairment wishes to vote, they must do so through a 'trusted friend' or presiding officer at the polling station.

The case, which ran into early 2017, yielded a positive interim result in November 2016, when the State introduced regulations to provide for template voting in referenda for persons with a visual impairment. However Mr Sinnott argued for wider changes to encompass voting by secret ballot for visually impaired people in local, general and European elections as well as in referenda. He was ultimately successful in 2017.

Rent Allowance: Fair Procedures

A caller to FLAC's helpline had received a letter advising him that his rent allowance was suspended pending a final determination. No reason was given for the suspension, but he was invited to call the Department of Social Protection, which he did, but without being provided with any further information about the decision-making process, how he could respond to the suspension or when a final decision might be made. The following day a letter was sent advising him that a final decision had been taken and that the Department had disallowed his claim. It appears that the Department had concerns that he was cohabiting with his ex-partner and their child in her local authority dwelling, and that he was not really residing in the apartment for which he was claiming rent allowance. This was denied by both our client and his ex-partner and he lodged an appeal with the Social Welfare Appeals Office.

FLAC made a submission to the Minister for Social Protection, pointing out that our client had been denied any fair procedures in the decision-making process. We asked that the decision be revoked, without needing to wait for months on a decision from the Appeals Office. This submission was

copied to the Appeals Office, which shortly afterwards issued a decision allowing the appeal, on the basis of a lack of any specific evidence of co-habitation, noting the absence of fair procedures in the decision making process and restoring our client's rent allowance.

Legal Aid Certificate revoked

FLAC made representations on behalf of a woman whose legal aid certificate for complex child care proceedings in the District Court had been revoked in 2014 by the Legal Aid Board. We argued that she was not applying to have her certificate reinstated, but was submitting a fresh application, and this new application should be considered on its merits. Following FLAC's intervention, civil legal aid was granted.

Advising the Advisors

FLAC supports advisors working in Citizens Information Services (CIS) and in the Money Advice and Budgeting Service (MABS) who are themselves assisting their clients at a local level. These tend to be complex cases requiring technical legal knowledge. There were 26 employment law calls from CIS advisors in 2016, and 16 social welfare and legal aid calls.

FLAC advised a Citizens Information Centre (CIC) in relation to a complex overpayments case. In October, the Appeals Office revised the fraud finding to one of honest mistake and the criminal charges against the client were dropped.

Technical Support for MABS Advisors

FLAC handled 151 detailed technical legal queries in 2016 across a wide range of debt and credit issues, with the majority relating to mortgage arrears and repossession proceedings.

PILA: Supporting Public Interest Litigation

‘Legal Cases that Changed Ireland’

In 2015, PILA was a partner in a project and seminar series called *‘Changing Ireland, Changing Law’*. Following on from this, a book of papers was released in November 2016 that examines key legal cases which have brought about significant social change in Ireland. The book aims to document not only the stories of the legal cases themselves, but also the experiences of individuals who have taken cases of social importance, with contributions from those directly involved in strategic litigation. The book was edited by Professor Ivana Bačik and Dr Mary Rogan and is available to order at <http://bit.ly/CICLbook>.

Seminar on Protective Costs Orders

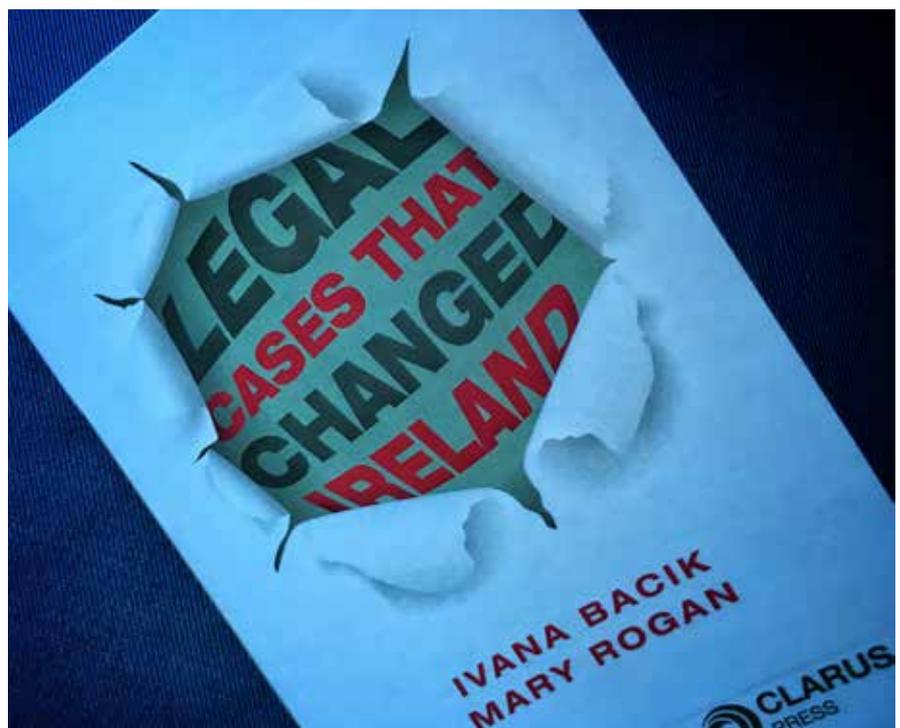
PILA hosted a practitioners’ seminar examining the strategic considerations in seeking a protective costs order from Irish courts. The panel, which included Noel Travers SC, Tom Flynn BL and David Hawkins from the PILS Project in Northern Ireland, explored the approach of the courts both North and South to such orders, and the influence of European environmental law in this area.

Public Interest Law Support Fund

In 2015, FLAC established a three-year Public Interest Law Support Fund with the support of the Atlantic Philanthropies. The fund offers grants to Independent Law Centres who provide expert free legal services within their communities, and private law firms who are members of PILA in need of financial assistance to support the cost of outlay in public interest litigation. The Fund, which is managed by PILA, also commissions research into systemic obstacles to using the law in the public interest.

In 2015/2016, FLAC provided grants to six Independent Law Centres around the country. Two examples of projects supported by these grants include Ballymun Community Law Centre who worked with Community Action Network (CAN) to develop a film documenting the process of taking a Collective Complaint to the European Social Committee, called *‘Keep Your Eyes On The Prize’*, and the Immigrant Council of Ireland’s detailed research report *‘Child Migration Matters - Children and Young People’s Experience of Migration’* which was launched in December.

In November, ‘Legal cases that changed Ireland’, a collection of pieces drawn from the ‘Changing Ireland, Changing Law’ seminar series on the relationship between legal action and social change was published. PILA was lead partner with authors Mary Rogan and Ivana Bacik and the book features inputs from a range of individuals, lawyers, academics and organisations who have been involved in cases that have influenced or contributed to social change in Ireland.



SECTION FOUR: ACCESS TO JUSTICE

Tenth Annual Dave Ellis Memorial Lecture – Justice Edwin Cameron

FLAC held its tenth annual Dave Ellis Memorial Lecture on 7 December 2016, with Justice Edwin Cameron as guest speaker. Justice Cameron has sat on South Africa’s highest court, the Constitutional Court, since 2009. Prior to that he was a High Court judge, appointed by Nelson Mandela, who described him as “one of South Africa’s new heroes”. His inspiring and heartfelt address at the lecture centred on ‘*Constitutional Transition and Access to Justice*’.

Peter Ward, Chairperson of FLAC referred to developments on the world stage and how these events should cause huge concern for those who value human rights and public interest law. He also voiced apprehension about the implications for democracy of recent attacks on the judiciary. Peter then introduced Justice Cameron, calling him “*an inspiration to all of us who believe in the central and vital role of an independent judiciary in a constitutional democracy as something to be valued and protected*”.

Justice Cameron spoke eloquently on the struggles of South Africa in developing a Constitution that could take it as a country from the tyranny of apartheid to a truly democratic country that upheld the rights of all citizens while addressing and undoing the wrongs of the past.

Despite the brutality of an apartheid legal structure based on subordination and humiliation, there was also room for honest lawyers to operate. Justice Cameron gave examples of cases taken during the apartheid era as well as legal rights groups that were formed which helped build resistance and promote a belief that law could be used to secure social aims.



Ciarán Finlay @CiaranFinlay89 • 8 Dec 2016

Incredible #FLACTalk from Justice Edwin Cameron this evening touching on LGBTI rights, HIV/AIDS issues & socio-economic rights @flacireland.

ABOUT DAVE ELLIS

The late Dave Ellis was a community activist who dedicated his career to working with community groups in areas including welfare rights, legal aid, legal education and legal entitlements generally. Dave was Community Law Officer at Coolock Community Law Centre (now Community Law & Mediation) for more than 20 years. He subsequently established Community Legal Resource to provide information, training and support for the not-for-profit and community sector. He sadly died in 2007 and FLAC organised the first lecture in his honour that year and it has taken place annually since then.



L-R: Peter Ward, Justice Edwin Cameron and Eilis Barry



Justice Cameron speaks with the late Donal Toolan after the lecture

LawSociety Education @LawSocEdu • 16 Dec 2016

Don't forget – the deadline to apply for the @FLACIreland Thomas Addis Emmet Fellowship is 13 January: <http://ow.ly/J1k307bAoM>



He cited Nelson Mandela – who was a lawyer – on the purpose of law, which was not to humiliate and subordinate, but to empower and provide dignity and social justice. Lawyers have a primary role in activating democracy and providing access to justice, he said. Equally, community organisations – like FLAC – which secure access to justice for people on the ground, are vital, said Justice Cameron. Legal rights groups were at the forefront in fighting apartheid. Accordingly, post-apartheid South Africa grounded its Constitution in equality, diversity, social justice and human rights; unlike Ireland, it also expressly includes justiciable socio-economic rights.

As an openly gay and HIV-positive man, Justice Cameron talked about social stigma and how hard it was to break the silence. He stressed the need to build alliances to secure social change. The equality clause and firm commitment to diversity in South Africa's Constitution had benefitted minority groups and fostered change on the national level. Thus constitutional equality guarantees are meaningful even if they do not create change overnight.

Read more and get a link to view the lecture online at <http://bit.ly/DEML2016>.

Child Care Law Reporting Project

In 2016, FLAC continued to provide administrative, technical and communications support to the Child Care Law Reporting Project which is led by Dr Carol Coulter. In 2016 it published two volumes of cases, 39 cases in total, and conducted qualitative research on lengthy and complex cases which will be published in 2017.

Thomas Addis Emmet Fellowship

Each year, FLAC in conjunction with the University of Washington sends an Irish law student as the Thomas Addis Emmet Fellow to Seattle to get first-hand experience in human rights and public interest cases. TCD student Sinéad Davies was the 2016 Fellow. She spent two months working as a



The Hon. Mrs Justice McGuinness presenting Sinéad with her certificate

legal fellow in Washington Applesseed Centre for Public Interest Law, a non-profit which seeks to achieve social justice through working closely with community advocates and utilising pro bono legal resources. Sinéad was primarily involved in a project on jury diversity, which is of particular concern in states with high ethnic minority populations. Sinéad described the experience as: *“Exciting and intellectually exhilarating, the fellowship was the most challenging experience of my life. I would do it all again in a heartbeat!”* FLAC is grateful to The Hon. Mrs Justice Catherine McGuinness and Dr Liam Thornton for their assistance in judging Fellowship applications.

More at: www.flac.ie/about/fellowships/

Sinéad Davies in Seattle



STAFF, GOVERNANCE & FUNDING

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

FLAC (Free Legal Advice Centres) is a company limited by guarantee, not having a share capital. It is registered in Dublin, Ireland (Company Reg. No. 49413).

FLAC is compliant with the Governance Code for community and voluntary organisations. **More at www.governancecode.ie** .

FLAC is fully registered with the Charities Regulatory Authority (Registered Charity Number 20010256). It is recognised by the Revenue Commissioners for charitable purposes (CHY No. 6097).

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

As a campaigning organisation, FLAC is registered as a Lobbyist in line with Regulation of Lobbying Act 2015 and makes returns to the Lobbying Regulator every four months. You can read more on www.lobbying.ie

FLAC COUNCIL:



Peter Ward (Chairperson)



Don Crewe



Julie Herlihy



Joanne Hyde



Jo Kenny

Number of meetings of FLAC Council held in 2016: 10

STAFF:



Elis Barry - *Chief Executive*
(from September 2016)



Noeline Blackwell - *Director General*
(to February 2016)



Emer Butler - *Organisational Development Manager*



Maureen Gourley -
Locum Solicitor
(January - July 2016)



Jacqueline Heffernan -
Information Line Co-ordinator



Catherine Hickey - *Director of Funding & Development*



Liz Lee - *Receptionist & Administrative Assistant*



Sinead Lucey - *Managing Solicitor*
(from May 2016)



Eithne Lynch -
PILA Legal Officer



Nijole Matiukiene -
Housekeeper



Rachel Power -
PILA Coordinator



Zsé Varga - *Volunteer & Centres Manager*



Corina Byrne -
Finance Officer



Ciaran Finlay -
Legal & Policy Officer



Paul Joyce -
Senior Policy Analyst



Gillian Kernan -
Research Officer



Niamh MacEvilly- *Executive
Officer (maternity cover)*



Claire Macken - *Executive
Officer (maternity cover)*



Lorraine Walsh - *Volunteer &
Centres Administrator*



Yvonne Woods -
Communications Manager

Staff Changes:

At the end of February we said goodbye to Noeline Blackwell after almost 11 years of dedicated service as Director General of FLAC. Her impact in FLAC has been huge and we wish her every success in her new role with the Dublin Rape Crisis Centre.

In September we were delighted to welcome Eilis Barry who took up the position of Chief Executive. Eilis is a Barrister specialising in all aspects of employment law, anti-discrimination and equality and has a long association with and deep commitment to FLAC.

In May, we welcomed Sinead Lucey who took up the position of Managing Solicitor. Sinead comes to FLAC from the Irish Human Rights and Equality Commission where she worked as their Senior Inquiry and Legal Officer.





L-R (standing): Senan Coughlan, Caroline Smith, Niall O'Connor, Lorna Muddiman, Kuda Mushaya and Georgina Forde. Seated (from left): Claire Bulman, Kean Kavanagh and Gemma Caesar.

INTERNS

FLAC very much appreciates the hard work and dedication of all our interns. Over the course of 2016 they were: Emily Akey, Claire Bulman, Gemma Caesar, Aoife Callinan, Naomi Clarke, Senan Coughlan, Laura Delap, Aimee Dudley, Naoise Duffy, Florence Fanning, Jack Farrell, Patricia Golden, Kean Kavanagh, Audrey Keogan, Grainne Langan, Deirdre Lawless, Claire Macken, Debbie MacLachlan, Leonie Marshall, Aoife Masterson, Rebecca Murphy, Kuda Mushaya, Jamie McLaughlin, Maria Quigley, Michelle Roche, Caroline Smith, Katie Timmons and Lynda Whyte.



Katie Timmons, Michael Lee and Grainne Langan



Clare Macken, Laura Delap and Ciaran Finlay



Naoise Duffy, Maria Quigley and Seamus McManus

FUNDERS:

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

In 2016, FLAC's funders were:

- The Atlantic Philanthropies
- Citizens Information Board
- Community Foundation for Ireland
- Department of Justice and Equality
- Individual donors
- IPB Community Engagement Fund
- The Ireland Funds
- MABS
- Members of the Bar of Ireland
- Members of the Law Society of Ireland
- Open Society Justice Initiative
- Scheme to Support National Organisations (SSNO) 2016 - 2019, from the Department of Housing, Planning, Community and Local Government, administered through Pobal.

In addition, PILA was supported by a number of law firms who demonstrated their commitment to pro bono and law in the public interest by becoming Sustaining Partners. The Sustaining Partners in 2016 were:

- A&L Goodbody
- Arthur Cox
- McCann Fitzgerald
- Mason Hayes & Curran

FLAC has signed up to the Statement of Guiding Principles for Fundraising, a voluntary code of conduct for the voluntary sector in Ireland. More at www.ictr.ie.

FLAC HQ: IN THE SHADOW OF O'CASEY AND THESE ROOMS

FLAC has been based on Lower Dorset Street in Dublin's North Inner City since 2003. A very generous capital grant from The Atlantic Philanthropies as they come to the end of their grant making in Ireland allowed the organisation to buy a building on Upper Dorset Street in which we can carry out our work and which can accommodate an in-house legal advice clinic for the public.

The building has a very special historical significance – the playwright Sean O'Casey was born on the original site in 1880. Through his writing O'Casey campaigned for justice: for ordinary people to have the resources to control their own lives, something that FLAC strongly believes in and works for.

In May 2016, to mark this link to Sean O'Casey and to raise funds for refurbishment, a very special event *In the Shadow of O'Casey* was held in the building, prior to any work commencing on it. We were honoured and extremely grateful by the involvement of Catriona Crowe, Stephen Rea, Sinéad Cusack, John Kavanagh, ANU Productions, Maighrúad and Triona Ní Dhómhnaill, Colm Mac Con Iomaire and Margaret Dorgan in creating an event that was unique and intimate.

The presence of Shivaun O'Casey, the daughter of Sean O'Casey, made it even more special.

FLAC would like to thank all those who attended and supported the event.

ANU and CoisCéim Dance Theatre then located and performed their award-winning immersive live performance and film installation project *THESE ROOMS*, by David Bolger, Owen Boss and Louise Lowe, in the building in the autumn, transforming the office space into an immersive experience exploring the 1916 rebellion through the eyes of civilians whose homes on North King Street were invaded. FLAC was delighted to facilitate this production which went on to win the Audience Choice prize at the Irish Times Theatre Awards. *THESE ROOMS* was part of ART2016, the Arts Council of Ireland's programme for Ireland2016.

The refurbishment work on the building will take place in 2017 and FLAC will move in towards the end of the year.

Catriona Crowe, Sinead Cusack, Peter Ward, Stephen Rea outside the new FLAC premises on Upper Dorset Street





Clockwise from top left: Installation from THESE ROOMS, Artwork of new FLAC premises by Mike McCarthy, Maighréad Ní Dhómhnaill, Installation from THESE ROOMS, Colm Mac Con Iomaire, Installation from THESE ROOMS, John Kavanagh and Stephen Rea, Sinéad Cusack and Louise Lowe of ANU Productions, Shivaun O'Casey. Photos of by Pat Redmond.

Aoife @smaoife • 1 JMay 2016



Privilege to be at performance of Juno & the Paycock by John Kavanagh, Stephen Rea & Sinéad Cusack to celebrate new @flacireland office.

FLAC Income & Expenditure 2016

FLAC's accounts are prepared in accordance with FRS102, the Financial Reporting Standard applicable in the UK and Republic of Ireland. The accounts are audited by KPMG and are made available in full on www.flac.ie/about/finances/. FLAC's financial year runs from 1 January to 31 December. The following extracts are from FLAC's audited accounts for the year ending 31 December 2016:

INCOME	2016	2015
Philanthropic Funding	€536,578	€ 516,896
Bar Council & Law Society members' Contributions	€156,629	€156,000
Statutory Funding	€278,775	€268,870
Fundraising and donations	€148,555	€65,047
Legal costs received	€48,544	€93,067
Income received for Child Care Law Reporting Project	€81,000	€244,000
Total	€1,250,081	€1,343,880

EXPENDITURE	2016	2015
Staff costs	€754,106	€783,379
Programme of work	€195,118	€208,893
Overheads, equipment & depreciation	€215,034	€206,198
Public Interest Law Support Fund	€128,738	€79,200
Child Care Law Reporting Project	€89,917	€207,400
Total	€1,382,913	€1,485,070



New and revised legal information leaflets published in 2016

FLAC Annual Report 2016

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Photos courtesy of: Derek Speirs, Pat Redmond, Ludovic Courtés, Conor McCabe and FLAC.

Graphic design: Grainne Murray.



“The challenge for the human rights lawyer, then, is the challenge to seek out violations of human dignity beyond those that are popular or obvious; to identify violations of rights and dignity not previously understood as such; and to conceive of new realities where, through imaginative and creative application of the law, human dignity can be vindicated, can find greater and freer expression.”

President Michael D. Higgins, at the 2015 Daniel O’Connell Memorial Lecture for the Bar of Ireland



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