

flacNews

FREE LEGAL ADVICE CENTRES

Hike in legal aid charges will hit poorest in society hardest

In the first changes to the civil legal aid scheme since 2006, the Minister for Justice, Equality & Defence Alan Shatter announced a radical increase in the basic costs of civil legal aid. The Minister says he is aiming to reduce waiting lists and increase revenue for the state Legal Aid Board. However FLAC says that closing the door to justice on the poorest people in our society is no way to tackle deficiencies in our country's legal aid system.

With FLAC calling for a human rights approach to decisions in this year's budget, these increases are yet another example of why the government needs to conduct social impact assessments before making decisions that could have a disproportionate impact on lower income, vulnerable groups in society.

The changes announced by Minister Shatter on 12 September 2013 include a hike in both the minimum legal aid contribution from €50 to €130 and legal advice from €10 to €30. This 160% jump in the legal aid contribution is one that qualifying applicants could find difficult to pay, considering that this is just a minimum amount before any further contribution based on disposal income.

Minister Shatter has stated that he hopes the changes will bring in an extra €700,000 to the Legal Aid Board's budget annually. But FLAC suggests there may actually be a cost to this strategy, if people are unable to pay their legal aid contributions

Further, FLAC anticipates an increase in the number of people applying for waivers of their legal aid contributions based on "financial hardship" grounds, as the

minister has said this principle will still apply. However, he did not take this opportunity to address the current ambiguity around what the Legal Aid Board defines as "financial hardship" and set clear guidelines, as there is no definition provided in the Civil Legal Aid Regulations 1996.

Right now, the Legal Aid Board and its law centres have the discretion to approve a waiver application based on whatever they see as constituting "hardship", resulting in inconsistent decisions and financial strain on some legal aid applicants. Guidelines might easily be developed with input from individuals who experience poverty and marginalisation and the civil society organisations that work with them.

FLAC welcomes the abolition of fees for people involved in childcare cases against the HSE, which will help people greatly in what is already very traumatic and stressful situation.

The disposable capital threshold for qualifying legal aid applicants has been cut from €320,000 to €100,000, which the Minister says will bring Ireland in line with other disposable capital limits in neighbouring jurisdictions such as England and Wales, Scotland and Northern Ireland. This threshold does not include the family home, which is positive.

However, the threshold reduction could have a profound effect on access to justice for people who are 'asset-rich but cash-poor' – people like small farmers or tradespeople, who rely on expensive assets like land and machinery for an income and thus cannot easily sell them off to pay for legal assistance. For example, such people may have to pay a higher

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FLAC Guide to handling mortgage arrears now available

FLAC has prepared a new guide for people in mortgage arrears which will take them through the mechanisms available up to insolvency. The guide, which is free to download from the FLAC website as a PDF, suggests how borrowers might use the Code of Conduct on Mortgage Arrears and other options open to them.

FLAC will shortly announce details of regional workshops on dealing with the legal side of mortgage arrears. These are aimed mainly at the volunteer lawyers who maintain our network of free legal advice centres. However they will be open to interested parties.

Keep an eye on FLAC's website and on our Facebook/Twitter feeds for updates & details!

flac.ie | fb.me/flacireland | @flacireland

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Lydia Foy shortlisted for 'Campaigner of the Year' in top European award

Transgender woman Lydia Foy's 20-year struggle for legal recognition in her true gender has been honoured by Europe's leading diversity awards body. Dr Foy has been shortlisted for the title of 'Campaigner of the Year' at the prestigious European Diversity Awards ceremony which is sponsored by major international firms including Barclays, Google, Société Générale, Unilever and Abercrombie and Fitch.

The winner will be announced at a gala dinner at London's iconic Natural History Museum on 26th September and a "highly commended" runner-up is often named as well. Lydia Foy will be one of eight campaigners shortlisted from all over Europe. Coincidentally, Senator David Norris is also on the shortlist, nominated for his long struggle for gay rights in Ireland.

The European Diversity Awards are like the Man Booker prize of the equality and diversity world. Last year there were 500 nominations from 20 countries in 13 categories, so it is a major achievement to make the shortlist. And with two Irish campaigners on the list, there is a good chance that one or other of them will make the final two.

Last year's Campaigner of the Year was Doreen Lawrence, mother of black teenager Stephen Lawrence who was murdered by a racist gang in London in 1993. She was honoured for her long fight to bring her son's killers to justice. And 'highly commended' was Benja Stig Fagerland, a Danish businesswoman internationally known for campaigning for more women in company boardrooms.

Lydia Foy said she was "surprised and

honoured" to be shortlisted for the award.

FLAC has represented Dr Foy since 1996 when she began a legal challenge to the State's failure to recognise her in her female gender. In October 2007 the High Court ruled that the State had breached her rights under the European Convention on Human Rights and held that Irish law was incompatible with the Convention. Five years later, in January of this year, the Government had still not introduced legislation to recognise transgender persons and Dr Foy had to start new legal proceedings to try to secure recognition.

FLAC senior solicitor Michael Farrell said the nomination was a major tribute to Dr Foy for continuing her struggle over the 20 years since she first applied for a new birth certificate in 1993.

Mr Farrell said: "Lydia Foy's nomination is also a rebuke to successive Irish governments which have failed to introduce gender recognition legislation in the 11 years since the European Court of Human Rights held in 2002 that the recognition of transpersons in their true gender was a basic human right".

Dr Foy's shortlisting for this important award is well timed as it comes just before an Oireachtas committee is due to consider the Government's long overdue and very cautious and restrictive Scheme of a Gender Recognition Bill, published last July. Hopefully, the exposure that the European Diversity Awards will give to the State's continuing failure to recognise transgender persons will finally push the Government to ensure that generous and inclusive Gender Recognition legislation is enacted without further delay.



Lydia Foy pictured with FLAC Senior Solicitor Michael Farrell, who is representing her in her case.

Photo by Derek Speirs

FLAC calls for greater consumer support as mortgage arrears figures rise yet again

There was little comfort for Irish mortgage holders in the latest residential arrears and repossession statistics released by the Central Bank on 23 August 2013. The series of figures revealed that at the end of the second quarter of 2013, 12.7% of private residential mortgages accounts were in arrears of more than 90 days. This represents almost 98,000 accounts and has risen from 12.3% at the end of March.

There was an upward trend also in the number of residential mortgages slipping into long-term arrears. Some 57,163 accounts were in arrears of more than 180 days at the end of June 2013, of which more than 28,000 are in arrears of over 720 days. Just over 79,000 residential mortgages were classified as restructured at the end of June 2013 and 76.5% of these accounts were deemed to be performing.

However, the Central Bank itself has acknowledged that the most frequently used forbearance techniques were short-term options like switching to an interest-only repayment plan, extending repayment term or temporarily deferring payment. It admitted that longer-term arrangements such as split mortgages and trade-down mortgages represented only a "small number" of modification options used.

While 63 private dwelling houses were repossessed following a court order in the second quarter, a further 160 were taken into possession by the lender following voluntary surrender or abandonment of the house. In the wake of the Land & Conveyancing Law Reform Act 2013, FLAC will be tracking closely any changes in repossession trends.

Relatedly, senior representatives from AIB, Bank of Ireland, Ulster Bank and Permanent TSB appeared before the Joint Oireachtas Committee on Finance from 3 to 5 September. Ahead of the hearings, FLAC circulated a detailed submission to all committee members. It centred on householders in debt and how these main banks deal with their arrears customers.

FLAC is worried about the inconsistency among banks in tackling mortgage arrears. The treatment of split mortgages is a prime example, with some institutions charging no interest on the warehoused

segment of a mortgage loan, while others charge nominal interest. One bank says it will charge full interest on the warehoused amount. This lack of clarity causes confusion among distressed borrowers.

FLAC also highlighted the absence of an independent appeal mechanism. When a mortgage arrears customer has exhausted all the bank's internal appeal options, the Financial Services Ombudsman remains the sole avenue for complaints. Crucially, a borrower can only complain to the FSO on the procedure used by a lender. If

borrowers feel the substance of their lender's decision is unfair or incorrect, they appear to have nowhere to turn.

On 19 September, Finance Minister Michael Noonan said that the government was keeping the mortgage issue under review. FLAC hopes the government is prepared to supplement its hitherto fragmented approach to mortgage arrears with more clearly defined and comprehensive supports and information for borrowers struggling under an ever increasing debt burden.

Aiding advocacy across borders



Members of the NADCAO delegation with FLAC staff on their visit

Leaders of a South African public interest law body visited FLAC in July for assistance in determining the best legal aid model to implement in their country.

The representatives of the National Alliance for the Development of Community Advice Offices (NADCAO) sought guidance after being tasked with the development of a national body to oversee and advocate on behalf of all South African community advice offices.

To accomplish its mission, NADCAO intends to establish an umbrella organisation, known as the Association of Community-based Advice Offices of South Africa (ACAOSA). ACAOSA will serve as the "voice" of the 320 community advice offices already in existence, said NADCAO interim director

Nomboniso Maqubela.

NADCAO staff met with prominent legal aid organisations in the United Kingdom and Ireland in hopes of identifying a legal aid model that would fit the diverse needs of South African communities.

While in Ireland, the NADCAO leaders toured the FLAC office, Northside Community Law Centre, Ballymun Community Law Centre, and the Citizens Information Services center in Finglas. At each location, NADCAO leaders met with staff members eager to answer queries and share information about successful programs and clinics.

The NADCAO staff plan to utilize the insight gained from their recent visit to Europe to establish ACAOSA by the end of 2013.

Statistics show increase in demand for help

Family law still main issue on information line and in centres, but queries on mortgage arrears, landlord & tenant law and wills & probate rising.

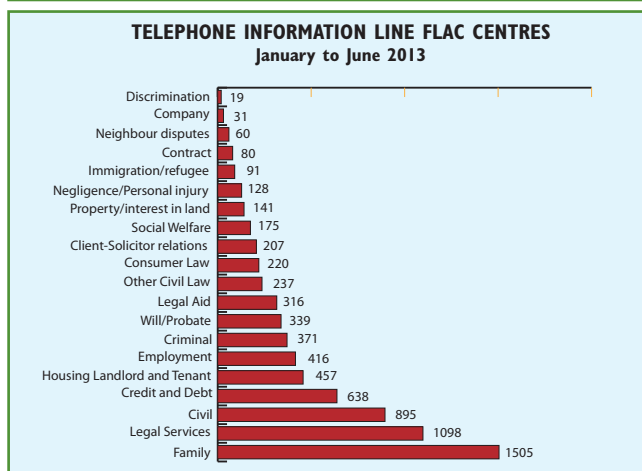
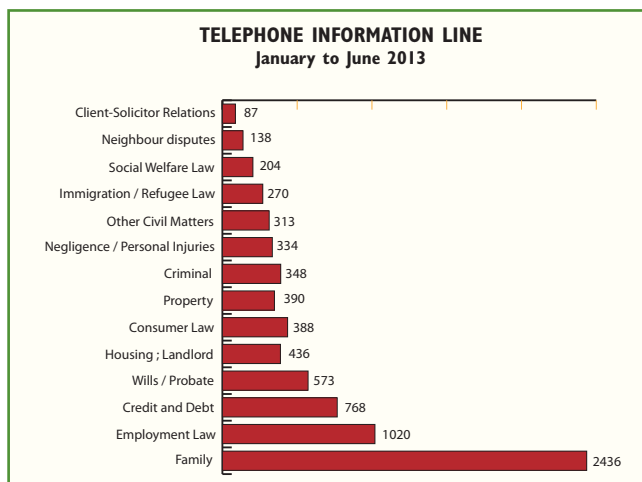
FLAC's telephone information line has seen a 20% increase in calls in the first half of 2013 compared with the same period last year. Much of the increase is due to a huge rise in queries around Landlord & Tenant issues, with housing-related calls tripling compared with 2012.

Another increase of note has been the number of people calling FLAC for details of our local centres or other sources of legal information, with numbers doubling in the space of a year. Credit and debt related calls continue to rise, with almost 60% of people with a debt-related query concerned about mortgage arrears.

The circumstances are similar in the FLAC centres with housing queries showing the highest increase, followed by credit and debt-related queries. Wills and probate continue to account for more than 10% of queries in the FLAC centres.

Employment law queries appear to be falling in both the centres and on the telephone information and referral line. While immigration queries to the phone line are falling, they continue to grow steadily in the FLAC centres. On the other hand, while consumer law queries are falling in the centres, they go on rising on the telephone information line.

Overall the centres were slightly less busy than in the same period last year. Early indications imply that the summer was busy in the centres, and FLAC thanks all our volunteer advisors who gave up their time during the summer, in particular the Summer Squad who made themselves available to 'jump in' at centres at short notice where the scheduled advisor couldn't make it.



Zambrano mother can apply for social housing

A county council that had declined to accept a social housing application from a 'Zambrano' mother has now agreed that she is eligible to apply. The decision came after consultation with the Irish Naturalisation and Immigration Service (INIS) and the Department of the Environment, Community and Local Government.

Marie (not her real name), who is from an African country, was given leave to remain in the State in December 2011 because she is the mother of an Irish citizen child. This followed a landmark decision of the Court of Justice of the European Union in the *Ruiz Zambrano* case in March 2011. The Court held that the parent of an EU citizen child, who was dependent on her or him, must be allowed to remain in the EU country concerned so that the child could grow up and enjoy the benefits of EU citizenship.

Marie left Direct Provision and applied to the local county council for social housing but was told that, as a non-EEA national, she needed five years legal residence in the State before she would be eligible to apply. She had been living here in Direct Provision since December 2005 but she was informed that it did not count.

The council did not seem to be aware that the relevant Housing Regulation (Paragraph 8 of Housing Circular 47/2011) had been amended to remove the five-year residence requirement for

'Zambrano' parents.

FLAC wrote to the council on behalf of Marie, referring to Paragraph 8, and arguing that she satisfied the five-year rule as well because the *Zambrano* decision did not make new law from March 2011 but was declaratory of EU law as it should have been interpreted all along. As a result, Marie should have had a right to reside ever since her son had been recognised as an Irish citizen when he was issued with an Irish passport in 2006.

FLAC also referred to a recent decision by the UK Court of Appeal in the case of *Pryce v London Borough of Southwark* [2012] EWCA Civ 1572 which also dealt with eligibility for social housing by a *Zambrano* Mother and held that she was eligible to apply despite other rules applying to non-EEA nationals.

The council replied in July last, saying that they had "sought clarification from both the Irish Naturalisation and Immigration Service and the Department of the Environment, Community and Local Government and as a result of same the Council is satisfied with [Marie's] residency status".

Marie has now applied again and will, of course, have to satisfy the usual criteria for housing need and wait until suitable accommodation becomes available.

Woman in subsidiary protection seeks Child Benefit arrears

The category of ‘Subsidiary Protection’ was created by EU Directive 2004/83/EC (the Qualification Directive) to cater for asylum seekers who could not establish the immediate and personal threat required for refugee status but who “would face a real risk of suffering serious harm” if returned to their own countries”.

The Directive, which is binding on all EU states, links refugee status and Subsidiary Protection under the heading of “international protection” and describes them as complementary to each other. It distinguishes them from discretionary leave to remain granted on compassionate or humanitarian grounds. Once the specified level of risk has been established, states are required to provide the applicants with the appropriate level of protection

Mariam (not her real name) is from a Middle Eastern country and was declared in need of Subsidiary Protection in May 2012. She had come to Ireland in 2006 and her son was born here in late 2007. She was living in Direct Provision and applied for Child Benefit but was repeatedly refused until her Subsidiary Protection decision. The reason given was that she did not satisfy the Habitual Residence Condition (HRC) because her status in the State was uncertain.

Once she was given Subsidiary Protection, Mariam began to receive Child Benefit, but then applied for it to be backdated to when her son was born or when she first applied for benefit in early 2008. She argued that she should be treated same as persons declared to be refugees, with whom Subsidiary Protection recipients are closely linked in the Qualifications Directive.

Mr Justice Cooke had stated in the High Court in September 2011 that “An asylum seeker is a refugee as and when the circumstances defined in the Geneva Convention [on the status of refugees] arise and apply ...The determination of the asylum application is purely declaratory of a pre-existing state...” (*D [a minor] v Refugee Applications Commissioner [2011] IEHC 33*). In other words, the asylum seeker was entitled to refugee status based on the situation when s/he applied



for asylum and the Government’s decision simply recognised that fact.

Relying on this judgment, a Social Welfare Appeals Officer, who was dealing with an appeal from a woman who had recently been declared to be a refugee, backdated her Child Benefit claim to when her child had been born, some months after she had arrived in the State. He held that this was sufficient time for her to satisfy the HRC. The decision was reported in the 2011 Annual Report of the Social Welfare Appeals Office for the guidance of other Appeals Officers.

FLAC, who represented Mariam in her application, argued that the circumstances that had put her at risk in her home country existed from before she sought protection. Inevitably it took some time to process her claim, but when it succeeded, its effect should date back to when she arrived in the State and applied for protection. That meant that she had had a right to reside from the beginning, thus removing any uncertainty about her status, and she should have established habitual residence by the time her son was born a year later.

FLAC also pointed out that while the Qualification Directive allowed states to provide a somewhat lower level of social protection to persons in Subsidiary Protection than to refugees, they must nonetheless provide “core benefits”, including “parental assistance” to all recipients of international protection and that included Child Benefit.

Mariam is now awaiting a decision from an Appeals Officer which should help to clarify the entitlements of other persons who have been given Subsidiary Protection status.

Pre-Budget Forum allows NGO input

The annual Pre-Budget Forum, hosted by the Department of Social Protection, took place on Friday 5 July in Dublin Castle, given that Budget Day is earlier this year on 15 October. At the Forum, the Department of Social Protection engaged with 30 voluntary and support organisations.

The format this year was different. The Forum was chaired by journalist and broadcaster Olivia O’Leary. Workshops facilitated by officials from the relevant Departmental area allowed organisations to air views and discuss Budget priorities. At the poverty & social inclusion workshop, FLAC called for human rights to be at the centre of budgetary decisions as the State has committed itself under international law to respect, protect and promote human rights, including the right of people to live with dignity.

The Department’s Social Inclusion Division presented on ‘Social Impact Assessments; a methodology to review the social effects of main welfare & direct tax measures’. Earlier in 2013, the Division published an assessment of the impact of last year’s budget on specific social groups – albeit after cuts had been made. It found that households with children were most affected by cuts. FLAC has called for the Department to build such Social Impact Assessment in at an earlier stage so it can form part of the decision-making process.

In a plenary session Olivia O’Leary relayed key issues emanating from each workshop. The overall theme was to see all core welfare payments maintained in October’s Budget and better inter-departmental communication developed.

Minister for Social Protection Joan Burton TD said Forum inputs, such as a whole-of-government approach which could use impact assessments to inform decision-making, would be relayed to Government. She cited the dual importance of the welfare spend – both in preventing poverty and stabilising the economy. Her stated focus for Budget 2014 would be to continue with wide ranging reforms and ensure that the Department provides a safety net as well as a springboard for return to work - through income and employment supports.

- See page 7 report on **FLAC’s pre-budget presentation to the joint Oireachtas Committee on Finance.**

Why it makes sense to use plain legal language

By Claire O’Riordan, Plain English Coordinator of NALA’s Plain English Editing and Training Service



Dealing with the legal system and legal processes is one of the most difficult things for the average person-in-the-street to do. All the more so if you are in a vulnerable situation, perhaps trying to get a barring order, or dealing with payment demands, employment law queries, problems with housing contracts and so on. Think of how much more stressful it is if you can’t understand the legal language in the documents you have to read and sign. Here’s where using Plain English can help.

Plain English is a way to present information so that a reader can understand it the first time they hear or read it.

To write in plain English, you first need to put yourself in your reader’s shoes.

When you use plain English you:

- write in clear language,
- give relevant information in the right order, and
- help people to find this information quickly.

The legal profession is full of specialised terms, foreign words and phrases, long sentences and overly formal language.

Using plain English:

- demystifies the legal process by explaining and or replacing specialised terms,
- is one less stressor for clients of legal services who are already vulnerable and stressed,
- means providers of legal information and or services will have fewer queries to respond to and more time to deal with the substance of their clients’ problems rather than continually explaining how the system works.

Plain English in legal writing

In recent times there has been a global drive to adopt plain English (language) in

law. The US 2010 Plain Writing Act is an example of this. This Act requires that regulations are accessible, consistent, written in plain language, and easy to understand.

Example of legal text turned into plain English

Original text:

Title to property in the goods shall remain vested in the Company (notwithstanding the delivery of the same to the Customer) until the price of the Goods comprised in the contract and all other money due from the Customer to the Company on any other account has been paid in full.

Plain English edit:

We will own the goods until you have finished paying for them.

Another example is from the UK where many government offices, such as the Office of Fair Trading, have encouraged the spread of plain language by requiring it in certain consumer contracts.

The Irish Central Bank’s Customer Protection Code requires the firms and companies it regulates, such as our banks and insurance agencies, to use plain language. The greater use of plain language is also an important part of the Government’s Public Service Reform agenda.

Bodies and organisations such as the Equality Authority, The Office of the Director of Public Enforcement, Insolvency Service of Ireland, The Director of Public Prosecutions, The Law Society, MABS, FLAC and others, are increasingly using plain English techniques.

Other specialised professions and plain English

Other specialised professions, such as the health sector, are embracing plain English and striving for excellence in plain communication. Of particular note, are the MSD / NALA Crystal Clear Health Literacy Awards. These awards identify examples of best practice in clear communications in health care settings. To find out more, please visit, www.healthliteracy.ie

What can you do to promote plain legal writing?

- Visit NALA’s plain English website www.simplyput.ie and avail of free plain English checklists and guides to specialised terms, including legal terms.
- Read about NALA’s Plain English Editing and Training Service and its Plain English Mark.
- Tell NALA about positive developments in plain English in the legal sector or about your ideas to develop some!
- Promote initiatives such as the 2015 international conference on plain English, which NALA is hosting with its partners Plain Language Association InterNational (PLAIN). Details will be posted on www.simplyput.ie

If you would like to speak to someone about plain English, contact NALA’s Claire O’Riordan on (01) 412 7922 or by e-mail at coriordan@nala.ie. We look forward to hearing from you.

Putting rights at heart of budget decisions

With budget day looming at an earlier time of 15 October this year, FLAC was invited to participate in a discussion with the Committee on Finance, Public Expenditure and Reform on 12 September about our submission for Budget 2014. The Committee had devoted two days to listening to and questioning pre-budget submissions from civil society organisations.

With social welfare law reform one of FLAC's priority areas of work, our pre-budget submission focused around Social Protection. In previous submissions, FLAC underlined the need to maintain basic human rights in austerity and making budgetary decisions. This year's submission focused on the need to ensure that the government complies with human rights law in implementing budget decisions, but also in the lead-up to budget considerations.

Ireland has legal obligations under international human rights law which mean that it must use the resources at its disposal to allow for the protection, promotion and fulfilment of these rights. With greater numbers relying on the social welfare system, some 2.3 million people benefit from welfare payments to ensure a basic minimum income. Consequently, FLAC believes that Department of Social Protection spending is central to how the government meets its human rights commitments.

So what practical tools does FLAC believe would lead to effective and well-informed budgeting in line with human rights law? The FLAC delegation of Yvonne O'Sullivan and Yvonne Woods told the Committee that all government departments should carry out social impact assessments to safeguard the most vulnerable in society against disproportionate budget measures. While the Department of Social Protection did publish a social impact assessment this year for last year's budget, FLAC suggests that such assessments be done prior to making any decision to cut spending and across all departments; this will enhance the effectiveness of measures and ensure vulnerable groups are not disproportionately impacted, which was noted by the Committee.



FLAC's Yvonne Woods (L) and Yvonne O'Sullivan (R) addressing the JOC on Finance

Another practical tool and a fundamental principle of human rights law is to systematically include civil society in decision-making that affects the civil, social and cultural rights of individuals. Currently, the annual Social Inclusion Forum allows 30 voluntary and support organisations to give their input into how the previous budget and its policies impacted on specific social groups in society; this helps the Minister of Social Protection to make better budget recommendations to the government. However, FLAC suggested this process of participation should be ongoing to reinforce effective decision-making with relevant stakeholders, creating fairer, more reflective budgeting in line with international human rights law.

The last measure, which was recommended by the EU Commissioner for Human Rights, Nils Muiznieks, is for governments to refer any budgetary proposals to their National Human Rights Structures. FLAC proposed to the Committee that the new Irish Human Rights and Equality Commission could and should play a key role in ensuring that our budgeting complies with human rights law.

The FLAC delegation asked the Committee to consider Ireland's legal obligation to guarantee a right to an adequate standard of living as enshrined in international and European human rights treaties that have been ratified voluntarily by Ireland. In particular, FLAC's submission describes a basic income standard to be adopted by the Department of Social Protection to that all those relying on social welfare payments can be guaranteed

a life of dignity.

Lastly, FLAC's representatives called for a human rights-based reform of the social welfare appeals office. Our report last year, *Not Fair Enough*, highlighted the transparency, fairness and independence of this very important structure. FLAC recommended a complete overhaul to tackle delays, inconsistencies in decision making, lack of perceived independence, limited information provision and failure to publish case studies systematically. These are impacting severely on the lives of many people who should be receiving a payment and may be forced into destitution while awaiting a decision.

Committee members commented on FLAC's submission recommendations with some questions around practical aspects and implementation of the human rights approach to budgeting. One of the two other organisations presenting to the Committee alongside FLAC, the Disability Federation of Ireland, also recognised the importance of social impact assessments for ensuring their clients are not negatively impacted by budgetary cuts.

It is hoped that the Committee understood FLAC's central point: that budget decisions must respect Ireland's legal obligations under international human rights law - these commitments cannot be put aside in a recession.

• Read FLAC's pre-budget submission 2014 at: bit.ly/prebudget2014

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Hike in legal aid charges will hit poorest in society hardest



© photo by Derek Speirs

Minister for Justice, Equality & Defence, Alan Shatter TD

contribution based on their disposable capital but not reflecting their disposable income. Again, a poverty impact assessment here would have led to a similar conclusion.

As the Minister has been examining how other jurisdictions operate their civil legal aid schemes in formulating the latest changes, then he will have noted that best practice from some such jurisdictions includes equality and human rights proofing of decisions affecting the provision of services to the public.

FLAC recognises that the Board and its Law Centres are working under increased pressure with limited resources. A person may have to wait up to 18 months for a first appointment with a solicitor in a law centre. However despite saying that he will use any increased revenue to tackle these lengthy waiting times, the Minister has not indicated how he plans to do so.

What will shorten waiting lists, of course, is excluding people from the service – ensuring that fewer people are eligible for help by raising the costs beyond their ability to pay and by lowering thresholds. FLAC strongly believes this is not the way to address what are undoubtedly shortcomings in our state system of providing access to justice for low income groups.

As FLAC Director General Noeline Blackwell commented at the time: “It appears that many people who cannot afford a lawyer may have to rely on

Key changes to Civil Legal Aid

(Sept 2013)

Minimum financial contribution up from €10 to €30 for legal advice and up from €50 to €130 in cases of legal aid

Removal of financial contribution for people receiving legal services in proceedings with the HSE on child care

Disposable capital threshold allowance for eligibility down from €320,000 to €100,000.

voluntary organisations like FLAC for access to justice. We offer a first-stop level of legal information and advice for free and in confidence. This is a complement to – not a substitute for – a proper state-funded legal aid service. It is another element in the overall picture of access to justice, where the State has the primary responsibility.”

“Ultimately we fear that many people who cannot afford to access private legal help but are excluded from state assistance may end up representing themselves in court, which will likely have a drastic effect on how all of us access justice in this country.”

Equality & human rights budgeting event yields united front

A roundtable event on equality and human rights budgeting took place on 18 July, chaired by Eilis Barry BL. FLAC Director General Noeline Blackwell gave a presentation on human rights approaches to budgeting and Louise Bayliss discussed the equality budgeting campaign. David Perry BL talked about the available legal mechanisms for the introduction of equality and human rights budgeting.

The event was attended by organisations working on various equality issues and there was discussion on how the NGO sector could come together in campaigning for an equality and human rights-focused approach to government budgeting decisions. It was agreed at the meeting that the attendees would come together for a united response to the autumn budget.

An event will be held on 17 October which is International Day for the Eradication of Poverty, where the NGOs involved will review the budget from a human rights and equality perspective at a press conference and meeting at the National Library. If you were unable to attend the initial meeting but are still interested in getting involved, please e-mail mairead.healy@flac.ie

- Learn more at equalitybudgeting.ie



Civil Legal Aid for families extended to inquests

The provision of legal aid for a family member at coroner's inquests has been "long overdue" as Senator Ivana Bacik commented when the provision was introduced into law in July 2013 by the Courts and Civil Law (Miscellaneous Provisions) Act 2013. As a result of the change in the law, a person will be entitled to seek legal aid where the inquest concerns the death of a family member while that person was in the custody of the State.

The lack of support and representation for family members in Coroner's courts has been a problem in Ireland for some time. The new legislation can be traced directly back to the terms of a 'friendly settlement' reached between Teresa Magee and the Irish Government in October 2012 in proceedings taken by Ms Magee against Ireland in the European Court of Human Rights in Strasbourg. According to the Court record, the case was settled on the basis that the Irish government said that it was its expressed intention to provide for 'legal aid and advice to parties to certain proceedings before a coroner'. Ms Magee was also awarded damages in the case.

These proceedings in the European court were the culmination of years of litigation by Teresa Magee. At the inquest into the death of her son Paul Magee in police custody in December 2012, Ms Magee had sought legal aid for representation to allow her to better understand and participate in the proceedings that were taking place. While the High Court had ordered that she be provided with publicly-funded legal representation in respect of the inquest, the Supreme Court overturned that verdict on appeal, finding that there was no entitlement to state-funded legal representation at an inquest.

Ms Magee, represented by solicitor James McGuill and supported by an intervention from the Irish Human Rights Commission, then went to the European Court of Human Rights seeking recognition of her right to publicly-funded legal aid for the purpose



of participating fully in the proceedings. The case did not go to full hearing because of the friendly settlement mentioned above.

Part 6 of The Courts and Civil Law (Miscellaneous Provisions) Act 2013 outlines the change in the law to provide "Legal aid and legal advice for inquests". A family member may secure legal aid, advice or representation, for representation at an inquest of a deceased family member. A family member could be a parent or child, but could also be a grandparent, uncle or aunt, or a spouse, civil partner or cohabitant. The procedure will be that the family member can apply to the coroner that representation be provided. The coroner may then apply to the Legal Aid Board for that representation but the coroner is not obliged to do so. If the application of the family member is accepted, the coroner then makes the request for legal aid to the Legal Aid Board. The Legal Aid Board then assesses the applicant for legal aid based on the usual means test, as with all other legal aid applicants.

The right to legal aid is only extended to inquests where the death occurred whilst a person being involuntarily detained by a government department such as the Health Services Executive, An Garda Síochána, detained under the

Defence Act 1954, under the Mental Health Act 2001, under the Criminal Law (Insanity) Act 2006, in child care facilities and where the person died in circumstances that the coroner would judge as detrimental to the health and safety of the public if not investigated and in the public interest of the family members.

Only one family member will be entitled to legal aid and other family members may not subsequently apply for separate representation. This has been criticised as one of the shortcomings of the new legislation, as if only one family member is allowed to apply to the coroner, differing family interests might mean that the successful applicant for legal aid may not disclose relevant information to the rest of the family, leaving them in the dark.

This introduction of the right to legal aid strengthens the right of people to participate in processes that intimately affect their legal rights. It confirms that these processes take place in tribunals other than the courts and that the almost total restriction of legal aid representation to courts – apart from the Refugee Appeals Tribunal and this new limited right – denies many people effective access to justice. It is a step forward and that is welcome.

FOCUS ON FLAC:

Inside the Centre: FLAC @ Blanchardstown

The Dublin suburb of Blanchardstown is home to over 68,000 people, so naturally there is potential for a wide range of legal queries to come through the doors of its FLAC centre. This is a fact that certainly keeps FLAC advisors, such as Kim Duffy, on their toes. "The range of queries is vast and can also be challenging on a Monday evening..." admits Kim, "but that is to be expected given the number of callers and the difficulties they face". She has worked for the Courts Service for a number of years and has been volunteering at the Blanchardstown FLAC centre since June of this year.

Kim says it was her desire to give back to the Blanchardstown community that enticed her to start volunteering with FLAC: "I wanted to become an advocate for a cause that I believe is an essential service in today's society." This wish to help the local community also motivated Michael O'Donoghue to get involved. Michael has always had an interest in legal research. He qualified as a barrister in 1989 and began volunteering with FLAC shortly after that. "I thought I might get involved in the advisory side and FLAC provided that opportunity. I found it very satisfying on a personal level and have continued to do it ever since."

In 2012, the most common queries to the FLAC Centres in West Dublin (which includes Blanchardstown along with Ballyfermot, Clondalkin and Lucan) were family law-related. Over 37% of the 1603 queries discussed at these centres were family law questions, followed by employment law (12.6%) and credit and debt queries (9.1%).

Monika Salomon has heard many of these queries first-hand, as she works as a volunteer assistant in several FLAC centres. Volunteer assistants provide administrative and research support to FLAC advisors and Monika not only provides this essential service in Blanchardstown but also at one of FLAC's city centre clinics. She had always been an informal source of legal information for her friends. "One day, I thought that I can do it for the bigger community", says Monika, who has assisted in FLAC centres since 2011. "I searched for volunteer legal organisations in Dublin and I found FLAC."



Kim Duffy, Michael O'Donoghue and Monika Salomon, volunteers at Blanchardstown FLAC

I found volunteering in FLAC is also a great opportunity to gain an experience on how law operates in practice."

Life as a FLAC volunteer can be challenging, whether you are an advisor or a centres assistant. Kim, Michael and Monika all acknowledge that every evening in a FLAC centre is unpredictable. Michael says the "most challenging aspect of being a volunteer is the, sometimes, unexpected query on an obscure topic". FLAC's free and confidential service means that appointments cannot run on indefinitely. "I think the most challenging part of a volunteer's work is that we only have a short period of time to help someone resolving a real-life problem" says Monika.

It would not be possible to offer the FLAC service to the local community without the facilities and support of the local Citizens Information Centre, particularly the CIC staff and Development Manager Michela Benassi.

All the Blanchardstown volunteers would recommend the experience to friends and work colleagues alike. Monika feels that "[volunteering with] FLAC is a fantastic opportunity to gain satisfaction from helping others." Kim agrees, saying that volunteering "...has been an enriching personal and social experience for me and has provided me with a host of valuable skills." The sense of support that a FLAC volunteer can provide, albeit in a limited

way, through a one-off advice session can be invaluable, Michael feels. "It offers the opportunity to directly relate to clients," he says, "and there can be great satisfaction in seeing the relief felt by a troubled person when advised of a possible way out of the problem they have."

Kim Duffy described the FLAC advice clinic's position in the locality very eloquently:

Prior to joining I didn't quite grasp the degree of reliance on the service and the enormity of its impact on the community; it is inspiring to work as part of a team which provides access to the same level of professional experience and skills without the financial hurdle. I have met people from all walks of life and to think you can contribute to ease their angst at times of huge distress is extremely gratifying and keeps me coming back.

Blanchardstown FLAC operates each Monday from 7.30 to 9.00pm in Blanchardstown CIC at Westend House, Block A, Westend Office Park, Dublin 15.

Meetings with an advisor are by appointment only - call 076 1075 040 to book.

FOCUS ON FLAC:

Mairead Healy, PILA Project Officer

Mairead joined FLAC as Project Officer for its PILA (Public Interest Law Alliance) project in June of this year. PILA aims to facilitate and promote the use of law to protect human rights and benefit marginalised and disadvantaged people. As Project Officer, Mairead works to fulfil this mission by interacting directly with NGOs seeking legal assistance. She then works with the PILA Legal Officer to facilitate the referral process, which involves convening working groups or getting an individual lawyer to provide a legal opinion. She is also involved in organising legal education sessions and other events such as roundtables and seminars. "The position suits me, because I get to combine my love of the law with working in the charity sector where my passion lies," said Mairead.



Mairead Healy

Mairead was always interested in rights. Raised in Derry during the Troubles, she recalls from a very young age taking part in the annual demonstration calling for justice for the innocent victims of the Bloody Sunday tragedy. Whilst a student, she became increasingly involved in activism and she sat on an organising committee of the Stop the War Coalition in the UK.

At this point, she also started volunteering with marginalised communities and was involved in setting up a law clinic assisting those who were unable to afford legal representation. She was also involved in student politics and elected onto positions on the Student Union Executive bodies.

Professionally, she began lecturing in public international law and tutoring in EU law whilst pursuing postgraduate legal studies. She very much enjoyed the buzz associated with teaching and interacting with her students. Following this, she then worked at the European Commission but began to find her outside interests chairing the Commission's charity committee much more fulfilling than her day-to-day work.

A chance encounter led to her being offered a position within the Irish Traveller Movement in the UK as national policy/legal officer. She recalls being initially very hesitant, as she knew very little about Travellers and was unsure whether she would be best equipped to advocate on

their behalf. However it was a decision she has never regretted. Mairead says of her time there, "It was like no other job I have ever done and probably ever will do again - the fast and manic pace of work suited me. One day I could be briefing senior government officials, then meeting with distressed Travellers on a site, writing a policy paper or leading a young Traveller women's empowerment group."

Specifically, Mairead recalls her involvement in the Dale Farm Eviction. Despite the best efforts of her organisation and widespread international support, the Dale Farm Eviction was the biggest eviction of Travellers in recent history—with over 400 people being evicted from their own land. "It was incredibly heartbreaking, particularly because I was very close to all the families on Dale Farm and I found the plight of the children unbearable to watch."

However, there were also some wins. Mairead authored the first ever Shadow Report to the UN CERD committee on the situation of Travellers in the UK, with all the key recommendations and concerns in her report adopted by the UN.

Following her time working with the Travellers, Mairead was then engaged in drafting a UK Country report for the European Commission based at the Law

Department in LSE. During this time, she also worked for the Deputy leader of the Liberal Democrat Party and later volunteered for the Labour Shadow Justice Minister on reforms planned for the UK legal aid system.

Mairead decided it was time to return to Ireland for a fresh start in 2012, having spent 10 years abroad. She began by setting up a charity, Future Voices Ireland. "Working at the European Commission made me realise how difficult it is to get into law, policy and politics without connections. It's even more difficult if you don't have confidence in your ability to work in those kinds of fields."

Inspired by her own experience and seeing the debilitating consequences of others suffering a lack of confidence, Mairead says "It's important to help those coming behind."

Future Voices Ireland is committed to empowering young people to pursue their dreams regardless of background. By equipping disadvantaged teenagers with knowledge of the law, as well as professional and practical skills, the organisation helps them develop the confidence needed to realise their ambitions. In addition to her work with Future Voices, Mairead is on the board of a number of other charities.

Outside of work, Mairead is a massive quiz enthusiast and even appeared in the BBC Eggheads show where she captained her team to draw level with the 5 geniuses! Following this high, she gave up her quiz-playing days to host quizzes and successfully ran a weekly charity quiz with cult followings for a number of years, first in Brussels, and then in London.

She just isn't sure whether Dublin is ready for her jazzy jackets and slapstick humour yet!

- **More on PILA & Mairead's work at www.pila.ie**
- **Future Voices Ireland is at futurevoicesireland.org/**



PUBLIC INTEREST LAW ALLIANCE UPDATE

Focus on PILA practioner: Colm O'Dwyer BL

I am a practicing barrister specialising in human rights, asylum, immigration and public law. I studied Economic and Social Studies (now BESS) at Trinity College Dublin and then attended the King's Inns. I was called to the Bar in 1997. I regularly plead before the Superior Courts, mostly in the Judicial Review lists, and, over the years, have appeared for the applicants in a number of significant and frequently cited human rights and asylum cases. I also have extensive experience in representing applicants, particularly child applicants, before the Refugee Appeals Tribunal in Dublin. This past July, I was elected onto the Bar Council, the governing body for the Bar.

Outside of the law, I am a director of Ruhama, a Dublin-based NGO which supports and assists women and girls affected by prostitution and sex trafficking, and of Pan Pan, Ireland's leading contemporary Theatre Company.

What motivated you to get involved in doing *pro bono* work?

I was a volunteer for the FLAC clinic in Finglas for many years. I enjoyed the variety in the queries. For barristers, it also relatively unusual to meet clients on your own and to talk to them and advise them in a relatively informal way without a solicitor present. I really liked this 'direct access' and being able to help people and provide instant answers to queries that, in many cases, worried them so much. Much of the recent research on depression indicates that doing something for other people (without being paid to do so) makes us happier and more satisfied with our own lives. I think this is true. There is a real 'internal' reward for doing *pro bono* work as well as it being good practical experience or reading well on a C.V.

How did you find out about the PILA *pro bono* referral scheme?

I was involved with FLAC when PILA began so I was on various mailing lists and knew some of the original personnel. I was contacted about some of the first referrals that involved immigration, asylum and citizenship and was 'signed up' at that stage.

The scheme has developed in leaps and bounds. There have been so many successful referrals that it all runs very smoothly and is very well organised and managed. From talking to some organisations which have used the scheme, I have heard nothing but positives.

What have been the most challenging aspects of referrals you have taken on?

Sometimes the referrals relate to niche areas where cases would very rarely reach the Courts, areas with which very few lawyers would have direct experience. There can be quite a lot of background reading just to understand what the issue is for a particular group of people you are helping, let alone to know what the law is! It can be hard to get the time necessary to do this. For example, I am currently working *pro bono* on a legal submission for Inclusion Ireland, relating to substituted decision-making and the Assisted Decision Making (Capacity) Bill 2013. This a particularly complex area that I could easily spend days 'reading in' to the law and looking at the ways in which other countries have wrestled with implementing the UN Convention on the Rights of Persons with Disabilities. To provide a context for the submission, I would like to get a better understanding of what life is like for people with severe intellectual



disabilities, what these disabilities are and how they might best be able to assist in decision-making on many aspects of their own lives. However, it is a real struggle to get the time to do all of this within a short period, with my normal work to be done.

How has the experience benefited you or affected your regular work?

While many of the benefits are 'internal' or even karmic, there is definitely a confidence boost associated with being able to help people with your legal skills and experience. I also think it opens your mind to new areas and widens your perspective in relation to your regular work.

Would you recommend doing *pro bono* work through PILA's scheme to other barristers?

Yes, and not only to younger ones starting out. It would definitely be of benefit to older and more-well established practitioners who feel they are stuck in a bit of rut, doing the same type of work for the same type of clients/solicitors day and day out.

Staff updates



All in PILA and FLAC were sorry to say goodbye to PILA Legal Officer Maeve Regan (above left) recently. We wish her every success in her new position as Managing Solicitor of Mercy Law Resource Centre. We are also delighted to welcome Rachel Power (above right) as PILA Coordinator. Rachel was previously Co-ordinator of the Irish Rule of Law Project.

pila

public interest law alliance
a project of FLAC

PUBLIC INTEREST LAW ALLIANCE UPDATE

Education session on Data Protection useful for NGOs' policies

On 29 July PILA hosted a legal education session on data protection law and freedom of information in Dublin's Franciscan Friary. The event was attended by 36 individuals from 24 NGOs, and was delivered by A&L Goodbody lawyers Dario Dagostino, Susheela Math, Fiona O'Riordan and Davinia Brennan.

The session was designed to provide attendees with information that would help them address data protection considerations within their organisations. The speakers reviewed the Data Protection Act its practical application including: developing procedures and policies, collecting and retaining data about staff and volunteers, and handling client information.

Case studies described by the speakers provoked a number of questions from the attendees. The second half of the session dealt with freedom of information requests and how to make them, recent examples and case law.

Feedback from many attendees indicated that they would be re-evaluating their current procedures and policies in light of the training.



PILA thank-you event for lawyers



FLAC's Catherine Hickey, Eamonn Conlon (A and L Goodbody) and Mikayla Sherlock (Ballymun Community Law Centre)

Jacqueline Kelly (Irish Refugee Council), Michael Farrell (FLAC) and Catherine Cosgrave (Children's Law Centre)



L-R: FLAC's Emma McCarron with Kevin Baneham, Noreen Maguire and Katie Dawson at PILA's recent thank you drinks event

PILA hosted a Lawyer Thank-You Drinks in late July. This bi-annual event lets us greet and thank the lawyers on the PILA register who have done fantastic *pro bono* work for community organisations and law centres throughout the year. The evening was well-attended by both barristers and solicitors, and attendees enjoyed the opportunity to chat and share their PILA *pro bono* experiences!

Attendees enjoyed talks by Jacqueline Kelly, Managing Solicitor of the Irish Refugee Council Independent Law Centre, and Eamonn Conlon, Partner at A&L Goodbody. Jacqueline and Eamonn shared their experience of working together through a successful PILA-facilitated collaboration. This collaboration, still in its early stages,

involves A&L Goodbody working on a *pro bono* basis with the IRC Law Centre to provide early legal representation to applicants in the first stage of the asylum process. IRC Law Centre organised specialist refugee law training for the team of 28 A&L Goodbody lawyers.

The IRC Law Centre's early legal representation service aims to ensure that applicants are facilitated in presenting their case fully and effectively at first instance with a view to ensuring the early identification of persons in need of international protection. This is a unique partnership that will help to address the unmet legal need of people in the early stages of an asylum application and demonstrate a different model of legal service in this area.

Discrimination thriving because of under-reporting

Under-reporting poses a significant threat to any aspiration for an effective equality and human rights infrastructure. It is the key challenge to statutory agencies working to address inequality, discrimination and human rights abuses. It is a challenge to all in civil society concerned with these issues. However, there has been little work done in Ireland on how to effectively address this issue and few initiatives to tackle it.

The CSO (2004 and 2010) surveys and other Irish studies on discrimination have found that only about 10% of people who experience discrimination take any formal action – even fewer take any legal action.

The most significant barriers to reporting discrimination are connected with the disempowerment that accompanies being discriminated against, especially on a systematic basis. The most commonly cited reasons for under-reporting are perceptions that reporting the incident will do nothing to change the situation, perceptions that the incident is not worth reporting, and fears of negative consequences of reporting. A societal culture is required that values equality and diversity, that has zero tolerance of discrimination, and that prizes those who would challenge discrimination if under-reporting is to change.

The CSO surveys on discrimination both found that 12% of Irish people over the age of 18 experienced discrimination in the workplace or in accessing goods and services in the preceding two years. This equates to some 380,000 people. 32% of those who experienced discrimination said it had a serious impact on their lives. Another national survey is needed to determine whether the incidence of discrimination has risen since 2010, with the worsening economic situation. Anecdotal information from community and voluntary groups and trade unions suggests an increase in employment related discrimination for women and for non-Irish nationals, and a rise in hate crime against Black and minority ethnic groups including migrants.

An examination of cases coming before the Equality Tribunal, and of cases being supported by the Equality Authority, indicates how these statutory bodies are

merely dealing with the tip of the discrimination iceberg when compared to this figure of 380,000 people.

The Equality Tribunal dealt with only 671 cases in 2011, 517 cases under the Employment Equality Act and 154 cases under the Equal Status Act. Of further concern is the drop of 33% in the level of this casework since 2008, despite the CSO reports showing no drop in levels of discrimination. In 2008, 996 cases were dealt with, 842 in employment and 154 in goods and services. Under-reporting is increasing, principally in relation to employment. The backlog of cases waiting to be heard in the Equality Tribunal is another concern, with employment cases taking up to three years to be processed.

The Equality Authority offers legal assistance to those who experience discrimination. In 2011 the Equality Authority had 289 cases in hand. This was a decrease of 61% from 2008 when it had 737 cases in hand. It provided assistance in 23 cases in 2011. This was a decrease of 66% from 2008 when it supported 68 cases.

The Irish Human Rights Commission has a remit to provide legal assistance for proceedings involving law or practice relating to human rights. Since its first full

year of operation, 2003, to 2011, the IHRC has only provided legal assistance eight times in total.

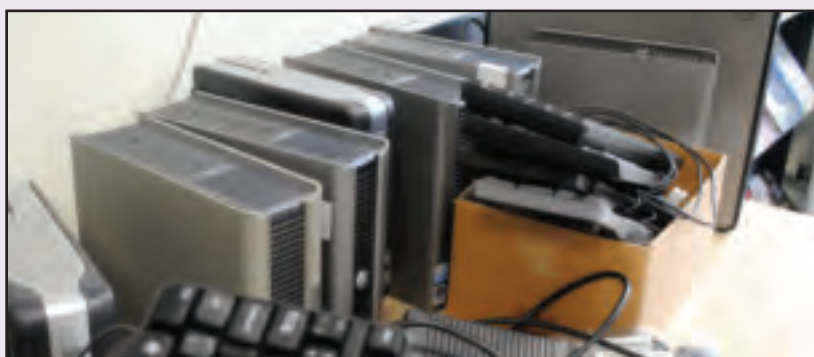
Under-reporting will only be addressed where there is an adequately resourced equality and human rights infrastructure, where this infrastructure is committed to taking a critical mass of cases and where it invests in contributing to the cultural change required to enable people to report discrimination. The new Human Rights and Equality Commission should be adequately resourced to reverse this trend of rising under-reporting. It must make tackling under-reporting a key priority for its work. Reduced under-reporting will be one of the key measures of its success.

Rachel Mullen is Co-ordinator of the Equality & Rights Alliance

- *This article appeared first in Village Magazine in August 2013. FLAC is grateful to Rachel and Village for allowing us to reproduce it here.*

For more on Equality & Rights Alliance, see www.eracampaign.org

Making good use of old technology



FLAC recently donated some older models of computers and keyboards to the innovative development charity, Camara. The technology recycling agency collects old computer equipment and revamps it before sending to developing countries for use in schools and colleges.

Learn more at www.camara.org

Transgender Bill set for debate but struggle is not over yet

The Oireachtas Committee on Education and Social Protection is set to discuss the Scheme of a Government Bill on Gender Recognition shortly. The publication of the Heads of Bill is a victory for the long legal struggle of Lydia Foy, supported by FLAC, and for the lobbying of Transgender Equality Network Ireland (TENI) and other organisations supporting the rights of transpeople.

However, it has taken new legal proceedings by Lydia Foy this year and Private Members Bills from both Sinn Féin and Independent Senator Katherine Zappone to get to this point. It will take more pressure to make sure this Bill does not end up in the black hole that swallows up so many reforming Bills.

The Heads of Bill are welcome because they signal that at last something is starting to move on this front as well as being an improvement on the proposals in the report of the Government's Advisory Group two years ago. But there are still significant problems with them. A leading Austrian lawyer has written to Minister Joan Burton about one of those problems – the 'forced divorce' proposal, where a married transgender person would have to divorce her/his partner as a precondition for legal recognition.

This is supposed to be a safeguard against creating a handful of de facto same-sex marriages but the real effect would be to break up loving couples and cause a lot of pain and hardship. Austria and Germany had provisions like this in their law but in a ground-breaking case in 2006, the Austrian Constitutional Court struck down the compulsory divorce requirement. It said that the fact that someone is married should not preclude them from recognition in their acquired gender. The German Constitutional Court struck down the same requirement two years later, saying

it violated the basic rights of the couples concerned.

Dr Helmut Graupner, the Austrian lawyer who took the Constitutional Court case and European Co-Director of the International Lesbian and Gay Law Association (ILGLaw), has recently written to Minister Burton outlining what happened in Austria. He said:

As a result [of the Court's decision] there are now a number of persons who are recognised in a gender other than the gender in which they were originally registered and who remain married to their spouses who are now of the same gender as the transgender persons.

Dr Graupner noted that this had not created any problems in Austria and said he hoped this information would help the Minister in drafting the Irish legislation "and enable you to avoid the need for the litigation which was necessary in Austria and Germany to vindicate the rights of already married transgender persons".

There are other substantial problems with the Heads of Bill as well, notably that only persons over 18 can be recognised in their acquired gender and that there seems to be no provision for transgender young persons, who are particularly vulnerable; and it also appears that transpersons may still require medical evidence before they can get recognition, despite earlier assurances to the contrary.

FLAC, TENI and other groups supporting transgender rights will raise these issues with the Oireachtas Committee examining the Bill.

Read more on FLAC's policy work on transgender rights at www.flac.ie

Can you help increase access to justice in Ireland?

As an independent human rights organisation, FLAC relies on a combination of statutory funding, contributions from the legal professions and donations from individuals and grant-making foundations to support its work.

Without this generous support, FLAC could not have provided free legal information and advice directly to over 25,000 people last year; we could not continue to represent Dr Lydia Foy in her ongoing struggle to secure a birth certificate; and we would not have the resources to monitor the implementation of the long-awaited reform of the personal insolvency system in Ireland.

As with most NGOs in Ireland at present, securing sufficient funding to maintain FLAC's services and campaigns at a sufficient level to ensure a real impact is becoming increasingly difficult.

We are always looking for ways to involve new donors and supporters; if you want to find out more about how you can support equal access to justice in Ireland, please contact fundraising@flac.ie



FLAC Volunteer Awards now countrywide

Last year FLAC made the first presentation of a golden pin to recognise long-standing Dublin-based volunteers. This year it will be extended to volunteers countrywide in a ceremony on 5 December.

William Sampson Fellowship 2013

Kendra Rychlick, Megan Crenshaw, and Peter Montine are students at the University of Washington School of Law who dedicated their summer to public interest law work in Ireland.

The students were the 2013 recipients of the William Sampson Fellowship. It runs in conjunction with FLAC's Thomas Addis Emmet Fellowship and operates as an intern exchange programme. Every year, recipients from America and Ireland have the chance to engage with public interest law while travelling and working abroad.

Peter Montine said interning in Ireland was a life-changing experience. "This fellowship gave me the opportunity to travel and see the world in a new light."

Each year, Sampson Fellows are given the opportunity to work at legal centres across Ireland. This year's cohort joined staff at FLAC, Ballymun Community Law Centre and Northside Community Law Centre. While interning at their respective locations, the law students explored individual areas of interest while advancing social justice efforts.

Kendra Rychlick: Ballymun Community Law Centre & FLAC

Kendra Rychlick joined the legal staff at Ballymun Community Law Centre (BCLC) and FLAC this summer. She said the dual internship placement enabled her to work with inspirational and motivated staff committed to public interest law. "I loved

being surrounded by such dedicated people. Their passion was a constant reminder of why I chose to pursue public interest work," said Kendra.

As a law student with an undergraduate background in international law and history, Kendra leapt at the opportunity to research international efforts to address social justice issues. "Assessing the strengths and weaknesses of other legal and political systems is the best way to ensure that future policy and legal efforts reflect the best practices available." Kendra particularly enjoyed writing a guest article for the *PILA Bulletin* and presenting a comparative social welfare discussion for the BCLC legal education programme.

Megan Crenshaw: FLAC & Ballymun Community Law Centre

FLAC and BCLC intern Megan Crenshaw said she too enjoyed a dual internship placement, because it gave her a comprehensive look at public interest law. "Working at FLAC and Ballymun allowed me to assist with every facet of the legal process—from policy and advocacy to direct service and education," said Megan.

As a law student pursuing a concurrent Master's degree in Public Administration, Megan was eager to explore law and policy efforts in Ireland. Particularly, she enjoyed working directly with BCLC clients to submit legal appeals and compiling research to aid in future FLAC advocacy efforts. Megan's proudest accomplishment,



however, was utilising her undergraduate background in communication to develop multi-media materials for legal education use at FLAC and BCLC. "The law should be accessible to every individual — regardless of their socio-economic background or education level," she said.

Peter Montine: Northside Community Law Centre

Peter helped Northside Community Law Centre with their law and advocacy efforts. He said the internship gave him the opportunity to make a direct impact on the community around him. "Through research and casework, I was able to aid individuals who may not otherwise have been able to afford legal assistance."

As an engineering major, working in public interest law allowed Peter to use his skills in a new way. He said the attention to detail he developed as an undergraduate came in usefully as a legal researcher. At Northside, Peter enjoyed delving into Irish social welfare law and helping develop appeals strategies for individuals negatively impacted by the system. "Every new case was an opportunity to make a difference," said Peter.

FLAC staff updates



Saoirse Brady



Yvonne O'Sullivan

We were very sorry to say goodbye to our colleague Saoirse Brady, Advocacy and Policy Officer, who left FLAC in July after six years. We wish her every success in her new role as Legal & Policy Officer with the Children's Rights Alliance.

Saoirse's place has been taken by Yvonne O'Sullivan. With experience on a range of issues from her time as a FLAC Legal Intern as well as work with the Migrant Rights Centre and the Irish Refugee Council and volunteering stints in Asia, Yvonne is looking forward to this new challenge.

Save the date!

FLAC's 7th **Dave Ellis Memorial Lecture** on Access to Justice will take place in Dublin on **Thursday 5 December 2013**.

We are pleased to announce that it will be given by **Martin O'Brien**, rights activist and Atlantic Philanthropies Senior Vice President. Keep an eye on our site for details!