

PILN Bulletin, 05 October 2007

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1. FLAC's Inaugural Dave Ellis Memorial Lecture, 15 October 2007, Trinity College, Keynote Speaker: Professor Gerry Whyte

FLAC's Inaugural Dave Ellis Memorial Lecture will take place on Monday 15 October at Trinity College. The inaugural lecture will be given by Professor Gerry Whyte, Associate Professor of Law and Head of Law School in the Davis Theatre, Trinity College. There will be a reception afterwards.

The Hon. Mrs Justice Catherine McGuinness will also present the Thomas Addis Emmet Fellowship 2007 to this year's award recipient.

The late Dave Ellis was a community activist who dedicated his career to working with community groups on a number of areas including welfare rights, legal aid, legal education and legal entitlements generally. Dave was Community Law Officer at Coolock Community Law Centre (now Northside Community Law Centre) for more than 20 years and subsequently established Community Legal Resource as a resource providing information, training and support for the not-for profit and community sector.

If you would like to attend the evening please e-mail piln@flac.ie or contact Edel Quinn on 01-8745690

2. UK Public Legal Education and Support Task Force release the report of their year's work, *Creating capable citizens: the role of public legal education*

The Public Legal Education and Support (PLEAS) Task Force was set up in 2006 for one year to research and develop proposals as to how best to promote and improve public legal education in the UK. The Task Force, established by the now Ministry for Justice was compiled of members of groups and organisations with an interest in public legal education and in developing a UK national strategy on the issue. The PLEAS report uses a series of practical illustrations to explain public legal education, and sets out the benefits that it can have both for individuals, communities, and society as a whole. It proposes a strategy for the development of public legal education to be led by a Public Legal Education Centre.

The report, *Creating capable citizens: the role of public legal education*, July 2007, can be downloaded at the link below
<http://www.pleas.org.uk/uploads/PLEAS%20Task%20Force%20Report.pdf>

3. Support shown for the growing Pro Bono practice among lawyers in Poland

A roundtable on Pro Bono in Warsaw in June 2007, attended by Polish lawyers including the President of the Polish Constitutional Tribunal, the Head of the Polish Bar Association and a representative of the Helsinki Foundation on Human Rights, culminated in the signing of a Declaration by those present of their commitment to the provision of legal services to the poor "in ensuring fair and equal access to justice among all segments of society."

A further consolidation of this commitment was the undertaking by the Polish Legal Clinics Foundation to establish the Pro Bono Centre which will allow information on public interest law and pro bono work to be stored and distributed, to "institutionalise pro bono practice by law firms and individual lawyers". Access to such information is a major problem for NGOs who have difficulty accessing private sector resources.

The Declaration, *Polish Lawyers for the Public Good* can be downloaded here:
http://www.pili.org/en/dmdocuments/pro_publico_bono_declaration.doc

A similar exercise was undertaken by Hungarian lawyers in 2006 resulting in a Declaration entitled *Hungarian Lawyers' Role in Advancing the Public Good*:
http://www.pili.org/en/dmdocuments/Declaration_FIN_ENG.pdf

4. The Minister for Social and Family Affairs fails to address the issue of best interest of the child when questioned recently in that regard in relation to Child Benefit.

Sinn Féin's Caoimhghín Ó Caoláin TD, recently asked the Minister for Social and Family Affairs whether the Minister plans to remove the habitual residency clause

from the conditions applicable to payment of Child Benefit since this would be in the best interest of the child.

The Minister failed to address the issue of the best interest of the child in his answer, referring mainly to the qualification procedure for the habitual residence condition and noting the success of the condition in "achieving its intended purpose" of "allowing access to our social welfare schemes to persons who are genuinely and lawfully making Ireland their habitual residence, while preventing unwarranted access by persons who have little or no connection to the State".

He stated that 341 claims for Child Benefit were refused from January to August 2007 out of 3,430 claims which required examination under the habitual residence condition (out of a total of 28,542 decisions in that period). The Minister recognised that the groups most often refused child benefit are persons whose asylum claims have not yet been decided, those who have not obtained a work permit or those who have just a minimal or no connection with the workforce since arriving in Ireland. Children within these groups are often already marginalised in society living outside any framework of social inclusion and are particularly vulnerable to poverty.

5. Fall recorded in number of EU migrant workers claiming Child Benefit for children living in home country

The Department of Family and Social Affairs has recorded a notable decrease in the number of claims for Child Benefit which have been made by EU migrant workers whose children do not live in the State. Under EU Regulation 1408/71, EU migrant workers are entitled to Child Benefit and other "family benefits" including Early Childcare Supplement even where the children resides in the home country of the migrant.

Over 43,000 EU nationals obtain Child Benefit in Ireland in respect of 75,400 children who are resident in Ireland. With regard to EU workers whose children are not resident in Ireland, 1,280 receive Child Benefit for 2,985 children. The number of EU workers claiming this payment has dropped in the past year and again in the past number of months. In 2006, 300 EU nationals claimed this benefit per week; this is down to 220 per week on average to date in 2007, with July and August seeing only 160 claims per week.

The Minister for Family and Social Affairs has stated that it is not possible to foresee how many of the claims will be put into payment as a large number of the claimants leave the country before their claim is processed. In response to a recent parliamentary question, he noted that the continuing levels of immigration and the number of workers returning to their home countries will make an impact on the levels of benefit being paid.

6. Treoir's online resource on unmarried parents

Available in seven languages, *Treoir's Legal Information for Unmarried Migrant Parents* is accessible online at <http://www.treoir.ie/pdfs/English.pdf>.

It advises parents on a range of aspects relating to the parenting of children of unmarried migrant parents such as the registration of births, guardianship, access, custody and child abduction.

7. Addition to programme at Equality, Legislation & The Constitution Conference, NUIG, 6 October 2007

A conference to mark the *European Year of Equal Opportunities for All* and the 70th anniversary of the Irish Constitution will be hosted jointly by the Faculty of Law at NUIG, Department of Justice, Equality & Law Reform and the Equality Authority, on the subject of *Equality, Legislation and the Constitution*.

Speakers include: Niall Crowley, Eilis Barry, Donncha O'Connell, Professor Gerard Quinn, Frank Callanan, S.C., Siobhan Phelan, B.L., Oran Doyle, Professor William Binchy, Professor Gerry Whyte, Siobhan Mullally, Marie McGonagle, Professor Kathleen Mahoney (Canada), Tarlach McGonagle, Colm O Cinneide, Padraic Kenna, Cathryn Costello, Des Hogan.

Brian Barrington, B.L., former (SDLP) Special Adviser at the Office of First and Deputy-First Minister in Northern Ireland has been added as a speaker in the final session (on strategic litigation).

Date and location: *Saturday 6th October, 2007 – Aras Moyola (North Campus, NUIG)*
Admission free but pre-conference booking (with Equality Authority) advised,
<http://www.equality.ie/index.asp?locID=65&docID=-1>

8. Irish Human Rights Commission & the Law Society of Ireland Annual Conference, 13 October 2007

The theme of the conference will be *Human Rights and Criminal Justice: Incorporating Human Rights Standards into Criminal Justice Policy, Legislation and Practice*. It will be held on Saturday 13 October 2007 at the President's Hall, Law Society of Ireland, Blackhall Place, Dublin 7

Keynote Speakers

Sir Geoffrey Bindman, QC Solicitor Advocate, UK
Professor Tapio Lappi-Seppälä, Finland

Register to attend by contacting: Anthea Moore at a.moore@lawsociety.ie or 01-6724961.

9. Public Interest Law Initiative to hold its first European Pro Bono Forum in Budapest on 17 October 2007

The Public Interest Law Initiative is an international human rights NGO that works in public interest advocacy and developing the infrastructure to sustain it. With offices in New York, Moscow and Budapest, the organisation is to hold its first *European Pro Bono Forum* in Budapest on 18-19 of this month. The conference will provide a forum for connecting interested law firms with bases in Europe and nongovernmental organisations (NGOs) from throughout Europe. Issues to be discussed include pro

bono in continental Europe: challenges, success stories, and models, law firm pro bono programmes in Europe, PILI's Hungarian pro bono clearinghouse, opportunities for pro bono engagement in Europe and beyond, NGOs and their legal needs.

For further details, please see <http://www.probonolawyer.eu/>.

10. Seminar on Mental Health and Human Rights, UCC, 25 October 2007

UCC's Centre for Criminal Justice and Human Rights is hosting an evening seminar on 25 October 2007 entitled *Mental Health and Human Rights: Challenges for Law and Practise*.

Speakers include Dr. Jimmy Devins, T.D., Minister of State with responsibility for Disability and Mental Health, Darius Whelan (UCC Faculty of Law), Áine Hynes (Roger Greene & Sons Sols) and Dr. Mary Donnelly (UCC Faculty of Law).

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