

# flacNews

FREE LEGAL ADVICE CENTRES

## Telling the true story about human rights in Ireland:

### FLAC submits alternative ICESCR report to the United Nations

Since May 2014, FLAC has been working on a report that details the State's performance on fulfilling economic, social and cultural rights in Ireland from the perspective of civil society groups on the ground. This work is part of the United Nations reporting process under the International Covenant on Economic, Social and Cultural Rights, a treaty that Ireland ratified in 1989. The Irish State has legal obligations under this treaty to respect, protect and promote

economic, social and cultural rights in Ireland.

Under the reporting process, the Government must submit a State report to the UN Committee on Economic, Social and Cultural Rights every five years. Ireland has not reported to this Committee since 2002; during this time the country has experienced a seismic economic and social shift, affecting all rights protected under this covenant.

The state report documents progress on each covenant article. The State is then called to appear in Geneva for examination by the Committee on a list of human rights issues that the Committee deems most urgent or important under ICESCR. As part of the reporting and examination process, civil society bodies in a country can put together an alternative 'parallel' or 'shadow' report to the State report on how the government is meeting its human rights duties.

*Continued on page 7*



Photo by Patrick Gruban, Creative Commons

## in this edition...

Telling the true story about human rights in Ireland: FLAC submits alternative ICESCR report	1, 7
Latest mortgage arrears figures show worrying signs	2
Oireachtas Committee examines legal protection for consumers	3
Inside the Centre: Clare FLAC	4-5
UCD Social Protection Policy Workshop	6
Human Rights-based budgets Q&A with Prof Aoife Nolan	8-9
Fairer society using human rights budgeting	10
<i>Focus on FLAC Volunteering:</i>	
FLAC Student Societies fresh(er) start	11
FLAC volunteer awards	11
<i>PILA update:</i>	
International forum on pro bono	12
Case study: A&L Goodbody	12
<i>Focus on PILA:</i>	
Eithne Lynch, PILA Legal Officer	13
PILS Project NI hosts roundtable discussion on protective cost orders	13
Introducing CLM	14
40th anniversary celebrations in Tipperary CIC	15
Tipperary civil legal aid workshop highlights severe shortcomings in system	16
"Friends of FLAC" programme to raise much-needed funds	16
<i>FLAC NEWS is published quarterly by Free Legal Advice Centres Ltd., 13 Lower Dorset Street, Dublin 1.</i>	

Editors: Amy Smyth & Yvonne Woods

Contributors: Noeline Blackwell, Colum Fortune, Amy Heffron, Catherine Hickey, Paul Joyce, Liz O'Malley, Yvonne O'Sullivan, Prof Aoife Nolan, Rachel Power, Sinead Smith, Amy Smyth, Eamonn Tansey, Fionn Toland, Rose Wall, Yvonne Woods, Zsé Varga

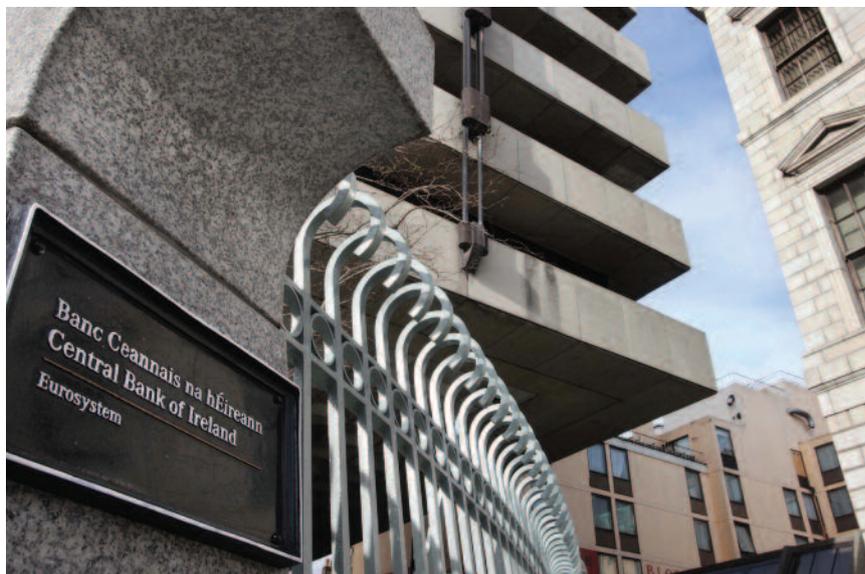
Photos: FLAC, CLM, Jarek Dudek, Patrick Gruban, Derek Speirs

Layout & Printing: Printwell Design, D3

ISSN 07914148

The views of individual contributors do not necessarily represent the views of FLAC.

## Latest mortgage arrears figures show worrying signs



**U** pdated mortgage arrears figures covering the second quarter of 2014 were released by the Central Bank on 2 September. Again they showed an overall reduction in the number of family homes in mortgage arrears. However FLAC identified three issues of concern in the fresh data: the continued increase in longer-term arrears cases, an accelerated rate of applications to repossess homes, and the arguably dubious sustainability of mortgage restructures.

While it is clear that all other categories of accounts in mortgage arrears have decreased, the number of accounts in arrears for more than two years, worryingly, continues to rise; the latest stats show this is up by 5%. In addition the amount of arrears on these accounts is now an average of €47,300 per account. Further, the number of new applications to repossess houses in the second quarter was 3,274, the highest quarterly figure yet. FLAC Senior Policy Analyst Paul Joyce commented at the time that "[t]his means that nearly 10,000 new applications to repossess family homes were made in the 12 months from July 2013 to the end of June 2014. So far, these applications to repossess are not resulting in large-scale repossessions. Nonetheless, in nearly 300 cases, the court granted an order for sale or repossession in Q2 2014."

FLAC also noted that in the second quarter of 2014 there was a 10% increase in the number of restructured accounts. However it is clear that this increase was

almost entirely attributable to the capitalisation of existing arrears and the implementation of certain debt relief mechanisms, in particular split mortgages. FLAC has questioned and is continuing to question the sustainability of these sorts of deals. There is little detailed information on how restructured cases are progressing in the long term and this makes it impossible to determine how effective they are as a long-term restructuring mechanism.

FLAC Director General Noeline Blackwell commented that the trends from the Central Bank "are consistent with what we see across all our areas of work in FLAC, whether on our telephone information line or in our work on social welfare law. We find that more of our contacts are from people who are in deeper difficulty, giving rise to a worry that those who became seriously over-indebted at the start of the economic crisis are not pulling out of difficulty now, but rather becoming mired more deeply."

FLAC's concern is that with the Budget to be announced in October, those in long-term mortgage arrears – as well as those who remain in poverty as a result of the recession – will again not be given due consideration and will be left without adequate support systems, exacerbating their situations. The lack of adequate support systems mean that these vulnerable individuals are effectively left to fend for themselves in situations that are very difficult and often complicated on legal, social and financial levels.

# Oireachtas Committee examines legal protection for consumers

Many people are aware of FLAC's campaign work on reform of the law governing personal insolvency and bankruptcy, for changes to the legal system concerning the enforcement of debts in the courts and for a pragmatic approach to be taken to resolving mortgage debt so as to avoid, wherever possible, the repossession of family homes.

However, a complementary strand of our work is around campaigning to improve legal protection for consumers of credit and associated services and to strengthen the systems of complaint and redress for consumers unhappy with the conduct of financial services providers. Earlier this year, FLAC produced *Redressing the Imbalance*, a ground-breaking analysis of state legal protections to those availing of credit from banks, hire-purchase companies, credit unions and other finance suppliers. The report argued that there are wide ranging flaws and gaps in the consumer credit infrastructure which arise from a confusing regulatory landscape and an approach which prioritises the convenience of financial providers over the needs and rights of consumers.

Importantly, *Redressing the Imbalance* includes interviews with consumers on their experiences with using the redress systems available to them. These do not paint a happy picture, with many consumers dissatisfied at the attempted resolution of their complaints to the Financial Services Ombudsman, and the conclusion is that this office should be independently evaluated and its systems made more transparent.

Accordingly, FLAC was delighted to be asked to present the findings of the report to the joint Oireachtas Committee on Public Service Oversight & Petitions on 17 September, the first day of the new Oireachtas term. Principal author of the report and FLAC Senior Policy Analyst, Paul Joyce, made the presentation along with FLAC Director General Noline Blackwell.

The main focus for FLAC in its presentation was to highlight the report's main conclusion – there is an overwhelming inequality of arms between consumers and financial institutions when it comes to complaints and redress mechanisms. Underlying causes such as poorly transposed, poorly monitored and



poorly enforced EU legislation, and the uneven application and enforcement of Central Bank codes, were also identified. The FLAC presenters supported the need for out-of-court redress mechanisms such as the Financial Services Ombudsman, but said FLAC's research shows these structures must be reformed and made more user-friendly in order to fully protect consumers' interests.



L-R: Paul Joyce, Aengus O'Snodaigh TD, Noline Blackwell, Fionn Toland outside Leinster House

They also discussed some aspects of the legislation underlying the office of the Financial Services Ombudsman, especially the prohibitive nature and potential cost of appeal to the High Court where the consumer was unhappy with a finding, and the 'six-year rule' limiting complaints to the FSO within six years of the conduct complained about.

Another pressing concern was the re-emerging use of Hire Purchase particularly as a form of credit for car purchase. Although a lender must provide a written HP agreement, it is not legally obliged to carry out any checks in relation to the suitability of the agreement for the borrower's needs or the borrower's capacity to service it in terms of

affordability. Hire Purchase finance companies are not regulated by the Central Bank and the Bank's Consumer Protection Code does not apply to them.

Questions from senators and deputies attending the presentation mainly focused on consumer law problems that individual constituents had presented to their representatives. The legislators indicated they would like to see these issues answered and praised the work done by FLAC in putting together the report as a tool for potential reform. Deputy Aengus Ó Snodaigh said it was clear from the presentation that some areas need to be tightened up, including the remit of the Financial Service Ombudsman, and that this was something they could encourage with the Minister to ensure that change is made. He pointed out that part of the Joint Committee's job is to ensure that all Ombudsman offices have the tools they need to work efficiently.

Deputy Richard Boyd-Barrett asked for suggestions on how the imbalance between the ordinary consumer and institutions with substantial resources could be rectified; currently there is no dedicated place where the public can go to get help with making submissions, for example. Paul Joyce cited the lack of a database of previous decisions from Financial Service Ombudsman – which would greatly benefit someone looking to make a complaint – as one obvious way to address this imbalance.

• You can download *Redressing the Imbalance*, Executive Summary and FLAC's presentation to the Committee at [www.flac.ie](http://www.flac.ie)

## Inside the Centre: Clare FLAC

In County Clare the local community is well served by the three Free Legal Advice Centres, located in Ennis, Kilrush and Shannon. In particular, the Ennis service offers a total of five and a half hours of confidential, non-means tested legal advice to the public for free every week. All three locations are managed by the County Clare Citizens Information Service under the direction of Development Manager Paul Woulfe.

Paul says the need for legal advice locally is borne out by the statistics: for the first six months of 2014, the Ennis Citizens information Centre has recorded some 448 callers to the FLAC service, out of a total of almost 8,000 callers to Clare CIS generally. Paul is based in the very active Ennis CIC where people who need some legal help have the choice of attending one of three separate weekly session, on Monday, Thursday and Friday, with the Monday and Friday clinics on during the day, from 3pm to 5pm.

The Citizens information Centre refers callers on to the FLAC service where there is a specific need for legal advice, according to Paul. As Clare is a rural area, many queries involve land or property matters, but as elsewhere, there is a huge variety of legal need among the callers. In his view, people are usually seeking a basic understanding of the fundamentals of the legal issue when they arrive at a FLAC clinic. While the FLAC service provides advice and information, the CIC itself can offer wider services to the public. This includes assistance with representation at employment or equality tribunals, as well as talks and information evenings on legal topics like wills and inheritance, personal debt or nursing home fees.



L-R: FLAC volunteer advisors Liam O Connell, Anne Walsh, Marina Keane, Shiofra Hassett and Marie Keane with Paul Woulfe, Manager of Clare Citizens Information Service

As in other parts of the country, the Clare FLAC service depends on the voluntary efforts of local lawyers, who give up their time week in and week out, with every volunteer getting a monthly roster from the CIC detailing when he or she is scheduled. And while the service is well covered by current volunteers, Paul is keen to stress that "Any lawyer who wants to get involved in promoting wider access to justice locally can get in touch with us here in Ennis CIC. We are always delighted to have new people, especially when they can bring new specialisms to the FLAC service like family law, employment law or litigation."

Solicitor Caitriona O'Connor has been a FLAC volunteer for about 7 years. She says, "I felt that it was good for me to have an understanding of what legal issues people where coping with in my local area. I wanted to give something back and to make sure that I never became out of touch with what was happening in the real world."

*"We are dealing with a lot of landlord and tenant issues. Also personal debt is a huge issue, people are coming in with letters and notices from debt collection agencies. They are completely at a loss – they don't understand the system and they are scared of what might happen"*



L-R: FLAC volunteers Liam O Connell, Marina Keane, Shiofra Hassett and James Barron

On the kind of issues coming to the centres, Caitriona says “We are dealing with a lot of landlord and tenant issues. Also personal debt is a huge issue, people are coming in with letters and notices from debt collection agencies. They are completely at a loss – they don’t understand the system and they are scared of what might happen. I have also noticed that debt is also affecting family law as some couples cannot afford to separate. They just do not have the money to maintain two households.”

This is echoed by Marie Keane, who has been volunteering “since the FLAC centre in Ennis CIC was set up.” She says “when people had more money they had more options, but now they cannot afford to move into separate houses. There has also been a change in the definition of family and what family is - blended families are now much more common.”

Paul Woulfe feels a very strong relationship has been forged between the CIC and the local legal community due to the frequency of the FLAC service and the commitment and enthusiasm of the volunteers, many of whom are very long-standing. The day-time clinics in particular mean volunteer lawyers get to know more of the CIC staff, whereas in evening clinics the CIC has to provide a receptionist specifically for that service. Paul notes that the administrative job of rostering and providing a reception service for the clinic can be time-consuming, especially when a solicitor has to be replaced on a roster at short notice. However the added-value that the FLAC service brings to the CIC’s

### FLAC CENTRES IN CO CLARE APPOINTMENT TIMES

**ENNIS CIC**  
Bindon Lane, Bank Place,  
Appointments: Call 076 1075 260

- Every Monday: 3-5pm
- Every Thursday: 6-8pm
- Every Friday: 3-5pm

**SHANNON CIC**  
Unit 1, The Business Centre,  
Shannon Town Centre, Shannon  
Appointments: Call 076 1075 370

- Last Monday of the month:  
5:15pm - 6:45pm

**KILRUSH CIC**  
Francis Street, Kilrush  
Appointments: Call 076 107 5310

- First and third Tuesday of the month: 5.15pm - 6.15pm



**flac**  
promoting access to justice

range of services on offer to the local community makes the effort very much worthwhile.

“The FLAC service is well embedded in our CIC and helps make it a one-stop-shop for local people seeking help,” comments Paul. “Also, the fact that the FLAC service is independent, confidential and non-directive – presenting all the options that are possible – seems to be very important for people.” This is echoed by volunteer solicitor Mairead Doyle. After being involved in her college FLAC society, Mairead has been engaged with the FLAC service since its inception in Clare including rostering volunteers and clinics. She supports the notion that “that the value of a face-to-face experience for people cannot be underestimated. A lot of people can just go on the internet and

look up information on a specific issue, but talking to someone who knows the local set-up and the way that the courts work in the area is invaluable to people.”

The Clare FLAC service also works with the local radio station, Clare FM, to air a weekly slot on the ‘Morning Focus’ show that features FLAC volunteers discussing legal issues and answering queries. The show won a Justice Media award in 2010 for its work in promoting access to justice.

One major reason why Paul feels the FLAC service is so vital is down to the central role of law in people’s daily lives:

A person needs to get advice on a diversity of legal issues right throughout their lives, which can sometimes be very complex. Local community groups working on issues like domestic violence, housing and social welfare also refer people on to the service for legal advice. However Paul says that many people hear about the FLAC service based on strong word-of-mouth recommendations from other local people who have had a very positive experience there. As Mairead says, “I think that it is very clear that there is a need for the FLAC services – people just need a direction on where they should go and what they could do to fix their legal issue.



L-R: FLAC volunteers Ann Walsh, Liam O Connell and Marie Keane

# Social Protection Policy under the microscope at UCD Workshop:

## Challenges & opportunities in post-recession Ireland

The economic environment has changed drastically in Ireland since the recession began in 2008. State policy measures introduced to cope with the new challenges of high unemployment and a passive social welfare system have resulted in huge societal and structural divisions. It is with this in mind that the Department of Social Protection (DSP) in conjunction with University College Dublin held a week-long workshop for those involved in designing and implementing policy on social protection to look at policy options after the emergence from Ireland's recession.

Professor Philip O'Connell, Director of UCD's Geary Institute, managed the programme for the week, which looked at such topics as The Welfare State after the Crisis, Unemployment Protection and Activation, Tax and Welfare, Income Inequality and Poverty and lastly Housing Policy. The workshop was well attended by department staff and some representatives of civil society.

The first presentations came from the Fiscal Advisory Council and academics from the Geary Institute. These outlined the different elements of Ireland's fiscal obligations under the European fiscal compact agreements as a background to the recession. The presentations explained how these agreements have enforced certain expenditure ceilings on government spending within each department while medium-term targets had still to be met by 2018, with serious consequences for non-compliance.

Tánaiste and Minister for Social Protection, Joan Burton TD, opened the workshop on the second day, where the theme for the day focused on activation measures for the diverse range of jobseekers. The Tánaiste spoke about her department's shift from a passive to a more active social welfare system through its activation measures. She talked about

*“Compared with other EU countries, Ireland’s revenue from tax is quite low”*

the training, education and other schemes that have been introduced since 2008 and the consolidation of FÁS inside the department into what is now known as Intreo, a one-stop shop for those who come on the live register.

The ensuing discussion led to the conclusion that people on the live register require individualised support to move successfully into the labour market. However, unemployed people who are not on the live register also require support. The fact that they are unable to avail of activation measures makes it doubly urgent. In reality, however, recent policy measures have overlooked this group.

The importance of the interplay between the tax and the welfare systems was highlighted by Donal de Buitléir of Public Policy and Tom Healy of the Nevin Economic Research Institute. Compared with other EU countries, Ireland's revenue from tax is quite low, resulting in lower funding available for public services. Pay Related Social Insurance (PRSI) was also described as a form of tax that could be increased to create a greater reserve pool available for pensions, given our aging population. These options however are politically unpopular and unlikely to be championed by anyone.

Trends in poverty and inequality were presented, where it was noted that those at-risk-of-poverty in Ireland were safeguarded through the social protection system by fifty per cent after social transfers. The level of deprivation has increased steadily throughout the recession and some social scientists believe this is a more accurate picture of how society is coping with the austerity measures.

The last day of the workshop tackled the much-anticipated theme of social housing. The day started with a look at the history of social housing in Ireland. Government priorities during the 20th century in terms of poor investment in social housing revealed a push on ownership of houses through different government incentives. The lack of capital spend in social housing since the 1980s and even throughout the 'Celtic Tiger' era was presented as the backdrop to the current social housing crisis. It was noted that the policy change to rely on rent supplement for those in need of social housing in the last decade also contributed to the housing crisis.

Finally a researcher from the Central Bank presented statistics on the numbers of people in mortgage arrears and the increase in different types of restructuring of mortgages being offered to those in debt. Although the bank highlighted that those in long-term arrears were still be in the same situation with their lenders since the recession hit, provided with no resolution to the mortgage arrears.

Overall the workshop revealed the complexity involved in devising social protection policy and how government departments must coordinate with each other closely to understand properly how different policies interact and impact. Ultimately the conclusion was that people must be put at the centre of social protection policy for the challenges facing Ireland into the future.

Continued from front page:

## FLAC reports to UN on economic, social and cultural rights in Ireland

FLAC's work on coordinating an alternative report from Irish civil society started with five regional consultations, two of which were thematically based on the right to social security and the right to housing, in May. A final round table was held in Dublin in mid-September where organisations provided input into a draft report. However many organisations fed into the process by providing written submissions and reports on their relevant areas of concern.



FLAC's Yvonne O'Sullivan and ICESCR Project Manager Saoirse Brady of the Children's Rights Alliance at the Cork consultation in May

The Parallel Report in Response to State's Third Report under the International Covenant on Economic, Social and Cultural Rights was submitted by FLAC to the UN Secretariat in Geneva on 30 September. The report sets the scene for the UN Committee on Economic, Social and Cultural Rights in explaining the different steps involved in the bailout and the fiscal restrictions it imposes on the State which at the time ignored any consideration of human rights law in this mechanism.

There are over one hundred recommendations laid out in the report, reflecting the vast range of economic, social and cultural rights concerns that the State must address under ICESCR.

While the alternative civil society report was submitted to the Committee at the end of September, FLAC plans to officially launch it at the end of November, drawing out the main themes and issues within the report, to coincide with the List of Issues announcement in early December. This

### Themes that emerged during the consultation process:

- ▼ The absence of human rights impact assessments in areas of public spending on health, education, housing and social welfare by both Governments since the last examination under ICESCR is a recurring issue throughout this report.
- ▼ The abolition of critical government agencies - with remits in combatting poverty, racism and discrimination – in conjunction with the divestment from the State's equality and human rights infrastructure supports the argument in this report that economic, social and cultural rights were undermined by the State.
- ▼ Asylum seekers within the system of direct provision feature repeatedly under numerous articles of this Covenant for the State's continuing disregard to a right to work, right to social security, right to adequate standard of living with particular emphasis on adequate food and housing and lastly, a right to health.
- ▼ Adequacy of public services have been highlighted in terms of levels of social protection, which has affected several groups in society such as lone parents, young people under 25, those in overpayments situations, people seeking to rent private accommodation and those with families.
- ▼ The State's actions impacted on certain vulnerable groups in society by restricting access to social welfare payments by introducing new measures around habitual residence and rights of residence.
- ▼ The all-encompassing right to an adequate standard of living brought the issues of housing, food, water to the forefront. The housing rights issues spanned from the availability of social housing evidenced from the huge waiting list of 90,000 applicants, the overuse and inadequacy of rent supplement in the private rented sector, distressed mortgage holders not being provided with solutions, to the homelessness crisis in Ireland.
- ▼ A substantial section of the report was dedicated to the right to the highest attainable standard of health and the operation of a two-tier system resulting in human rights concerns around accessibility, affordability and quality of services for those accessing the public health system.
- ▼ Mental health was highlighted as a major shortcoming within the system as well as the health inequalities experienced by vulnerable groups such as travellers and older people.



Attendees at the final consultation meeting in Dublin on 15 September

Continued on page 8

Continued from page 7

list is the basis for Ireland's examination next June by the Committee.

Our sincere and deep thanks go to all those who took part in the consultation process, helping to make this report as comprehensive as possible. Only by revealing the true picture of how economic, social and cultural rights are being fulfilled on the ground can we hold the State accountable on how it is meeting its legal duties under ICESCR.

Follow the campaign on Twitter -  
@RealRightsIRL or keep in touch  
on Facebook - fb.me/flacireland



Yvonne O'Sullivan presents to the consultation on housing rights in May.

## Human Rights-based budgets: Tools for civil society analysis – Q&A with Professor Aoife Nolan

*Aoife Nolan is Professor of International Human Rights Law at the University of Nottingham. Professor Nolan has published extensively in the area of human rights and public finance, including human rights-based budget analysis. Relevant books include: "Applying an International Human Rights Framework to State Budget Allocations: Rights and Resources" (Routledge: London, 2014) (co-authored) and "Human Rights & Public Finance: Budget Analysis and the Promotion of Economic and Social Rights" (Oxford: Hart Publishing, 2013) (lead editor). Her most recent work, "Economic and Social Rights after the Global Financial Crisis" (Cambridge University Press) was published on 3 October.*

### Q What is human rights-based budget analysis?

Human rights-based budget analysis (HRBA) is the analysis of budgetary decisions using a human rights framework. The framework can be international (for example, using the rights set out in international human rights treaties like the International Covenant on Economic, Social and Cultural Rights or the Convention on the Rights of the Child) or domestic (using the rights set out in a national constitution or legislation). All such analysis seeks to determine the impact of budgetary decisions on the implementation and enjoyment of human rights. It is a way of measuring state progress (or lack thereof) in meeting its obligations under human rights law.

Reflecting the breadth of the term 'budget', human rights-based budget analysis practitioners could – and do – focus on a range of different budgetary

aspects; budgetary allocation, expenditure, revenue and international and domestic macro-economic policy all have implications for the enjoyment of human rights. In practice, however, most practitioners have focused on budget allocations and expenditure.

Given that all human rights have budget implications, you could use this analysis in relation to any right. Take for example the right to a fair trial: human rights-based budget analysis could be used to assess whether a state is taking the steps necessary to secure that right through the budget – for instance, by allocating enough money to ensure there is sufficient funding for legal aid to meet existing need. Most HRBA work has been in the area of economic and social rights, however. This is for two main reasons. First, economic and social rights tend to be more directly resource-dependent in nature than civil and political rights. This is reflected in the

wording of Article 2(1) of the International Covenant on Economic, Social and Cultural Rights, which requires states to progressively realise the rights set out in that Treaty to the 'maximum extent' of their 'available resources'. Second, the mechanisms and resources necessary to ensure civil and political rights are more likely to already be in place.

### Q Why does human rights-based budget analysis matter?

The budget is essentially the 'blueprint' for state resource allocation and expenditure over a set period; the choices made in the budget reflect the government's priorities and policy-making agenda. Budget inputs, outputs, outcomes and processes play a key role in ensuring the realisation of human rights, but all too often human rights are ignored by those responsible for formulating and allocating the budget. So HRBA is an important tool for deter-

mining the extent to which budgetary processes and outcomes contribute to – or undermine – the enjoyment of human rights.

In Northern Ireland, human rights-based budget analysis has been used to evaluate the extent to which budgeting for social housing by the devolved administration complies with the right to adequate housing. In India and South Africa, advocates have employed HRBA to assess the impact of budget decision on a range of children's rights. A Mexico-based organisation, Fundar, has carried out HRBA in relation to the right to the highest attainable standard of health.

Human rights-based budget analysis has become particularly important in the current post-crisis context where governments often present resource constraints as a justification for failing to ensure rights. The financial and economic crises have led many states, not least Ireland, to make cuts to social spending and social protection programmes which have had a disproportionate impact on socially vulnerable groups like children, women and Travellers. HRBA can be used to provide evidence of this impact and can hence contribute to advocacy around budget decision-making.

## Q So how can human rights-based budget analysis be used for advocacy?

The way that human rights-based budget analysis is used by advocates will vary depending on the political environment, the legal and institutional framework, public interest in budget issues, as well as the relationships that budget work practitioners develop with other actors and stakeholders such as civil society, government and the media. Here, I will highlight two ways in which HRBA can feed into processes that are of key concern to human rights advocates in Ireland and beyond.

States parties to international human rights law, including Ireland, have to report periodically on their progress in achieving human rights to international bodies mandated to monitor state progress on the implementation of the relevant standards. Important reporting processes from an Irish perspective include those relating to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Disability



Professor Aoife Nolan

Convention and other UN treaties. Ireland also reports to the European Committee of Social Rights with regard to the European Social Charter and the Revised Charter. HRBA can serve to provide crucial data to enable those bodies to draw conclusions on the compliance (or non-compliance) of states with the duties imposed on them by those instruments. In turn, those findings can be used by advocates to push for change at the domestic level.

At the national level, human rights-based budget analysis can be used to put pressure on those responsible for putting together and giving effect to the budget. This can be done through its use in pre-budget submissions that seek to inform policymakers and decision-making or through human rights-based analyses of the budget once it has been made public. Irish organisations that currently carry out this kind of work include FLAC and Children's Rights Alliance.

## Q If you are keen to start carrying out human rights-based budget analysis work, where should you look for information?

The first step is to look to the growing range of guidance on how to carry out such work. Key examples include work by IHRIP (right to education), Food & Agriculture Organisation (right to adequate food) and HAQ Centre for Child Rights. Examples of case studies and guidance are provided in a paper by the Queen's University Belfast Budget Analysis Project. Closer to home, on 8 October

Amnesty Ireland is set to release an important publication on applying Ireland's economic, social and cultural rights obligations to budgetary policy.

A few words of warning: there are a number of practical and logistical challenges facing practitioners doing human rights-based budget analysis. These challenges are certainly not insurmountable. Rather, they should be borne in mind when deciding if – and how – to carry out human rights-based budget analysis.

First, there are frequently challenges in terms of accessing budgetary data; such data may be inaccessible or may not be recorded, collated or disaggregated in such a way as to enable human rights-based budget analysis. If appropriate data are not accessible or in existence, then serious thought needs to go into how such data can be accessed or produced.

This links to the second challenge: capacity. Few human rights experts have a strong grasp of the tools of economic analysis and vice versa. While human rights-based budget analysis expertise on the part of human rights advocates is growing, skills development remain a crucial issue for those hoping to carry out such work. Indeed, the potential for HRBA to become more widespread is currently limited by a shortage of training opportunities, human and other resources, and time. It is important that those keen to take on HRBA recognise the level and kinds of expertise required. A lack of capacity will directly impact on the quality of the work produced (and, as a result, its usefulness in terms of advocacy aims). Addressing this challenge may involve the strengthening of in-house skills with the assistance of international budget analysis experts and/or the development of partnerships with existing economics think-tanks who can perform the relevant analysis. This latter approach – while attractive in many ways – may in turn result in the need to bridge any gaps that may exist between the aims, terminology and methodologies of human rights advocates and economists.

Human rights-based budget analysis work enables advocates to speak to economic policy-makers on their own terms and in their own language. As such, it offers important opportunities to advance human rights in settings and to audiences where such language and concepts have historically been marginalised or absent.

# A fairer society using human rights budgeting

**H**ow can we as a country ensure budget decisions are fair and accountable? FLAC is proposing a method which could help achieve this goal: using human rights indicators in budget decisions and processes. FLAC's Yvonne O'Sullivan outlines FLAC's proposals in the area and looks forward to an event on 16 October that will showcase human rights tools to analyse the impact of Budget 2015.

Every year social justice organisations send their pre-budget recommendations to the Department of Social Protection and some, including FLAC, get invited to participate in a pre-budget forum. This is an opportunity to meet department staff and present concerns and recommendations that we hope might inform the Department's budget proposals. Generally, however, it is hard to know to what extent all these well researched submissions are actually considered by the Department and, more importantly, by the four members of the Economic Management Council, who draft and finalise the budget.

This worry highlights just one of the shortcomings within the current budgetary process – that of inadequate consultation. This year, however, the Minister for Social Protection, Joan Burton TD, in her role as Tánaiste, has direct input into the decisions of the Economic Management Council. Given her department's responsibility for the protection of low-income households, we can only hope this unprecedented development will mean good news for vulnerable groups on Budget Day, 14 October.

But we might well ask, is there a more reliable and fairer way to ensure Government produces a budget that is even-handed and not disproportionately harsh for any group? Since 2009, FLAC has advocated for a human rights approach to budgeting. This uses the existing body of human rights law and principles to address the across-the-board lack of consultation, transparency, accountability and minimum core standards in the State's budgetary processes and decisions. There have also been many and consistent calls to equality-proof the budget, as happens in Scotland and other jurisdictions. Equality-proofing is also part of the human rights approach to budgeting; impact assessments across all groups in society must be carried by each department before final decisions are

made to prevent disproportionate effects.

Key human rights principles in the budgetary processes include a level of participation from civil society that is valued by the state and that is evidently part of the budgetary decision-making process. A more transparent process which allows all people to understand how and why budget decisions are made could only inspire greater public confidence in these decisions.

The international human rights treaties which Ireland has signed and ratified make it clear that for any human right to be fully realised by a State, that State must make the right affordable, accessible and adequate for all. With this in mind FLAC is co-ordinating a civil society post-budget event on 16 October. The event will look in particular at using human rights indicators to analyse Budget 2015 by means of a survey of organisations on the impact of the budget on their constituencies from a human rights

perspective.

The seminar will include a panel of human rights law experts, a presentation of the surveys completed by participating organisations and will conclude with an open discussion forum where participants can raise concerns about the budget decisions and processes in Ireland. This is a good opportunity for civil society groups to join forces and hold the government accountable for the decisions they have made, in line with Ireland's legal human rights commitments.

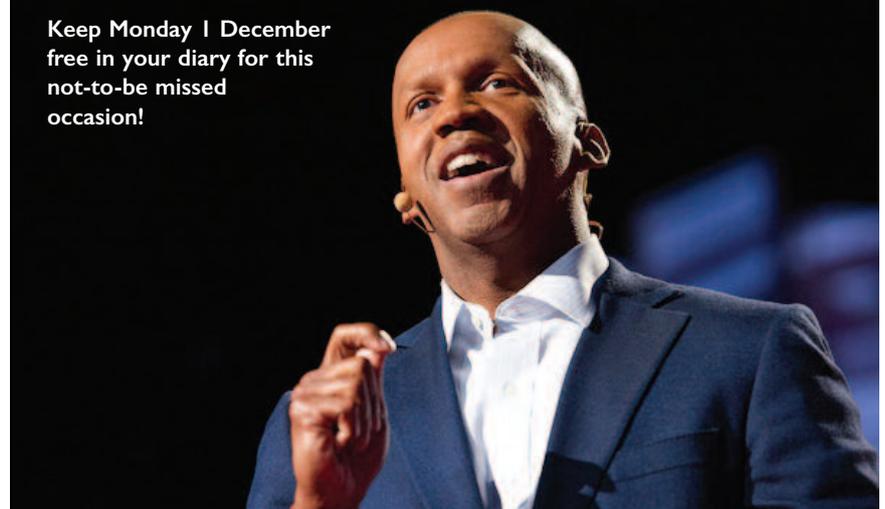
- ▼ More information on the post-budget Civil Society event is at <http://bit.ly/fairbudget2015>
- ▼ FLAC's human rights budgeting briefing is at <http://bit.ly/HRBAbriefing>
- ▼ FLAC's Pre-Budget Submission is at [bit.ly/PBS2015](http://bit.ly/PBS2015)

## Save the date: Dave Ellis Memorial Lecture 2014

FLAC is delighted to announce it will hold the 8th Dave Ellis Memorial Lecture on 1 December this year. We have been lucky enough to have had a collection of wonderful speakers address the issue of access to justice for this annual event, and this year will be no exception.

Our orator this year will be US human rights champion and anti-poverty activist, Bryan Stevenson. A public interest lawyer of international standing, Bryan will no doubt captivate an Irish audience – his TEDx lecture is the most downloaded of that series at more than 2 million hits and counting!

Keep Monday 1 December free in your diary for this not-to-be missed occasion!



"Bryan Stevenson at TED 2012" by James Duncan Davidson

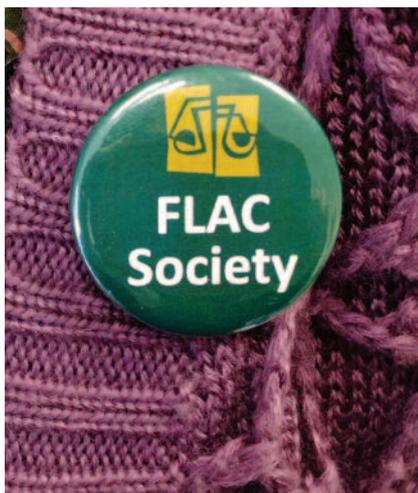
## FOCUS ON FLAC VOLUNTEERING:

# FLAC Student Societies off to fresh-er start

The College and University FLAC Societies have launched into their new academic year and the new committees are being kept busy. Most FLAC Societies filled their Septembers preparing for the Clubs and Socs days to sign up for their new members. FLAC's Volunteer & Centres Manager Zsé Varga visited Dublin City University on Clubs and Socs day and Trinity College Dublin during Freshers' Week. With the support of the student societies, FLAC has produced a special 'FLAC Student Society' badge for distribution for the Society members in all the colleges. Look out for the new badges from Cork to Letterkenny and from Galway through Carlow to Dublin!



DCU Flac Society L-R: Kelly O'Brien, Joanne Morgan, Keevena Hackett and Kaleb Honer



Get your badge from your FLAC society



TCD Flac Society – L-R: Fergal McConnon, Gary Hansell and Deirdre Moore

## Deadline for FLAC Volunteer Awards nominations

We are inviting all Citizens Information Centres and FLAC volunteers to nominate volunteers who provide free legal advice at local Citizens Information Centres FLAC clinics. All volunteers who have volunteered regularly and continuously for at least the past 3 years are eligible to receive the award. Recipients will be named on our Roll of Honour and receive a certificate and a gold FLAC lapel pin.

The Award Ceremony will be held on 1 December at our annual Dave Ellis Lecture in Dublin. For those who can't make it to the ceremony, the nominating Citizens information Centre will receive their awards in the post.

- ▼ More information in the past issue of FLAC News online at <http://bit.ly/1ohGvLU>
- ▼ Please don't forget to send your nominations to us at [volunteers@flac.ie](mailto:volunteers@flac.ie) by 14 November 2014.

## Massive thank-you to FLAC Summer Squad '14

FLAC would like to thank all those volunteers who signed up to our volunteer "Summer Squad" and enabled us to run the legal advice centres during the holiday months. Thank you to all those lawyers and assistants who have given so much extra time and stepped in at the last minute or even volunteered for extra sessions over the Summer.

Since our establishment in 1969, FLAC has depended on the dedication and the efforts of its volunteer lawyers to provide legal advice and information through the advice centres to those most in need. We are so grateful for the immense help you give. We had a great summer of legal support for the public thanks to you!



## PUBLIC INTEREST LAW ALLIANCE UPDATE

### International forum offers huge opportunity to develop pro bono

**P**ILnet: The Global Network for Public Interest Law will hold its eighth 2014 European Pro Bono Forum from 5 to 7 November in London. The Forum has played a major role in building support for pro bono across the continent and around the globe. By bringing together a growing community that recognises the urgent need for pro bono work—leading figures from law firms, corporations, bar organisations, NGOs and law schools—the event offers a setting where participants can explore how they can most effectively collaborate to address critical issues of social justice.

The event, which will be held in the Mermaid Conference & Events Centre in Blackfriars, includes interactive workshops,



social events and structured networking opportunities. These will allow attendees to gain insight into the pro bono community and forge alliances that can help deliver justice and protect rights around the world.

The 2014 Forum will focus on real-world

tools needed to run a successful pro bono programme, projects for in-house counsel, Roma rights and the use of technology to promote change. Local, European and global concerns in the application of pro bono will be on the table and the winners of PILnet's prestigious European Pro Bono Awards will also be announced. The Forum will run as a central event of the UK-wide National Pro Bono Week, which the organisers see as an opportunity to celebrate and encourage the contributions lawyers make, free-of-charge, to people in need of legal help.

To register for the conference, you should visit [probonoforum.eu](http://probonoforum.eu). Fees range from £150 for NGOs to £500 for large firms.

### Case study: Developing pro bono in Ireland through international forums

*Sinead Smith of A&L Goodbody details how the firm's involvement in pro bono work through PILA led it to participate in PILnet's international conference last year.*

As Corporate Responsibility Manager in A&L Goodbody, part of my remit is the management of the firm's pro bono programme. We genuinely believe that our lawyers have a professional responsibility to use their time and skills for the benefit of those who cannot afford legal services.

In the last number of years, our pro bono programme has grown substantially both in providing free legal advice to our charities and community partners but also in the area of public interest law.

We have been on the Public Interest Law Alliance (PILA) register for the last two years and it was through PILA that we formed a partnership with the Irish Refugee Council's (IRC) Independent Law Centre in support of refugees seeking asylum in Ireland. The project involves A&LG lawyers advising and representing IRC Independent Law Centre clients, on a pro bono basis, in the first interview stage of the asylum process into Ireland.

We have received overwhelming interest from our lawyers to support this initiative.

As refugee law is not a practice area we specialise in, our lawyers are not only helping those who are extremely vulnerable in society but are also benefitting from getting trained in a new area of law.

We recognise that although pro bono in Ireland is becoming an established part of the legal practice of solicitors and barristers, there is much scope for development. We are eager to learn from other European and International firms. By attending the Pilnet pro bono forums, we have been given the opportunity to connect with firms that are demonstrating best practice in pro bono work. The forums have also provided us with a great opportunity to hear from NGOs in relation to what really works for them and the global impact that pro bono work is having on society.

This combined network of law firms, pro bono heads, CSR managers and NGOs has helped us immensely in shaping and developing our own pro bono culture and policies.

It also gives us a platform to share and profile the pro bono programmes we are working on and last year Eamonn Conlon, partner in charge of Corporate Responsibility, here in A&L Goodbody sat



*A&L Goodbody won the Excellence in Community Volunteering Award in Corporate Social Responsibility (CSR) at the 2014 Chambers Ireland CSR Awards for its 'Step Up' programme. L-R: Ian Talbot, CE of Chambers Ireland; Sinead Smith, Goodbody Corporate Responsibility Manager; Alan Kelly, TD Minister for Environment, Community & Local Government.*

on a panel with Polish and American lawyers discussing the mechanics and challenges of institutionalising a pro bono programme within a law firm.

We have benefited hugely from attending these forums and are looking forward to attending the upcoming event in London in November. We are ambitious about what we want to achieve through pro bono and want to be part of the collective objective of building pro bono culture in Ireland and globally.

## FOCUS ON PILA

# Eithne Lynch, PILA Legal Officer

**E**ithne Lynch joined the Public Interest Law Alliance (PILA) in October 2013 as Legal Officer. She is a graduate of UCD, completing both her BCL undergraduate degree and her masters in international business and commercial law there. Eithne trained as a solicitor in Matheson Ormsby and Prentice and worked there as a practising solicitor for several years.

Throughout this time Eithne volunteered with FLAC in various centres around Dublin. Her volunteer work in these centres made a profound impact on her personally and professionally: "I think it develops your client care skills, your own personal life skills, by just having the opportunity to sit down with a member of the public and finding out about the issues that people are dealing with on a day to day basis. You defiantly expand access to justice by sitting down with people and giving them some time and advice." Eithne says that her involvement with FLAC was always at the back of her mind and she began to think of a career in the NGO sector.

In 2011 Eithne travelled to Tanzania to work with the Tanzanian Women Lawyer's Association (TWLA). TWLA is a NGO which has been set up to work with vulnerable women and children and to promote equal access of rights by providing free advocacy and education to groups and individuals. Eithne worked on a project that set up a hotline which women could ring to get access to a lawyer. She organised funding for the project and



oversaw getting it off the ground. These women where often victims of domestic violence so the helpline meant that they did not have to account to their husbands for leave their homes but could still to access help.

From Tanzania, Eithne travelled to Malawi to work on an Irish Rule of Law project there. Eithne has always been involved with the Irish Rule of Law and had previously travelled to South Africa with them to deliver workshops on commercial law to lawyers from historically disadvantaged backgrounds. In Malawi, Eithne delivered front-line legal services in some very disadvantaged areas. She also developed a programme for young children in the criminal justice system. They developed a 12 week after-care programme for these children aimed at ensuring they would never re-enter the criminal justice system again. For Eithne,

this programme reinforced her passion and belief in public interest law, as she was working with both charities and government stakeholders to better equip them in using the law effectively. She says, "for me it feels like I have really come full circle here in PILA, as I am again working with NGOs, helping them to identify legal needs and how to use public interest to their advantage. My time in Africa has made me more humble and patient, you learn to have a much greater awareness that you do need to challenge injustice. You come home with a renewed sense of empowerment".

Eithne sees PILA as an incredibly powerful player in terms of public interest law - a hub for both legal professionals and organisations. She views her role as trying to show legal professionals that they have a role in instigating change, that there is more to achieving change than donating money, they can also actively help through taking public interest cases or aiding NGOs with their own legal issues. "PILA and public interest in general can still be considered to be in its infancy but I think that we are defiantly at the epicentre of something fantastic. I think it provides an incredible service for NGOs who get an insight into, really the more incredible legal minds in the country".

In Eithne's view, PILA is a connection between many important stakeholders. This connection is vital to continue the great strides that public interest law has made and will continue to make in the future.

## PILS Project NI hosts roundtable discussion on protective cost orders

**T**he PILS Project NI was set up in 2009 to advance human rights and equality in Northern Ireland through the use of and support for public interest litigation in Northern Ireland. On Friday 19 September PILS held a roundtable discussion on the topic of protective cost orders. This kind of court order limits costs liability in public interest litigation. Chaired by PILS Chairperson Gerry Hyland, the panel of speakers included Richard Stein of Leigh Day Solicitors London and Michael Potter BL.

Richard Stein discussed the seminal Cornerhouse case, in which the UK High Court developed criteria for the granting of protective cost orders. Michael Potter BL discussed the current landscape in Northern Ireland, drawing from his experience in the JMCA case in which Mr Justice Treacy made a protective cost order in favour of the applicant. Throughout this case, PILS provided financial support to the applicant at both leave stage and on appeal.

Earlier this year, Mr Justice Gerard Hogan granted Ireland's first protective cost order in the case of Max Schrems v Data Protection Commissioner. Mr Justice Hogan granted the order in favour of Mr Schrems, which caps the amount of expenses he will be liable to pay at €10,000.

Learn more about PILS NI at [www.pilsni.org/](http://www.pilsni.org/)

# Introducing Community Law & Mediation

A new structure with a long history in providing legal supports to the community

*Rose Wall, CLM Chief Executive Officer, outlines the organisation's past, present and future.*

Community Law & Mediation, originally known as Coolock Community Law Centre, was established by FLAC in the Dublin suburb of Coolock on 1 April 1975, as Ireland's first independent, community-based Law Centre. It originally served as a prototype of the Neighbourhood Law Centre that could underpin a Civil Legal Aid Scheme and be rolled out across the country. It operated on a model combining a service-based with a strategic approach by campaigning for law reform and providing information and education on legal matters, as well as servicing individual cases.

By 1979, the Law Centre had become independent from FLAC and a locally based management committee was set up. Over the years, services were expanded to include Law Reform work and Community Education, aimed at addressing issues identified in casework. In 2003, its name changed to Northside Community Law Centre to reflect the widening in its catchment area to include the two electoral constituencies of Dublin North Central and Dublin North East. This expansion continued with the establishment of a mediation service, Mediation Northside, in 2004 and the first Community Law Centre outside Dublin, Limerick Community Law and Mediation Centre, in 2012. The organisation's most recent name change more accurately reflects the expanded range of services offered, which in turn is matched by the growth in demand for service. In 2013, CLM directly helped 3,503 people through its various services

**Services:** Over the last 39 years, the organisation has evolved to include a range of services at local and national levels.

**1. Community Law Centres:** CLM Northside & CLM Limerick: CLM operates two Community Law Centres, CLM Northside and from 2013, CLM Limerick. A Community Law Centre is a non-profit organisation which works to reduce and remove barriers to the law, on the basis that all people should be able to access basic legal information and advice regardless



Attendees at a CLM 'Know Your Rights' community event in 2013



Northside staff with local TD and Minister for Jobs, Enterprise & Innovation, Richard Bruton, March 2014

of income and background.

Each Law Centre provides legal advice on all areas of law through free drop-in advice clinics. They offer legal representation and advocacy, including Court and Tribunal Representation, in areas of law not covered by the state-funded civil legal aid scheme. Each Community Law Centre is limited by catchment area, with CLM Northside catering for Dublin North Central and Dublin North East and CLM Limerick catering to people living in communities identified for regeneration in Limerick. Each Law Centre makes referrals as appropriate to the Mediation Service; on a more strategic national level, they feed into the policy, education and resource work of Community Law & Mediation.

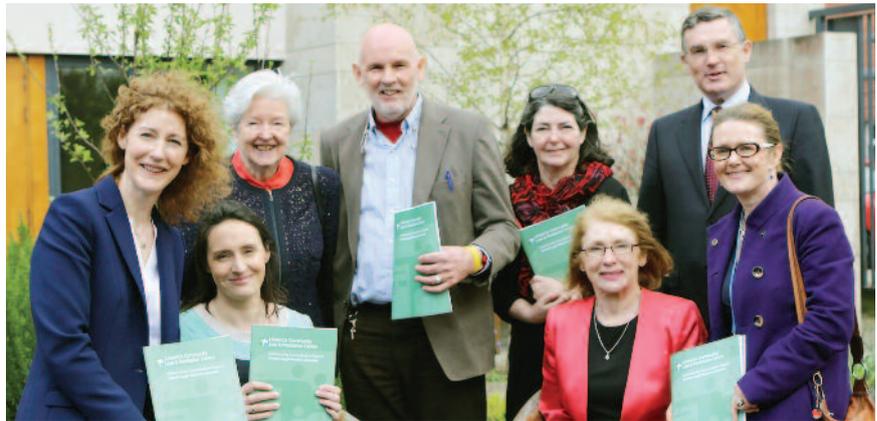
**2. Mediation:** The Mediation Service was established in 2004 to address the need for an alternative dispute resolution process at community level. Over the years, it has expanded from family law issues to include conflict

coaching and mediation in areas such as elder mediation, sibling disputes, workplace disputes and grandparent visitation. The mediation service helps people to take control of their lives by resolving disputes themselves, complementing the legal service as an alternative dispute resolution process when a more court-oriented approach is not appropriate.

- 3. Community Education:** Community Law & Mediation aims to empower the local community, through free "Know Your Rights" courses on areas of law like debt, consumer rights, employment, family, wills and probate. In addition, CLM runs FETAC-accredited courses on issues such as family law and employment law as well as providing in-house, tailored training for community organisations.
- 4. Law Reform:** Through its legal advice and casework, Community Law & Mediation is kept informed of law reform issues facing the community. This in turn informs our policy work,

which includes legislative submissions, law reform campaigns and roundtable discussions.

5. **Resources:** Community Law and Mediation provides a number of resources to both individuals and community organisations. These include
  - ▼ 'Casebase', the only database of Social Welfare Appeals decisions in the Republic of Ireland. It was commenced in 2006.
  - ▼ *The Irish Community Development Law Journal* is published biannually and aims to offer an insight into how to address issues of social inclusion.
6. **Community Support & Membership** CLM provides support to other community and advocacy bodies through



*CLM staff at the launch of Limerick Community Law and Mediation Centre in 2013.*

its membership scheme, the benefits of which include legal advice on issues affecting the member organisation's service users.

● For more info and news see [www.communitylawmediation.ie](http://www.communitylawmediation.ie)

## 40th anniversary celebrations in Tipperary CIC

Tipperary Citizens Information Centre celebrated 40 years of service to the community in June. A variety of events were held in celebration, with the main occasion being held in Tipperary EXCEL Centre. Former CIC volunteers and members, community representative, and organisations that work closely with Tipperary CIC were in attendance. Noeline Blackwell, Director General of FLAC, and herself a former volunteer with Tipperary CIC in its early years, was delighted to be at the celebrations. She was also thrilled to launch a commemorative booklet which contained a wonderful photographic collection of forty years of service by the extremely dedicated team of volunteers and staff.

Guest speakers at the event included Toni Gleeson, Chairperson of Co. Tipperary CIS, and Geraldine Cullen, Training Services Manager with the Citizens Information Board. CIC founding members Pat Myers and Tom Fitzgerald were honoured at the event for their tireless service.

Around 800 pupils from the three secondary schools in the town were also treated to a presentation on the history of the CIC in Tipperary. Pupils had been invited to submit essays on "The Role of the Citizens Information Centre in a Digital World" and the eventual winners Caitlin Byrnes and Katie Quirke were invited to read out their essays to the assembled guests.



*Competition winners Katie Quirke and Caitlin Byrnes are pictured with Geraldine Cullen, CIB Training Manager, FLAC's Noeline Blackwell and Toni Gleeson of Tipperary CIS.*

**Katie Quirke – 5th year student, St. Anne's Secondary School,**

The availability to call or visit the Citizens Information Centre is remarkable, where else can one gather information on such a broad range of public and social services? It is such a comfort and relief to know that we have such confidential and well educated people available to answer the questions of the citizens of Ireland. I have total faith in this service to be at the other side of the phone at my time of need, or to greet me with a smile when I walk into the centre. It is inevitable that there will forever be a place for this service, regardless of digital development. Money cannot buy such assurance that is received from the service of the Citizens Information, and the beauty is that you don't have to – it's free!

**Caitlin Byrnes – 2nd Year Student, St Anne's Secondary School**

In this changing world, the CIC has embraced digital advances and has an excellent, user-friendly site. Their site offers information for people of all ages, backgrounds and nationalities, on subjects ranging from college applications to health, environment, social welfare and consumer affairs to name but a few.

However, the CIC also recognises that the digital world is not a place that is readily accessible to all. Technology can be expensive and many people are not computer literate. Privacy of personal information is also an issue with examples of hacking and security breaches. Information on some sites can be unreliable, misleading and actually just wrong! Ironically, the CIC's outstanding website cannot reach everyone who might need their services! Therefore, the CIC maintains local offices and telephone enquiry lines to bridge the gap that is widening between those who can access technology and those who cannot, as the digital world expands. People can hear a friendly voice on the end of the phone, and of course, you can sit opposite a trained employee or volunteer in an office, getting that valuable "human touch". When was the last time your laptop understood your body language, listened to you, or simply smiled a friendly smile?

## Tipperary civil legal aid workshop highlights severe shortcomings in system

**F**or some groups, accessing civil legal aid in Ireland – an already tough prospect – can be even more daunting due to their particular circumstances. On Monday 8 September, a FLAC group travelled to Roscrea, Co Tipperary to hold a workshop on civil legal aid, organised in conjunction with the local ASCEND Domestic Abuse Service. ASCEND has seen increasing numbers of people with English language difficulties attempting and struggling to use the civil legal aid system, compounded by low income and lack of awareness of local systems.

The workshop saw attendees from Citizens' Information Centres around Tipperary, Mental Health Services, the Money Advice and Budgeting Service (MABS) and solicitors from the Legal Aid Board.

FLAC Director General Noeline Blackwell presented the workshop alongside Legal Aid Interns Columb Fortune and Elizabeth O'Malley. Their aim was to provide an introduction to the system of civil legal aid in Ireland, covering how to qualify, how the legal aid contribution is calculated and current issues in legal aid, such as the recent increase in contribution fees for legal representation, areas of law not covered by the legal aid service, and long waiting

times. Columb prefaced the talk by saying that the Civil Legal Aid Board is "under resourced and under-funded."

Attendees discussed their interfaces with the legal aid system and areas in which they encountered problems. One main theme that emerged was how access to justice is affected by long waiting times for appointments with a legal aid lawyer. In Tipperary alone, there are currently four lawyers serving a catchment area of over 150,000 people – and this was considered relatively good when compared to other civil legal aid offices. The current average waiting time for a first consultation is 6 months, with a second appointment taking on average a further 7.5 months. The waiting times at different law centres vary from 6 weeks up to 70 weeks.

Not only is this hugely frustrating for clients, often acting as a deterrent for them in taking cases further, but this has also had an impact on their access to justice. Attendees noted that some judges refused to grant adjournments given the long waiting periods, forcing clients to represent themselves in cases which were often very complex. Last year, 17 of ASCEND's clients decided to represent themselves in court, including four clients who were not proficient in English.

Last year's increase in the minimum contributions for legal advice (from €10 to €30) and legal representation (from €50 to €130) has also had an impact. While waivers may be granted in cases of undue hardship, the guidelines as to what exactly qualifies as 'hardship' are vague. Applicants can also seek to have their contributions accepted in a series of instalments. FLAC are calling for more transparency regarding fees, and specifically for clear guidelines as to what constitutes 'undue hardship'.

Other issues raised during the question and answer session included the possibility of introducing automatic waivers for victims of domestic abuse; widening the scope of civil legal aid to include those who may lose their homes (currently excluded under the Civil Legal Aid Act 1995); and the ability to for the Civil Legal Aid Board to collect their fees from the sale of the family home, even where the money is then used to purchase another home.

FLAC is very grateful to Rabiya Ali from ASCEND for organising the workshop. We also thank Bernadette Green from Nenagh Legal Aid Centre, who provided a useful perspective on civil legal aid at the event.

▼ FLAC's guide to Civil Legal Aid is at: [Bit.ly/CLAGuide2014](http://Bit.ly/CLAGuide2014)

## "Friends of FLAC" programme to raise much-needed funds

**M**any will know FLAC as a national organisation which provides legal information and advice through a telephone information and referral line and through a network of legal advice centres throughout Ireland. Many might know us also for our campaigning work for law reform in particular areas of law, such as access to civil legal aid, social welfare law and debt and consumer credit law.

FLAC has been helping people in Ireland for more than 40 years under our mission to promote equal access to justice for all. Unfortunately, due to the economic recession, our services are needed more than ever. However, funding cuts means that to continue this

important work, we are now embarking on a fundraising drive. Our income at present is derived from a number of partners including statutory, philanthropic and from the legal professions.

We are seeking the help of friends and supporters on a new 'Friends of FLAC' programme to secure support for our work providing information, advice, advocacy and representation to people who need help to vindicate their rights.

The 'Friends' programme seeks to connect supporters of FLAC's work who can donate €250 per year on an ongoing basis. There will also be an option for students / trainees / to contribute €100 per year. By becoming a Friend of FLAC, you are supporting a



vital service and ensuring that FLAC can continue to be a voice for the voiceless in Ireland.

Look out for details of the 'Friends' programme in the next issue of *FLAC News* – we hope you will join the FLAC family and support our work for access to justice in Ireland!