



FLAC Annual Report 2019



CELEBRATING
50
YEARS



Lauren Bashir on
the telephone
information line.

About FLAC

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

What does FLAC do?

- Operates a legal information and referral telephone line.
- Runs a nationwide network of legal advice clinics where volunteer lawyers provide basic free legal advice.
- As an Independent Law Centre, engages in strategic litigation and takes on cases in the public interest.
- Provides specialist legal advice to advisers in the Money Advice and Budgeting Service (MABS) and in Citizens Information Services (CISs) on social welfare, personal debt and consumer credit law.
- Engages in research and advocates for policy and law reform in areas of law that most affect disadvantaged and marginalised people.
- Through the Public Interest Law project (PILA), operates a Pro Bono Referral Scheme and engages the legal community and civil society in using the law to advance social change.
- Runs a Roma Legal Clinic and a Traveller legal service.

FLAC Annual Report 2019

Foreword	3
A message from FLAC's Chairperson	5
SECTION ONE: Legal Information, Advice, Advocacy & Training	7
SECTION TWO: Litigation in the Public Interest and Strategic Casework	21
SECTION THREE: Policy, Research & Law Reform	41
2019 - Celebrating 50 Years of FLAC	49
Staff, Governance & Funding	57



Top left: FLAC Chairperson Peter Ward SC Speaking at the launch of the Lawyers for Yes Campaign at the Law Society of Ireland, May 2019.

Right: Lord Michael Briggs, Justice of the Supreme Court of the United Kingdom, Eilis Barry, FLAC CE, Les Allamby, Chief Commissioner of the Northern Ireland Human Rights Commission and Chief Justice Frank Clarke at FLAC's Access to Justice Conference, Trinity College Dublin, May 2019.

Bottom left: Rachel Power (PILA), Wendy Young (Kids in Need of Defense) and Larry Donnelly at an evening reception for Pro Bono Week Ireland at A&L Goodbody, November 2019



FOREWORD

In 1969, FLAC was established as a response to a need for access to justice in Irish society, fifty years on, that need for access to justice has not diminished, as is evident from the work detailed in this report.

2019 was an extremely busy and productive year for FLAC. We dealt with over 26,995 requests for legal information/advice through our telephone line and our network of legal clinics at 72 locations around the country.

FLAC's Public Interest Law Alliance (PILA) directly assisted 130 social justice organisations through its pro bono referral scheme.

FLAC's small legal team continued their casework in the public interest. Housing, discrimination and social welfare cases were the predominant areas of our litigation in the 112 casefiles. FLAC initiated 10 judicial review cases in the area of housing and lodged 11 discrimination complaints under the Equality legislation on behalf of clients.

Highlights included a hotel that was ordered to pay €5,000 to a Traveller family after it had cancelled a booking to celebrate the First Holy Communion. Another significant outcome was the settlement of defamation, discrimination and personal injuries proceedings initiated against Dublin Bus on behalf of two Roma women who were ejected from a bus. FLAC's casefiles highlight the gendered nature of discrimination faced by Roma women. In 2019, FLAC also represented the small US privacy NGO Epic before the CJEU hearing of DPC V Facebook Ireland, involving fundamental rights and privacy of European citizens.

A number of matters of concern arose from the casefiles. In 2019, long before the current controversy regarding airport checks of those in receipt of social welfare payments, FLAC expressed concerns about the manner in which investigations of social welfare claims are conducted by the Department of Employment Affairs and Social Protection. In particular the absence of "poverty-proofing" safeguards where claims are suspended pending an investigation, and the absence of fair procedures in investigations including delays and difficulties for individuals whose first language is not English. FLAC represented a man with literacy problems, who does not speak English who had been stopped at Dublin Airport and asked to sign a statement to the effect that he is not resident in the State and wished to withdraw his disability allowance claims. An assessed overpayment against him was subsequently reduced by approximately €85,000.

The cases we encounter through our dedicated Roma clinic demonstrate the difficulties that members of the Roma Community face in accessing healthcare, emergency accommodation and social housing, even after they have been established in the State for considerable periods of time. This is particularly concerning where Roma families have no other form of income leaving them reliant on charity. FLAC casefiles highlight the over rigid application of the habitual residence condition and call into question the efficacy of the Supplementary Welfare System in providing a safety net.

Against a backdrop of homelessness figures in Ireland peaking in 2019, FLAC raised and continues to raise concerns that legislation is being invoked on a routine basis by local authorities, to threaten Traveller families with evictions, without consultation with the families concerned, without any safeguards against arbitrary eviction, including oversight by the Courts and without legal aid, despite the fact that Ireland was found to be in breach of the European Social Charter in respect of this legislation in 2016.

FLAC made legal aid a priority in its extensive policy work during 2019. Key highlights were the adoption by the UN CERD Committee of FLAC's recommendation to extend the scope of legal aid to discrimination and social welfare claims and the Joint Oireachtas report on Reform of Family Law System's adoption of FLAC's recommendation for a full review of the legal aid scheme to be conducted.

In between all the hard work, we took time to mark our 50th anniversary as an organisation and hosted several highly enjoyable and thought provoking events throughout the year. The seminal lecture "The legacy of Airey v. Ireland and the potential of European law in relation to legal aid" given by Síofra O' Leary, judge of the European Court of Human Rights, along with the other distinguished speakers at our conference on the EU Charter and the ECHR in October and our Access to Justice conference in May will continue to inspire and motivate us.

I would like to thank Peter Ward SC, Chairperson of FLAC and the rest of the board for their continued invaluable support and strategic guidance

Finally, I would like to thank all the FLAC staff and volunteers for their enormous contribution to the goals of this organisation. The level of detail recorded in this report is as a result of their hard work, commitment and expertise.

Eilis Barry, FLAC Chief Executive



A MESSAGE FROM FLAC'S CHAIRPERSON

2019 was marked by a series of memorable events held to celebrate FLAC's 50th anniversary. We enjoyed this special opportunity to bring together FLAC friends and supporters from the last fifty years. So many people travelled from near and far to reunite and reflect, not only on what we have achieved during that time, but also on what our future role should be. It was clear that FLAC provides a welcoming space for the alternative legal world - a space where progressive ideas and passions are shared and nurtured.

The first event of the year took place on 25th February when President Michael D. Higgins officially opened FLAC's new head office at 85/86 Dorset Street Upper in Dublin.

In April 1969, the first FLAC clinic was held by then law students David Byrne, Ian Candy, Denis McCullough and the late Vivian Lavan. To mark this occasion, Trinity FLAC Society hosted a wonderful 'Founders Event' in the Long Room of Trinity Library in March. Eilis Barry, FLAC CE, then had the honour of speaking at the 2019 Vivian Lavan Memorial Address in UCD to celebrate 50 years of FLAC, as well as honouring the late Mr. Justice Lavan.

In May FLAC hosted a major conference on the theme of 'Access to Justice', in association with the School of Law, Trinity College Dublin. The conference was opened by Chief Justice Frank Clarke, and distinguished speakers from the legal and human rights fields addressed a wide range of topics related to access to justice.

For the first time, FLAC celebrated Bloomsday and Culture Night in our new office space, bringing together for many a love of the Arts and the Law.

FLAC marked the 40th anniversary of the Airey judgement in October with a Conference in the Law Society on the EU Charter and the ECHR, Practice and Potential. We were delighted to have Síofra O'Leary, Judge of the European Court of Human Rights, give a significant lecture alongside a number of distinguished speakers on European Law.

In our final event of the year FLAC held its 50th anniversary celebration at the Radisson Blu Hotel Dublin in November. The celebration incorporated the

Thirteenth Annual Dave Ellis Memorial Lecture, with former President of Ireland Mary Robinson in conversation with journalist Doireann Ní Bhriain. This was preceded by a panel discussion looking back at five decades of FLAC with representatives from its different eras - featuring Karen Banks, David Byrne, Eamonn Conlon, The Hon. Ms Justice Iseult O'Malley, Siobhan Phelan SC, Mel Cousins BL, Grainne O'Hara, Noeline Blackwell, Walter Walsh and Gerry Whyte.

As an organisation FLAC enjoys a unique position on the Irish legal landscape and its many contributions to equal access to justice are only made possible because of the incredible support that we receive on an ongoing basis.

We on FLAC Council appreciate and depend upon the work of all our FLAC volunteers who use their professional skills and expertise to promote access to justice. This includes the hundreds of lawyers around the country who volunteer at FLAC clinics; those who are part of the PILA Pro Bono register; the lawyers who support our case work; the members of the student FLAC societies; and all of the volunteers in FLAC's office. We also wish to thank the Citizens Information Board, the staff and management of local Citizens Information Centres and the community-based organisations who facilitate and host the FLAC clinics all around the country.

Thank you to our amazing current FLAC staff and those who have worked with us over the years. Without your work, commitment, energy and idealism we would not have achieved this significant milestone.

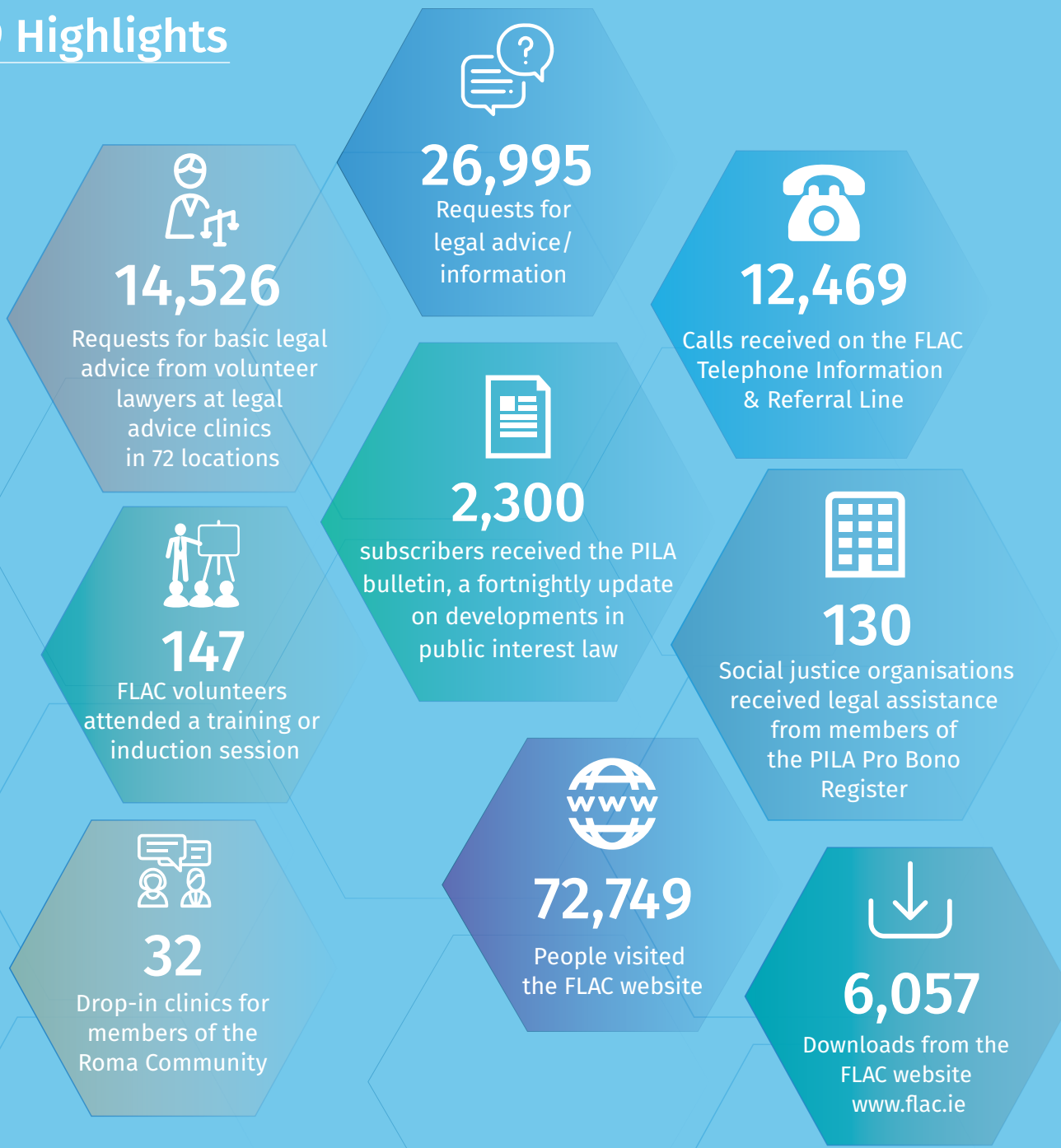
Finally, we are deeply grateful to all of our supporters who have shown their commitment to access to justice through donations and grants. Thank you to our funders - philanthropic, Government Departments, statutory bodies, the Law Society, the Bar Council, law firms, solicitors, barristers and individuals - who help us further our common goal of improved access to justice in Ireland.

Peter Ward SC, FLAC Chairperson

SECTION 1: Legal Information, Advice, Advocacy & Training

FLAC provides legal information, advice, advocacy and training in a number of different ways to enable people to know what they are entitled to and how to assert their rights

2019 Highlights



TELEPHONE INFORMATION & REFERRAL LINE

FLAC provided legal information to 12,469 callers to its Telephone Information and Referral Line in 2019. This was an increase of 9% on the number of calls received the previous year.

What were the calls about?

24.1% Family Law:

Almost one-quarter of all queries last year were in relation to family law.

Of these

- 41% of callers were enquiring about a divorce or separation.
- 25% wanted to discuss custody, access or guardianship.
- almost 20% had a query about maintenance.
- domestic violence and the family home each accounted for 10%. There was a 23% increase in the number of domestic violence calls compared with the previous year.

13% Legal Services calls

Callers looking for the details of a FLAC clinic or other legal service, accounted for 13% of all calls to the information line last year.

11.5% Employment law queries

Employment law queries rose by 17% compared with the previous year and accounted for 11.5% of all calls last year.

Of these

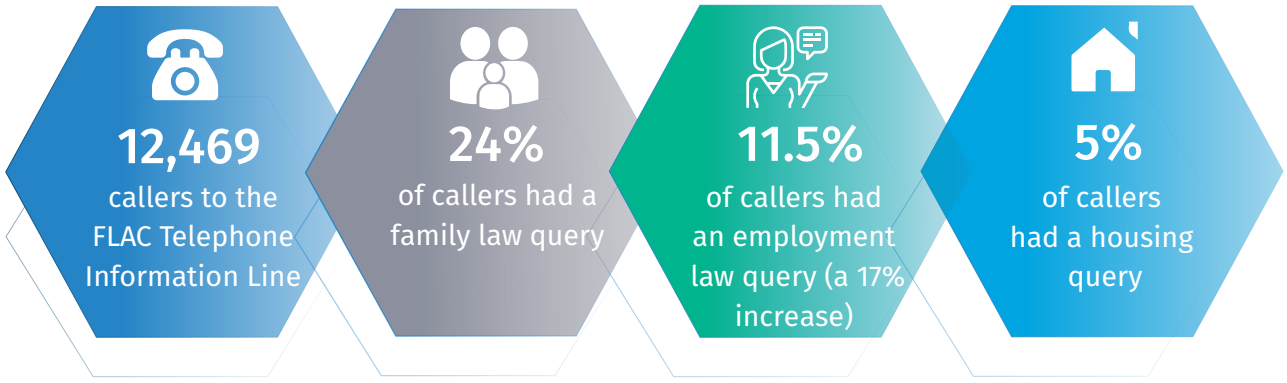
- 38% were about a contract.
- 14% were about dismissal.
- 13% had a query about grievance procedures.
- There was a 36% increase in the number of calls about bullying in the workplace, accounting for 9% of all employment law queries.

5% Housing related calls

- 59% of callers with a housing related query were tenants, 36% were landlords, 3% were a lodger and 1% were homeless.
- The main issues were about social housing, ending a tenancy, HAP payment, rent issues and deposit disputes.



Jackie Heffernan
FLAC Information
Line Coordinator.



– Queries to Flac’s Telephone Information & Referral Line –

Lay Litigants

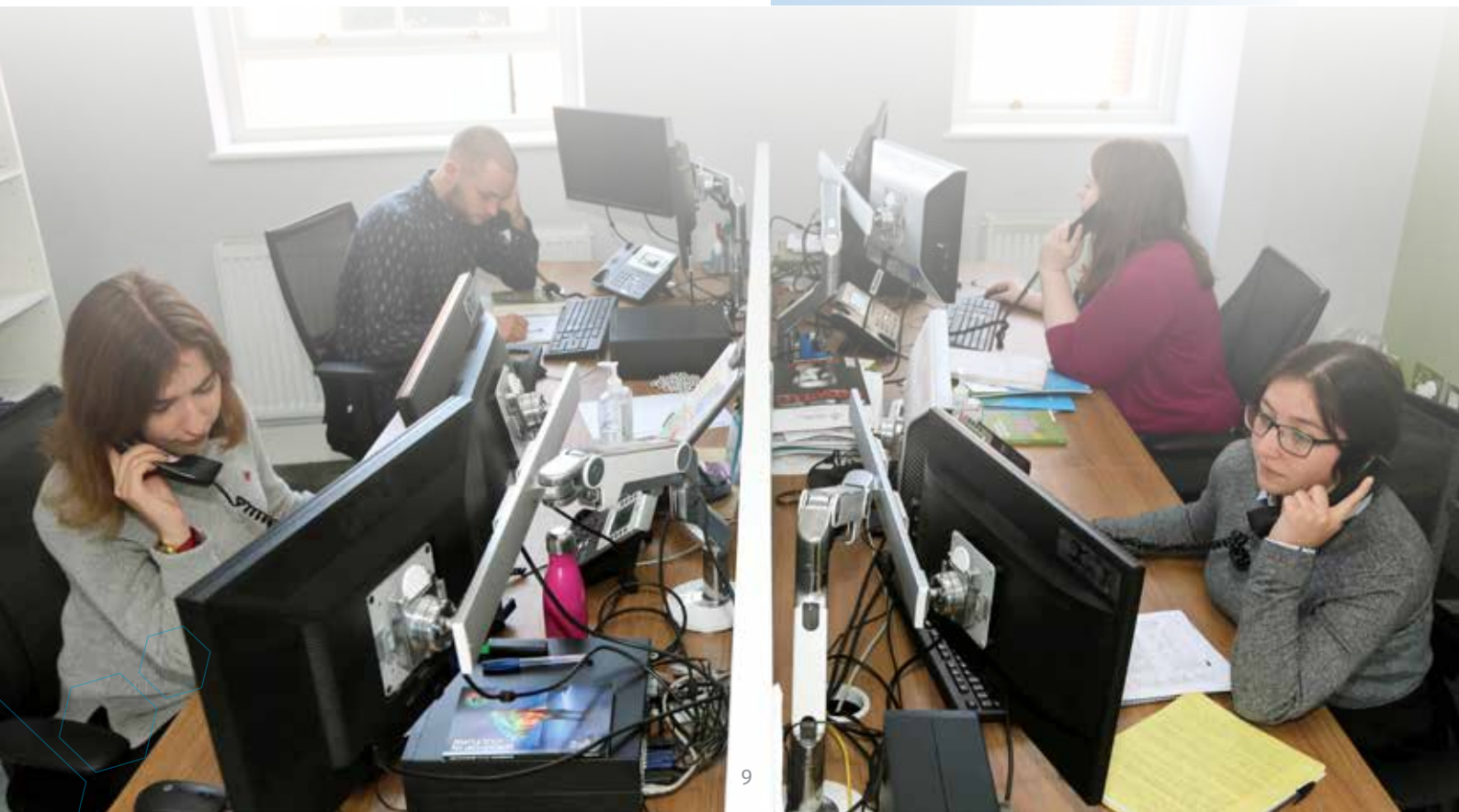
FLAC’s information line regularly receives calls from lay litigants who are endeavouring to represent themselves in complex court cases and who are desperately in need of assistance, advice and representation which FLAC does not have the resources to provide. Lay litigants were approximately 4% of callers to the information line.

Of these

- Almost half (48%) had a family law issue.
- 12% had a civil law issue.
- 9% had a criminal law matter.

Top Lay Litigant Queries

%	calls	Primary area of law:
47.9	207	Family
11.6	50	Civil
9.3	40	Criminal



QUERIES TO FLAC'S TELEPHONE INFORMATION AND REFERRAL LINE 2019

calls	%	annual % change	Primary area of law:
3,008	24.1	8.2	Family
1,636	13.1	56.6	Legal Services
1,439	11.5	16.9	Employment
858	6.9	1.2	Criminal
851	6.8	-1.8	Civil
756	6.1	7.2	Will/Probate
672	5.4	-24.1	Housing/Landlord & Tenant
506	4.1	22.2	Other
417	3.3	-8.6	Credit & Debt
393	3.2	-22.8	Consumer
348	2.8	27.9	Legal Aid
326	2.6	-13.8	Property/Interest in Land
272	2.2	-3.5	Client-Solicitor relations/issues
221	1.8	14.5	Negligence/Personal Injury
220	1.8	70.5	Immigration/refugee
164	1.3	1.9	Neighbour disputes
126	1.0	0.8	Social Welfare
124	1.0	15.9	Contract
70	0.6	52.2	Discrimination
62	0.5	19.2	Company
12,469	100%	8.6	Total

**Legal Services: Calls seeking details about FLAC advice clinics and other services*

Saoirse Brady @saoirse_b • Feb 25, 2019

I've so many good friends from the extended FLAC family! Too many to fit into a single tweet! I always felt part of something bigger and that we were making a real difference in people's lives which is a lovely way to feel about a job. Once a Flaccer, always a Flaccer ☺



LEGAL ADVICE CLINICS

Roughly 2,500 free legal advice clinics took place in 2019 at 72 locations around the country (67 of these locations are in Citizens Information Centres).

Volunteer lawyers provided 14,526 basic free legal advice consultations to members of the public in our clinics. We at FLAC would like to acknowledge the support provided by the Citizens Information Board, the staff, volunteers and management of local Citizens Information Centres and the community based organisations who provide facilities and administrative support to run our clinics.

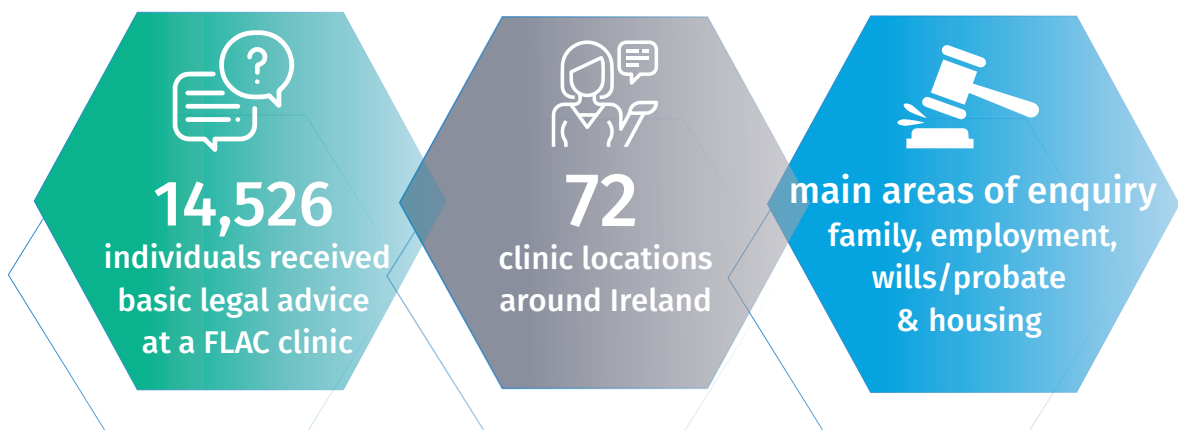
60% of these consultations took place in Co. Dublin, 8% in County Cork and 5% were held in Co. Limerick. The country of origin of the callers varied across 103 different countries, with Ireland, Poland and the United Kingdom the top three, followed by Romania, Brazil and Nigeria. Almost 60% of service users were under the age of 45.

Family Law

Almost 5,000 queries in the FLAC clinics last year

- Family law queries accounted for 34% of consultations.
- Just over 50% of these family law queries were in relation to a divorce or separation.
- 25% were about custody, access or guardianship, and 20% were about maintenance.
- Domestic violence queries increased by almost 11% compared with the previous year and accounted for 9% of all family law queries.

Key Legal Advice Statistics



Employment law

Queries rose by over 10% compared with the previous year and were the second most frequently discussed queries in the clinics in 2019.

- Just over 25% of these were about a contract.
- 24% were about dismissal.
- 11% were about discrimination (an increase of 24% on the previous year).
- 11% were about redundancy (an increase of 40% on the previous year).

Discrimination

Over 200 callers to the clinics last year stated that they had experienced discrimination.

- One third of these were on the grounds of their race, ethnicity or nationality.
- One quarter of these were on the grounds of a disability.
- A further 19% experienced discrimination based on their gender.

QUERIES IN LEGAL ADVICE CLINICS 2019

Consultations	%	Annual % change	Area of law:
4973	34.2	6.6	Family
2353	16.2	10.3	Employment
1434	9.9	9.5	Wills/Probate law
1047	7.2	6.0	Housing
730	5.0	2.4	Property
714	4.9	2.1	Other
665	4.6	3.9	Negligence/Personal Injury
648	4.5	-8.3	Consumer
648	4.5	-4.4	Criminal
566	3.9	0.9	Immigration/Refugee
500	3.4	-11.3	Credit & Debt
252	1.7	-15.2	Neighbour Disputes
216	1.5	14.3	Social Welfare
163	1.1	-12.4	Legal representation issues
14,526	100	6.2	



Colin Lenihan @colinlenihan • Feb 25, 2019

Congrats to @flacireland on the official opening of their new office and celebrating their 50 year anniversary. Working there will always be a highlight of mine and developed my desire to work and support the most marginalized in the country #flac50

BREAKDOWN IN FAMILY LAW QUERIES

Callers	% Family Law queries	Annual % change	2019 Breakdown:
2563	51.5	6.2	Divorce/Separation
1226	24.7	-2.9	Custody/Access/Guardianship
1015	20.4	-1.4	Maintenance
728	14.6	7.9	Family home
462	9.3	10.5	Domestic Violence
382	7.7	-14.9	Other family matter

BREAKDOWN IN EMPLOYMENT LAW QUERIES

Callers	% Employment Law queries	Annual % change	2019 Breakdown:
692	29.4	-14.9	Other
602	25.6	12.9	Contract terms
554	23.5	12.8	Dismissal
265	11.3	23.8	Discrimination
254	10.8	39.6	Redundancy
101	4.3	62.9	Access to redress

See www.flac.ie for a full list of all the FLAC clinics, including location, opening hours and whether an appointment is required.

“You are all a valuable and uplifting example of participative citizenship and democracy, reminding us of all that is most hopeful in Irish society.”

President Michael D. Higgins speaking at the official opening of FLAC's New Office at 85/86 Dorset Street Upper, in relation to volunteers.



CIC receptionist, North King Street.



Rhea Bohan, Immigration Law Volunteer, North King Street.



David McAlinden – Swords Volunteer.



Sabrina Sullivan – Finglas Volunteer.



Irish Sign Language Interpretation

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

An tSeirbhis Saor- Chomhairle Dlí

In association with Conradh Na Gaeilge, free legal advice services are available through Irish by appointment in Cork, Dublin and Galway.

Owen Kenny BL speaking at the Third Annual FLAC Volunteer Conference in the FLAC Office.



Susie Kiely, FLAC Volunteer, at the North King Street FLAC Clinic on April 25 2019 - 50 years since the first FLAC clinic.



Immigration law training for FLAC staff and interns with Colin Lenihan, Immigrant Council of Ireland.



Paul McCarthy SC delivering training at the Annual FLAC Volunteer Conference.



Sile Mason, Development Manager, Dundrum CIC on April 25 2019 - 50 years since the first FLAC clinic.



FLAC Volunteer, Colm O'Dwyer SC presenting at the Annual FLAC Volunteer Conference.

The value of Volunteers

FLAC Clinics are resourced by dedicated volunteers who give generously of their time and expertise. FLAC would like to thank all of our brilliant volunteers for their dedication, commitment and the time they give to attend clinics and advise people who otherwise would not have access to legal advice.

“Volunteering is a really great chance to offer your specialised skills as a lawyer in a really impactful way.”

Susie Kiely, FLAC Volunteer Advisor

International Volunteer Day video - view the video at www.youtube.com/user/flacireland/



FLAC Volunteer Michael Crowley speaking about his volunteer experience.



FLAC Volunteer Shaunagh Byrne and Margaret Hubbard Cabra CIC information Officer.



FLAC Volunteer Shaunagh Byrne giving legal advice in the FLAC Clinic in Cabra.

The Roma Legal Clinic

In 2019 FLAC:

- held 32 drop-in clinics in 2019.
- had 61 active case files for Roma clients.
- 85 people attended the clinic.

Advising the Advisors: Specialist Advice and technical support for MABS

FLAC supports advisors working in Citizens Information Services (CIS) and in the Money Advice and Budgeting Service (MABS) who are themselves assisting their clients at a local level.

FLAC provided detailed technical support to MABS staff in respect of their clients on 80 case files through 2019. This service covered the three specific areas of mortgage arrears and repossession, debt enforcement in unsecured debt cases and consumer credit law. FLAC also provided legal technical support for 14 cases in the area of social welfare.

FLAC Website

In 2019 we had;

- 72,749 Users.
- 285,194 Page Views.
- 6,057 downloads.

PILA Bulletin

Over 2,300 people in the legal profession, NGO sector and academia in Ireland and abroad receive the fortnightly PILA bulletin with its roundup of human rights and public interest law news, events and jobs from around the world.

You can check out the latest PILA Bulletin at www.pila.ie/resources/bulletin or get it straight into your inbox by subscribing to bulletin@pila.ie.

FLAC Chief Executive Eilis Barry and PILA Legal Manager, Deirdre Malone attending the Joint Oireachtas Committee on Justice and Equality on the issue of 'Access to Justice and Legal Costs', December 2019.





Evening reception for Pro Bono Week Ireland at A&L Goodbody. L-R Eithne Lynch (A&L Goodbody), Carolann Minnock (Arthur Cox), Rachel Power (PILA), Wendy Young (Kids in Need of Defense) and Larry Donnelly.

LEGAL ADVICE FOR ORGANISATIONS - THE PILA PRO BONO REFERRAL SCHEME

PILA (Public Interest Law Alliance) is a project of FLAC that promotes the use of law in the public interest in Ireland, by engaging the legal community and civil society in using the law to advance positive social change.

In 2019, PILA

- Directly assisted 130 social justice organisations through its Pro Bono Referral Scheme.
- Took on 140 new legal advice and litigation referrals from partner NGOs.
- Facilitated 5 Law Reform Working Groups, tackling issues such as disability rights, Traveller discrimination and barriers to public interest litigation.
- Ran 12 Legal Education Sessions, training 225 NGO staff.
- Held 4 roundtables on EU Treaty Rights, direct provision and pro bono.
- Supported an alliance of 145 organisations, 37 law firms, 350 barristers and 6 in-house legal teams.

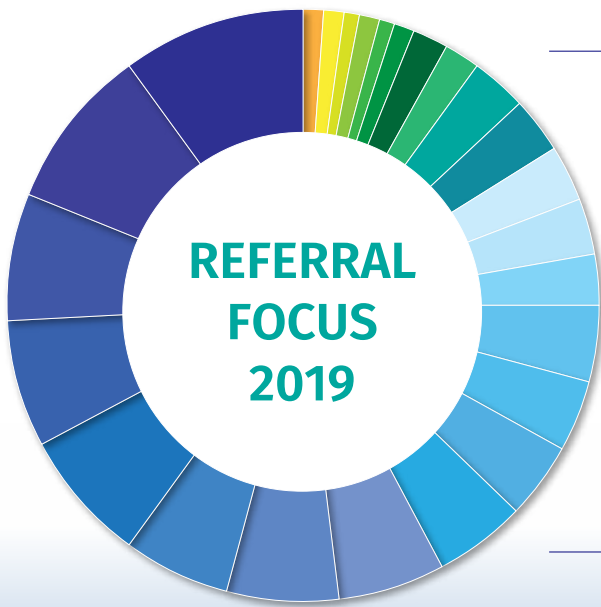
Central to PILA's work is its Pro Bono Referral Scheme, which increases access to pro bono legal services for social justice

organisations. PILA also seeks to break down barriers to public interest litigation, and maintain public interest law as the foundation of clinical legal education in Ireland.

In 2019, through the Pro Bono Referral Scheme, our network delivered direct legal assistance to 130 NGOs, community organisations and independent law centres.

The most common areas of assistance for organisations was housing and homelessness, followed by corporate governance, data protection and Traveller rights.

The year 2019 marked the first celebration of Pro Bono Week Ireland, a collaboration between leading law firms A&L Goodbody and Arthur Cox and pro bono organisations PILA and TrustLaw (Thomson Reuters Foundation). The new initiative celebrated the many lawyers who share their expertise with those that cannot afford legal



- Housing & Homelessness
- Contracts
- Corporate Governance
- Data Protection & FOI
- Travellers
- Migration
- Criminal
- Refugee & Asylum
- Employment Law
- Disability
- Discrimination & Equality
- Environmental Law & Planning
- Legal Services & Proceedings
- Health
- Children
- LGBT
- Social Welfare & State Pensions
- Women's Rights
- Admin Law
- Prison Law & Ex-Offenders
- Defamation
- Debt & Credit
- Family Law
- Older People
- Education

PRO BONO REFERRAL SCHEME

PILA's Pro Bono Referral Scheme gives NGO partners access to pro bono:

LEGAL ADVICE – on organisational issues or in line with policy and campaign work;

LAW REFORM WORKING GROUPS – where lawyers and NGOs come together to work to implement social change;

STRATEGIC LITIGATION SUPPORT – including pre-litigation advices and casework that may benefit a wider group;

LEGAL EDUCATION SESSIONS – to better equip NGO staff in navigating the law; and

SIGNATURE PROJECTS – where a law firm and NGO partner collaborate to fill a particular unmet legal need.

assistance and highlighted the need for increased pro bono participation from within the profession.

Pro Bono Week Ireland was launched at an evening reception that showcased recent developments in pro bono practice and partnerships in Ireland. PILA also collaborated on a 'Legal Health Check' where charities and social enterprises received free legal training in key areas like data protection, employment, charity law and commercial contracts, and attended a panel discussion in McCann Fitzgerald on 'Changing Lives through Pro Bono'.

“I have to say that it has been the most positive experience ever. We are now registered as a CLG! We would have not managed to do that if we had not received your help. The solicitors have a good listening ear and they explain things to us in a very simple way. They answer emails and phone calls and they appear very willing to understand our point of view and explain how things are very different in Ireland. It has been a brilliant experience.”

PILA partner organisation



Panel discussion on “Pro bono and the activist lawyer”. L-R Gearóid Ó Cuinn (GLAN), Maeve O’Rourke (National University of Ireland, Galway), Deirdre Malone (PILA) and Nick Henderson (Irish Refugee Council).



Ivan Yates presents PILA’s award for Pro Bono Team of the Year to Rachel Power at the Irish Law Awards 2019.

Some pro bono support from 2019:

Asylum & Refugee Law: Legal opinion on reduction in reception conditions for individuals in Direct Provision contrary to the Receptions Conditions Directive.

Domestic Violence: Cross-jurisdictional research on the availability of civil legal aid for victims of domestic violence.

Combatting Poverty: Legal advice on financial literacy and microfinance loan scheme to allow people on low incomes access small zero interest loans to buy essential items.

Gender Equality: Analysis of Irish law and how it protects women against violence to influence the now-ratified International Labour Organisation’s Convention on Violence and Harassment against Women and Men in the World of Work.

Labour Exploitation: A successful appeal to the Labour Court under the Working Time Act for a mushroom farm labourer.

“As a solicitor you often forget how difficult it can be for someone without any legal training to find an answer to a legal problem. Being able to attend the clinic and help someone who may not be able to afford to pay for advice is exceptionally rewarding. The clinic has also given me an insight into the sheer scale of this housing crisis and the need for more people to get involved to try and tackle an issue which only seems to be worsening.”

Jack Kennedy, A&L Goodbody

LEGAL EDUCATION AND TRAINING

NGO training

PILA Legal Education Sessions

In 2019, PILA facilitated 12 legal education sessions for over 225 participants on topics such as refugee law, domestic violence, data protection and children's rights.

FLAC Volunteer Training

Throughout the year **147** people attended **six volunteer training events** in Dublin, Cork and Tullamore on the following topics:

- New Legislation on Mortgage Arrears, Employment Rights and Changes to Zero Hours Contracts, Legal Aid - Updates and Developments, the Domestic Violence Act 2018, Immigration Law and International Protection and Citizenship Law, Housing Law.

Our Third Annual FLAC Volunteer Conference was held on 23rd November and was well attended.

FLAC is extremely grateful to everyone who volunteers time, expertise and resources to provide training for FLAC volunteers over the course of the year. Special thanks this year to:

- Catherine Cosgrave, *Managing Solicitor Immigrant Council of Ireland.*
- Colm O 'Dwyer, *Senior Council.*
- Eileen Lynch, *O'Flynn Exhams.*
- John McDaid, *Chief Executive, Legal Aid Board.*
- Owen Keany, *Barrister.*

- Patrice Cooney, *Legal Aid Board.*
- Paul Joyce, *Senior Policy Analyst, FLAC.*
- Paul McCarthy, *Senior Council.*
- Sarah Coughlan, *Senior Associate, O'Flynn Exhams Solicitor & FLAC Volunteer.*
- Sinéad Lucey, *Managing Solicitor, FLAC.*
- Ursula Regan, *Regan Solicitors, Chair of Women's Aid.*

MABS training events

Legal training for MABS staff - 6 one day training sessions were carried out by FLAC for MABS in 2019. Five of these events, focused on the new provisions in the Land and Conveyancing Law Reform (Amendment) Act 2019 (Athlone, Dublin x 2, Limerick and Sligo) and explored in particular the implications for clients in late stage mortgage arrears or repossession proceedings. The other training event concerned an introduction to Consumer Credit legislation in Ireland.



Verena Tarpey Limerick family law FLAC Volunteer with Zsé Varga, FLAC Volunteer Development Manager.

SECTION TWO: Litigation in the Public Interest and Strategic Casework

FLAC is an independent law centre that takes on a number of legal cases each year in the public interest. These cases may have the potential to benefit a wider group of people as well as being important for the individual client. In addition, social justice NGOs may obtain litigation support through PILA's Pro Bono Referral Scheme.

2019 Highlights



A homeless man in the first Circuit Court appeal of a decision of the WRC awarded compensation for discrimination by a landlord on the housing assistance ground



Two Roma women who were ejected from a bus receive substantial compensation from Dublin Bus



A discrimination complaint on behalf of a Roma woman who was refused employment for wearing a traditional Roma skirt was settled for €6,000



An assessed overpayment against a man who had his disability allowance suspended and reviewed after he was approached at Dublin Airport by an official of the DEASP was reduced by approximately €85,000.



High Court actions on behalf of two primary school children with complex educational needs re their exclusion from additional schooling in the summer, known as the "July Provision Scheme" were settled on terms that resolved the actions.



A Local Authority agreed to perform a program of works at a Traveller group housing scheme and to ensure residents had access to domestic waste collection services



FLAC initiated 10 separate judicial review cases in the area of social housing.



€5,000 awarded to Traveller family for cancellation of Holy Communion celebration in hotel



FLAC represented EPIC, a US NGO, before the Court of Justice of the EU hearing of DPC v Facebook Ireland & Schrems, concerning fundamental rights and data privacy laws in the US

CASEFILES

57 new casefiles were opened during 2019 with 55 files carried over from 2018.

61 of these 112 casefiles were opened on behalf of callers to FLAC's Roma Legal Clinic.

The legal issues and outcomes arising from these 112 casefiles are set out below, firstly by reference to the jurisdiction through which a remedy was sought and, then by reference to area of law in which the case arose.

OVERVIEW OF CASEFILES

Files Carried Over	New Files	Total	%	Area of Law
20	19	39	34.8	Housing
13	17	30	28.8	Discrimination/Equality
11	15	26	23.2	Social Welfare
4	1	5	4.5	Citizenship
3	1	4	3.6	Data Protection
1	1	2	1.8	Employment
0	1	1	0.9	Legal Aid
3	2	5	4.5	Other
55	57	112	100	

CASEFILES ARISING FROM FLAC'S ROMA LEGAL CLINIC (subset of the above)

Files Carried Over	New Files	Total	%	Area of Law
8	12	20	32.8	Social Welfare
10	8	18	29.5	Housing
7	11	18	29.5	Discrimination/Equality
4	1	5	8.2	Citizenship
29	32	61	100	

FLAC Roma Legal Clinic

FLAC’s Roma Legal Clinic is held weekly from 9:30am to 1:00pm each Tuesday at FLAC Headquarter, 85/86 Dorset Street Upper, Dublin 1. The clinic is funded by the Department of Justice and Equality’s National Traveller and Roma Inclusion Strategy.

32 Clinics were held at FLAC Head Office in 2019. The clinics are resourced by FLAC’s legal team with assistance from Danut Nae of Cairde who provides Romanian and Romani interpretation as well as providing outreach into the Roma Community.

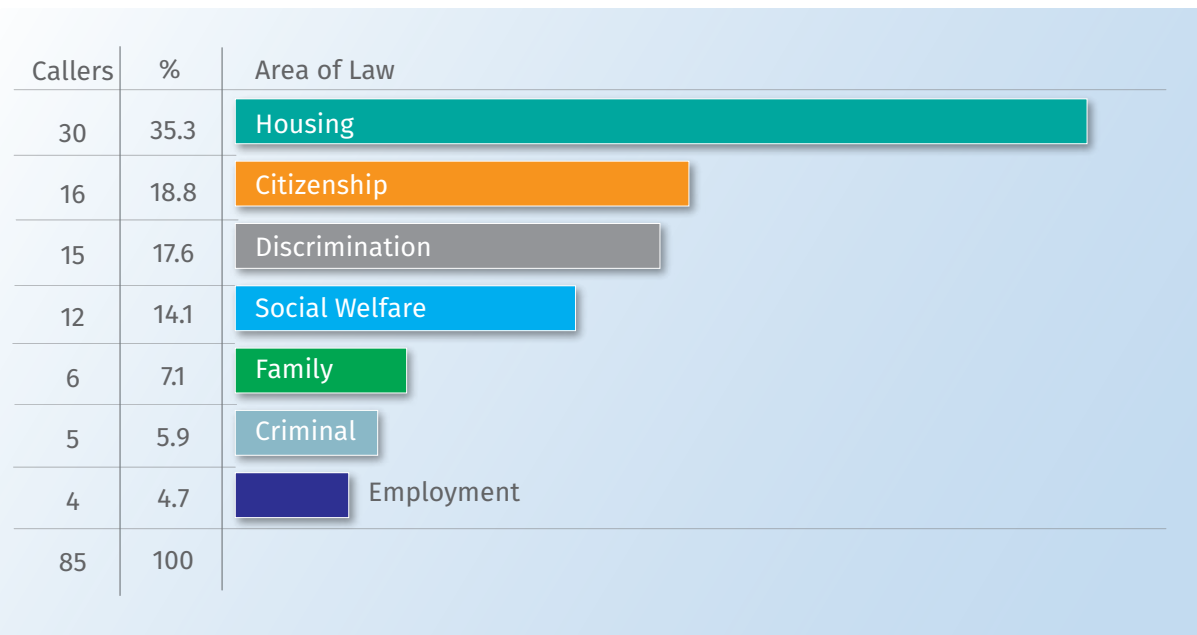
61 of the 112 casefiles active casefiles dealt with by FLAC’s legal team in 2019 were opened on behalf of callers to the Roma clinic.



Minister for Justice and Equality, Charles Flanagan TD with FLAC Legal Officer Christopher Bowes and Danut Nae of Cairde who provides Romanian and Romani interpretation, at FLAC’s Roma Clinic as well as providing outreach into the Roma Community at the Launch of FLAC’s Annual Report 2018.

85 people attended the clinic throughout the year, with many attending for consultations on a multiple occasions. Below is an overview of the issues in relation to which they sought advice:

FLAC ROMA LEGAL CLINIC



CASEWORK: ISSUES / OUTCOMES BY JURISDICTION

In 2019 FLAC appeared in a variety of domestic and international Courts/Tribunals, seeking an effective remedy for our clients.

Court of Justice of the European Union

FLAC represented EPIC, a US NGO, to make expert submissions before the Grand Chamber hearing of DPC v Facebook Ireland & Schrems, concerning data privacy laws in the US. In 2020 in its landmark judgement the EU Court agreed with the submissions of EPIC. In particular it was found that access to the data of EU citizens transferred to the US was not accompanied by safeguards in terms of limitations on access and use and adequate judicial oversight and remedies in respect of wrongful access.

High Court

13 applications for leave to apply for Judicial Review were granted. 10 of these applications related to housing, 2 to education/equality and 1 to social welfare. Both education/equality cases and 3 housing cases settled in favour of FLAC's clients and the other cases were ongoing at year end.

3 Statutory Appeals of decisions of the Residential Tenancies Board were lodged on behalf of clients at risk of homelessness. These cases await hearing.

Circuit Court

FLAC acted for a homeless man in the first Circuit Court appeal of a decision of the Workplace Relations Commission to award compensation in respect of discrimination by a landlord on the HAP ground. The Circuit Court upheld the decision of the WRC and awarded FLAC's client €1,000 in compensation.

FLAC initiated Circuit Court appeal proceedings on behalf of a Roma woman whose Equal Status complaint to the WRC was rejected on the basis that she failed to satisfy the notification requirements for such a complaint.

Two sets of defamation and personal injuries proceedings were initiated against Dublin Bus on behalf of two Roma women who were ejected from a bus. The proceedings were settled in favour of FLAC's clients who received

Ivan Yeats presents Sinéad Lucey, Managing Solicitor, FLAC with award for 'Lawyer of the Year' at this year's eighth annual Irish Law Awards.



substantial financial settlements in respect of their claims. Claims lodged to the WRC under the Equal Status Acts in relation to the same incident were also settled pursuant to these agreements.

District Court

FLAC sought an order for judgment in default of appearance from the District Court in relation to a claim against a Local Authority brought on behalf of a Traveller woman whose home was destroyed in a fire on a halting site.

District Court enforcement proceedings were also initiated on behalf of FLAC's client who was awarded damages for discrimination on the HAP ground by the Circuit Court.

Labour Court

FLAC acted for a client in Labour Court proceedings against a Public Body under the Terms of Employment Information Act and Organisation of Working Time Act. No further information can be disclosed regarding the case in light of a confidentiality clause.

FLAC has previously expressed concern about the use of strict confidentiality clauses by public bodies and considers that they are largely contrary to the public interest. This remains an outstanding issue of concern for FLAC.

Workplace Relations Commission

FLAC lodged nine new discrimination complaints under the Equal Status Act and two under the Employment Equality Act on behalf of clients. Complaints were lodged under the race, gender, family status, disability and Traveller grounds.

Representation was provided at 3 WRC mediation meetings and at 6 WRC adjudication hearings.

Social Welfare Appeals Office

3 new appeals were lodged with the Social Welfare Appeals Office.

FLAC also represented 6 clients at Appeal Hearings. Appeals heard related to entitlement to Jobseeker's Allowance, Supplementary Welfare Allowance, Disability Allowance, Carer's Allowance and State Pensions.

The Dynamic Duo – Legal Officer Christopher Bowes and Managing Solicitor Sinéad Lucey.



Strategic Casework: Issues/Outcomes by Area of Law

HOUSING

Casefiles on housing, homelessness and landlord and tenant issues constituted the largest category of total casefiles dealt with in 2019 (35%) and the largest number of new files opened (33%).

These cases included:

- A Traveller family with no alternative accommodation was served with a purported Eviction Notice by a Local Authority under section 10 of the Housing (Miscellaneous Provisions) Act 1992 requiring them to move their caravan from the curtilage of their relative's local authority accommodation within a period of 48 hours. Following representations from FLAC to the effect that the Notice was invalid for failing to comply with statutory requirements and that the family's situation was one of homelessness, the Notice was withdrawn by the Local Authority and agreement was reached regarding the provision of emergency accommodation.
- FLAC made representations to a Local Authority on behalf of a Traveller family in relation to the condition of the mobile home which the family were renting from the Local Authority. The condition of the mobile home was such that the family's health was suffering and they had been forced to leave their home and reside with relatives on numerous occasions. Following positive engagement from the Local Authority, the mobile home was inspected and the family were provided with a suitable replacement.
- A WRC discrimination complaint against a Local Authority taken on behalf of a Traveller woman was settled in her favour. The case concerned the failure of the Council to ensure that residents in Traveller-specific accommodation had access to domestic waste collection services. Further, houses in the group housing scheme in which the client was resident had fallen into severe disrepair. An agreement was reached whereby the Local Authority agreed to carry out a program of works at the housing scheme and to ensure residents had access to domestic waste collection services.
- FLAC acted on behalf of a Roma couple who were removed from a Local Authority's housing list on the basis that they owned property of nominal value in Romania. Following a submission from FLAC to the effect that there was no legal basis for their removal under the Housing Acts, the couple were restored to the Housing List and afforded the same priority as if they had never been removed.
- A Roma family served with an invalid Notice of Termination. Following a complaint to the Residential Tenancies Board, the family's landlord agreed to extend the notice period in line with statutory requirements.



Maureen Gourley, FLAC Solicitor.

FLAC also initiated 10 separate judicial review cases in the area of housing, including:

- Three cases against a local authority on behalf of Traveller families living on an overcrowded halting site with poor facilities. The case concerned the failure of the Local Authority to complete a planning process to build proposed houses for the three families on a site adjacent to the scheme. The Local Authority received planning objections from local residents which made reference to a written agreement between the Local Authority and a Residents Association from many years previously when the halting site was originally developed and purportedly agreeing not to expand the halting site. It was argued that reliance on the purported agreement was discriminatory and in conflict with the statutory duty of the local authority. These cases settled after the Local Authority agreed to restart the planning process and not to be restricted or fettered by the purported agreement with the resident's association.
- A set of 3 related judicial review proceedings were commenced late in 2019 when it became apparent that the 3 houses intended to be developed for FLAC's clients and which had been included in the Draft Traveller Accommodation Programme had subsequently been removed without notice in the Traveller Accommodation Programme as adopted by the local authority. It was asserted that this deliberate removal of the housing scheme from the TAP undermined the legal obligation on the Council and the elected members to proceed with

the proposed development. Those proceedings were ongoing at year end.

- FLAC also initiated Judicial Review proceedings against a local authority on behalf of a homeless Roma couple in relation to a failure of the Council to process their application for social housing within the relevant statutory timeframe. Those proceedings were ongoing at year end.

Issue of concern:

In 2016 Ireland was found to be in breach of the European Social Charter in relation to a number of legislative provisions and practices where Travellers are threatened with evictions without appropriate safeguards incorporated into the legislation, including an absence of legal aid, the constrained time limits for compliance with the requirements of the legislation and the lack of any requirement to engage in prior consultation before the eviction takes place.

However, to date, all this legislation remains in place, and is still being used against Travellers and their families. FLAC regularly provides advice to individuals and families in relation to the application of section 10 of the Housing (Miscellaneous Provisions) Act 1992. FLAC is concerned that the legislation is invoked on a routine basis by local authorities, without consultation with the individuals concerned, and without any safeguards against arbitrary evictions including oversight by the Courts as would be the case if a person was being evicted from a local authority dwelling. FLAC considers that this legislation is discriminatory and needs to be amended to bring it in line with the recommendations of the Social Charter decision.

Pavee Point @PaveePoint • May 17, 2019

At [@flacireland's Access to Justice Conference](#), marking its 50th year anniversary. It's great to hear various perspectives on how we can progress and reform the court system in Ireland which excludes many. But we need to put these perspectives into practice. [#A2Jcon2019](#)



Social Welfare

Social Welfare issues constituted the third largest area of FLAC's casework in 2019.

FLAC lodged 3 new appeals to the Social Welfare Appeals Office on behalf of clients who attended the Roma Clinic. Other callers to the clinic were assisted in lodging appeals on their own behalf. FLAC also represented six clients at appeal hearings concerning entitlement to Jobseeker's Allowance, Supplementary Welfare Allowance, Disability Allowance, Carer's Allowance and State Pensions.

FLAC also made numerous submissions to Deciding Officers on behalf of callers to the Roma clinic seeking to have decisions revised in respect of new evidence in relation to clients' claims. A much larger volume of such advocacy work is conducted by the Crosscare organisation whose Migrant Project provides significant support to the Roma Community. A system of referrals between FLAC and Crosscare has greatly benefited FLAC's Roma Clinic.

Issue of concern

FLAC has previously raised concerns in relation to the manner in which investigations of social welfare claims are conducted by the Department of Employment Affairs and Social Protection. These concerns related to the absence of any "poverty-proofing" safeguards in circumstances where claims are suspended pending an investigation, and the absence of fair procedures in the manner in which some investigations are conducted including the delay in processing the investigation and difficulties for individuals whose first language is not English to deal with such investigations. These concerns continue to arise, particularly in relation to social welfare casework taken on behalf of members of the Roma Community.

Airport Checks

FLAC has more recently raised concerns with the Minister for Social Protection about people being stopped and questioned at airports by department officials in the context of the pandemic unemployment payment. While section 250 (16B) of the 2005 Social Welfare Consolidation Act 2005 give Social Welfare Inspectors broad powers in respect of questioning persons at airports, it should be noted that the Inspectors must have some "reasonable grounds" before using those powers. FLAC had concerns about such practices prior to the current controversy as the case study 'Airport checks' below illustrates.

Official Opening of FLAC Office

with President Michael D Higgins, 25th February 2019



President Michael D Higgins and his wife Sabina with FLAC Council, Peter Ward, FLAC Chairperson, Julie Herlihy, Don Crewe and David Fennelly.



President Michael D Higgins with the FLAC Team; Carmen Mihal, Deirdre Curtis, Paul Joyce, Corina Byrne, Rachel Power, and Gillian Kernan



President Michael D. Higgins with FLAC Staff and Interns: Caroline Smith, Miah Phelan Sweeney, Stephen Bourke, Catherine Everett, Elizabeth Quinn, Christopher Bowes and Maureen Gourley



FLAC @50 Celebration

incorporating the Annual Dave Ellis Memorial Lecture, 8th November 2019



Doireann Ni Bhriain, Former Journalist and Broadcaster, FLAC Chief Executive Elis Barry and Mary Robinson, former President of Ireland and UN High Commissioner for Human Rights.



FLAC Council
David Fennelly, FLAC Chairperson
Peter Ward, Don Crewe, Julie Herlihy and Joanne Hyde.



FLAC Chairperson, Peter Ward, FLAC founding chairperson, David Byrne, Former FLAC Director General, Noeline Blackwell, Siobhan Phelan SC, Prof Walter J Walsh, Prof Gerry Whyte.





FLAC Chairperson, Peter Ward, Karen Banks, Legal Service of the European Commission, The Hon Ms Justice Iseult O'Malley, Grainne O'Hara, UNHCR, Eamonn Conlon, A&L Goodbody and Mel Cousins BL.



Sarah Flynn, Widow of the late Dave Ellis, Ellis Barry, FLAC CE and Mary Robinson, Former President of Ireland.



Peter Ward, FLAC Chairperson presenting FLAC Founders with a souvenir gift. L-R Una Lavan, widow of Vivian Lavan, Ian Candy, Denis McCullough and David Byrne.



CELEBRATING
50
YEARS

FLAC Access To Justice Conference

with Trinity College Dublin, 17th May 2019



FLAC Access to Justice Conference, Trinity College Dublin, May 2019. L-R David Fennelly, School of Law Trinity College Dublin; Philip O'Leary, Chairperson of the Legal Aid Board; Lord Michael Briggs, Justice of the Supreme Court of the United Kingdom; Andrea Coomber, Director of JUSTICE; Les Allamby, Chief Commissioner of the Northern Ireland Human Rights Commission; Ellis Barry, FLAC Chief Executive; Mark Bell, Head of Trinity School of Law; Aine Ryall, Centre for Law & the Environment UCC; Chief Justice Frank Clarke, Attorney General Seamus Woulfe SC and Peter Ward SC, FLAC Chairperson.



FLAC Access to Justice Conference afternoon session participants. L-R Aine Ryall, Centre for Law & the Environment UCC; David Fennelly, School of Law Trinity College Dublin; Her Honour Judge Rosemary Horgan, Philip O'Leary, Chairperson of the Legal Aid Board; Angela Black, Chief Executive Officer, Citizens Information Board; Ms Justice Mary Laffoy; Patrick Dorgan, President of the Law Society and Ellis Barry, FLAC Chief Executive.



FLAC Conference: The EU Charter and the ECHR: Practice and Potential, 18th October 2019



Speakers at the FLAC Conference: The EU Charter and the ECHR: Practice and Potential. L-R Front row; Mary Finlay Geoghegan, former judge of the Supreme Court; Siofra O'Leary, Judge of the European Court of Human Rights and Mark Bell, Head of the School of Law; Regius Professor of Laws and a Fellow of Trinity College Dublin. Back row; Marc Willers QC, Garden Court Chambers; Siobhan Phelan SC; Sinéad Lucey, FLAC Managing Solicitor and Ellis Barry, FLAC Chief Executive.



CASE STUDY: Disability Allowance and Means testing: 18 month back payment.

FLAC represented a member of the Roma Community whose application for Disability Allowance was refused in 2018, on the basis that he had failed to provide a full account of his means.

The case was appealed to the Social Welfare Appeals Office. A Freedom of Information request to the Department of Employment Affairs and Social Protection showed that the man's claim for Disability Allowance had been immediately referred to a Social Welfare Inspector who had requested documentation from the man to evidence his means. The man, who does not speak English, failed to fully comply with the request for documentation and the inspector recommended that his claim be refused.

The documents released under FOI showed that the man had previously been in receipt of Disability Allowance but that claim was suspended on the basis of a recommendation of a Social Welfare Inspector. It would appear that the fresh claim was immediately referred for investigation for this reason and decided on the basis of the findings in the previous investigation rather than on the basis of his current circumstances.

With the assistance of FLAC, the man was able to provide all of the documents necessary to substantiate his account of his means in advance of the oral hearing of his appeal. Given the delays

in processing his claim arising from its immediate referral for investigation and the subsequent waiting time to receive an oral appeal hearing, the man was not in receipt of any social welfare payment for an eighteen-month period. During this time, he and his wife were dependent on charitable organisations such as St Vincent de Paul and family support. The Appeals Officer upheld the man's appeal, noting the evidence submitted in relation to his absence of means and his claim was awarded with an 18-month back payment of Disability Allowance.

CASE STUDY: Airport checks

In 2019, FLAC represented a homeless Roma man whose claim for Disability Allowance was suspended and an overpayment in excess of €100,000 assessed against him in respect of his claim for the payment since 2011, on the basis that he had not been resident in the State during that period.

Following an oral hearing, the assessed overpayment against the man was reduced by approximately €85,000.

Records released under FOI revealed that the Department's investigation into the man's claim was initiated after he was approached at Dublin Airport by an agent of the Department who asked the man, who is illiterate and does not speak English, to sign a statement to the effect that he is not resident in Ireland and that he wished to withdraw his claim for Disability Allowance. The man, believing the agent of the Department was a customs official, signed the statement, believing that he had to do so to board his flight. On the basis of this statement his payment was immediately suspended despite the fact that there was no other evidence that the man was leaving the country for good or withdrawing his claim. A further investigation of his claim resulted in an overpayment being assessed against the man in respect of the entire period of his claim for Disability Allowance.

His appeal against the disallowance of his claim back to 2011 when he was first granted the payment was largely successful, and he was only disentitled from the payment for periods that he was seeking medical treatment in Romania resulting in an overall reduction of the assessed overpayment by approximately €85,000. Although a request was made in the course of the appeal hearing to have the officer who approached the man in Dublin Airport produced to be examined at the hearing, he declined to do so and no satisfactory explanation as to why the man was approached by an agent of the Department of Employment Affairs and Social Protection at the airport has ever been forthcoming. Records released under Freedom of Information show that the man was not under investigation at the time which suggests that the check at Dublin Airport was randomised, or based on an undisclosed policy, but not based on any reasonable cause.

Issues of concern: Application of the Habitual Residence Condition

FLAC has previously raised concerns about the over rigid application of the Habitual Residence Condition. A recurring feature of FLAC's casework on behalf of the Roma Community has been the difficulties members of the Roma Community encounter in accessing social supports, even after they have been in the State for considerable periods of time. This problem arises in the context of accessing healthcare, emergency accommodation and social housing supports, and is particularly prevalent in terms of access to social welfare payments. Many Roma who have been established in Ireland for considerable periods, and who have settled and started families in the State, are not accepted as being resident for the purpose of accessing social welfare payments. This is particularly concerning in circumstances where Roma families have access to no other form of income. Since March 2019, FLAC has been advocating on behalf of two Roma mothers (one with five children and the other with two) who have been resident in Ireland since 2010 but who have never been able to access Child Benefit payment as they are not considered "habitually resident" in the State under social welfare law. Their cases remain under consideration by the Department at the end of the year.

Submissions to Appeals Officers and Deciding Officers on behalf of Roma clients frequently centre on establishing that the client is habitually resident in the State. In one such case in 2019, a Roma man with an established work history in the State was refused Jobseeker's Allowance

during a five-month period following a period of employment that came to an end because of a workplace injury. On foot of a submission to the Chief Appeals Officers, a further oral hearing was heard and a previous Appeals Officer's decision was revised to award the man a five-month back payment in respect of that period.

In another such case, a homeless Roma man was awarded Supplementary Welfare Allowance, as well as a five-month back payment, after FLAC's submission to the effect that it had been wrongly decided that the man did not satisfy the Habitual Residence Condition was accepted by the Department. The man had been resident in Ireland since 2015 and had a work history in the State, including self-employment which had been discounted by the Department.

It appears to FLAC that it is incumbent on the Department to establish guidelines for Deciding Officers, who are assessing whether a claimant is habitually resident in the State, which are cognisant of the language and cultural barriers members of marginalised communities face in evidencing their periods of residence in the State and also reflecting the dynamic nature of the habitual residence condition, such that an over rigid application of the test fails to have regard to the real circumstances and intentions of the claimant. These cases also call into question the efficacy of the supplementary welfare allowance system which was introduced to provide a safety net where a person or family had no immediate income. Supplementary welfare requires a level of discretion and flexibility in its administration, which is now absent.

DISCRIMINATION/EQUALITY

Discrimination cases constituted the second largest area of case work, 29% of FLAC's casework and 30% of new casefiles opened in 2019 were in this area.

FLAC lodged nine new discrimination complaints under the Equal Status Acts and two under the Employment Equality Act on behalf of clients in 2019.

Representation was provided at 3 WRC mediation meetings and at 6 WRC adjudication hearings.

Successful outcomes in this area in 2019 included:

- A complaint against an employer in the hospitality sector on behalf of a Roma woman who was refused employment as she wears a traditional Roma skirt, was settled in her favour with the client receiving €6,000.
- Two Roma woman on behalf of whom FLAC lodged Equal Status complaints against Dublin Bus on the Race and Gender grounds after they were ejected from a bus by its driver. The cases were settled in their favour.
- A Traveller family were awarded €5,000 in compensation by the WRC on foot of a complaint against a hotel who cancelled the family's First Holy Communion celebration.
- A discrimination claim on behalf of a Roma woman on the race and gender grounds against a financial services provider settled in the client's favour with the client receiving a sum of

financial compensation. The exact terms of the mediation settlement are confidential.

- Two Equal Status complaints concerning July provision against the Department of Education on the Disability ground were settled in the client's favour with the families receiving compensation in settlement of their complaints to the WRC and linked High Court Judicial Review proceedings. The terms of the settlement are confidential.

FLAC also represented a woman of Roma heritage in the WRC adjudication of her complaint against An Garda Síochána. The complaint related to the woman's experience at Dublin Airport where she alleged a member An Garda Síochána verbally abused her after she disclosed her Roma heritage to him during a customs check. The complaint was not upheld by the WRC as the woman, who is resident in the US, purportedly failed to comply with the notification requirements under the Equal Status Acts before lodging her complaint. FLAC is representing the woman in a Circuit Court appeal of the decision of the WRC both on a factual basis and on the basis that the notification requirements under the Equal Status Acts are unlawful.



FLAC's Offices at 85/86 Dorset Street Upper.

Issues of concern: Gendered Discrimination against Roma Women

It is notable, that most of the discrimination cases taken by FLAC on behalf of members of the Roma Community are on behalf of Roma woman. This is clear from the successful outcomes outlined above which highlight discrimination against Roma woman by service providers, employers and public services. This raises a concern in relation to gendered discrimination against Roma woman, particularly those who outwardly express their Roma identity by wearing traditional clothing including headscarves and full-length skirts.

This problem is illustrated by the case, highlighted above, taken by FLAC on behalf of a Roma woman who was denied access to employment by an employer in the

hospitality sector on the basis that she wore traditional Roma attire. In representing the woman, FLAC conducted significant research into the cultural importance of such attire to members of the Roma Community and sought an expert opinion on the matter. Legal submissions were made on behalf of the woman to the effect that, pursuant to the Employment Equality Acts and the European Convention on Human Rights, employers cannot exercise their discretion in regulating how employees dress in a manner which excludes all expressions of cultural diversity. The case settled in the woman's favour and she received €6,000 from the employer pursuant to a settlement agreement. The case highlights the need for the equality legislation to be amended to explicitly apply to intersectional discrimination.

CASE STUDY: WRC awards €5,000 to Traveller family discriminated against by Hotel

In January 2018, the complainant phoned the respondent hotel to reserve a function room on a date in May 2018 for a party to celebrate the First Holy Communion of two of her children.

The hotel was provided with details of the number of attendees. Subsequently the complainant attended the venue to make further arrangements for the celebration and to pay the booking deposit.

Ahead of the event, the complainant booked a clown and DJ. She also bought a cake and decorations and invited her family members to attend including family travelling from the UK.

Three days before the event, the hotel manager called the complainant and told her that her booking was being cancelled due to a double booking of the hotel's function room. The complainant received a refund of her deposit and ultimately found an alternative venue for the celebration. However, it was unable to host the number of guests that she had invited and could not facilitate the entertainment planned.

The complainant was upset and felt that her booking had been cancelled because she was a member of the Traveller community.

At the discrimination hearing, evidence was provided that the complainants' name was a common name among Traveller families in the area and that there was, at that time, negative publicity in the locality about members of the Traveller community, unrelated to the complainant, passing through the area. The complainant also gave evidence about her dealings with the hotel and its failure to provide any credible explanation as to how it became aware of a double-booking only a few days before the event

The adjudicator noted that the respondent's evidence lacked credibility, and found that the hotel had discriminated against the complainant and her children on the basis of their being members of the Traveller community and ordered the payment of €5,000 in compensation.

CASE STUDY: Dublin Bus settles Discrimination, Defamation and Personal Injuries actions taken by Roma women who were ejected from bus

The actions arose after the women were removed from a Dublin Bus in January 2018, after one of them was accused by the driver of omitting to pay her fare. Both women are members of the Roma Community and wear traditional Roma attire.

FLAC received CCTV records from Dublin Bus which showed the two women queuing to enter the bus. After the first woman tagged on with her Leap Card she was called back by the driver. While she stood at the door to the driver's cabin, she was accused of neglecting to pay her fare and she refuted this. The driver then forcefully opened the door to his cabin, which struck the woman, and proceeded to eject the woman and her friend from the bus. Other passengers then entered the bus and it departed, leaving the women distraught on the roadside. Leap Card records showed the first woman had indeed paid her fare upon entering the bus.

FLAC initiated Workplace Relations Commission discrimination proceedings against Dublin Bus on behalf of the women, as well as Circuit Court proceedings in respect of defamation against the women and in respect of personal injuries they sustained during the incident. The parties reached a substantial settlement agreement.



NGO Coalition for Yes: Karen Kiernan, CEO One Family, Eilis Barry, FLAC CE, Keith Walsh, Lawyers for Yes Campaign, Tanya Ward, Children's Rights Ireland, Laura Harmon, NWCI, 9 May 2019



Lawyers for Yes Campaign; Catherine Forde BL, FLAC Chief Executive, Eilis Barry, Family Law Practitioner Keith Walsh, Muriel Walls, Solicitor and FLAC Chairperson Peter Ward SC, 7 May 2019



PILA hosting an NGO roundtable to explore alternative strategies to tackling Direct Provision, particularly in light of the new opt-in to the Receptions Conditions Directive, 26 February 2019



FLAC CE Eilis Barry and FLAC Managing Solicitor, Sinéad Lucey at Dáil Éireann, January 2019

SECTION THREE: Policy, Research & Law Reform

2019 Highlights



40th anniversary of the Airey judgement marked with lecture by Síofra O’Leary, Judge of the European Court of Human Rights



UN CERD Committee adopts FLAC’s recommendation on extending scope of legal aid to discrimination and social welfare claims



Joint Oireachtas report on Reform of Family Law System adopts FLAC’s recommendation and recommends a full review of the legal aid scheme be conducted



FLAC attended a joint Oireachtas Committee on Justice and Equality on ‘Access to Justice and Legal Costs’

STATE CONSULTATION WITH CIVIC SOCIETY STAKEHOLDERS

In 2019 FLAC made detailed policy proposals/submissions to advocate for change either through legislation or public policy to a number of government departments, state bodies, Joint Oireachtas Committees and the UN CERD Monitoring Committee.

ACCESS TO LEGAL AID

Improving the legal aid system has been a core objective of FLAC since our foundation in 1969 and it was a key theme throughout the 50th anniversary of FLAC in 2019.

FLAC @ 50 Access to Justice Conference

During the FLAC @ 50 Access to Justice Conference, the Chief Justice Frank Clarke set out powerful arguments for significantly increased legal aid and called for broader and deeper legal aid. The Chair of the Legal Aid Board Philip O' Leary made similar calls. Dr Áine Ryall, Centre for Law & the Environment, UCC and Vice-Chair Aarhus Convention Compliance Committee examined the lessons that can be learnt from the special regime for access to justice in the environmental field.



Caroline Smith, FLAC Media and Communications Officer, Conall Cahill, FLAC Fundraising and Communications Assistant and Eils Barry, FLAC CE at Leinster House following attendance at Joint Oireachtas Committee on Reform of the Family Law System.

Joint Oireachtas Committee on Justice and Equality on 'Access to Justice and Legal Costs' and , 'Reform of the Family Law System':

FLAC made detailed submissions and presentations on the need for a root and branch review of the civil legal aid system to the Joint Oireachtas Committee on Justice and Equality on the issue of "Access to Justice and Legal Costs" and to the Joint Oireachtas Committee on "Reform of the Family Law System".

FLAC welcomed the Report of the Joint Oireachtas Committee on Reform of the Family Law System which adopted FLAC's submission in recommending, that a full review of the legal aid scheme be conducted, with particular regard to means test rates, contribution requirements and eligibility, in order to ensure that the scheme is meeting the needs of those most vulnerable in society. The Committee believed that the current threshold for legal aid needs to be raised significantly.

40th anniversary of the Airey judgement

FLAC marked the 40th anniversary of the Airey judgement with a conference, EU Charter and the ECHR: Practice and Potential, on the 18 October. Síofra O’Leary, Judge of the European Court of Human Rights delivered a seminal paper on the legacy of Airey v. Ireland and the potential of European law in relation to legal aid.

UN CERD Committee hearing

On 2 December in Geneva, FLAC made a detailed written submission and oral presentation to the UN Committee on the Elimination of Racial Discrimination for the examination of Ireland’s combined fifth, sixth and seventh periodic report. FLAC voiced concerns to the Committee about the lack of availability of legal aid when making discrimination or harassment claims and social welfare appeals before Tribunals and in housing.

The UN Committee expressed concern about the “lack of legal aid provided for appeals concerning social welfare, housing and eviction, which has a significant adverse impact on Travellers and other ethnic minority groups to claim their rights”. FLAC was delighted with the Committee’s call to extend the scope of the Legal Aid Board to the areas of law that are particularly relevant to Traveller and other ethnic minority groups, by designating the Social Welfare Appeals Office and Workplace Relations Commission



Irish Refugee Council @IrishRefugeeCo • May 17, 2019

Delighted to celebrate 50 years of our friends @flacireland and their great work on access to justice. Barriers to accessing the courts and shortage of civil legal aid make it difficult for vulnerable groups to have their human rights upheld. We need to do better #A2Jcon2019

as prescribed tribunals under the Civil Legal Aid Act 1995.

A number of FLAC’s priority recommendations have been included in the final report.

Equality legislation and racial profiling

FLAC also raised specific concerns regarding Ireland’s equality legislation, as currently it is unclear to what extent the prohibition on discrimination on the ground of race, ethnicity and membership of the Traveller community applies to public authorities, such as An Garda Síochána and immigration services when they are performing functions which may not come within the definition of “services”. The Committee recommended “explicitly including the functions of public authorities within the definition of the “services” in Section 5 of the Equal Status Acts”.

FLAC also supports the Committee’s recommendation that the State introduce legislation prohibiting racial profiling and to also put in place an independent complaints mechanism to handle racial profiling.



FLAC CE Eilis Barry and Legal and Policy Officer Stephanie Lord at the Joint Oireachtas Committee on Reform of the Family Law System, 13 March 2019.

ACCESS TO THE COURTS

A properly functioning courts system is essential to ensuring access to Justice.

FLAC made a number of recommendations on improving accessibility to the courts in its submissions and presentations to the Joint Oireachtas Committee on Justice and Equality on the issue of ‘Access to Justice and Legal Costs’ and the Joint Oireachtas Committee on “Reform of the Family Law System”. These submissions included recommendations on accessible forms and procedures, lay litigants and people with disabilities.

Access to the Courts was also a feature of the FLAC @ 50 Access to justice Conference with a presentation by Les Allamby, Chief Commissioner of the Northern Ireland Human Rights Commission, who examined how the experience of personal litigants can be improved, and what is being done in Northern Ireland to support the ‘in person’ litigant. Lord Michael Briggs, Justice of the Supreme Court of the United Kingdom and Andrea Coomber, Director of JUSTICE addressed the concept of an online court system to deliver an affordable mechanism for dispute resolution. David Fennelly explored the increasing role and potential of the ECHR and, in particular, EU law in relation to access to justice.

Barriers to public interest litigation:

FLAC also made recommendations to the Joint Oireachtas Committee on Justice and Equality on the issue of ‘Access to Justice and Legal Costs’ including in relation to barriers to Public Interest litigation, including multi-party/class actions, third-party litigation funding, maintenance and champerty, standing, protective costs, and the use by the State of strict confidentiality clauses by the state.

Reform of the family law system:

Coalition for YES: Lawyers for YES;

FLAC as a member of the NGO Coalition for YES and Lawyers for YES coalition welcomed the resounding YES vote in the divorce referendum in 2019.

‘Courting Disaster’

FLAC campaigned alongside 10 other organisations in 2019 in the Courting Disaster campaign calling upon the government to allocate the funding required to develop a dedicated Family Law Court at Hammond Lane in Smithfield in Dublin and welcomed the commitment given in the 2020 Programme for Government.

PUBLIC SECTOR EQUALITY AND HUMAN RIGHTS DUTY

Throughout 2019 FLAC raised with the Joint Oireachtas Committees on “Reform of the Family Law System” and “Access to Justice and Costs”, and the Department of Employment and Social Protection the need for public bodies and government departments to effectively implement the public sector equality and human rights duty to have regard to the need to eliminate discrimination, promote equality of opportunity and protect human rights in the course of their work.

Eilis spoke about the Duty, racial profiling and the scope of the equality legislation at the Conference on ‘Policing, Human Rights and Communities’ hosted by the School of Law and Irish Centre for Human Rights in the Aula Maxima, NUI Galway on Friday, 26 April.

With the assistance of IHREC FLAC began research into the impact of the public sector duty on bodies that have an access to justice remit, namely the Legal Aid Board, the Courts Services and the Workplace Relations Commission.



FLAC CE Eilis Barry speaking on ‘Policing, Human Rights and Communities’ hosted by the School of Law and Irish Centre for Human Rights in the Aula Maxima, NUI Galway on Friday, 26 April.

Launch of Courting Disaster Campaign at Hammond Lane.



Rose Wall, Community Law and Mediation CEO with Eilis Barry, FLAC CE at the Launch of Courting Disaster campaign.



SOCIAL WELFARE

During 2019, FLAC participated in the Migrant Consultative Forum to engage directly with the Department of Employment Affairs and Social Protection on issues relating to Habitual Residency Condition, translation services within Intreo Centres, and the Social Welfare Appeals Office.

FLAC provided a Pre-Budget Submission to the Department in which we called for adequate human and financial resources to be allocated to the appeals office. This is necessary to ensure further reductions in processing times for social welfare appeals and timely access to essential payments. FLAC also recommended the Department consider introducing a limit where if the Department have not attempted to recover an overpayment after a specified time they may not do so because of the resulting unfairness to claimants arising from significant delays.

Age discrimination in social welfare payments

In October FLAC welcomed the changes in Budget 2020 that would allow young people aged 25 to receive the full rate of payment from January 2020, and under 25s may access the full rate where they are in receipt of HAP or rent supplement. However, linking the payment to receipt of HAP or rent supplement means those under 25 would have already had to be independent and out of the family home in order to receive the full rate. FLAC will continue to campaign on this matter.

Access to justice and social inclusion

FLAC continued to recommend that Access to Justice be included as an overarching theme and made recommendations to this effect in respect of the new National Action Plan on Social Inclusion and the Seanad's Public Consultation on Travellers.



Paul Joyce, FLAC Senior Policy Analyst and Eilis Barry, FLAC CE at Leinster House following presentation to the Finance Joint Oireachtas Committee meeting on the proposed Private Members 'No Consent, No Sale Bill'.

PERSONAL DEBT, CREDIT AND FINANCIAL SERVICES LAW REFORM

Submission to the Central Bank

In January, FLAC furnished to the Central Bank a number of critical observations concerning its 'Report on the Effectiveness of the Code of Conduct on Mortgage Arrears, in the context of the Sale of Loans by Regulated Lenders', which had been published in October 2018.

Meeting with Financial Services and Pensions Ombudsman

In February, representatives of FLAC and the Money Advice and Budgeting Service (MABS) met with the Financial Services and Pensions Ombudsman and the Director of Investigation and Adjudication of the FSPO to discuss new provisions in the FSPO Act 2017 concerning the admissibility of complaints to the FSPO that are or have been the subject of legal proceedings.

'Where to now for the Hard Cases'

A second event was held in March on the theme of 'Where to now for the Hard Cases' organised by FLAC and the Irish Mortgage Holders Organisation (IMHO). Personal insolvency practitioners, MABS dedicated mortgage arrears advisors, regulators, lawyers and NGO's again discussed how best to resolve intractable mortgage arrears cases.

Public policy priorities in the financial crisis

In March, FLAC Senior Policy Analyst, Paul Joyce delivered a talk in Trinity College on the subject of 'Public policy priorities in the wake of the financial crisis' with a particular focus on personal debt.

'No Consent, No Sale Bill' 2019

FLAC made a submission and presentation to the Finance Joint Oireachtas Committee meeting on the Private Members 'No Consent, No Sale Bill' proposed by Pearse Doherty TD, Sinn Féin. This Bill proposed that the consent of the borrower must be obtained before a loan on the family home could be sold on to a fund. An opinion piece by FLAC was subsequently carried in the Irish Examiner on April 23rd on the dangers of repossession in debt sale cases and on alternatives to repossession.

Developments in consumer credit

In May, FLAC had a number of discussions with officials of the Competition and Consumer Protection Commission (CCPC) concerning the provision and regulation of new forms of credit and the licensing of entities involved in such provision.

Land and Conveyancing Law Reform amendments

The Land and Conveyancing Law Reform (Amendment) Bill 2019, a very important piece of legislation for borrowers in or facing repossession proceedings on their family home, was introduced in the Dáil on May 21st, following its quick passage through the Seanad. This Bill also progressed swiftly through the Dáil stages and was considered by the Select Committee on Justice and Equality on June 19th before passing on July 3rd. FLAC prepared a submission on the Bill and proposed detailed amendments. These documents were circulated to the Department of Justice and FLAC met with

each of the opposition spokespersons and the Minister with responsibility for the Bill, Kevin 'Boxer' Moran TD. An information session was provided to FLAC volunteers on the new legislation on September 19th.

Submission on Personal Insolvency

In September, FLAC prepared a detailed submission assessing the current state of the personal insolvency regime and subsequently met with the Insolvency Service of Ireland on September 9th to discuss that submission in greater detail.



FLAC Chairperson Peter Ward SC speaking at the launch of the Lawyers for Yes Campaign.

2019 - A CELEBRATION OF 50 YEARS OF FLAC



President Michael D. Higgins opens FLAC's new office



Founders event in Trinity



FLAC Access to Justice Conference in Trinity College



FLAC Does Bloomsday 2019: 'Joyce and the Law'



Culture Night @FLAC



Thirteenth Annual Dave Ellis Memorial Lecture/ FLAC@50 Celebration



FLAC Conference: The EU Charter and the ECHR: Practice and Potential



Brothers Robbie and Darragh Kelly taking a photo of President Michael D. Higgins at the opening of FLAC's new head office.

President Michael D. Higgins opens FLAC's new office

On Monday 25th February 2019, President Michael D. Higgins officially opened FLAC's new head office at 85/86 Dorset Street Upper in Dublin, the birthplace of Irish playwright Sean O'Casey. This was the first event of the year to mark our anniversary.

In his address, President Higgins paid tribute to FLAC's work promoting universal access to legal aid, calling it "simply unacceptable... that the most vulnerable section of our society is unable to access our legal system or is prevented from doing so in a timely manner." He also referred to the "profound spirit of generous humanity" that led to the founding of FLAC, saying it was such an ethos that has since "seen

it grow and develop" into the organisation it is today. The President remarked that "Sean O'Casey's spirit, with its voice for workers and the excluded, must be happy at today's event."

Chairperson of FLAC, Peter Ward SC, thanked President Higgins for coming, and paid tribute to Atlantic Philanthropies for their "generous support" towards the building's purchase and renovation and expressed hope that it might become a "centre of legal innovation and creativity."



Founders event in Trinity

On 21st March Trinity FLAC Society held a celebration of the 50th Anniversary of FLAC in the Long Room Library of Trinity. Representatives of FLAC were honoured to attend. Presentations were made by the founders of FLAC - David Byrne, Ian Candy, Denis McCullough and Dr Una Lavan, representing her late husband Mr Justice Vivian Lavan - and by Eilis Barry, the current CE of FLAC.

A special thanks to Trinity FLAC and School of Law, Trinity College Dublin for organising the event.

Vivian Lavan Memorial Address

FLAC CE Eilis Barry spoke at the 2019 Vivian Lavan Memorial Address in University College Dublin on 24 April 2019. The address celebrated 50 years of FLAC, as well as honouring the late Mr. Justice Lavan, one of the founders of FLAC.

Top right; Patrick and Stephen McCullough at the Trinity Founders Event, April 2019.

Middle; Peter Ward SC, FLAC Chairperson and Catherine Hickey, FLAC Director of Funding & Development at Trinity Founders Event.

Bottom row left; FLAC Interns Miah Phelan Sweeney, Stephen Bourke, Catherine Everett and Elizabeth Quinn with President Michael D. Higgins at the opening of FLAC's new head office, February 2019.

Bottom row middle; Shane Clune, Student Legal Service Chair 2018/2019 with Eilis Barry, FLAC CE at the Vivian Lavan Memorial Address, UCD, April 2019.

Bottom row right; President Michael D. Higgins speaking at the official opening of FLAC's new head office, 25 February 2019.

Galway Arts Festival

Eilis Barry, FLAC CE, spoke at an event 'What does Being Transgender Mean?' at the Arts Festival. The panel chaired by Úna Mullally, also included Lydia Foy and Lu Saborío Velasquez, was part of a series called First Thought Talks, curated by Catriona Crowe.



Andrea Coomber, Director of JUSTICE, Lord Michael Briggs, Justice of the Supreme Court of the United Kingdom, Eilis Barry, FLAC CE, Les Allamby, Chief Commissioner of the Northern Ireland Human Rights Commission, Chief Justice Frank Clarke and Attorney General Séamus Woulfe SC at FLAC's Access to Justice Conference, Trinity College Dublin, May 2019.

FLAC Access to Justice Conference in Trinity College

On Friday 17th May 2019, FLAC - in association with the School of Law, Trinity College Dublin - hosted a major conference on the theme of 'Access to Justice' at Trinity College as part of its fiftieth anniversary celebrations. The conference saw a number of esteemed speakers from the legal and human rights fields address a wide range of topics related to access to justice.

Following a welcome from FLAC Chief Executive Eilis Barry and Chairperson Peter Ward, the opening address was given by Chief Justice of Ireland Frank Clarke before the morning sessions began (to be chaired by Attorney General Seamus Woulfe SC). Chief Justice Clarke reflected on his own experience of volunteering with FLAC before outlining some of the barriers to access to justice posed by the "outdated processes and procedures" in Ireland's court system and expanding on what he described as the "powerful argument for significantly increased legal aid".

The morning sessions then saw Lord Briggs of Westbourne, Justice of the UK Supreme Court, and Director of JUSTICE Andrea Coomber discuss the potential benefits of using technology in the courts. David Hillard, Pro Bono Partner in Australian firm Clayton Utz and Les Allamby, Chief Commissioner of the Northern Ireland Human Rights Commission, spoke to discuss the topics of "Pro bono work as an inherent responsibility of a lawyer" and "Providing for the litigant in person". There then followed several breakout sessions chaired by FLAC's Stephanie Lord, Paul Joyce, Sinéad Lucey and PILA, where delegates discussed legal services for disadvantaged groups and individuals and people in mortgage arrears facing repossession, the legal needs of people experiencing domestic violence and the subject of building a pro bono culture.

The afternoon sessions heard from David Fennelly BL, School of Law Trinity College Dublin as he explored the European

dimension of access to justice. Dr Áine Ryall, Centre for Law & the Environment, UCC and Vice-Chair Aarhus Convention Compliance Committee examined Access to Justice in Environmental Matters, a timely discussion in our current climate.

In our plenary panel - 'Looking to the Future' we had a panel discussion chaired by Ms Justice Mary Laffoy, we heard from Philip O'Leary, Chair of the Legal Aid Board; Patrick Dorgan, President of the Law Society of Ireland; Professor Gerard Whyte, School of Law, Trinity College Dublin; Her Honour Judge Rosemary Horgan, President of the District Court and Angela Black, Chief Executive of the Citizens Information Board.

Overall the Access to Justice Conference was well-attended and well-received, with high levels of engagement from attendees.

It is to be hoped that some of the learnings from the Conference can be applied in the access to justice work of FLAC and others moving forward.

Speakers at FLAC's Access to Justice Conference. L-R: David Hillard, Pro Bono Partner in Australian firm Clayton Utz; Andrea Coomber, Director of JUSTICE; David Fennelly BL, School of Law Trinity College Dublin; Professor Gerard Whyte, School of Law, Trinity College Dublin; Her Honour Judge Rosemary Horgan, President of the District Court: Chief Justice Frank Clarke.

Below: Dr Áine Ryall, Centre for Law & the Environment, UCC and Vice-Chair Aarhus Convention Compliance Committee.





Frank Callanan SC speaking at Joyce and the Law

FLAC Does Bloomsday 2019: 'Joyce and the Law'

FLAC marked Bloomsday 2019 in its Dorset St offices, by hosting a thought provoking lecture on 'Joyce and the Law', delivered by historian and Joycean scholar Frank Callanan SC and with an introduction by archivist Catriona Crowe.

Culture Night 2019 @ FLAC: "Turning into Dorset Street"

For the first time ever, Culture Night came to FLAC in 2019. Named after a line in James Joyce's Ulysses (the main character of which, Leopold Bloom, lived around the corner from FLAC), the event featured historian Peter Clarke discussing the history of Dorset Street and the surrounding north inner-city area.



FLAC Conference: The EU Charter and the ECHR: Practice and Potential

2019 marked forty years since the landmark judgment in *Airey v Ireland*, where the European Court of Human Rights (ECtHR) found Ireland in breach of Article 6 and 8 of the ECHR because of its failure to provide legal aid to Josie Airey in her judicial separation proceedings before the High Court. To mark this milestone, FLAC hosted a half-day conference on the EU Charter and the ECHR at the Law Society on 18th October, 2019. A panel of expert speakers, chaired by Mary Finlay Geoghegan, former judge of the Supreme Court, explored both the current practice and potential of the EU Charter and the ECHR with a particular focus on legal aid, equality, housing and the use of the Charter in domestic proceedings.

In her welcome address, FLAC C.E. Eilis Barry paid tribute to the "enormous courage and resilience" of Josie Airey, before Judge Síofra O'Leary of the ECtHR spoke on the legacy of the Airey judgment - remarking of Airey that "Not only did she establish a legal principle, she established the right of thousands of others to establish legal principles". Mark Bell, Head of Trinity College's School of Law, then discussed the equality provisions of the Charter and their potential in relation to domestic law, before Marc Willers QC of Garden Court Chambers presented with a focus on the use of the EU Charter and ECHR in housing cases. There followed a final presentation from Michael Lynn SC on the potential of the Charter in domestic litigation before a response from FLAC's Sinéad Lucey and Siobhán Phelan SC.



Doireann Ní Bhriain, Former Journalist and Broadcaster and Mary Robinson, former President of Ireland and UN High Commissioner for Human Rights at FLAC 50th Celebration.

DAVE ELLIS was the Community Law Officer at Coolock Community Law Centre for more than 20 years. He dedicated his career to working with community groups in areas including welfare rights, legal education and legal entitlements generally. He was a great friend to FLAC. He sadly died in 2007 and FLAC organised the first lecture in his honour that year and it has taken place annually since then.

FLAC@50 Celebration incorporating the Thirteenth Annual Dave Ellis Memorial Lecture

On Friday 8th November 2019, FLAC held its 50th anniversary celebration at the Radisson Blu Hotel on Golden Lane in Dublin. The celebration also incorporated the thirteenth annual Dave Ellis Memorial Lecture, which featured as its Guest of Honour former President of Ireland Mary Robinson in conversation with journalist Doireann Ní Bhriain. This followed a panel discussion looking back at five decades of FLAC chaired by FLAC Chairperson Peter Ward and featuring Karen Banks, David Byrne, Eamonn Conlon, The Hon. Ms Justice Iseult O'Malley, Siobhán Phelan SC, Mel Cousins BL, Grainne O'Hara, Noeline Blackwell, Walter Walsh and Gerry Whyte.

In her opening address, FLAC Chief Executive Eilis Barry thanked past and present FLAC friends, volunteers and staff for their work.

Making reference to the Airey case, Eilis also requested that the Government “bring forward the necessary reforms to rebalance our justice system” so that people were

“supported to litigate when their rights are being denied”.

Mrs Robinson started by raising a glass to the late Dave Ellis, calling him “a wonderful champion of those who were the clients of FLAC”. She then reflected on her own long history with FLAC, including her representation of Josie Airey in *Airey vs. Ireland* at the European Court of Human Rights forty years previously. The result of this case helped to establish a system of civil legal aid in Ireland. Mrs Robinson paid tribute to Josie Airey’s “determination to get justice” and emphasised the importance of access to justice for a properly functioning society:

“Without rule of law and access to justice we don’t have societies, we don’t have security, we don’t have faith in institutions, we don’t have anything. It’s a basic core of our democracy.”

Mrs Robinson also praised FLAC’s clinic volunteers, many of whom were in



FLAC Chairperson Peter Ward and Karen Banks, deputy director general of the European Commission's Legal Service



David Byrne, founding member of FLAC, Ken Murphy, Director General, Law Society of Ireland and Noeline Blackwell, former FLAC Director General and current CEO Dublin Rape Crisis Centre attending FLAC@50 Celebration



Chairperson Siobhan Phelan SC picketing outside the Department of Justice to try and secure funding



Catherine Hickey, FLAC Director of Funding & Development, Maureen Gourley, FLAC Solicitor and Siobhan O'Donohoe from CLM

attendance, saying that volunteering with FLAC “grounds you in the reality of people’s lives”. And, as a fervent climate change activist, she called on attendees to “get angry and get active” when it came to the climate crisis.

Earlier in the evening, the panel discussions had provided much cause for mirth and nostalgia, with co-founder David Byrne outlining why ‘Free Legal Advice Bureau’, with its resulting acronym, had been overlooked in favour of ‘FLAC’ and Chairperson Peter Ward detailing his own time as a FLAC intern when, with the phone only able to receive calls but not actually ring, “volunteers were instructed to randomly just pick it up every few minutes... it was often silent but then you would have a heart attack when there was actually a voice at the other end!”

“Sometimes you realised that what people needed, more than anything else, was just somebody to listen sympathetically,” remembered Karen Banks of her time volunteering in FLAC - whilst Gráinne O’Hara recalled the “immense privilege” of working on the famous Cotter and McDermott case in the 1990s, which

would eventually see welfare arrears paid to 70,000 married women.

Both Gerry Whyte and Walter Walsh discussed FLAC’s role - and one of its foundational objectives - in allowing Law students to gain practical experience in real-world legal issues, before former Director General Noeline Blackwell paid tribute to the work of FLAC (including current Senior Policy Analyst Paul Joyce) during the recession in the late 2000s, at which time the organisation “was able to build an understanding in the broader public and to shift people’s perception of what being in debt meant.”

Another memorable account was provided by former Chairperson Siobhán Phelan SC who shared a fond memory of picketing outside the Department of Justice to try and secure funding and documented a foot race she and the late Dave Ellis had engaged in when delivering a last-minute tender to the Department for FLAC to provide the Refugee Legal Service. Mel Cousins BL remarked that Dave had been “an inspiration to all of us who worked in FLAC.”

STAFF, GOVERNANCE & FUNDING

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

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

During 2019 FLAC began the process of compliance with the Charities Regulator Governance Code and we will ensure we are in compliance with this new code during 2020.

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

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

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

FLAC Council:

Peter Ward (Chairperson)

Don Crewe

David Fennelly

Julie Herlihy

Joanne Hyde

Number of meetings of FLAC Council held in 2019: 9



Peter Ward



Don Crewe



David Fennelly



Julie Herlihy



Joanne Hyde

STAFF



Eilis Barry
Chief Executive



Christopher Bowes
Legal Officer



Corina Byrne
Finance Officer



Conall Cahil
Fundraising & Communications
Assistant (from March 2019)



Ingrid Colvin
Volunteer & Clinics
Co-ordinator (from April 2019)



Maureen Gourley
Solicitor



Jacqueline Heffernan
Information Line
Coordinator



Catherine Hickey
Director of Funding &
Development



Paul Joyce
Senior Policy Analyst



Gillian Kernan
Research Officer



Liz Lee
Receptionist &
Administrative Assistant



Sinéad Lucey
Managing Solicitor



Stephanie Lord
Legal and Policy Officer



Deirdre Malone
PILA Legal Manager



Nijole Matiukiene
Housekeeper



Kuda Mushaya
Volunteer Development
Officer (to February 2019)



Rachel Power
PILA and Strategic
Development Manager



Caroline Smith
Media and
Communications Officer



Zsé Varga
Volunteer Development
Manager (to October 2019)



Mimi Goodman
Volunteer Support Officer
(from March to September 2019)

Staff Changes:

2019 was a busy year in the FLAC office. In February we were joined by Deirdre Malone formerly Executive Director of IPRT as the new PILA Legal Manager. We bid a fond farewell to Kuda Mushaya, from the FLAC Volunteer Team in February.

In April we welcomed Ingrid Colvin to the FLAC team as our new Volunteer and Clinics Coordinator. Ingrid has worked in the community and voluntary sector for over twenty years.

In October, we said a sad farewell to Zsé Varga after almost ten years as part of FLAC's volunteer team. Zsé played an integral role in the development of the volunteer support team here in FLAC during her time with us. We were very sorry to see her leave and wish her the best in her future work.

We would also like to extend our gratitude to Mimi Goodman, Deirdre Curtis, Susan Dennehy and Aisling Byrne who worked with FLAC on a temporary basis during 2019.

Interns and student placements

FLAC very much appreciates the hard work and dedication of all our interns and students on placement. Over the course of 2019, they were: Blaithin Sheil, Catherine Everitt, Maria Saracut, Stephen Bourke, Carmen Mihal, Lauren Murphy, Murray Kennedy, Karim Talaat, Ihunanya Amadi, Elizabeth Quinn, Aine Hannon, Niamh Carroll, Sarah Murphy and Lauren Bashir.

Funders:

FLAC is deeply grateful to all our funders and supporters who have shown their

commitment to access to justice through donations and grants. This support enables FLAC to provide vital services and to campaign for better systems that enable people in Ireland to access the law and legal system, when they need to, to vindicate their rights.

In 2019, FLAC's funders were:

- Citizens Information Board
- Community Foundation for Ireland
- Department of Justice and Equality
- Department of Justice and Equality - Roma Inclusion Funding
- Department of Foreign Affairs and Trade
- Individual donors
- Irish Human Rights and Equality Commission
- MABS
- Members of the Bar Council of Ireland
- Members of the Law Society of Ireland
- Scheme to Support National Organisations (SSNO) 2016-2019 and 2019-2022, from the Department of Rural and Community Development, administered through Pobal.

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

Sustaining Partners in 2019 were:

- A&L Goodbody
- Arthur Cox
- McCann Fitzgerald

Supporting Partners in 2019 were:

- Eversheds Sutherland

FLAC INCOME & EXPENDITURE 2019

FLAC's accounts are prepared in accordance with FRS102, the Financial Reporting Standard applicable in the UK and Republic of Ireland. The accounts are audited by KPMG and are made available in full on www.flac.ie/about/finances/. FLAC's financial year runs from 1 January to 31 December. The following extracts are from FLAC's audited accounts for the year ending 31 December 2019:

INCOME	2019	2018
Philanthropic Funding	98,476	4,000
Bar Council & Law Society Members' Contributions	189,804	230,444
Statutory Funding	396,961	405,393
Fundraising and Donations	154,533	130,189
Legal costs received	99,927	18,004
Income received for Child Care		
Law Reporting Project	0	9,000
Total	€939,701	€797,030
EXPENDITURE	2019	2018
Staff costs	954,897	904,357
Programme of work	142,448	119,590
Overheads, equipment & depreciation	189,768	204,572
Public Interest Law Support Fund	0	0
Child Care Law Reporting Project	0	20,879
Total	€1,287,113	€1,249,398

FLAC Annual Report 2019

ISSN: 0791-7775

©FLAC, September 2020

Copyright declaration: You are free to copy, distribute or display this publication under the following conditions:

- You must attribute the work to FLAC;
- You may not use this report for commercial purposes;
- You may not alter, transform or build upon this report.

For any reuse or distribution, you must make clear to others the licence terms of this publication. Any of these conditions can be waived if you get permission from FLAC.

Photos courtesy of: Derek Speirs, Marc O’Sullivan, Claire Cashman, Paul Sherwood, Mark Stedman, Maxwell Photography Oireachtas Press Office, PILA, FLAC Staff and Volunteers.

Graphic design: Gráinne Murray



“ Can there be any better way of giving delivery of your professional competence than to make it available to those of our citizens in need of it? ”

President Michael D Higgins at the official opening of the new FLAC office.

“ What I love about FLAC, and what I love about all of you who volunteer for FLAC... is it grounds you in the reality of people’s lives. It is a really important grounding. ”

Mary Robbinson, former President of Ireland and UN High Commissioner for Human Rights at FLAC’s 50th Celebration.



85/86 Dorset Street Upper
Dublin 1, D01 P9Y3, Ireland

T: +353 1 887 3600
E: info@flac.ie



Information & Referral LoCall
Line: 1890 350 250

www.flac.ie
www.pila.ie

