

Movement Lawyering in the Irish Centre for Human Rights Clinic

One of the most important facets of studying human rights law is learning about the process of movement lawyering. As Bill Quigley describes it in his piece '[A Letter to a Law Student Interested in Social Justice](#)', he defines it as "the commitment to act with and on behalf of those who are suffering because of social neglect, social decisions or social structures and institutions". These types of injustices often inspire us to take action to make change and bring about justice. As students of law, we have the opportunity and the responsibility to use our skills of analysis to see how legislation and policy effect those who are impacted the most.

What does movement lawyering offer to someone who is interested in international human rights law? It offers the possibility to bring about change and justice by utilising the law and working with social movements. As part of the postgraduate programme at The Irish Centre for Human Rights, students are given the chance to participate in the International Human Rights Law Clinic. This module allows for students to become involved with both national and international organisations that advocate for and protect human rights. Running the full length of the academic year, students work in groups to advance a broader campaign through various forms of advocacy. The module demands that students learn the skills of movement lawyering and utilise them in a context outside the classroom. Although challenging at times, the output is invaluable to both the student and to the cause.

Working with The Clann Project

One organisation that is heavily involved with the Clinic is [the Clann Project](#) – an initiative that looks to establish the truth of what happened to unmarried mothers and their children in 20th century Ireland. Under the leadership of Dr Maeve O'Rourke and Mary Harney, our group set to work in early October to see what could be done to assist the wider campaign by building on from the various outputs that previous clinic groups have produced over the years. The organisation has been looking to address serious human rights breaches that occurred across different institutions, such as access to records, burial requests, and memorialisation. One of the core issue for that we were asked to focus on was the Mother and Baby Institutions Payment Scheme – a scheme that left many excluded and forgotten. One of the problems that was most worrying was the exclusion of anyone who spent [less than 6 months as a baby](#) in an institution. This resulted in over [24,000 people](#) who were confined in mother and baby institutions being omitted from the scheme, while thousands of others are also excluded in myriad other ways. More information on the non-human rights compliant payment scheme is available [here](#). This is but one of multiple shortcomings of the State, and it was something that was not well-known or public knowledge. With this in mind, we felt it was imperative to bring the concerns back into the spotlight and raise awareness both at a government and public level.

With the general election for a new government taking place in November, it was important to highlight the issues with the payment scheme to potential candidates and see which of those would stand with amending it. Through an email campaign, those running for election were asked whether they supported amendments to the scheme and, if elected, what action they would take to do so. Although the overall reply rate was rather low (thirty responses), practically all respondents were eager to support people affected by forced family separation and committed to making changes through legislative reform. Understanding that community engagement was key to progressing the cause, all responses were uploaded to the LLM [website](#), and were also used as part of a social media campaign on [Instagram](#) and [X](#). This campaign was used to inform voters of how parties and individuals in their respective constituency stood on the matter, bringing the issue back into the public conscious.

Further engagement at the government level involved the recent Next National Strategy for Women and Girls, which two members of our group attended to raise concerns about the payment scheme and the overall treatment of survivors and affected people over the last decade. The event consisted of representatives from a variety of backgrounds: from civil society groups and NGOs to representatives from political parties and academic backgrounds. Different concerns were raised that ranged from topical issues like housing and gender-based violence, to more specific concerns like the treatment of victims in the criminal justice system. These issues were noted and will be passed on to relevant government departments, with concrete action hopefully arising out of the feedback given by various participants. This engagement contributed towards our push at forcing government representatives to acknowledge the inherent failings of the scheme and make suitable amendments for those affected.

The group pressed for even further public engagement after the email and social media campaign, through the use of blogs and an upcoming podcast with Dr O'Rourke and resister Mary Harney on [The Human Rights Podcast](#). Along with this piece, our colleague, Lisa, outlines the recent history of Clann and discusses the issues with the Mother and Baby Institutions Payment Scheme, which will be accessible on the Irish Centre for Human Rights Blog, the Clann website, and the [LLM researchers' website](#). We hope that the various platforms will give us sufficient reach to engage with the public and highlight the ongoing human rights issues.

Our group also took on the task of preparing a Google workspace that will be used by future clinic projects (potentially Clann themselves and groups that work with them) to further progress the campaign. The amount of material that has been published by members of Clann over the years is immense, and with the goal of making it as accessible as possible, we compiled the information chronologically and included key resources like the [Oak Report](#) from 2021 and various [press releases](#) from Clann themselves. Understanding that we are not acting in a vacuum, but as part of a greater movement is a key element of movement

lawyering. Ensuring that the next group has the best start possible will greatly benefit the goal of the campaign in the long run.

Challenges and Learning to Pivot

One lesson that we certainly learned as a group is that movement lawyering is not a linear, uphill climb but is a journey of setbacks and sidestepping. It presented challenges that we had to overcome such as technical issues with organising the campaign or grappling with understanding the law and Ireland's institutional and forced family separation system. There were also other issues that we couldn't work past and had to learn how to adapt to those difficulties, particularly the low response rate from candidates during the election and how this wouldn't paint an entirely accurate picture for us. Although we felt frustration at these roadblocks, we also understood that this was all part of movement lawyering, and it was preparing us for the realistic life of field work in human rights. A field that has never been – nor ever will be – easy and clear of obstacles.

The Future of Clann

Looking forward, there are opportunities for the payment scheme to be revised and do what it should have done in the first place. The new government (albeit the same parties in power) present new possibilities to amend the flawed scheme to make sure no one is excluded from adequate reparations. The combination of old allies (such as Galway Independent TD, Catherine Connolly) and potential new ones offer fresh chances of making changes in Leinster House. Ireland's review under the CEDAW Committee is also taking place this summer, where the state will be called out for their failures in the scheme, and the range of human rights related issues that have stemmed from this. [After previous critiques in the review](#) of Ireland's response to human rights violations in this area, it is important that the committee is aware of the failings of the scheme and continue to send further criticism towards the Irish state.

For over a decade, survivors and affected people, leaders, and advocates have worked tirelessly against stagnant government bureaucracy and those who wish to keep the past buried. The next ten years cannot follow the same pattern – indeed, it must bring about change and justice to those who continue to be wronged by the Irish state. Although movement lawyering presents continuous roadblocks and setbacks, it is important that we persevere in achieving the end goals of the campaign. Working within the group and with those who have been leading the campaign for many years give us the best chance at working towards social change and justice for people affected by human rights injustices.