

Ireland

Member State Contribution

European Commission Annual Rule of Law Report 2024

Commission Questions

I. Justice System

1. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

A. Independence

2. Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

3. Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

4. Promotion of judges and prosecutors (incl. judicial review)

5. Allocation of cases in courts

6. Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

7. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

8. Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

9. Independence/autonomy of the prosecution service

10. Independence of the Bar (chamber/association of lawyers) and of lawyers

11. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

B. Quality of justice

12. Accessibility of courts (e.g. court/legal fees, legal aid, language)

13. Resources of the judiciary (human/financial/material)

14. Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

15. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)7

16. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

17. *Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.*

C. Efficiency of the justice system

18. *Length of proceedings*

II. Anti-corruption framework

19. *Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)*

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

20. *List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.*

21. *Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.*

22. *Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.*

B. Prevention

23. *Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training).*

24. *General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)*

25. *Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)*

For questions 23-25, please provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

26. *Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given*

27. *Sectors with high risks of corruption in your Member State:*

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement
 - list other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen/residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)
28. Any other relevant measures to prevent corruption in public and private sector

C. Repressive measures

29. Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery.
30. Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible)⁹, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds¹⁰.
31. Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)
32. Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders.

III. Media pluralism and media freedom

33. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

A. Media authorities and bodies

34. Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies
35. Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies
36. Existence and functions of media councils or other self-regulatory bodies

B. Safeguards against government or political interference and transparency and concentration of media ownership

37. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)
38. Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance

39. Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as any rules regulating the matter

C. Framework for journalists' protection, transparency and access to documents

40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists.

41. Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

42. Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

43. Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

IV. Other institutional issues related to checks and balances

44. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

A. The process for preparing and enacting laws

45. Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'12/public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase.

46. Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions).

47. Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight.

48. Regime for constitutional review of laws

B. Independent authorities

49. Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions¹³

50. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.

C. Accessibility and judicial review of administrative decisions

51. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

52. Judicial review of administrative decisions: - short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).

53. Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

54. Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non-implementation

D. The enabling framework for civil society

55. Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

56. Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

57. Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

58. Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

E. Initiatives to foster a rule of law culture

59. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

I. Justice System

1. *Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)*

Recommendation 1: Ensure that the reform of the appointment and promotion of judges, as regards the composition of the Judicial Appointment Commission, is taking into account European standards on judicial appointments.

The Department of Justice notes that paragraph 47 of Recommendation CM/Rec (2010)12 of the Committee of Ministers of the Council of Europe sets out the circumstances which apply in Ireland where the Government and the President have a constitutional role in the nomination and appointment of judges. The Judicial Appointments Commission Act 2023 provides for the membership of the Judicial Appointments Commission to be made up of 4 judges (including the Chief Justice as Chair), 4 lay members selected by the Public Appointments Service and the Attorney General. The 4 judges and 4 lay members have a vote each, but the Attorney General has no vote.

This arrangement complies with paragraph 47 as the Judicial Appointments Commission comprises 4 judges out of 8 voting members.

Significant developments since January 2023

- A. Legislative Developments – Newly adopted legislation: The Judicial Appointments Commission Act 2023 was enacted on 8 December 2023. The Act is available at [Judicial Appointments Commission Act 2023, Schedule \(irishstatutebook.ie\)](#)
- B. Policy Developments – Implementation of legislation: The Judicial Appointments Commission Act 2023 is not yet in operation. It is envisaged that the Judicial Appointments Commission will be established in 2024.
- C. Developments related to the judiciary/independent authorities – important case law by national courts: The decision of the Supreme Court of 8 December 2023 in the Matter of Article 26 of the Constitution and in the Matter of the Judicial Appointments Commission Bill 2022 [2023] IESC 34. The judgment is available at https://www.courts.ie/acc/alfresco/af4b1773-a5c7-4626-9b01-9b8ab9b690e2/2023_IESC_34.pdf/pdf#view=fitH

Recommendation 2: Continue actions aimed at reducing litigation costs to ensure effective access to justice, taking into account European standards on disproportionate costs of litigation and their impact on access to courts.

The Department of Justice received the final report of the analysis of models to control litigation costs and is reviewing it to inform its next steps.

In addition to what these steps will be, reducing litigation costs will require a multi-faceted approach, including the introduction of reforms to civil litigation proceedings.

In this regard, the Department of Justice continues to progress its elements of the Civil Justice Efficiencies and Reform Plan, which seeks to give effect to the recommendations contained in the Report of the Review of the Administration of Civil Justice.

A general scheme of a Civil Reform Bill, which will give effect to certain recommendations arising from the Review, is in preparation.

A. Independence

2. Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

In accordance with Articles 13.9 and 35.1 of the Constitution, judicial appointments are made by the President of Ireland, acting on the advice of the government. (<https://www.gov.ie/en/publication/f325c-judicial-appointments/#>)

[The Judicial Appointments Commission \(JAC\) Act](#) 2023 was signed into law on 08 December 2023 and provides for the establishment of a new 9 member commission to replace the existing Judicial Appointments Advisory Board. Under the JAC, both serving judges and non-judges will have to apply through the Judicial Appointments Commission. The JAC will develop new procedures and requirements for judicial office selection. A new Procedures Committee of the Commission (Section 15 of the Act) will prepare and publish statements setting out selection procedures, including interviews, and judicial skills and attributes having regard to several criteria - including such matters as diversity (Section 28 of the Act).

Staff of the Office of the Director of Public Prosecutions (ODPP) are civil servants and the ODPP is a civil service body. Prosecutors are appointed to our Office through an open competition. The process commences with an application and shortlisting. Those applicants that are selected at shortlisting are invited to attend a competency-based interview by a board made up of specialists with an external board member. Boards also are gender balanced. Successful candidates are placed on a panel in order of merit. As vacancies arise within the Office, candidates are offered the position of Prosecutor. As a civil service body, all competitions are run in compliance with the Code of Practice for Appointments to Positions in the Civil Service and Public Service. The Codes of Practice are published by the CPSA (www.cpsa.ie). If a candidate is dissatisfied following a selection process, they have a right under the Code to request a review of a decision made during the process or make a complaint that the selection process followed was unfair.

3. Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

Arrangements for the removal of a Judge are set out in [Article 35.4 of the Constitution](#). To date, no Judge has been removed from office in Ireland.

New-hire Prosecutors are offered a one-year probationary contract. During their first year, their attendance, performance and behaviour is reviewed on a quarterly basis. Prosecutors who successfully complete their probation have their appointment confirmed. Prosecutors that do not complete a satisfactory probation period will have their appointment terminated. This decision can be appealed by the employee up to and including the grade of Principal Prosecutor.

The Civil Service Code of Standards and Behaviour applies to all Prosecutors. Any Prosecutor in breach of the Code could be dismissed under circular 19 of 2016 Civil Service Disciplinary Code. Employees have a right to Appeal a decision in accordance with the appeals process, set out in Part 4 of the Code.

All Prosecutors are members of a Civil Service Pension Scheme. The minimum retirement age of a Prosecutor is dependent on their pension scheme. Most Prosecutors must retire at age 70 with an exception to members of the New Entrant Scheme 2004 where any Prosecutors hired between 2004 - 2012 have no compulsory retirement age.

4. Promotion of judges and prosecutors (incl. judicial review)

Elevation is the term used to describe the promotion of a serving Judge to a higher Court. Of the 233 judicial appointments that were made between 01/10/2013 and 01/10/2023, 69 were as a result of an elevation or promotion. Of these 69, 8 were appointments to Chief Justice or as President of a court. Elevations occur most frequently in relation to the higher courts.

Senior prosecutor roles are filled through open or internal competition. The process commences with an application and shortlisting. Those applicants that are selected at shortlisting are invited to attend a competency-based interview by a board made up of specialists with an external board member. Boards are also gender balanced. For some senior roles, a 2nd round interview is required. Successful candidates are placed on a panel in order of merit. As vacancies arise within the Office, candidates are offered a position.

As a civil service body, all competitions are run in compliance with the Code of Practice for Appointments to Positions in the Civil Service and Public Service. The Codes of Practice are published by the CPSA (www.cpsa.ie). If a candidate is dissatisfied following a selection process, they have a right under the Code to request a review of a decision made during the process or make a complaint that the selection process followed was unfair.

In regard for the Deputy Chief Prosecutor and higher roles, open competitions are run by the Public Appointment Service on behalf of the Office in line with the process of the Top Level Appointments Commission (TLAC). TLAC are the body that has oversight of the Civil Service Senior positions, full details

on the operations of TLAC can be found at: gov.ie - Top-Level Appointments Committee (TLAC) (www.gov.ie).

The Director of Public Prosecutions is a government appointment also filled through open competition which is done by TLAC.

5. Allocation of cases in courts

District Court

The District Court is a court of limited and local jurisdiction organised on a local basis. In exercising its civil jurisdiction it can deal with claims up to the value of €15,000 and has jurisdiction in the following family law matters - maintenance, custody, access and domestic violence. The Small Claims Procedure also operates within the District Court. The District Court's criminal jurisdiction covers the non-jury trial of minor offences (such as most road traffic offences and public order offences).

The country is divided into 23 District Court Districts with one or more judges permanently assigned to each district and the Dublin Metropolitan District to which several judges are assigned.

Generally, the venue at which a case is heard depends on where an offence was committed or where the defendant resides or carries on business or was arrested.

The President of the District Court is responsible for the sittings of the District Court in Dublin. Outside Dublin the places, dates and times of court sittings of the District Court are set out in Statutory Instruments (a form of secondary legislation) enacted by the Courts Service after consultation with the President of the District Court. The judges assigned to the various Districts preside over the business of the District Court. In addition, the President of the District Court temporarily may assign moveable judges to districts around the country to hear cases.

Circuit Court

The Circuit Court is a court of limited and local jurisdiction organised on a regional basis and in its civil jurisdiction deals with claims up to the value of €75,000. The Circuit Court also has jurisdiction in the following family law matters - divorce, judicial separation, nullity and ancillary matters.

The Circuit Court also has a criminal jurisdiction. Most indictable (serious) criminal offences, other than those triable in the Central Criminal Court, are dealt with by the Circuit Court and are tried before a judge and jury. The Circuit Court is also the appeal court from the District Court in all matters.

The President of the Circuit Court, in consultation with the assigned judge of each Circuit, has responsibility for directing the sittings of the Circuit Court, as provided for in section 10 of the Courts of Justice Act 1947. The President of the Circuit Court also arranges the sittings of the Circuit Court in Dublin.

The judges assigned to the various circuits preside over the business of the Circuit Court. In addition, the President of the Circuit Court may temporarily assign judges to circuits around the country to hear cases.

High Court

The High Court has full original jurisdiction in, and power to determine, all matters, whether of law or fact, civil and criminal.

In civil matters this court has the power to determine the validity of any law having regard to the Constitution and deals *inter alia*, with company law and judicial review applications. The High Court is the appeal court from the Circuit Court in civil matters.

The President of the High Court has overall responsibility for allocation of cases and assigns judges to oversee the various High Court Lists. The judges responsible for each list allocate cases.

The High Court is called the Central Criminal Court when exercising its criminal jurisdiction and deals with a number of serious crimes, tried before a judge and jury, including murder, rape, treason and piracy.

Supreme Court and Court of Appeal

In the Supreme Court, the Chief Justice allocates the caseload of the court.

In the Court of Appeal, the President of the Court of Appeal allocates the caseload of the court.

Supreme Court cases are presided over by a division of three, five or seven judges depending on the case.

Court of Appeal cases are generally heard by a division of three judges; in a limited category of cases the matter can be dealt with by one judge sitting alone.

Special Criminal Court

The Special Criminal Court has criminal jurisdiction and was established for the trial of offences in cases where it is determined that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order. It deals with offences related to terrorism and organised crime. Cases are dealt with by three judges.

6. Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

Please see input from 2023 Report regarding the Judicial Council which remains the current position with the following addition.

The Judicial Council became the Irish representative on the European Network of Council for the Judiciary (ENCJ), which works with other jurisdictions to achieve the objective of Section 7(1)(e).

7. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

Please see input from 2023 Report regarding the Judicial Council which remains the current position with the following addition.

The Judicial Council at its annual meeting on 4th February 2022 adopted the Guidelines on judicial conduct and ethics in advance of the statutory deadline of 22nd June, to take effect from the 1st of June 2022.

The Judicial Conduct Committee finalised its procedures for making a complaint in September 2022. On 3rd October 2022, the Minister for Justice commenced the remaining provisions of Part 5 of the Judicial Council Act as a result of which complaints relating to allegations of judicial misconduct on or after that date can now be made to the Registrar to the Judicial Conduct Committee, who determines whether the complaint is admissible. There is a facility to review a determination by the Registrar if it is determined to be inadmissible. If either the Registrar or the review committee decides to admit the complaint, the Judicial Conduct Committee follows the procedures outlined in relation to informal resolution or establishing a Panel of Inquiry.

2023 was the first full year in which complaints relating to judicial conduct could be received by the Judicial Council, the complaints regime having been formally commenced in October 2022. An online complaint form was developed [in 2022] to facilitate receipt of complaints via the Council's website and this has proved to be the most common means of lodging complaints. The Annual Report of the Judicial Conduct Committee [relating only to the period October 2022 to the year-end] is the most recent public data available. It was published in June 2023 indicating that within that time frame, 34 complaints were received of which 17 were decided to be outside the scope of the Judicial Council Act. Of the remaining 17 complaints, 10 were deemed inadmissible, 1 was withdrawn and the remainder were on hands at year-end. That Report noted that complainants mistakenly perceived the new complaints system as an opportunity to express dissatisfaction with outcomes of cases, while other complaints fell far short of the threshold for admissibility set out in the Act

The Judicial Conduct Committee met throughout the year. A number of legislative amendments sought by the Council were enacted to facilitate; a change to the composition of the Complaints Review Committee as required; the determination of complaints in cases held in camera; and the ability of the

Committee to refer for investigation matters related to judicial misconduct in the absence of a complaint or where a complaint has been withdrawn.

The Civil Service Code of Standards and Behaviour applies to all Prosecutors employed by the Office of the Director of Public Prosecutions. On appointment to our Office Prosecutors are asked to familiarise themselves with the Code and sign a confirmation document to confirm they have done so. Anyone found in breach of the Code can be disciplined under circular 19 of 2016 Civil Service Disciplinary Code. Under Part of the Code employees have a right to Appeal the outcome. Prosecutors are also obliged under Section 18 of the Ethics in Public Office Act, 1995 to make an annual written statement in respect of their interests and those of their spouse, civil partner, child or stepchild which could materially influence them in the performance of their official duties.

As well as civil service accountability, all prosecutors are bound by the Guidelines for Prosecutors and the Code of Ethics which can be viewed at: [Publication Category: Guidelines for Prosecutors - Office of the Director of Public Prosecutions \(dppireland.ie\)](#)

In addition to the above, prosecutors are either qualified solicitors or barristers and are bound by the standards of their professional bodies: [The Law Society of Ireland](#) or [Law Library | The Bar of Ireland](#)

8. Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

There are no bonuses or rewards for judges in Ireland. Remuneration for judges is as follows:

| Judicial Office | Length of Service | 1 January 2024 - Greater of 2.25% or €1,125 increase under Proposed Public Sector Pay Adjustments | 1 June 2024 - 1% increase under Proposed Public Sector Pay Adjustments |
|---|---------------------|---|--|
| Chief Justice | NMAX | €313,255 | €316,388 |
| | | | |
| Chief Justice - New Entrant 1/1/12 | Less than 1 Yrs Ser | €281,931 | €284,750 |
| | Between 1 to 2 Yrs | €297,582 | €300,558 |
| | More than 2 Yrs | €313,255 | €316,388 |
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| President of the Court of Appeal -Appt. before 2012 | NMAX | €299,843 | €302,841 |
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|---|---------------------------|----------|----------|
| President of the Court of Appeal | | | |
| | Less than 1 Years Service | €269,431 | €272,125 |
| | Between 1 to 2 Years | €284,619 | €287,465 |
| | More than 2 Years | €299,843 | €302,841 |
| | | | |
| President of the High Court | NMAX | €290,880 | €293,789 |
| | | | |
| President of the High Court - New Entrant 1/1/12 | | | |
| | Less than 1 Years Service | €261,792 | €264,410 |
| | Between 1 to 2 Years | €276,305 | €279,068 |
| | More than 2 Years | €290,880 | €293,789 |
| | | | |
| Judge of the Supreme Court | NMAX | €272,981 | €275,711 |
| | | | |
| Judge of the Supreme Court - New Entrant 1/1/12 | | | |
| | Less than 1 Years Service | €245,684 | €248,141 |
| | Between 1 to 2 Years | €259,317 | €261,910 |
| | More than 2 Years | €272,981 | €275,711 |
| | | | |
| Judge of the Court of Appeal - Appointed before 2012 | NMAX | €265,278 | €267,931 |
| | | | |
| Judge of the Court of Appeal | | | |
| | Less than 1 Years Service | €238,731 | €241,118 |
| | Between 1 to 2 Years | €251,987 | €254,507 |
| | More than 2 Years | €265,278 | €267,931 |
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| President of the Circuit Court | NMAX | €264,032 | €266,672 |
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|---|---------------------------|----------|----------|
| President of the Circuit Court - New Entrant 1/1/12 | | | |
| | Less than 1 Years Service | €237,629 | €240,005 |
| | Between 1 to 2 Years | €250,818 | €253,326 |
| | More than 2 Years | €264,032 | €266,672 |
| | | | |
| Judge of the High Court | NMAX | €257,323 | €259,896 |
| | | | |
| Judge of the High Court - New Entrant 1/1/12 | Less than 1 Years Service | €231,590 | €233,906 |
| | Between 1 to 2 Years | €244,445 | €246,889 |
| | More than 2 Years | €257,323 | €259,896 |
| | | | |
| President of the District Court | NMAX | €194,670 | €196,617 |
| | | | |
| President of the District Court - New Entrant 1/1/12 | Less than 1 Years Service | €175,202 | €176,954 |
| | Between 1 to 2 Years | €184,929 | €186,778 |
| | More than 2 Years | €194,670 | €196,617 |
| | | | |
| Judge of the Circuit Court | NMAX | €187,958 | €189,838 |
| | | | |
| Judge of the Circuit Court - New Entrant 1/1/12 | Less than 1 Years Service | €170,011 | €171,711 |
| | Between 1 to 2 Years | €178,560 | €180,346 |
| | More than 2 Years | €187,958 | €189,838 |
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| Judge of the District Court | NMAX | €164,572 | €166,218 |
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|---|---------------------------|----------|----------|
| Judge of the District Court - New Entrant 1/1/12 | Less than 1 Years Service | €148,115 | €149,596 |
| | Between 1 to 2 Years | €156,372 | €157,936 |
| | More than 2 Years | €164,572 | €166,218 |

€36,450 - €93,095 – 2% pay increase with effect from 01 March 2023 under [gov.ie - Search for services or information \(www.gov.ie\)](#)

€37,200 - €94,491 – 1.5% pay increase or €750 (whichever is greater) with effect from 01 October 2023 under [gov.ie - Circular 11/2023 - Application of 1 October 2023 pay adjustments \(www.gov.ie\)](#)

9. Independence/autonomy of the prosecution service

Please see input from 2023 Report which remains the current position.

10. Independence of the Bar (chamber/association of lawyers) and of lawyers

The legal profession has two types of lawyers – solicitors, represented by the Law Society, and barristers, largely represented by the Bar of Ireland. The Legal Services Regulatory Authority, an independent body established in 2016, is Ireland’s national statutory regulator for both branches of the legal profession. The LSRA maintains the Roll of Practising Barristers. Members of the Bar of Ireland, also referred to as the independent referral Bar, are bound by a code of conduct which includes the duty to be independent and free from any influence. All practising barristers are also bound by the Professional Code of Conduct of the Honorable Society of King’s Inns which also includes a duty to be independent and free from any influence in the discharge of their professional duties.

11. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

On 21 February 2023, the Government noted the Report and 54 recommendations of the Judicial Planning Working Group and approved the appointment of an additional 24 judges, which is a key recommendation of the report. All of the 24 additional posts to: the Court of Appeal (2), the High Court (6), the Circuit Court (8) and the District Court (8) were filled during Phase 1 in 2023. This represents a 14% increase in the number of judges in the Irish legal system. The Report also recommends the appointment of a further 20 judges in Phase 2. The additional 44 judges appointed over two tranches, would represent a 25% increase in judicial numbers. This increase in judicial numbers should drive down waiting times and enable justice to be administered more efficiently.

The Courts Service, working closely with the judiciary and the Department of Justice, has developed a suite of agreed data metrics, collected quarterly, across Civil, Family and Criminal courts. The metrics

include the number of incoming cases by type, court jurisdiction and geographical area, the number of resolved cases, the clearance rates, the number of active judges, the judgments issued and the waiting times. The effective use of this data will allow resources be allocated to where they are most required.

B. Quality of justice

12. Accessibility of courts (e.g. court/legal fees, legal aid, language)

Updating of courts.ie, the Courts Service website, began in 2022 with a view to making court applications and/or court attendance less daunting for those unfamiliar with court procedures. In March 2023, online content on a range of Family Law proceedings, including Divorce, Separation, Domestic Abuse, and Maintenance, set out in plain, user-friendly language was launched. Information on procedures for court applications relating to Debt claims, including step-by-step guides, was added in December 2023 with information on other civil proceedings to be added in 2024. These new pages include information on accessing legal advice and support services and there are videos available on preparing for and attending family law and other civil court proceedings. An interactive Virtual 360 Tour of the Four Courts complex was also launched in March 2023.

The commencement of the Assisted Decision-Making (Capacity) Act 2015 in April 2023 saw the introduction of new forms, in a simplified format, again set out in plain language, to assist users in the application process. Work on creating court forms in a similar format, for applications relating to Guardianship of Infants, is at an advanced stage.

An online Appointment Booking Service (ABS) was launched in April 2023. This service allows users to book a time slot that suits them, to visit a court office for non-urgent matters, and is now available in 19 court offices with 12 more planned for Q1 of 2024. 2023 also saw the introduction of cashless payments, giving users the option to make payment by card in 44 court offices across the country. This is in line with the key strategic aim of simplifying services as part of the Courts Service Modernisation Programme. Types of cashless payment include fines, family law payments and court fees for civil applications and small claims.

13. Resources of the judiciary (human/financial/material)

At the end of 2022, there was a total of 180 professional judges across all jurisdictions. All judges in Ireland are full-time appointments. Judges receive an allowance, split over 12 months, the amount of which varies depending on jurisdiction.

In 2022, the Judicial Planning Working Group (JPWG), aided by the Courts Service, as a member of the Group, undertook to consider the number and type of judges required to ensure the efficient administration of justice over the next five years as well as the longer term. The JPWG provided data and analysis to demonstrate the need for extra judges and adequate support services. The recommendations of the JPWG were published in 2023 and the passing of the Courts Act 2023 in March paves the way for the appointment of 44 new judges to the courts by the end of 2024.

The total of non-judge court staff at the end of 2022 was 1253. This figure includes court registrars, administrative staff, and judicial assistants. Since 2012, newly appointed Judges to the Supreme Court, Court of Appeal, High Court, Circuit Court and the President of the District Court are provided with a Judicial Assistant in place of an usher or crier. A Judicial Assistant assists the Judge in Court, as well as assisting with legal drafting, proofing and any research and administrative support required. In addition, there is a team of Research Support Associates based in the Legal Research and Library Service (LRLS), which provides a single point of contact to all members of the judiciary for legal research.

The Courts Service Estate consists of 103 individual buildings each of which houses at least one court jurisdiction and several of which house more than one court jurisdiction. The Courts Service Estates Strategy 2022-2025 aims to ensure that our buildings and facilities properly serve their users' needs and at the same time support the modernisation of the organisation. The Estates Strategy is based on the vision of a fit-for-purpose estate that facilitates access to justice for all users and is responsive to our future ways of delivering services.

In relation to the Judicial Council, staff salaries amount to €500k, with Judicial Council functions (including judicial training) of €700k.

14. Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

From 2020 Report:

The Judicial Council Act 2019 establishes the Judicial Studies Committee under section 17 of the 2019 Act. This committee shall facilitate the continuing education and training of judges with regard to their functions.

A Director of Judicial Studies (who is a serving judge) was appointed in June 2021 with 50% of her time dedicated to training and education of judges. Since her appointment, she has delivered remote/virtual induction training to all newly appointed judges. A commitment has been given to delivery of judicial training pursuant to recommendations made in a statutory report on the treatment of vulnerable witnesses in Court. A procurement exercise was carried out to deliver mentor training to judges so that they, in turn, will be enabled to mentor newly appointed judges.

A Judicial Studies Committee made up of a representative judge from each jurisdiction has met regularly throughout the year to formulate education and related governance policy.

A survey of judicial training needs was carried out in January/February 2021 with a 72% response rate. It had not been possible to expand the training programme further due to a lack of infrastructural and administrative support being in place to enable recruitment of Associate Director with responsibility for training and education, accommodation to facilitate training provision etc.

In 2022 The Judicial Studies Committee met a number of times throughout the year to progress establishing the function. Training recommendations of the O'Malley Report on Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences were implemented in August 2021 and followed up November 2021 when a pilot group of judges were also trained to deliver future workshops to their colleagues on this topic. Training courses on unconscious bias and vulnerable witnesses were also delivered.

All newly appointed judges received induction training with an emphasis on conduct and ethics “Judgecraft” training was also delivered to new appointees in November and December. International Conferences were hosted by the Judicial Studies Committee, including one comprising Anglophone Germanophone family law judges and experts on the topics of family law [child abduction and the role of mediation], and a UKIJSJSC Conference which facilitated an annual jurisdictional update and matters of common interest between judges from Ireland, Northern Ireland, Scotland, and England and Wales. Judges also attended a EJTJN course on the digitisation of judicial training. Mentoring training was also delivered to mentor judges who in turn are assigned to newly appointed judges.

2023 REPLY/UPDATE

The Associate Director of Judicial Studies, a civil servant with professional education experience, was appointed in October 2022.

Induction training was delivered to all new judges appointed throughout 2022. This comprised of practical courtroom-based training supported by experienced judicial colleagues. Further follow up ‘refresher’ training was also developed and delivered to recently appointed judges in 2022. Conduct and Ethics workshops continued to be delivered during 2022 to both new and experienced judges with a focus on the Bangalore Principles.

Topic specific training delivered during 2022 included a course on Assisted Decision Making in anticipation of the enactment of this legislation with additional training to take place once the legislation is commenced. New courses on Unconscious Bias and Personal Insolvency were developed and delivered during the year.

A course in Avoiding Re-Traumatisation of Vulnerable Witnesses [as recommended by the O’Malley Report on Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences] was delivered by a group of judges previously themselves trained by the Dutch Judicial Training Institute [SSR]. A number of judges also attended Train the Trainer training with the SSR in The Hague in September.

2024 REPLY/UPDATE

The Judicial Council has a statutory responsibility for the training of judges in Ireland. A wide range of judicial training was available to judges in 2023, building on courses already in place and adding further topics. The Induction training of judges was a key priority as 37 new judges were appointed. This resulted in the enhancement of the existing induction training provision, the expansion of the Mentor programme and the addition of a personal skill development programme on ethical leadership. In the continuing professional development space, seminars on Assisted Decision-Making seminars took place to support the introduction of new legislation. Additional programmes were developed in the areas of judgment writing, employment law and Habeas Corpus. Existing programmes on Unconscious Bias, Avoiding Re-Traumatisation and Coercive Control were updated and delivered. Additional new programmes were developed in the areas of judgment writing, employment law and Habeas Corpus. A range of subjects were covered during the annual conferences ranging from social media, the voice of the child, sentencing, trauma informed practice to artificial intelligence, evidence, and expert witnesses. EU updates were provided including a seminar on Family Law and a session on making national references to the CJEU. All training provided by the Judicial Council was judge-led with the support of a range of expert speakers drawn from academia, legal and medical professions, NGOs, government agencies and guest judges from outside the State. Additional technology was introduced during the year

which allowed for training events and seminars to be delivered in a hybrid fashion thereby increasing access and participation for the judiciary.

The Learning and Development Strategic Plan 2020-2023, supports approximately 1,250 Courts Service staff across Ireland building staff capability, capacity and commitment. The Learning and Development Unit works with subject matter experts, both within the organisation as well as external experts, to assist staff in their work supporting the judiciary and providing excellent service to court users. The unit uses a blended learning approach to training, which is delivered either in a virtual or traditional classroom.

In 2021, the Learning and Development Unit launched the next generation of its Strategic Plan, which affords staff more e-learning opportunities, including targeted learning pathways, relevant to their role. A number of programmes, both technical and developmental, continue to be delivered through collaboration with in-house Subject Matter Experts (SMEs) and staff from the Learning and Development Unit.

In Service Training

The annual learning & development (L&D) programme for legal staff is overseen by the Legal Training Steering Group (LTSG). Members of this group include the Chief Prosecution Solicitor (Head of the Solicitors Division), the Head of the Directing Division, the Knowledge Management Lawyer, the Head of HR-OD and legal representatives from across the Office. The LTSG meet approx. 4 times per year. As an example of the 2023 programmes, the Office has developed a four-part seminar series in relation to legislative scanning to highlight new and draft legislation, delivered our internal Advocacy Programme and have collaborated with NGOs to deliver Victims Liaison Workshops along with other internal seminars and courses. Ongoing learning comes in the form of weekly/ monthly section briefings. Guidance is given as to unusual cases and new rulings. Legal Staff regularly attend external seminars and conferences with ERA, the IPA and other national bodies. The Office also holds an Annual National Prosecutors Conference, which is attended by legal staff from the Office and members of the criminal justice system. Another element of prosecutor training is Knowledge Management (KM). Our KM system is a SharePoint-based internal database and is a tool to capture and store knowledge, experience and expertise that is easily accessible. Knowledge Management training is offered annually in an effort to improve engagement with this system and to promote self-development and learning.

The HR-OD Unit source, design, deliver (some programmes) and evaluate programmes as well coordinating attendance and monitoring CPD. For example, the Head of HR-OD designed the regulatory training in 2023. The HR-OD Unit proposes and/or designs the management training that is delivered to the legal staff at management grades. Where appropriate, in relation to all the above, the Office engages external facilitators and presenters. Prosecutors can participate in courses offered by One Learning (the L&D provider for the Irish Civil Service). These courses include courses in management and leadership skills, for example.

Induction

In relation to the Induction of Prosecutors, there is a bespoke Prosecutors Induction that sits in the overall Induction Programme. We recently conducted a review of our Unit/ Section Induction to identify best practice and synergies. A Revised Induction Programme is being piloted in a number of legal sections. The end goal is that there will be consistency with legal induction delivered across the sections.

As part of Induction, newly appointed prosecutors receive training in relation to broad range of topics, including but not limited to case management system, data protection, security, the role & ethos of being a prosecutor. Knowledge Management is also a separate module in our overall Induction Programme.

Further Higher Level Education

The Office operates a “Refund of Fees Scheme” whereby staff can receive financial assistance to complete courses in their own time, which involve knowledge and skills deemed of relevance to the work of the Office. These courses are offered by external providers such as universities or other third level institutions, as well as the Law Society of Ireland and the Honorable Society of Kings Inns.

Professional Development Requirements of lawyers

The following general information in relation to the learning and continuous professional development of solicitors and barristers in Ireland may also be of assistance:

- Legal staff employed by the Office are either solicitors or barristers.
- To practice as a solicitor, it is required to be admitted to the Roll of Solicitors. To be admitted, it is required to carry out Professional Practice Courses organised by the Law Society of Ireland and also complete in-office training.
- Solicitors must also carry out 20 hours of Continuous Professional Development (CPD) per year which includes minimum requirements in the categories of “Management and Professional Development Skills” and “Regulatory Matters”.
- To qualify as a barrister, it is required to complete and be admitted to the barrister-at-law degree at the Honorable Society of Kings Inns and be called to the Bar. Practising barristers must “undertake the continuing education and professional development necessary to ensure an adequate level of knowledge and competence in his area(s) of practice”. A Practising Barrister must also comply with any minimum requirements for continuing education and professional development as may be prescribed by the Legal Services Regulation Authority (see paragraph 3.32, Legal Services Regulation Authority, [Code of Practice for Practising Barristers](#)).
- The Legal Services Regulation Authority have made recommendations in relation to legal practitioner education and training which may be of assistance - for more see [here](#)

15. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)

In 2020, the Courts Service embarked on a ten-year modernisation programme, “The Courts Service Long-Term Strategic Vision to 2030: Supporting Access to Justice in a modern, digital Ireland”, which aims to better support access to justice in a modern digital Ireland. Since the start of this programme, we have invested in our foundational capability and capacity in digital transformation. Along with successfully building these foundations we have also delivered concrete improvements using digital technology.

These improvements include an increase of our technology enabled courtrooms, supporting remote

attendance at hearings, fully remote hearings, digital evidence display and digital audio recordings of proceedings. We have now increased from 118 courtrooms to 135 courtrooms that are technology enabled in the last year, where remote attendance at court is now commonplace, with a further 20 sites planned for delivery in 2024. We have also launched a new digital jury system, whereby members of the public can respond to jury summons, accepting or requesting excusal, and related user journeys, all via an online portal. We have improved in-person attendance at public counter process using a new online appointment booking system, reducing wait times for litigants and legal professionals. Further process improvements have been made between justice bodies within the sector via automated sharing of electronic data, streamlining the processing of charges brought to court by the police, driver disqualifications outcomes to the transport authority, court attendance data to our prison service, and probation information to our probation service.

Lastly, we have commenced a broad programme of reforming our information provision online focusing on plain language and accessible content design. This has started in the area of family law (<https://services.courts.ie/Family-Law/separation-and-divorce>) and will continue across 2024.

16. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

The Court Service also consistently monitors operations and compiles court statistics, for example as published in our Annual Report. The processes, tools and systems that are used to track cases and operational activity are a mixture of those that are automated, semi-automated and manual. Due to an aging and fragmented digital and data infrastructure and due to local variations in process design, there are known challenges with the provision of real-time, granular, and high-quality data to assist in the monitoring and evaluation of policies, processes and operational activity in general.

Our ICT Strategy 2021-2024 and Data Strategy 2021-2024 set out a series of actions that aim to implement a unified case management system atop a unified data model, which is designed to support the consistent processing and real-time inspection of operational activity at a granular level. These initiatives will be implemented incrementally across different case types, across the various jurisdictions and areas of law as part of our 10-year modernisation programme.

The Unified Case Management System (UCMS) for the High Court went live in October 2023. UCMS is a modern, highly secure and user-friendly system.

In the Circuit Court, UCMS for Family Law matters is now in the final stages of pilot and will be rolled out in all Circuit Court offices in 2024. When this is complete, all versions of Circuit Court Family Law will be amalgamated into one centralised system, improving the case management experience for all users. Once UCMS is rolled out to all Circuit Court offices, we will introduce a self-service portal which will allow the public to track their cases online 24/7.

Furthermore, the Courts Service through its modernisation programme has adopted a user-centric approach to change. This involves the systematic involvement of the judiciary, legal professionals, internal staff and court users in the transformation of services. Standing engagement working groups

have been formed with the judiciary and legal professionals to solicit continuous input into how we modernise our service. Advanced survey tools, such as Maze, are used to test and solicit feedback from the judiciary, practitioners, staff, various court user representative groups and potential court users during process design.

The combination of both the unification of the case management platform and its data model, and the incremental service design approach to standardise and simplify, will in time enable the generation of a real-time, accurate whole-of-organisation view of operational activity.

17. Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

In Ireland, there are five main court jurisdictions: the District Court, the Circuit Court, the High Court, the Court of Appeal and the Supreme Court. Each court deals with specific types of cases.

The **District Court** is organised on a local basis throughout the country. There are 23 District Court Districts and the Dublin Metropolitan District. Each District Court District is divided into District Court areas and has one or more judges assigned to that area.

The District Court deals with civil actions where the compensation claimed does not exceed €15,000. It also handles liquor licensing cases and a wide range of family law cases, including custody and maintenance of children and applications for barring orders. The District Court deals with less serious criminal matters such as motoring offences and public order matters such as assault and also the initial hearings of serious offences to be tried in the higher criminal courts. A judge sitting alone deals with these cases.

Consumers can use the small claims procedure in the District Court across the country to recover sums up to €2,000. Applications for Small Claims can be made online through the Courts Service website.

The **Circuit Court** is organised on a regional basis. Ireland is divided into eight circuits. One Circuit Court Judge is permanently assigned to each circuit except for Dublin and Cork Circuits. For Dublin Circuit ten judges can be assigned and three judges can be assigned to Cork Circuit. In addition, other judges are temporarily assigned to circuits.

The Circuit Court deals with civil cases which do not exceed €75,000 (€60,000 in personal injury cases). It can also deal with some liquor licensing cases and a wide range of family law cases, including divorce and judicial separation.

The Assisted Decision-Making (Capacity) Act 2015 (ADMC), as amended, was commenced in April 2023. This legislation replaced the wardship regime for persons with capacity issues and introduced new decision support arrangements for such persons. Jurisdiction is conferred almost exclusively on the Circuit Court in respect of such arrangements, whereas the wardship regime was almost exclusively exercised in the High Court. As a result of the increase in Circuit Court business due to the commencement of ADMC, 3 additional Circuit Court judges were appointed.

In criminal matters, the Circuit Court sits with a judge and jury and can try all but the most serious offences, such as murder and rape. The Circuit Court hears appeals from the District Court in civil and criminal matters. The Circuit Court also exercises jurisdiction in respect of the following alternative remedies to bankruptcy available under the Personal Insolvency Act 2012: (a) debt relief notices and (up to an indebtedness value of € 2,500,000) (b) debt settlement arrangements and (c) personal insolvency arrangements.

The **High Court** is mainly based in Dublin and has the power to hear all criminal and civil matters (including family law cases) but usually hears only those cases that cannot be dealt with by the lower courts. This means that in civil actions it hears cases where the claim exceeds €75,000 (€60,000 in personal injury cases). It also hears appeals from the Circuit Court in civil matters and can give rulings on questions of law raised in the District Court.

The High Court exercises jurisdiction in respect of (a) all bankruptcy matters and (where the indebtedness value exceeds € 2,500,000) (b) debt settlement arrangements and (c) personal insolvency arrangements under the Personal Insolvency Act 2012. When the High Court is dealing with criminal cases, it is known as the Central Criminal Court. It tries the most serious offences, such as murder and rape, which the Circuit Court cannot deal with. A judge and jury try these cases.

The **Court of Appeal** hears appeals in civil cases from the High Court and appeals in criminal cases from the Circuit Court, the Central Criminal Court or the Special Criminal Court. It can also give rulings on questions of law raised in the Circuit Court.

The **Supreme Court** is the highest court and is the court of final appeal. It hears appeals from the Court of Appeal where the decision involves a matter of general public importance, or it is necessary in the interests of justice to hear an appeal and from the High Court where there are exceptional circumstances warranting a direct appeal when the decision involves a matter of general public significance and/or it is in the interests of justice. These limited circumstances are set out in Article 43.5.3 and 34.5.4 of the Constitution. The President of Ireland may refer any Bill passed by the Oireachtas to the Supreme Court to determine whether it is unconstitutional.

In addition, the Special Criminal Court consists of three judges sitting without a jury and primarily deals with criminal charges involving terrorist organisations, and, more recently, with charges relating to organised crime activities. The court was established by the government to hear cases where the ordinary courts would be inadequate to ensure the administration of justice.

There are 95 geographic locations where there is a court of at least one of the jurisdictions located throughout the country. The Family Courts Bill 2022 completed Seanad Éireann first stage in November 2022, and aims to provide for the establishment of a Family High Court, Family Circuit Court and Family District Court as divisions of the existing High Court, Circuit Court and District Court and to provide for the reallocation of jurisdiction in family law proceedings between the family courts. The Dublin Family Courts Project will see the development of a Family Courts complex which will be a landmark public building with civic status and will enhance the urban surroundings of Dublin city's legal quarter.

C. Efficiency of the justice system

18. Length of proceedings

Average Length of Proceedings – from issue to disposal

Source: Courts Service Annual Report 2022

(* Figures for Circuit and District not unavailable)

| CIVIL: IN DAYS - FROM ISSUE TO DISPOSAL | | | | | |
|--|-------------------|-------------|----------------------|-------------|-----------------------|
| | High Court | | Circuit Court | | District Court |
| | 2022 | 2021 | 2022 | 2021 | 2022 |
| All | 871 | 797 | * | 730 | * |
| Employment (dismissals) | 444 | 713 | * | 1397 | N/A |
| Divorce | 537 | 238 | * | 378 | N/A |
| Commercial | 665 | 650 | N/A | N/A | N/A |
| Personal Injury | 1,325 | 1,188 | N/A | N/A | N/A |
| Judicial Review | 406 | 339 | N/A | N/A | N/A |
| | | | | | |

| CRIMINAL: CIRCUIT COURT - AVERAGE LENGTH IN DAYS | | |
|---|-------------|-------------|
| | 2022 | 2021 |
| All | 569 | 732 |

| CRIMINAL: CENTRAL CRIMINAL COURT | | |
|---|-------------|-------------|
| AVERAGE LENGTH IN DAYS | | |
| | 2022 | 2021 |
| All | 738 | 668 |

| CRIMINAL: SPECIAL CRIMINAL COURT | | |
|---|-------------|-------------|
| AVERAGE LENGTH IN DAYS | | |
| | 2022 | 2021 |
| All | 464 | 423 |

| | | |
|--|--|--|
| | | |
|--|--|--|

Average length of proceedings (first instance courts)

| CRIMINAL: IN DAYS - FROM ISSUE TO DISPOSAL - BY OFFENCE: DISTRICT COURT | | | | | | |
|---|------|---------------------------------|------|------|------------------|--|
| SUMMARY | | INDICTABLE DEALT WITH SUMMARILY | | | RETURN FOR TRIAL | |
| 2022 | 2021 | 2022 | 2021 | 2022 | 2021 | |
| 369 | 371 | 440 | 419 | 117 | 113 | |

II. Anti-corruption framework

19. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)

Recommendation 3: D/ Public Expenditure NDP Delivery and Reform - Strengthen and digitalise the existing ethics framework, on asset declarations and lobbying, including the monitoring and enforcement capacity of the Standards in Public Office Commission

Ethics

The 2020 Programme for Government committed to the reform and consolidation of the Ethics legislation. Acting on this commitment, the Department of Public Expenditure NDP Delivery and Reform undertook a review of Ireland's legislative framework for ethics in public office and presented its findings and recommendations to Government in December 2022.

The 2022 Report recommended *inter alia* that Ireland 'Strengthen the existing ethics framework, including on codes of conduct, asset declarations, revolving doors and lobbying, and in particular as regards the monitoring and enforcement capacity of the Standards in Public Office Commission'.

Government agreed to the preparation of a legislative scheme for reform and consolidation of the statutory framework informed by the outcome of the review. The draft legislative scheme will be prepared in consultation with relevant Ministers and brought to Government for approval to publish during Q1 2024. It is intended that legal text of the Bill will then be drafted in consultation with advisory

counsel and parliamentary drafters from the Office of the Attorney General and the Bill will then be introduced in parliament.

In preparing legislative proposals, the Department will take as its point of departure the policy framework developed for the 2015 Public Sector Standards Bill. This involves consolidation of the statutory framework for ethics and giving effect to the relevant recommendations of the Moriarty and Mahon Tribunals. Notably, it would see a significant strengthening of the legal obligations on public officials to disclose as a matter of routine, actual and potential conflicts of interest and a complementary increase in the monitoring and enforcement capacity of the Standards in Public Office Commission.

Lobbying

In relation to lobbying, the Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act 2023 (the 2023 Act) was enacted in June 2023. This 2023 Act amends the Regulation of Lobbying Act 2015 (the 2015 Act) to build on the existing strong legislative foundation and further strengthen Ireland's lobbying laws, thus ensuring that the regulation of lobbying framework remains up to date and fit for purpose.

In particular, the 2023 Act makes failure to comply with the post-term employment restrictions set out in section 22 of the 2015 Act a relevant contravention under the 2015 Act and introduces significant civil and administrative sanctions for anyone contravening this element of the legislation.

On 7 November 2023, the Minister for Public Expenditure, National Development Plan Delivery and Reform, Paschal Donohoe, signed the commencement order for the 2023 Act. This order adopts a two-phased approach to the commencement of the 2023 Act.

The provisions in the 2023 Act that relate to updating and improving the lobbying register will commence on 1st January 2024. This is to allow the Standards in Public Office Commission (SIPO) time to update the lobbying register and the associated guidance, and to make lobbyists aware of the upcoming changes.

The remaining provisions which relate to new sanctions, including those relating to contravention of the section 22 post term employment cooling off provisions, will commence on 1st June 2024. This is to allow SIPO time to develop the processes to ensure the efficient operation of the new sanctions and to conduct awareness raising activities with lobbyists and relevant designated public officials.

The lobbying register is digital by design and this continues to apply in relation to the changes brought in by the 2023 Act.

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

20. List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.

Budget 2024 allocated €3.27bn in current expenditure plus €274 million for capital projects for the Justice sector. This included a budget of €2.31bn for An Garda Síochána, which will support the recruitment of up to 1,000 new Garda trainees and 250 Garda staff. As of 31 December 2023, Garda numbers are as follows:

- 13,998 Sworn Gardaí (72% male, 28% female)
- 351 Garda Reserves (76% male, 24% female)
- 3,444 Garda Staff (29.1% male, 70.9% female)

More specifically, the current Garda member numbers for the Garda National Economic Crime Bureau (GNECB) are outlined in the following table:

| RANK | Member numbers as of 31 December 2023 |
|-----------------------------|--|
| <i>Chief Superintendent</i> | 1 |
| <i>Superintendent</i> | 2 |
| <i>Inspector</i> | 1 |
| <i>Sergeant</i> | 21 |
| <i>Garda</i> | 72 |
| TOTAL | 97 |

The current Garda Staff strength (in whole time equivalent terms) for the GNECB is as follows:

| ROLE | Staff numbers as of 31 December 2023 |
|--|---|
| <i>Forensic Accountant Grade II</i> | 1 |
| <i>Professional Accountant Grade 2</i> | 4 |
| <i>Executive Officer</i> | 4 |
| <i>Clerical Officer</i> | 4 |
| TOTAL | 13 |

The establishment of an Advisory Council against Economic Crime and Corruption was one of the recommendations made in the Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption, published in December 2020. The Advisory Council was established in May 2022 and is chaired by James Hamilton, a former Director of Public Prosecutions. The Council will advise and make proposals on strategic and policy responses and will be responsible for developing a multi-annual strategy to combat economic crime and corruption. The Advisory Council has 19 members

plus the Chair. 13 members represent the relevant government departments and enforcement and regulatory agencies from across the public sector. The remaining six ordinary members represent the business and financial sector, academia, and civil society. The Department of Justice provides the secretariat to the Advisory Council.

Ireland is fully supportive of OLAF and cooperates as required.

As a non-participating Member State, Ireland is fully committed to cooperating with the EPPO. Negotiations concerning the working arrangements between EPPO and Ireland are ongoing.

Resourcing & Structure

The Special Financial Unit (SFU) is currently staffed with seven prosecutors (including the Managing Solicitor of the Unit). The Office has secured funding for additional staffing in 2024. The Office is actively recruiting and new staff will be assigned to the SFU in the New Year.

In terms of structure within the DPP, a new anti-corruption unit has been established in the Directing Division to deal with Garda corruption cases. Cases involving a foreign component will remain under the remit of the SFU.

International Co-operation

The SFU understand that An Garda Síochána have found joint investigation teams (JIT) to be a useful investigation tool. Foreign law enforcement agencies continue to use the Mutual Legal Assistance (MLAT) procedures.

EPPO and OLAF

In 2023, the ODPP participated in an inter-agency group to scope out the implications of Ireland joining EPPO. A Government decision is awaited on this issue and the Department of Justice might be able to comment further.

A meeting between ODPP staff and OLAF is scheduled for 2024.

The Office has increased our staffing levels at Eurojust in order to maximise efficiencies. There are now two senior Irish lawyers at the Eurojust desk.

21. Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.

Responsibility for the development and implementation of anti-corruption policies in Ireland does not rest with any one body. Instead, many departments, agencies and bodies have roles and responsibilities in this area.

In relation to the police service, regarding the functional independence of An Garda Síochána, section 26(1) of the Garda Síochána Act 2005 (as amended) provides for the Garda Commissioner to:

- direct and control An Garda Síochána,

- carry on and manage and control generally the administration and business of An Garda Síochána, including by arranging for the recruitment, training and appointment of its members and civilian staff.

In addition, under section 33 of the 2005 Act, the manner in which Garda members are to be distributed and stationed throughout the State is a matter for the Commissioner.

In relation to prosecutions, the office of the Director of Public Prosecutions (DPP) was established by law under the Prosecution of Offences Act 1974. The Director is independent in the performance of her functions which include:

- enforcing the criminal law in the courts on behalf of the people of Ireland,
- directing and supervising public prosecutions on indictment in the courts,
- giving general direction and advice to An Garda Síochána in relation to summary cases which are instituted and conducted in the name of the Director,
- giving specific direction to An Garda Síochána and other investigative agencies in cases where requested, and
- responsibility for election petitions and referendum petitions under the relevant Acts.

In relation to the judiciary, the Judicial Council Act 2019 provides for the establishment of a Judicial Council. The primary function of the Council, which consists of all members of the judiciary, is to promote and maintain excellence in the exercise by judges of their judicial functions and high standards of conduct among judges. The Board of the Council is responsible for carrying out the functions of the Council on a day-to-day basis. A key element of the Act relates to the establishment of a Judicial Conduct Committee to consider complaints in relation to judicial misconduct, prepare draft guidelines concerning judicial conduct and ethics for adoption by the Council and provide advice and recommendations to an individual judge or to judges generally on judicial conduct and ethics. The membership of this Committee includes persons who are not judges.

The Judicial Council is assisted in its work by a Judicial Studies Committee which has a role in facilitating the continuing education and training of judges. Provision is also made for a Sentencing Guidelines and Information Committee and for a Personal Injuries Guidelines Committee, both of which are responsible for drawing up guidelines relevant to their functional area for adoption by the Council.

22. Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.

The Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption was published in December 2020 and an all-of-government implementation plan to progress the review group recommendations was published in April 2021. Eight actions in the implementation plan have already been completed in full:

- The Criminal Procedure Bill was signed into law by the President in May 2021 and was commenced on 28 February 2022. The commencement of this Act will allow pre-trial hearings take place, which will improve trials for white-collar crimes, organised crime and other complex offences and will make it less likely juries are sent away during trial, making the court process faster and more efficient.

- The Judicial Council has been engaged with in relation to the development of judicial training for complex economic crime/corruption cases.
- The Advisory Council to co-ordinate and lead the delivery of a whole-of-government approach to economic crime and corruption and to serve as a ‘centre of excellence’ for research and analysis, awareness-raising, training and other best practice issues was established in May 2022 and is chaired by former Director of Public Prosecutions James Hamilton;
- The Forum of senior representatives to facilitate greater inter-agency co-ordination, collaboration and information sharing was established in June 2021 and has met quarterly since then.
- The Competition Amendment Act was signed into law on 29 June 2022. This creates a specific offence of bid rigging.
- The Department of Justice have identified relevant bodies to progress the recommendation to introduce legislation to enable the collection, collation and analysis of all public procurement data to detect and deter bid-rigging.
- The Custody Regulations have been amended for authorised officers of the Competition and Consumer Protections Commission to attend at Garda interviews.
- Budgetary increases provided by the Department of Public Expenditure and Reform have allowed the Office of the Director of Public Prosecutions to augment staffing and resources to address the increased work linked to changes in the nature and volume of criminal investigation files received from An Garda Síochána and other specialised investigative agencies. Budget 2023 also provided an allocation of five additional staff for the Special Financial Crime unit in 2023.

A number of actions in the implementation plan have been significantly advanced including:

- Amend relevant legislation for search warrants to allow Gardaí to require persons subject to arrest warrants to provide the passwords to electronic devices;
- Conduct a review of Ethics in Public Office as set out in the Programme for Government with a view to strengthening the law relating to ethics in public office including to address misconduct by former members of the Oireachtas/Office holders
- Work has begun on developing a multi-annual National Strategy to Combat Economic Crime and Corruption and an accompanying action plan.

The Economic Crime Council and the Economic Crime Forum continue to meet regularly and ODPP representatives attend at both. The Forum is also further developing training for investigators of economic crime and corruption and has identified specific trainings that the national police may be able to provide. The ODPP representatives have been central to facilitating this training and developing content for a future more comprehensive programme.

B. Prevention

23. Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training).

Policy in Ireland for the prevention of corruption and promotion of integrity among elected and appointed senior public officials is set in a number of pieces of legislation including the Ethics Acts (Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001), the Regulation of Lobbying Act 2015 as

amended by the Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act 2023 and the Criminal Justice (Corruption Offences) Act 2018 (which provides for the forfeiture of office, position or employment by an Irish official following conviction or indictment for certain corruption offences under this Act).

The Ethics Acts

The Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 are cited together as the Ethics in Public Office Acts 1995 and 2001 (the Ethics Acts). The Ethics Acts provide a statutory framework for the disclosure of interests, regulation of gifts, and personal appointments (of special advisers), oversight by the Standards in Public Office Commission (SIPO) or the Select Committee on Members' Interests in each House of the Oireachtas. There is also a requirement that tax clearance certificates be furnished on election/nomination to either house of the Oireachtas, appointment to judicial office or senior office.

The principal objective of the legislation is to demonstrate that those who are participating in public life do not seek to derive personal advantage from the outcome of their actions. To meet this objective, a statutory framework has been put in place to regulate the disclosure of interests and to ensure that other measures are taken to satisfy the broad range of obligations arising under the legislation. The legislation is founded on the presumption of integrity but recognises that specific measures should exist to underpin compliance.

Codes of Conduct

Section 10 of the Standards in Public Office Act 2001 provides for codes of conduct to be drawn up for certain specified categories of person. The codes, which are published by SIPO, set out the standards of conduct and integrity expected to be observed by the persons to whom they relate in the performance of their official duties and connected matters. A person to whom a code of conduct relates is obliged to have regard to and be guided by the code, in the performance of his or her functions, and in relation to any other matters to which the code relates (sections 10(6) and (7), 2001 Act). The principal codes published by SIPO are as follows:

- (i) The [Code of Conduct for Office Holders](#) (as prescribed under the Ethics Acts) includes Ministers of Government, the Attorney General and Ministers of State.
- (ii) [The Civil Service Code of Standards and Behaviour](#) includes Secretaries General and Special Advisers.
- (iii) The [Codes of Conduct for Oireachtas Members](#).

In circumstances where SIPO holds an investigation in relation to the conduct of a relevant person under the Ethics Acts, the investigation hearings are generally held in public and the investigation reports are published in the public domain with an accompanying press release. SIPO also reports on its activities in its Annual Report, which includes information on compliance with the requirements of the Ethics Acts, as appropriate.

Advice and Training

SIPO gives advice to office holders, on a confidential basis, on the interpretation of their obligations under the Ethics Acts. Office holders are required to act in accordance with the advice given (section 25, 1995 Act). In addition, advice is to be given on request to an office holder in relation to the application or otherwise of the Code of Conduct for Office Holders to any particular case or circumstance relating to him/her or to any conduct or proposed conduct of the person (section 10, 2001 Act). Office holders may also seek more informal guidance, which is not binding. Where SIPO is of the view there has been or may be a breach of the Acts by an office holder, it may decline to give advice.

SIPO has agreed to provide training to all Members of Parliament in concert with already scheduled training initiatives for Members under electoral legislation. The parliamentary authorities have included SIPO as part of its training program for new member induction, and facilitates SIPO to host annual information sessions for both the Ethics Acts and the Electoral Act.

A general election was held in February 2020 and in November 2020 SIPO staff provided training to new Members of Parliament as part of their induction programme. Training covered relevant aspects of the ethics, political finance and lobbying legislation. In addition, presentation and question/answer sessions were held in early 2021, 2022, and 2023, via videoconference for interested members and their staff in advance of the January deadline to submit statutory ethics and electoral returns. Ongoing training is planned to take place annually hereafter.

Lobbying

In relation to lobbying, the Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act 2023 (the 2023 Act) was enacted in June 2023. This 2023 Act amends the Regulation of Lobbying Act 2015 (the 2015 Act) in order to build on the existing strong legislative foundation and further strengthen Ireland's lobbying laws, thus ensuring that the regulation of lobbying framework remains up to date and fit for purpose.

In particular, the 2023 Act makes failure to comply with the post-term employment restrictions set out in section 22 of the 2015 Act a relevant contravention under the 2015 Act and introduces significant civil and administrative sanctions for anyone contravening this element of the legislation.

On 7 November 2023, the Minister for Public Expenditure, National Development Plan Delivery and Reform, Paschal Donohoe, signed the commencement order for the 2023 Act. This order adopts a two-phased approach to the commencement of the 2023 Act.

The provisions in the 2023 Act that relate to updating and improving the lobbying register will commence on 1st January 2024. This is to allow the Standards in Public Office Commission (SIPO) time to update the lobbying register and the associated guidance, and to make lobbyists aware of the upcoming changes.

The remaining provisions which relate to new sanctions, including those relating to contravention of the section 22 post term employment cooling off provisions, will commence on 1st June 2024. This is to allow SIPO time to develop the processes to ensure the efficient operation of the new sanctions and to conduct awareness raising activities with lobbyists and relevant designated public officials.

Institutional framework

The Standards in Public Office Commission (SIPO) is an independent non-partisan body established under the Standards in Public Office Act 2001. Its membership is composed of the Chairperson and five ordinary members. The Chairperson must be a judge or former judge of the High Court, Court of Appeal or Supreme Court, who is appointed by the President following a resolution passed by both Houses of the Oireachtas. There are four ex-officio members - the Comptroller and Auditor General, the Ombudsman, the Clerk of Dáil Éireann and the Clerk of Seanad Éireann. The final member is a former member of either Dáil Éireann or Seanad Éireann, who is appointed by the Government following a resolution passed by both Houses of Parliament.

SIPO has supervisory roles under four separate pieces of legislation: the Ethics in Public Office Act 1995, as amended by the Standards in Public Office Act 2001 (Ethics Acts), the Electoral Act 1997 (as amended), the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014, and the Regulation of Lobbying Act 2015.

SIPO's principal functions under the Ethics Acts are to publish guidelines, to give advice and to investigate and report in relation to possible contraventions. These functions relate to office holders (including Ministers and Ministers of State), the Attorney General, special advisers and public servants.

SIPO's principal functions under the Electoral Act 1997, as amended, are to publish guidelines, to give advice, to report on returns provided concerning political donations, election expenses, political parties' statements of accounts, and statements of expenditure of funding provided to parties under the Electoral Act, and to refer possible contraventions for prosecution.

SIPO's principal functions under the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014 are to report on statements of expenditure of the Parliamentary Activities Allowance provided to parties and to independent Members of the Oireachtas under the Act.

SIPO's principal functions under the Regulation of Lobbying Act 2015 as amended by the Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act 2023 are to oversee lobbying registrations and returns, to maintain the online Register of Lobbying, to decide on requests to waive or reduce the post-employment cooling off period for specific categories of designated public officials, and to conduct investigation and enforcement activities.

The SIPO Commission is supported by a secretariat composed of civil servants, which is provided by the Office of the Ombudsman. That office also provides shared services. Funding to SIPO is provided through the vote of the Ombudsman, which is also managed by that Office. While it does not report to a Minister, its funding comes from government budget processes (rather than directly from parliament). SIPO Annual Report is provided to the Minister for Public Expenditure, NDP Delivery and Reform for tabling in the Oireachtas.

Statistics- Lobbying

The Standards Commission oversees the administration of Regulation of Lobbying Act 2015. They have provided statistics in relation to Lobbying for 2022 and 2023 year to date.

Year 2022

Fixed payment Notices issued- 468

Section 22 applications – There were no applications for consent to waive the ‘cooling-off’ period in 2022.

2023 (Year-to-date)

Fixed payment notices issued for the first 2 periods (Jan-April and May- Aug) - 261

Section 22 applications – figures will not be available until 2024

Statistics- Ethics

The recent report on the Review of Ireland’s Statutory Framework for Ethics in Public Office provides the following figures.

Over the past five years, SIPO has received more than 300 complaints and published 18 investigation reports (including tax clearance reports published under section 23 of the Standards in Public Office Act 2001). The Table below collates information from SIPO Annual Reports (2017-2021) in relation only to SIPO’s oversight role under the Ethics Acts.¹⁶

| Year | Complaints Received | Complaints Closed ¹⁷ | Preliminary Inquiries Initiated | Investigation Hearings Concluded | Investigation Reports Published |
|------|---------------------|---------------------------------|---------------------------------|----------------------------------|---------------------------------|
| 2021 | 127 | 121 | 4 | - | - |
| 2020 | 60 | 40 | 4 | - | 1 |
| 2019 | 56 | 44 | 3 | 1 | 4 |
| 2018 | 36 | 41 | 1 | 4 | 3 |
| 2017 | 52 | 48 | 1 | - | 1 |

Note: The figures in the table represent work completed in any given year, however many complaints are ongoing at year-end and will be included in the figures for future years. An example of this may be a complaint that is received in 2019 that may not be complete until 2020 (or even 2021) following a preliminary inquiry and investigation hearing.

Following on the Review new legislation on Ethics is contemplated. In this context the introduction of new enforcement provisions and associated sanctions is under consideration. This would impact on the types of data available for this exercise.

24. General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

Ethics

See response to Question 25 in respect of asset disclosure rules and enforcement and gifts policy

Lobbying

The Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act 2023 (the 2023 Act) was enacted in June 2023. This Act amends the Regulation of Lobbying Act 2015 (the 2015 Act) in order to build on the existing strong legislative foundation and further strengthen Ireland's lobbying laws, thus ensuring that the regulation of lobbying framework remains up to date and fit for purpose.

The key elements of reform in the 2023 Act allow for the following changes to be made to the 2015 Act:

- extend the time period between statutory reviews from three to five years to allow for the impacts of any policy/legislative changes to become clear;
- bring certain business groups, regardless of number of employees, within the scope of the 2015 Act and require that members of such groups be named on lobbying returns to ensure the groups do not avoid the requirement to register;
- extend the 2015 Act's scope to include non-remunerated office-holders to capture all relevant lobbying activity;
- provide for an exemption for registration for communications made by political parties to their members who are DPOs (Designated Public Officials) only in their capacity as members of the party;
- introduce legislative provisions to improve the operation of the Lobbying Register;
- introduce a new 'relevant contravention' in the 2015 Act covering the taking of any action by a person that has the intended purpose of avoiding the obligations to either register or submit lobbying returns to the Standards in Public Office Commission (SIPO);
- amend the 2015 Act to make failure to comply with the cooling-off provisions of section 22 of the 2015 Act a 'relevant contravention' under the 2015 Act. A system of civil and administrative sanctions, to be operated by SIPO, will be introduced in this regard. This system will involve minor or major sanctions. The sanctions will include; a caution or reprimand, a monetary penalty of up to €25,000 and a prohibition from lobbying of up to 2 years; and
- set out clear timelines in the 2015 Act for the processing of section 22 applications made to SIPO by former relevant DPOs.

The 2023 Act is being commenced using a two-phased approach. The provisions in the 2023 Act that relate to updating and improving the lobbying register will commence on 1st January 2024. This has allowed SIPO time to update the lobbying register and the associated guidance, and to make lobbyists aware of the upcoming changes.

The remaining provisions which relate to new sanctions, including those relating to contravention of the section 22 post term employment cooling off provisions, will commence on 1st June 2024. This is to allow SIPO time to develop the processes to ensure the efficient operation of the new sanctions and to conduct awareness raising activities with lobbyists and relevant designated public officials.

Statistics- Lobbying & Ethics

Please see Question 23

25. Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

Conflicts of Interest: The Ethics Acts

As outlined the response to **Question 23** above, the broad focus of the Ethics Acts is to provide for disclosure of interests, including material interests that could influence a Government Minister or Minister of State, members of parliament, the Attorney General, a board member of a public body or a public servant (including special advisers) in performing their official duties.

Disclosure obligations arise for the following categories:

- **Oireachtas:** Member of the Dáil or Seanad
- **Office Holders:** i.e. Ministers, Ministers of State, Taoiseach, Tánaiste, a member who is Attorney General, and Chairperson and Deputy Chairperson of both Houses and chair of a Committee of one or both Houses.
- **Public Bodies and Civil Service:** Designated Director e.g. chairman of a Board of a public body; Designated Position of Employment e.g. positions of employment below Principal Officer Grade level in the civil service, whose work area could produce conflicts of interest (e.g. procurement); special advisers.

In the case of members of the Oireachtas, statements of interests are furnished annually to SIPO, who passes them on to the Clerks of either House, who compile the Registers of Members' Interests.

Registrable interests are in summary:

- A remunerated profession (exceeding €2,600),
- Shares or other investments (value exceeding €13,000)
- A directorship of any company
- Interest in land or in any contract for the purchase of land (exceeding €13,000)
- Certain gifts (excluding personal) (any gift over €650)
- Below cost supply of travel facilities and entertainment
- Remunerated position as political lobbyist or consultant
- Certain contracts in relation to supply of goods and services to a public body
- Below cost supply of property or a service
- Voluntary disclosure of any other interests that could materially influence the person in his or her official functions

In addition to the statement of registrable interests, an Oireachtas member must also declare any material interest in proceedings of a House or Committee. There are different procedures depending on the member (a) intends to speak or (b) intends to vote but not speak. This obligation extends beyond personal interests and includes the material interests of a “connected person” i.e. a relative, anyone in partnership, a trustee and controller of a company. Such statements must be furnished to the Clerk of either House.

Members must also provide evidence of tax compliance to SIPO.

Office Holders: As members of the Oireachtas, Office-Holders have the same obligations as non-office holding Oireachtas members concerning:

- tax clearance;
- annual disclosure of registrable interests; and
- the disclosure of a material interest in the proceedings of a House or Committee.

However, as Office-Holders, there is the additional requirement to:

- furnish a statement of additional interests;
- surrender and disclose gifts received by virtue of office; and
- disclose a material interest in a function of office.

‘Additional interests’ are the interests of a spouse or civil partner, child or child of a spouse that could materially influence the office holder in his or her official functions ‘so as to confer on or withhold from the office holder or the spouse or civil partner or the child a substantial benefit. There is a separate interests form for additional interests. The statement of additional interests is furnished to the Clerk of the House of which the Office-Holder is a member. The additional interests form is private whereas the statement of registrable interests form is public as personal registrable interests are published in the registers of members’ interests (see above).

There is an obligation to furnish an additional interests form or a nil statement even if the person is no longer an office holder or no longer an Oireachtas member on 31 December. Once a person has been an office holder they must comply with the requirements on additional interests. There is no requirement for the monetary value of the statement to be specified. Statements of additional interest are furnished to the Clerk of either House.

Declaration of a Material interest in a function of office: Where an Office-Holder intends to perform a function of office, and has actual knowledge of a personal material interest in that function or of a connected person, or another office or of a person connected to another office holder, then a statement must be made of the facts and nature of the interest concerned. Statements are furnished to An Taoiseach and SIPO or by An Taoiseach to the Chairman of SIPO.

Analogous declaration requirements apply to the holders of designated directorships and designated positions of employment in the public and civil service.

Review of the Statutory Framework

As outlined the response to **Question 23** above, the ethics review made preliminary recommendations regarding disclosure obligations that are summarised as follows:

- That disclosure obligations be revised based on the seniority and autonomy of the public official concerned;
- That disclosure obligations also encompass senior public officials not previously mandated to make disclosures;
- That interests should be disclosed upon taking up a designated position and then updated as required rather than on a fixed annual basis;
- That disclosure arrangement is underpinned by electronic rather than paper-based reporting.

While the proposed reform of the statutory framework will extend disclosure requirements on public officials, it will, instead of the current paper based system, provide for a more streamlined and efficient process for the submission of periodic statements of interests and improved complaints and investigations procedures.

Conflicts of Interest: Lobbying

In relation to lobbying, the Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act 2023 (the 2023 Act) was enacted in June 2023. This Act amends the Regulation of Lobbying Act 2015 (the 2015 Act) in order to build on the existing strong legislative foundation and further strengthen Ireland’s lobbying laws, thus ensuring that the regulation of lobbying framework remains up to date and fit for purpose.

In particular, the 2023 Act makes failure to comply with the post-term employment restrictions set out in section 22 of the 2015 Act a relevant contravention under the 2015 Act and introduces significant civil and administrative sanctions for anyone contravening this element of the legislation. The post term employment restrictions are set out in the 2015 Act and apply to Ministers, Ministers of State, Special Advisers and Senior Civil Service and Local Authority Public Officials.

Statistics- Lobbying and Ethics

Please see Question 23

26. Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

Ireland has had a comprehensive statutory framework for the protection of whistleblowers in place since 2014 in the form of the [Protected Disclosures Act 2014](#). On foot of the adoption of Directive (EU) [2019/1937](#) on the protection of persons who report breaches of Union law (“the Whistleblowing Directive”), Ireland has taken the necessary steps to transpose this Directive into Irish law. The [Protected Disclosures \(Amendment\) Act 2022](#) commenced operation on 1 January 2023

The Protected Disclosures Act sets out rules protecting workers from penalisation when they raise concerns about wrongdoing in the workplace. Workers are broadly defined in the Act as a person who is or was an employee but also includes volunteers, job applicants, board members and shareholders. The Act provides for a number of different options for workers to make reports of wrongdoing. They can report internally to their employer. They can also report externally to a number of prescribed persons, which have regulatory functions in the areas where the alleged wrongdoing occurs. As a last resort, subject to more stringent conditions, a worker can make a public disclosure. Public sector workers have the

additional option of reporting to a relevant government Minister. The definition of wrongdoing is also broad and can encompass a multitude of different activities that may not amount to corruption.

Further to this, the Act sets out that there must be dedicated channels for workers to use to make reports, either internally or externally, to ensure confidentiality and that employers and prescribed persons have designated competent and impartial individuals to follow-up on reports. The Act sets out the minimum standards for the operation of these channels and sets out the timeframes for appropriate follow-up and feedback. While the exact nature of any follow-up given depends on the nature and method of report, the Act provides for acknowledgement of the report, feedback within a reasonable period, in the medium chosen by the reporting person and timely updates if an investigation into the wrongdoing is ongoing.

Policy developments

On foot of the commencement of the new legislation, the [official guidance for public bodies](#) on the implementation of the Act has been revised and published. The recent revisions to this guidance include template internal and external reporting policies to assist public bodies in establishing their channels to drive consistency across the public service. The revised guidance also provides instructions on the new mandatory reporting requirements laid out in the Act, which includes instructions to collect numbers of reports and the follow-up given.

Under the Act the Minister for Public Expenditure, NDP delivery and Reform has the power to designate competent authorities as prescribed persons. This list of prescribed persons was updated this year [by Order](#) in October 2023. Further orders are anticipated which will designate additional bodies as prescribed persons to ensure complete regulatory oversight.

Funding for Transparency International Ireland (TII) for the operation of its free Speak Up Helpline and Legal Advice Centre has been increased from €285,000 in 2022 to €368,500 in 2024. As a result of funding by the Department, TII was able to complete their second Integrity at Work Survey which will be published next year. The previous survey was published in 2017.

Reporting

Under the Act, all public bodies are required to publish annual reports on the number of protected disclosures they have received. Up to now, this information has not been formally collated. However, in the process of developing the legislation for the amendment of the Act, information was collated in respect of the numbers of reports made between 2018 and 2020 as follows:

| Number of reports of wrongdoing made to public bodies yearly | | | |
|---|-------------|-------------|-------------|
| Category | 2018 | 2019 | 2020 |
| Government Departments & Offices | 80 | 60 | 70 |
| Health Service Executive | 52 | 61 | 54 |
| An Garda Síochána (Police) | 2 | 26 | 12 |

| | | | |
|--------------------|------------|------------|------------|
| Defence Forces | - | 4 | 12 |
| Other state bodies | 664 | 464 | 267 |
| Total | 796 | 615 | 415 |

Source: Department of Public Expenditure, NDP Delivery and Reform.

Under the requirements of the new Act, public bodies, prescribed persons and Office of the Protected Disclosures Commissioner must provide a detailed breakdown of the numbers of reports received in the calendar year, the action taken to follow up, what matters were investigated as a result of a report, how many reports were made anonymously and how many legal proceedings were initiated and concluded. This information will be collated and published by the Minister for Public Expenditure, NDP Delivery and Reform, with the first report – concerning reports made in 2023 – to be published in 2024.

Developments related to the independent authorities

The new legislation provides for the establishment of a new Office of the Protected Disclosures Commissioner to support certain aspects of the implementation of the Protected Disclosures Act. Ireland’s national Ombudsman has been appointed as the Protected Disclosures Commissioner.

The primary role of the Commissioner is to act as a “clearing house” for external disclosures made to competent authorities or “prescribed persons” as they are described in the Protected Disclosures Act. Over 100 statutory bodies are designated as prescribed persons under the Act and this list is being continuously updated. In some cases, it is not clear who the most appropriate prescribed person to report to is. The Commissioner can receive reports and direct them to the most appropriate person to deal with the matter raised.

The Commissioner also acts in a similar capacity in respect of any reports made to Government Ministers. Under the new Act, all such reports must be transmitted to the Commissioner who will forward them to the most appropriate person to deal with the matter concerned.

In cases where the Commissioner is unable to identify a person with the competence to handle a particular report, the Commissioner may, as a last resort, accept the report and follow-up directly on the matter concerned. Appropriate investigative powers have been provided in the new legislation in this regard.

The new legislation also gives new powers to the Inspectorate of the Workplace Relations Commission to check employers’ compliance with the new requirements to have formal internal reporting channels and for enforcement powers to deal with non-compliance.

27. Sectors with high risks of corruption in your Member State:

- ***Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement***
- ***list other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen/residence investor schemes, urban planning, risk***

or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

The Office of Government Procurement (OGP) has published a standard suite of template documents. The templates, which are designed for above EU threshold tenders, are to be used by contracting authorities (Government Departments and State Bodies) for low to medium risk goods and services. The template Request for Tender includes a Declaration as to Personal Circumstances of Tenderer within which contracting authorities can choose to include multiple clauses including, inter alia, a requirement for the tenderer to self-declare that the preparation of the tender was carried out independently, that it has not entered into agreements with other economic operators aimed at distorting competition and that it is not aware of any conflict of interest due to its participation in the Competition.

The European single procurement document (ESPD) is a self-declaration form used in public procurement procedures. The ESPD is completed via the eTenders system (the national tendering platform), which the OGP manages. Tenderers are asked to self-declare in the ESPD that they are not subject to the exclusion grounds relating to criminal convictions (as set out in Regulation 57 of S.I. 284/16) which includes a conviction within the last 5 years for corruption.

Contracting authorities that suspect bid-rigging or collusive tendering are advised to contact the Competition and Consumer Protection Commission (CCPC).

The CCPC is empowered to investigate and enforce the provisions of the Competition Act 2002, as amended (the “2002 Act”) against anti-competitive agreements between undertakings, decisions of associations of undertakings or concerted practices between undertakings which have the object or effect of restricting, preventing or distorting competition. The Competition (Amendment) Act 2022 (the “2022 Act”) has amended the 2002 Act to clarify that bid-rigging is a breach of section 4. Section 4(1)(f) of the 2002 Act (as inserted by section 5 of the 2022 Act) now refers specifically to bid-rigging as a prohibited agreement or concerted practice, and section 4(11) of the 2002 Act now defines bid-rigging. Section 6(2)(d) of the 2002 Act (as inserted by section 6 of the 2022 Act) also makes it a specific (by-object) offence to engage in bid-rigging.

The CCPC notes that there are a number of prohibitions against corruption in Irish law, including in the Ethics in Public Office Act 1995 and the Criminal Justice (Corruption Offences) Act 2018. Section 5 of the Criminal Justice (Corruption Offences) Act 2018 provides for offences arising through the offer or acceptance of a gift, consideration or advantage to a person as an inducement to, or reward for, or otherwise on account of, any person doing an act in relation to his or her office, employment, position or business. These corruption offences are investigated by An Garda Síochána. The CCPC is not empowered to investigate or enforce any of the prohibitions against corruption.

A number of recommendations of the *Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption* (“the Hamilton Report”), published in December 2020 and a subsequent all-of-government implementation plan to progress the recommendations in the Hamilton Report, which was published in April 2021, are noteworthy and include that:

- Irish competition law be amended to create a specific offence of bid-rigging or, alternatively, specify bid-rigging as an offence as a form of market-sharing; and
- Specific legislation be introduced to enable the collection, collation and analysis of all public procurement data to detect and deter bid-rigging by the CCPC.

This includes a multi-pronged approach being taken including the provision of guidance, awareness raising and education for procurers on bid-rigging and collusion in public procurement to complement the introduction of a bid-rigging screening system.

The CCPC has been actively involved in both the *Economic Crime and Corruption Forum* and the *Advisory Council against Economic Crime and Corruption*. The CCPC's recommendation in relation to screening for bid-rigging was accepted by both such bodies and the Department of Justice has written to the Department of Enterprise, Trade and Employment (DETE) with a view to progressing the matter and introducing the necessary legislative amendments recommended. We are aware that DETE are considering the matter further at this point. It is, of course, open to legislators to also allow screening, by the relevant enforcement bodies, of public procurement bid data for indicators of fraud or corruption.

28. Any other relevant measures to prevent corruption in public and private sector

An Garda Síochána are carefully monitoring the activities of criminal groups and are implementing strong policing measures to disrupt and dismantle all organised crime networks.

C. Repressive measures

29. Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery.

Ireland has an extensive range of legislative provisions to protect public standards and prevent and combat corruption. These include the Ethics in Public Office Act 1995, the Standards in Public Office Act 2001, the Freedom of Information Act 2014, the Protected Disclosures Act 2014 and the Criminal Justice (Corruption Offences) Act 2018

As an EU member state, Ireland's anti-corruption regime is driven in many important and significant matters by European policy and by a wide range of initiatives. A number of legislative and other reforms in recent times have been necessitated by Ireland's obligations as an EU Member State. This is particularly evident in the area of anti-money laundering legislation. Other recent legislative developments have been driven by the State's duty of compliance with its obligations under international conventions and instruments as well as existing protocols. The comprehensive set of actions developed under the Government's 'White-collar crime Package' have also been a major driver for some of the legislative developments.

The Criminal Justice (Corruption Offences) Act 2018 repealed and replaced the seven previous Prevention of Corruption Acts 1889 to 2010. The Act provides a single, consolidated, modern piece of legislation which

is more comprehensive and more accessible. As well as being a consolidation, the Act responds to recommendations from the Mahon Tribunal, from GRECO, from the OECD Working Group on Bribery and from the UNCAC Implementation Review Mechanism.

Some of the key aspects of the Act include the introduction of offences and tougher penalties in areas relating to the giving of gifts; trading in influence; false documentation; and a liability offence for bodies corporate where any individual connected with the company has been found guilty of corruption.

Sanctions

For conviction on indictment under the 2018 Act, the penalties for most offences are: imprisonment for up to 10 years; an unlimited fine; forfeiture of any bribe; possible forfeiture of office for public servants and elected officials; and possible prohibition on seeking public office for up to ten years.

Extra-territorial jurisdiction for corruption offences

The Criminal Justice (Miscellaneous Provisions) Act 2023 amended the Criminal Justice (Corruption Offences) Act 2018 to remove the dual criminality requirement which had previously existed in respect of the exercise of extra-territorial jurisdiction for corruption offences where the person committing that conduct is:

- (i) an Irish official acting in his or her capacity as an Irish official,
- (ii) an Irish citizen,
- (iii) an individual who has had his or her principal residence in the State for the period of 12 months immediately preceding the alleged commission of the offence concerned,
- (iv) a company, or
- (v) any other body corporate established under the law of the State.

European Public Prosecutors Office (EPPO)

The Criminal Justice (Miscellaneous Provisions Act) amended the Criminal Justice (Mutual Assistance) Act 2008 to provide for an extensive regime allowing cooperation with the European Public Prosecutors Office aligned to the mechanisms in place to allow cooperation with other Member States under relevant international instruments.

30. Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible), including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds.

Cases

There is a significant corruption case pending before the Court of Criminal Appeal

Directions Made 2023

Prosecution on Indictment

- 1 File:
 - Section 5 of the [Criminal Justice \(Corruption Offences\) Act 2018 \(Active Corruption\)](#)

Summary Disposal

- 3 files:
 - 2 files on Active Corruption (Section 5 of the [Criminal Justice \(Corruption Offences\) Act 2018](#)) and;
 - 1 file on Active and passive Trading in Influence (Section 6 of the [Criminal Justice \(Corruption Offences\) Act 2018](#))

Directions Made 2022

Prosecution on Indictment

- 1 file where 2 accused have been charged.
 - Section 7(2) of the [Criminal Justice \(Corruption Offences\) Act 2018](#) - An Irish official who uses confidential information obtained in the course of his or her office, employment, position or business for the purpose of corruptly obtaining a gift, consideration or advantage for himself or herself or for any other person

Summary Disposal

- 1 file
 - Section 147(I) (II) of the [Planning and Development Act 2000](#) the (failure to declare interests)

Outcomes

Cases prosecuted on indictment in 2023.

Both suspects pleaded guilty (i.e. convicted) to section 7(2) of the Criminal Justice (Corruption Offences) Act 2018 offences (1 files). Custodial sentences of 4 and 3 years imposed with the last year and last six months of said sentences suspended respectively.

There are no outcomes recorded from 2022 in respect of summary disposals. At present this Office does not hold data for the outcomes of summary cases prosecuted outside of Dublin.

It is not possible to provide a figure for pending cases at the end of the reference year (2023).

An Garda Síochána cannot provide information on conviction and prosecutions. However, we can advise as follows:

With respect to the PULSE Incident Type of Bribery & Corruption, the below number of valid incidents are recorded on PULSE:

| | |
|------|----|
| 2019 | 10 |
| 2020 | 9 |
| 2021 | 9 |
| 2022 | 9 |
| 2023 | <5 |

Crime Counting rules were not applied to this data

A search was also conducted for charges placed under the Criminal Justice (Corruption Offences) Act 2018, and are as follows:

| | |
|------|----|
| 2019 | <5 |
| 2020 | <5 |
| 2021 | 39 |
| 2022 | 14 |
| 2023 | 11 |

31. Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

As referenced in the ODPP’s meeting with the European Commission in February 2023, the investigative agencies of financial crime are under-resourced and this remains the case. It also remains the case that access to electronic surveillance is difficult to get sanction for. The procedural difficulties with regard to issues of privacy and privilege have improved to some extent with a Supreme Court judgment [DPP v Patrick Quirke \[2023\] IESC 20](#). This judgment has provided some clarity in relation to access and admissibility of digital evidence.

As indicated last year, there is currently no statutory provision for deferred prosecutions which means there are very few instances of self-reporting.

The lack of availability of suitable digital platforms and resources to deal with increasing volumes of digital data remains a challenge. Lack of access to forensic accountants can also be challenging for prosecutions.

No such obstacles to investigation are presented to the Garda Anti-Corruption Unit. It would not be appropriate to comment on the effectiveness of the criminal sanctions applied to high-level and complex corruption cases.

32. Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders.

Other - Any other significant developments since January 2023 falling under the type of information outlined in section II.

Anti-Corruption Framework (3.II): The institutional framework capacity to fight against corruption (prevention and investigation/prosecution)

The role of the Garda Anti-Corruption Unit is to proactively prevent, reduce and detect corruption, safeguarding the reputation and integrity of An Garda Síochána. Promoting integrity in the foundation upon which the Garda Anti-Corruption Framework is built and the Garda Anti-Corruption Unit performs a central role supporting integrity and professionalism in the Garda Organisation.

The establishment of the Garda Anti-Corruption Unit has made a positive impact on An Garda Síochána internally and publicly. It reaffirms An Garda Síochána's commitment to not tolerating corruption and to continued investment in the promotion of a culture of professional conduct, ethical behaviour and doing the right thing for the right reason. The establishment of the Garda Anti-Corruption Unit has been well supported by the Garda organisation.

The Garda Anti-Corruption Unit continues to build capacity and capability in the delivery of its business functions. In this context, the Garda Anti-Corruption Unit is actively engaged in progressing a number of on-going intelligence led investigations focused on potential criminality by Garda personnel. On-going work continues to support the introduction of Substance Misuse Testing in An Garda Síochána and it is envisaged same will be implemented in early course. The testing of Substance Misuse for all new applicants joining An Garda Síochána commenced in September 2023.

Central to the business activities of the Garda Anti-Corruption Unit is the promotion of a culture of professional conduct, ethical behaviour and doing the right thing for the right reason. The Garda Anti-Corruption Unit continues to proactively deliver a Blended Learning Programme/Briefings to Garda personnel promoting professionalism and integrity and creating awareness of the role of the Garda Anti-Corruption Unit. This Blended Learning Programme is being delivered to Garda personnel including, by way of illustration, new Garda recruits, personnel attending promotion courses, personnel attending specialist training and to Senior Garda Managers. Face-to-face briefings were delivered by the Garda Anti-Corruption Unit to over 600 Garda Personnel during 2023 and to date 14,590 Garda Personnel have completed three (3) x Compulsory Garda Education & Training System Anti-Corruption Learning Modules.

The Garda Anti-Corruption Unit is also engaged with the Garda Ethics & Cultural Bureau in the development and issue of a quarterly evidenced based 'Learning the Lessons' Newsletter to the Garda organisation which provides a summary of some criminal/discipline/complaints investigations in respect of Garda personnel (Members and Garda Staff). The aim of this Newsletter is to create awareness across the organisation of the consequences of non-adherence to policy or not upholding the standards of the Code of Ethics. The focus is on improving policing practice and enhancing professional conduct and ethical behaviour by all personnel with each edition focusing on a particular theme, four (4) editions of 'Learning the Lessons' were published during 2023 addressing the following topics: Inappropriate Use of Garda Systems, Abuse of Authority, Criminal Conduct and the Garda Síochána Acceptance of Gifts, Hospitality and Sponsorship Policy.

The Garda Anti-Corruption Unit has developed and implemented an Anti-Corruption Unit Communications Strategy which includes a dedicated internal Portal Page. A comprehensive Communications Plan is in place, to aid training and increase awareness of the Unit and Anti-Corruption

Policies which have been published thus far. Newsbeat articles (internal communications) are being published on an ongoing basis.

The Garda Anti-Corruption Unit will continue to develop incrementally through the allocation of further resources allowing the expansion of its Integrity Building activities, introduction of In-Career Vetting, enhancement of intelligence and investigative business functions.

III. Media pluralism and media freedom

33. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

As noted in the 2023 Rule of Law Report Country Chapter on Ireland, the General Scheme of the Defamation (Amendment) Bill was published in March 2023. The General Scheme is available at: gov.ie - Draft General Scheme of the Defamation (Amendment) Bill (www.gov.ie).

Taking into account the recommendations of the Report of the Review of the Defamation Act 2009 published in March 2022, the General Scheme provides for significant reforms of Ireland's defamation law including:

- The abolition of juries in High Court defamation actions.
- The insertion of a new Part into the Act to deal with strategic lawsuits against public participation (SLAPPS).
- Amendments to the defence of 'fair and reasonable publication on a matter of public interest', to make it simpler and clearer.
- Extending the defence of 'innocent publication' to a defamatory statement made during a live broadcast, provided the broadcaster has taken reasonable precautions to prevent a defamatory statement being made, and to mitigate any damage if one is made.
- A new statutory power for the Circuit Court, as well as the High Court, to direct an online services provider or a social media platform to provide information identifying an anonymous author or poster of a defamatory statement published online or on social media.

The Government Legislation Programme provides for the priority drafting of the Defamation (Amendment) Bill. The intention is to publish the Bill early in 2024.

A. Media authorities and bodies

34. Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

The Online Safety and Media Regulation (OSMR) Act 2022 was enacted on 10 December 2022 and commenced on 15 March 2023. On this date, the Act dissolved the Broadcasting Authority of Ireland (BAI) and established a multi-person regulator known as Coimisiún na Meán, marking the partial transposition of the EU's revised Audiovisual Media Services Directive (AVMSD).

Coimisiún na Meán will oversee a comprehensive new regulatory framework for traditional broadcasting services, video-on-demand services and, for the first time, for online services in respect of online safety. As part of this, An Coimisiún will implement measures that complete the transposition of the AVMSD. An Coimisiún will also be responsible for supporting the development of the wider media sector, including the implementation of key recommendations of the Report of the Future of Media Commission.

Section 8 of the OSMR Act, as required by Article 30(1) of the revised AVMSD, provides that Coimisiún na Meán is independent in the performance of these functions.

The OSMR Act also provides for a range of investigative and enforcement powers for Coimisiún na Meán. Firstly, An Coimisiún is empowered to audit certain services and to require the provision of information and periodic reports. Also, where a regulated service is suspected to be non-compliant, An Coimisiún may appoint authorised officers to investigate and report. If An Coimisiún decides that a service is non-compliant, it may seek to impose a financial sanction of up to €20 million or 10% of turnover. If certain services continue to fail to comply, An Coimisiún may, under certain circumstances, seek to hold individual officers within those services criminally liable and can also seek court approval to block access to a service in Ireland.

In order to fulfil its new wider functions, fund its activity, and ensure its independence, Coimisiún na Meán is expected to be entirely self-financing and has the power to impose a levy on the services regulated under the OSMR Act.

Finally, it is important to note that on 30 November 2023, An Coimisiún was designated as a competent authority under the Terrorism Content Online Regulation, and in the coming months, will be designated as the Digital Service Coordinator under the Digital Services Act.

35. Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

See material provided in 2023.

36. Existence and functions of media councils or other self-regulatory bodies

As indicated in Ireland's 2023 contribution, the Press Council of Ireland (including the Press Ombudsman) was established in 2008 by the press industry as an independent body. The Defamation Act 2009 (Press Council) Order 2010 (S.I. No. 163 of 2010) recognises the Press Council of Ireland as the Press Council for the purposes of the Defamation Act. The Press Council is therefore a non-statutory body but is recognised by statute.

The Council has 13 members. Seven members, including the Chair, are independent members, who are appointed following a public competition. The remaining six members are drawn from the press industry.

The Press Ombudsman is appointed by the Press Council following an open competition.

The principal objectives of the Press Council are to –

- (a) ensure the protection of freedom of expression of the press,
- (b) protect the public interest by ensuring ethical, accurate and truthful reporting by the press,
- (c) maintain certain minimum ethical and professional standards among the press,
- (d) ensure that the privacy and dignity of the individual is protected.

The Press Council has drawn up a Code of Practice which sets out 11 principles which members are required to adhere to, including ethical standards, rules and standards intended to ensure the accuracy of reporting where a person's reputation is likely to be affected and rules and standards intended to ensure that intimidation and harassment of persons does not occur and that the privacy, integrity and dignity of the person is respected.

The Office of Press Ombudsman and Press Council provide a complaints handling and an appeals process which enable members of the public to seek redress (other than damages) if something is published in the State in a newspaper, magazine or a digital edition of a print publication, which breaches the Code of Practice.

These structures seek to ensure that everybody has access to an independent press complaints mechanism that is quick, fair and free, that the freedom of the press is never abused, and that the public interest is served.

Further information in relation to the Press Council/Press Ombudsman is available at:

<https://www.presscouncil.ie/>

See also material provided in 2023.

B. Safeguards against government or political interference and transparency and concentration of media ownership

37. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

Beyond broader public procurement guidelines, Ireland does not currently have dedicated rules or procedures in relation to the overall framework for allocation of advertising by public bodies.

In 2022 new rules came into force in relation to requirements for advertising by public bodies in the Irish language. Section 10A. of the Official Languages (Amendment) Act 2021 requires at least 20% of advertising by public bodies to be in the Irish language. 5% of the public body's advertising budget must

be used on advertising in the Irish language through “*Irish language media.*” This means any media where at least half of the content created will be through Irish.

Ireland is supportive of Article 24 of the proposed European Media Freedom Act (EMFA), which will, if agreed, set out a harmonised framework for transparency in the allocation of public funds to media service providers for the purposes of advertising. In the context of the negotiation of EMFA, Ireland is giving consideration as to how Article 24 will be implemented in practice in Ireland.

38. Safeguards against state / political interference, in particular:

- ***safeguards to ensure editorial independence of media (private and public)***
- ***specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions***
- ***information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance***

See material provided in 2022 and 2023.

39. Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as any rules regulating the matter

See material provided in 2021.

C. Framework for journalists' protection, transparency and access to documents

40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists.

While there is no distinct legislation protecting a journalist's source and communications there is judicial precedent in the area. The Supreme Court held where a significant intrusion into the privacy rights of an individual is contemplated, in respect of access into the digital world, judicial oversight is required. Consequently, in an application to the court for a warrant, there must be a clear reference to digital

devices and a sworn statement outlining why access is required. The Court must be made aware that the digital device belongs to a journalist and may contain confidential sources or information.

Indeed, notwithstanding the general obligation to provide sufficient information in all applications for search warrants, an application for a search warrant that may engage journalistic privilege should be regarded as a “red flag” situation that requires “special” or “careful scrutiny” to ensure that all of the details that are necessary to permit of a proper balancing exercise by the District Judge are provided and that the judge is aware of his or her obligations. This is because any restriction on freedom of expression must be “convincingly established” and to facilitate proper scrutiny there must be full disclosure.

The Supreme Court held that the District Judge must have regard to and weigh in the balance the right of journalists to protect the identity of their sources from disclosure. To facilitate that process the issuing judge must be aware of the relevant details. Therefore, as a minimum safeguard a “full disclosure obligation” rests upon members who apply for search warrants that might impact on journalistic privilege. Applicants for warrants are obliged to place all relevant information before the District Judge so that the judge can decide whether to issue the search warrant considering all the circumstances. In the case of a journalist the sworn information should clearly highlight that the focus of the warrant is a journalist.

See also material provided in 2023.

41. Law enforcement capacity, including during protests and demonstrations, to ensure journalists’ safety and to investigate attacks on journalists

In the partnership with the Irish chapter of National Union of Journalists, national and local media organisations, Government Departments of Justice and Communications, An Garda Síochána established the Media Engagement Group (MEG) in 2022 to provide a means for media organisations and media personnel to raise issues of concern relating to the safety of media personnel. These issues are not confined to journalists, but also camera people, photographers etc.

The MEG is co-chaired by Assistant Commissioner, Roads Policing & Community Engagement and An Garda Síochána’s Director of Communications, and includes senior representatives from all major national media outlets, industry organisations, the NUJ, the two Government Departments, and most recently, the new Irish Media and Digital Media Commissioner. The MEG meets quarterly to discuss a range of issues relating to how An Garda Síochána can work individually and collectively with Irish media to enhance the safety of media personnel.

To ensure consistency and organisational oversight of this area, MEG also facilitates direct reporting by media outlets to An Garda Síochána of individual incidents of concern relating to the safety of media personnel. Such reports are provided to the Director of Communications and / or the Garda Press Officer (a Superintendent) who are available on a 24/7 basis.

In addition, An Garda Síochána has hosted two seminars on media personnel safety. The first was on personnel safety, safety at protests, and online safety. The second was focused on abuse of media

personnel via social media and included presentations and interaction from representatives of Facebook, X, and Tik Tok. An Garda Síochána has also provided individual media organisations with safety seminars with a focus on safety at protests. When significant protests are known about and concerns are raised by the media, An Garda Síochána liaise with media organisations and provide them with advice and guidance, following consultation with internal stakeholders.

42. Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

Access to information and public documents is legislated for by the Freedom of Information Act 2014. The Act covers approximately 450 bodies and provides that new public bodies, as they are established, will automatically be subject to the legislation.

The FOI mechanism allows any interested party to make a request for any record they believe to be held by a public body covered by the legislation. There is no obligation to state a reason or interest to justify release, and in general, the motive of the requester or any reasons they choose to give for making the request cannot be a basis for refusal.

Where a valid FOI request is submitted, it must be responded to within four weeks, subject to extension in limited circumstances. Ireland does not operate a system of classification of documents. However, release under FOI is subject to exemptions set out in the legislation, which in the public interest protect the interests of third parties in relation to confidential, personal and commercially sensitive information, as well as providing necessary protections for the work of public bodies.

Where a requester is dissatisfied with the decision they receive, they are entitled to seek a review. The first stage is internal to the body concerned, which involves the consideration of the decision by another official at a higher level and a further formal decision within three weeks. If the requester remains dissatisfied following internal review, they may seek an independent review by the Information Commissioner. In either case, there is no obligation on the requester to make any arguments or provide any reasons that the decision should be changed. In the case of review by the Commissioner, the onus falls entirely on the body to justify its decision to his satisfaction.

The Commissioner is fully independent in the performance of his functions both by law and in practice. Decisions of the Commissioner are binding on the body concerned unless appealed to the High Court. There have been no instances of non-compliance with a decision of the Commissioner in the time that the current legislation has been in operation.

Since 2014 no application fee has applied to any first instance FOI request. Only the process of searching for and retrieving records can be charged for. The legislation sets out a clear and structured process for

calculating and applying this fee where required, with secondary legislation specifying the rates that can be charged, including a strict limit of €20 per hour for staff time.

No fee applies to any request for personal information, or any other request where the process of identifying and gathering relevant records takes less than five hours as a general rule of thumb. This accounts for the vast majority of FOI requests in most given years.

Although modest application fees of €30 and €50 apply to the two review stages of an FOI decision for material that is not personal to the requester, in most cases where a requester seeks a clearly defined and discrete set of records, they would not expect to pay any fee in the first instance. In addition, public bodies are obliged under the legislation to assist requesters to re-frame their requests in a more precise way such that they will not attract a fee if one is found to apply in the first instance.

In general, fees will only apply in cases where a particularly resource-intensive request has been submitted, and can usually be reduced or eliminated by submitting a more focused request, or brought before the Information Commissioner free of charge for an independent review if it is felt the approach taken by the public body is unreasonable or excessive.

In addition, the FOI legislation makes it mandatory for public bodies to create a “publication scheme” and publish information in relation to their functions and procedures, as well as other designated classes of information relating to procurement, finances, and the outcomes of previous FOI requests.

While there is scope for improvement and modernisation, overall the Freedom of Information (FOI) system is operating well, providing a solid footing from which to move forward. The legislation has been in place since 1997. The latest update in 2014 widened the scope of FOI to take in approximately 450 bodies. Following these reforms FOI usage expanded dramatically, with the annual number of requests almost doubling between 2014 and 2019.

A further comprehensive review of the legislation is almost complete. Almost 2,400 responses have been received to different elements of the review. The purpose of the review is to strengthen the existing statutory framework and to further enhance the operation of transparency in the public service. The latest update on the review is available [here](#) with the final review report intended to be presented to Government for consideration in 2024.

While the recommendations have not been finalised, the main themes emerging from the review are the need for a) a more coherent approach to information governance and access, b) to supplement formal freedom of information requests, and c) improvements to the request process.

43. Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

Defamation is not a criminal offence in Ireland. Accordingly, there are no criminal proceedings or convictions for defamation. The following information relates to civil defamation actions.

Details of the numbers of defamation cases initiated in the courts in the 3 years 2020 to 2022 (the latest year that statistics are currently available) are set out below.

Defamation - Circuit Court Cases

| Year | Incoming | Resolved | |
|------|----------|----------|--------------|
| | | By Court | Out of Court |
| 2020 | 161 | 2 | 8 |
| 2021 | 121 | 2 | 6 |
| 2022 | 104 | 17 | 11 |

Defamation - High Court Cases

| Year | Incoming | Resolved | |
|------|----------|----------|--------------|
| | | By Court | Out of Court |
| 2020 | 156 | 16 | 9 |
| 2021 | 109 | 4 | 12 |
| 2022 | 282 | 8 | 18 |

The General Scheme of the Defamation (Amendment) Bill includes specific measures against the bringing of SLAPP defamation cases as follows:

- **Early dismissal of the proceedings**, if the Court is satisfied that the proceedings relate to public participation on a matter of public interest and that the proceedings are manifestly unfounded, or show ‘features of concern’ typical of SLAPPs;
- **Security for costs**: the court can make an order at any stage requiring the SLAPP plaintiff to provide security for the defendant’s costs (e.g. if the plaintiff keeps no assets or income in this jurisdiction);
- The court may permit a human rights body or NGO to provide relevant expertise as an amicus curiae;
- **Award of costs**: where a court is satisfied that defamation proceedings against public participation constitute a SLAPP, the plaintiff in those proceedings will bear all the defendant’s costs on a full indemnity basis, (unless the court considers any of the costs to be excessive, unreasonable or disproportionate);

- **Damages:** if the court is satisfied that defamation proceedings taken against public participation are a SLAPP, or abusive, the defendant is entitled to damages (full compensation) in those proceedings for harm suffered due to the proceedings.

In deciding such proceedings, the General Scheme provides that the court is to take into account:

- the right to freedom of expression, and the potential chilling effect of the proceedings;
- the right to vindicate one's good name, and the gravity of the defamation claimed;
- the right of both parties to seek an effective remedy through litigation;
- the importance of public participation in the public interest; and the public interest in deterring abusive litigation.

IV. Other institutional issues related to checks and balances

44. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

Background

Over recent years, the Government has been focusing on advancing an ambitious electoral reform agenda, which includes proposals for, among other matters, the establishment of an independent, statutory Electoral Commission. It is envisaged that the establishment of an Electoral Commission will strengthen our electoral system as a whole and help us to anticipate and respond to the challenges we face in our evolving electoral environment. These electoral reforms are being progressed through the [Electoral Reform Act 2022](#), which was enacted on 25 July 2022.

In line with international best practice, the Electoral Commission will be independent of Government and will be accountable to the Houses of the Oireachtas as a whole. On its establishment, it will take on a broad range of new and existing statutory functions, including:

- taking charge of several existing statutory electoral functions from other bodies, including the work of the Referendum Commission, the Registrar of Political Parties, the Constituency Commission and Local Electoral Area Boundary Committees;
- a voter education and awareness function, working to increase participation in our electoral and political processes;
- a monitoring role in respect of the electoral register;
- responsibility for the regulation of online political advertising during electoral periods;

- protecting the integrity of Ireland's elections against online misinformation, online disinformation and online inauthentic / manipulative behaviour; and
- a new policy research and advisory function to inform and advise both the Government and the Houses of the Oireachtas on electoral issues.

The Electoral Commission, which is known as [An Coimisiún Toghcháin](#), was formally established on 9 February 2023 by way of the [Electoral Reform Act 2022 \(Establishment Day\) Order 2023](#) (S.I. No. 31 of 2023) and is now fully operational.

Electoral Commission

The Minister of State for Electoral Reform and Heritage has stated on a number of occasions in both Seanad Éireann and in Dáil Éireann that the Government is committed to an independent, comprehensive and objective review of the Electoral Act 1997 by the Electoral Commission with a view to making recommendations to address, among other matters, the issues raised by civil society in connection with the wide-ranging definition of “political purposes” as set out in section 22(2)(aa) of that Act.

Now that *An Coimisiún Toghcháin* is established and it has completed its reviews on Dáil and European Parliament constituencies on 30 August 2023 and 20 November 2023 respectively in the light of constitutional and statutory priorities, it is turning its focus to other matters including the development of a research programme.

Proposed review of the Electoral Act 1997

Against this background, *An Coimisiún Toghcháin* published a [draft Research Programme 2024-2026](#) on 9 November 2023 which set out a number of items it intends to research over the short-to-medium term. It also announced a public consultation on its draft programme inviting all interested parties to make submissions on the draft programme and on any additional research projects that might be considered important to promote and enhance Ireland’s democracy and electoral events. The deadline for receipt of submissions is 12 January 2024.

An Coimisiún Toghcháin has already signalled in its draft Research Programme that it intends to carry out a review of the Electoral Act 1997. As an integral part of the public consultation process, the Department of Housing, Local Government and Heritage will be making a submission to *An Coimisiún Toghcháin* to request that the proposed review of the Electoral Act 1997 address, among other matters, the issues raised by civil society organisations in connection with the wide-ranging definition of “*political purposes*” and its impact on the means by which they raise funds to run their normal day-to-day operations. It is also proposed to request that the review be commenced at the earliest opportunity following the adoption of *An Coimisiún’s* Research Programme in early 2024.

Ireland’s political donations and electoral expenses regimes as provided for in the Electoral Act 1997 need to apply in a manner that is proportionate, fair and balanced to all participants in Ireland’s

democratic and electoral processes. The issues raised by civil society and others in connection with the Act are both complex and integral to maintaining transparency in relation to our political donations regime and, more broadly, to the funding of political debate in Ireland. Accordingly, any recommendations to amend the Act will be important and deserving of careful consideration and will merit an objective analysis of their implications and impacts.

A. The process for preparing and enacting laws

45. Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'12/public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase.

The Oireachtas has no role in relation to preparing drafts laws, e.g. the development of policy, the use of impact assessments or consultation. These are functions carried out by the Executive in the process of preparing draft Bills prior to the publication of a finalised Bill by the Government in the Oireachtas.

2023 was the first year since the emergence of the Covid-19 pandemic that the Parliament operated without any Covid-19 emergency measures in respect of the functioning of the legislative process. The final remaining measures were phased out in 2022.

In 2023, 98 pieces of draft primary legislation were published and introduced into the Houses of the Oireachtas, while 41 pieces of primary legislation were passed by both Houses of the Oireachtas and enacted into law by the President.

Prior to publication of a Bill, a 'General Scheme' of the draft Bill is published directly by Government. This General Scheme undergoes Pre-Legislative Scrutiny, carried out by the relevant Oireachtas Committee. In scrutinising the General Scheme, this Committee may invite stakeholders to submit representations or to brief the Committee. Following scrutiny, the Committee may produce a report containing recommendations on the draft law. These recommendations are non-binding and may or may not be implemented by Government before the final Bill is introduced into the Legislature.

In 2023, this Pre-Legislative Scrutiny process was waived in respect of four Bills, meaning the Oireachtas consented to a Government request for this Pre-Legislative Scrutiny not to take place (due to time constraints, for example).

Oireachtas Committees completed Pre-Legislative Scrutiny on 20 draft laws in 2023, with scrutiny on 6 draft laws continuing at year-end.

The Standing Orders of Dáil Éireann (SO 159 and SO 170) were amended, by resolution of that House, in September 2023 to provide for the addition of 2 minutes speaking time for non-aligned Members in

fixed-time debates and Private Members' Business time. This provided for the allocation of speaking time for the very small number of TDs who are not aligned to any parliamentary grouping.

46. Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions).

Outside of the strict "time of war" provision in the Constitution (which have not been used in recent decades), no other emergency procedures for legislation are provided for in the Constitution or in the Standing Orders of the Houses of the Oireachtas. In cases of particular urgency, ordinary parliamentary procedures provide that the Houses may decide to shorten the time allocated for Members to table amendments, debate a Bill and vote on all remaining stages – this is referred to as applying a "guillotine" to the debate.

- Use of "guillotine" in Dáil Éireann in 2023:
 - 29 "guillotine" motions were prepared in respect of Bills debated in the lower House in 2023. Of this, only 3 motions were actually used in the year.

- Use of "guillotine" in Seanad Éireann in 2023:
 - 16 "guillotine" motions were prepared in respect of Bills debated in the upper House in 2023. Of this, only 1 motion was actually used in the year.

In Seanad Éireann, the House may agree an Early Signature Motion providing for the President to consider and sign a Bill as passed by both Houses of the Oireachtas into law within a shortened timeframe. In 2023, Seanad Éireann agreed to the Government's proposal for Early Signature Motions on 9 occasions, allowing for the President's consideration of the Bill to take place within 5 days.

47. Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight.

As detailed in previous reports, while limited emergency procedures do technically exist in Ireland under the Constitution, they have not been used in recent years. In recent years, developments in this area were related to the Covid-19 pandemic.

Article 26 of the Constitution provides for a process by which the President may, after consultation with the Council of State, refer any Bill passed or deemed to have been passed by both Houses of the Oireachtas (subject to certain exceptions) to the Supreme Court for a determination as to whether that Bill, or any specific provisions contained therein, is repugnant to the Constitution.

In 2023, one Bill passed by the Houses of the Oireachtas (the Judicial Appointments Commission Bill 2022) was referred to the Supreme Court by the President under Article 26. The Supreme Court determined that the relevant provisions of the Bill were not repugnant to the Constitution and the Bill was enacted in December 2023.

48. Regime for constitutional review of laws

Article 15 of the Constitution of Ireland states that the Oireachtas will not enact any law which is in any respect repugnant to the Constitution or any provision thereof. It further states that every law enacted by the Oireachtas which is in any respect repugnant to the Constitution or to any provision thereof, shall, but to the extent only of such repugnancy, be invalid. Article 34.3.2 of the Constitution provides that "... the jurisdiction of the High Court shall extend to the question of the validity of any law having regard to the provisions of the constitution..." with a right of appeal to the Court of Appeal and the Supreme Court.

As part of the enactment process, all primary legislation must first be signed by the President. Article 26 of the Constitution provides for a judicial process by which the President may, after consultation with the Council of State, refer any Bill to which the article applies to the Supreme Court for a decision on the question as to whether the Bill, or any specified provision or provisions of the Bill, is or are repugnant to the Constitution or to any provision of the Constitution. Article 26 applies to any Bill passed or deemed to have been passed by both Houses of the Oireachtas other than certain exceptions described (such as a Money Bill, or a Bill expressed to be a Bill containing a proposal to amend the Constitution).

The Supreme Court, consisting of a minimum of five judges, shall consider every question put to it by the President under Article 26 for a decision, and, having heard arguments by or on behalf of the Attorney General and by counsel assigned by the Court, shall pronounce its decision on such questions in open court as soon as may be, and in any case not later than sixty days after the date of such reference.

B. Independent authorities

49. Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

The Irish Human Rights and Equality Commission is the independent monitoring mechanism in Ireland for the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). In line with Article 33 of the Convention, it is responsible for the independent monitoring of progress in improving laws, policies and essential services to ensure that people with disabilities enjoy the same human rights as everyone else.

The role of IHREC in the independent monitoring of the UNCRPD in Ireland is provided for under the Assisted Decision-Making (Capacity) (Amendment) Act 2022 which came into legal force in April 2023.

The National Disability Authority (NDA) is an independent statutory agency established by the National Disability Act 1999 under the aegis of the Department of Children, Equality, Disability, Integration and Youth. The NDA is mandated to provide advice on disability policy and practice to the Ministers; undertake, commission and collaborate in disability research; advise on standards and guidelines in

services to people with disabilities; and to develop standards, education and promote awareness of Universal Design.

The Assisted Decision-Making (Capacity) (Amendment) Act 2022 also provides for the role of the NDA in supporting IHREC to perform its monitoring role over the UNCRPD. The Act provides for the role of the NDA in providing “information and advice to the Irish Human Rights and Equality Commission, including the development and provision of statistical information if required, in order to assist it in carrying out its functions under section 10 (2)(ha) of the Irish Human Rights and Equality Commission Act 2014.”

The European Communities (Reception Conditions) Regulation has been amended in 2023, equipping the Health Information and Quality Authority (HIQA) with the necessary power to inspect reception centres in Ireland to ensure that the rights and needs of international protection applicants are met whilst living in accommodation centres.

50. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.

In July 2023 the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) published a report summarising more than 550 submissions received as part of a Review of the Equality Acts. Legislative proposals are being finalised as part of this review process, which may have implications for the work of equality bodies, including their powers.

C. Accessibility and judicial review of administrative decisions

51. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

This question relates to the Administrative Law branch of the legal system - dealing with government decision making bodies (tribunals, local authorities, government agencies). Unlike other member states, Ireland does not have an administrative law branch of their legal system.

It is not possible to report on judicial review decisions on questions of administrative law as a result. Judicial review includes matters that cannot be considered administrative law matters and some cases that might come under the heading of administrative law are not dealt with within the judicial review procedure.

52. Judicial review of administrative decisions:

- ***short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).***

Outline of Judicial Review

Judicial Review is a mechanism by which an application can be made to the High Court to challenge the decision-making processes of administrative bodies, tribunals and lower courts. The High Court possesses an inherent power to supervise the legality, rationality and procedural fairness of the activities of these bodies. When exercising its powers of judicial review, the High Court is not concerned with the merits but rather with the lawfulness of the decision under review. An unlawful decision will be ultra vires or “outside the jurisdiction” and will be void. Any remedies to be granted by the court are discretionary.

Judicial Review covers a number of different areas, including:

- review of decisions and trial procedures in the District and Circuit Courts.
- review of decisions and procedures in tribunals
- decisions on social welfare and support.
- decisions concerning special needs children.
- professional disciplinary bodies.
- planning applications.

It is important point to note that judicial review is not an appeal; it is a review of the procedures in the decision-making of the relevant body in question.

Remedies

Some of the remedies which are sought via Judicial Review are as follows:

- Certiorari—quashing an order or part of a document
- Mandamus—compelling a body to act
- Prohibition—halting a trial or prosecution
- Declaration
- Injunction
- Damages
- Quo warranto—questioning the validity of an official appointment

It must be noted that a Judicial Review does not operate as a stay on proceedings. It is necessary for legal practitioners to seek an order staying proceedings before the lower court if that is desired.

Judicial Review Procedure

Limitation Periods

Applicants have 3 months to apply for leave to seek judicial review, per the amended **Order 84 RSC (Rules of the Superior Courts)**;

“An application for leave to apply for judicial review shall be made within three months from the date when grounds for the application first arose.”

The rule was amended by **Statutory Instrument 691/2011**, to remove a previous “promptness” requirement, which existed even inside the statutory time limit, and to bring the certiorari time limit into line with that required for other reliefs.

Nonetheless, time may be extended where the court finds there is “good and sufficient reason” for doing so (**Order 84, Rule 21(3)**), taking into consideration as to how the effect an extension may have on the Respondent or on third parties (**Order 84, Rule 21(4)**).

Order 84 RSC requires that the court must be satisfied either that the circumstances giving rise to the delay were outside the applicant’s control or that they could not reasonably have been anticipated.

Leave

Leave is sought by way of an ex parte motion in the Non-jury/ Judicial Review list and is governed by **Order 84 RSC**.

The threshold for leave is very low (“arguable case” - *G v DPP* [1994] 1 IR 374 12 JIC 1401; *T.C. v Director of Public Prosecution* [2016] IECA 400). Finlay C.J. in *G v DPP*, described this as a “light burden” on applicants, intended as a “filter process” only to prevent unmeritorious litigation being taken against public bodies.

In *G v DPP* from paragraph 14 to 17, Finlay C.J set out the following considerations:

“(a) That he has a sufficient interest in the matter to which the application relates to comply with r.20(4).

(b) That the facts averred in the affidavit would be sufficient, if proved, to support a stateable ground for the form of relief sought by way of judicial review.

(c) That on those facts an arguable case in law can be made that the Applicant is entitled to the relief which he seeks.

(d) That the application has been made promptly and in any event within the three months or six months’ time limits provided for in Order 84, r.21(1), or that the Court is satisfied that there is a good reason for extending the time limit. The Court, in my view, in considering this particular aspect of an application for liberty to institute proceedings by way of judicial review should, if possible, on the ex parte application satisfy itself as to whether the requirement of promptness and of the time limit have been complied with, and if they have not been complied with, unless it is satisfied that it should extend the time, should refuse the application. If, however, an order refusing the application would not be appropriate unless the facts relied on to prove compliance with Rule 21(1) were subsequently not established the Court should grant liberty to institute the proceedings if all other conditions are complied with, but should leave as a specific issue to the hearing, upon notice to the Respondent the question of compliance with the requirements of promptness and of the time limits.

(e) That the only effective remedy, on the facts established by the Applicant, which the Applicant could obtain would be an order by way of judicial review or, if there be an alternative remedy, that the application by way of judicial review is, on all the facts of the case, a more appropriate method of procedure.”

Statement of Opposition

A respondent who wishes to oppose an application for judicial review is required to file a Statement of Opposition. The respondent may file a replying affidavit contesting the facts set out by the applicant. Once the pleadings have closed, the matter proceeds to a hearing.

Notice Parties

Any person who may be affected by the judicial review proceedings and judgment should be notified or may apply to be heard as a notice party. Examples of notice parties can include The HSE (Health Service Executive), Department of Education etc.

Hearing

If leave for judicial review is granted, the proceedings are served on the relevant public body, and they are given an opportunity to defend the matter.

Cases are decided based on written evidence and generally no oral evidence is submitted. The ordinary outcome of successful Judicial Review proceedings results in the decision being set aside or quashed, and in some circumstances remitted to the original decision-making body or Public Body.

53. Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

No practice directions or Rules of Court relating to the preliminary ruling procedure are in place in the Irish courts system. Typically, parties in a case may request a judge to make a reference for a preliminary ruling in the parties' pleadings. Alternatively, a judge may decide based on his or her hearing of the pleadings that a reference for a preliminary ruling is warranted and will request submissions from the parties on this subject. Subsequently, the judge will write and publish his or her reference for a preliminary ruling, and then await a response from the CJEU before issuing a judgment on the case.

A decision by a court to refer a question to the CJEU under Art. 267 may not be appealed to a higher court (*Campus Oil Ltd v. Minister for Industry and Energy* [1983] I.R. 82, and more recently, [Data Protection Commissioner v. Facebook Ireland](#) [2018] IEHC 236).

54. Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non- implementation

In the Irish legal system, the court is not, in general, involved in the enforcement of a court order. Where there is default in giving effect to a court order by a party against whom a court order is made, enforcement is primarily a matter for the successful party.

D. The enabling framework for civil society

55. Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

The National Action Plan Against Racism (NAPAR) has provided funding of €1.3 million for both national/regional projects and local initiatives taken on by community organisations through the Ireland Against Racism Fund that launched in May 2023.

Registration Process

The Charities Regulatory Authority (the ‘Charities Regulator’) was established in October 2014 pursuant to the Charities Act 2009. The Authority is the State organisation responsible for registering and regulating all of Ireland’s charities.

All charities operating in Ireland must be fully registered on the Charities Regulator’s Register of Charities.

The Charities Act 2009 sets out the requirements that an applicant organisation must meet to be considered a charity. These criteria are also known as the ‘Charity Test’.

In summary, an organisation must operate in Ireland, exist for a charitable purpose(s), promote this charitable purpose(s) only, carries out all activities to further this charitable purpose(s), exists to benefit the public or a section of the public in Ireland or elsewhere through its charitable purpose(s) and not be an excluded Body (as defined in the 2009 Act).

The Charities Act 2009 sets out four categories of charitable purpose and an organisation must fall within one or more of these categories: (1) the prevention or relief of poverty or economic hardship; (2) the advancement of education; (3) the advancement of religion; (4) any other purpose that is of benefit to the community [the Charities Act 2009 provides further detail on what is deemed to be a charitable purpose under this heading].

The [Charities \(Amendment\) Bill 2023](#), published on the 22 December 2023, seeks to amend the Charities Act, 2009. The Charities (Amendment) Bill 2023 seeks to enhance and consolidate the existing legal framework for the Charities Regulator to conduct its statutory functions.

The Charities (Amendment) Bill 2023 contains a provision to add ‘the advancement of human rights’ as a charitable purpose under Irish law. As the law stands, organisations currently operating in the field of human rights advancement in Ireland can apply to register as a charity under an existing charitable purpose(s) as set out above. The adoption of this amendment will provide that such organisations can apply to register under the charitable purpose of ‘the advancement of human rights’.

The Charities Regulator has published Registration Guidelines for those organisations seeking to register, setting out key considerations and essential matters to be prioritized. Any organisation that receives registration, must comply with the provisions of the Charities Act 2009.

The purpose of the 2021 Charities Regulator guidance note [‘Guidance on Charities and the Promotion of Political Causes’](#) is to highlight the rules that apply to a charity when engaging in activities to promote a political cause and matters which should be considered by the charity trustees of a charity before engaging in such activities.

The [Charities Governance Code](#) sets out the minimum standards that charity trustees should meet to effectively manage and control their charity and is based on legal requirements and best practice.

All charities are legally required to complete and submit an Annual Report to the Charities Regulator regarding their activities and financial affairs for the preceding twelve months.

Dissolution

A charity may be wound up for a number of reasons, including where it has achieved its specific charitable purpose for which it was formed; it may become insolvent or cannot afford to continue its activities; it may be seeking to merge with another charity with similar objectives or, it may wish to change its legal form.

The particular issues which need to be considered in winding up a charity differ from case to case, and the procedure is dependent on the charity's legal form (for example, an incorporated charity must be wound up in accordance with the Companies Act 2014).

Irrespective, before starting a wind-up, conversion or merger, a charity is legally bound under section 39 of the Charities Act 2009 to notify the Charities Regulator of its intention. It must also provide any information sought by the Charities Regulator.

Other universal legal requirements include requiring the consent of the Charities Regulator to pay any surplus funds or assets to members; the retention by the charity's trustees (or liquidator as applicable) of financial statements for at least six years after winding up is complete unless consent to destroy or dispose is granted by the Charities Regulator; and where a charity holds a valid CHY number, to comply with the requirements of the Revenue Commissioners. Charity trustees are therefore responsible for decisions made whilst a charity trustee, and this does not cease when the charity is wound up.

In February 2021, the Charities Regulator published revised [Guidance on winding up a charity](#), which provides information on how a registered charity may be wound up.

It is also noted that a registered charity may be removed from the Register for a number of other reasons, including a failure by an organisation to meet its statutory duties under the Charities Act 2009. Another example would be when a deemed registered charity, (an organisation automatically added to the Register in October 2014 pursuant to section 40 of the Charities Act 2009), no longer holds an entitlement to a charitable tax exemption.

The Charities (Amendment) Bill 2023 contains a provision that a statement of assets and liabilities of a charitable organisation and details of any proposed transfer of its assets, are to be provided to the Charities Regulator on winding up.

56. Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

An Garda Síochána has no evidence that there is a problem with safety of civil society. There is no specific legislation for this type of activity. However there is criminal legislation to protect anyone from harassment/intimidation etc.

The Harassment Harmful Communications and Related Offences Act 2020 has extended this criminal law to protect citizens from distributing, publishing or sending threatening or grossly offensive communications at Section 4. The criminal law in Ireland is adequate to protect those who are targeted for their role in civil society and or protection of human rights organizations

Any allegations by victims of behaviour which is by hostility or prejudice, based on actual or perceived age, disability, race, colour, nationality, ethnicity, religion, sexual orientation or gender will be considered a hate crime matter.

The [Criminal Justice \(Incitement to Violence or Hatred and Hate Offences\) Bill 2022](#) was published in October 2022 and will update laws criminalising hate speech and legislate against hate crimes for the first time in Irish law

The new legislation will criminalise any intentional or reckless communication or behaviour that is likely to incite violence or hatred against a person or persons because they are associated with a protected characteristic. The penalty for this offence will be up to five years' imprisonment.

It will also create new, aggravated forms of certain existing criminal offences, where those offences are motivated by hatred of a protected characteristic. These will carry an enhanced penalty and the criminal record will clearly state that the offence was a hate crime.

An Garda Síochána takes Hate Crime very seriously and investigates all reports thoroughly and sensitively. The Garda Diversity and Integration strategy addresses Hate Crime and will work closely with stakeholders and victims to remove on line hate speech and abuse.

Garda National Diversity & Integration Unit and Garda Community Relations Bureau have published a Garda Diversity & Integration Strategy which is available on www.garda.ie

The General Scheme of the Defamation (Amendment) Bill includes specific measures against the bringing of SLAPP defamation legal proceedings (see response to Q. 43). However, it is important to note that the General Scheme of the Defamation (Amendment) Bill doesn't apply to SLAPP actions more generally.

57. Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

Please see references to “donation systems” in the response to Question 44.

58. Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

The general scheme, or draft heads, of a Government Bill undergoes scrutiny by an Oireachtas Committee before the text of the Bill is finalised. The relevant Oireachtas Committee may invite stakeholders to participate by attending meetings to discuss the general scheme or draft heads of the Bill.

At the end of the pre-legislative scrutiny, the Committee produces a report and lays it before the Houses of the Oireachtas. The report makes recommendations on the Bill based on the Committee's scrutiny.

An example of pre-legislative scrutiny is the Committee on Justice and Equality's scrutiny of the Criminal Justice (Miscellaneous Provisions) Bill which was enacted in July 2023. In particular, campaigns from victim groups such as Stalking Ireland helped to shape this legislation which includes the introduction of new standalone offences of stalking and non-fatal strangulation.

During pre-legislative scrutiny of the General Scheme of the Irish Prison Services Bill 2023, submissions were heard from the Prison Officers Association and from the Irish Penal Reform Trust (IPRT).

During pre-legislative scrutiny of the General Scheme of the Domestic, Sexual and Gender Based Violence Agency Bill 2023, the Joint Committee on Justice heard from representatives of a diverse range of civil society organisations such as: The National Women's Council of Ireland, Men's Development Network, Trans Equality Network Ireland, AkiDwa, Safe Ireland and Rape Crisis Network Ireland (RCNI).

Community & Voluntary Pillar

The Community and Voluntary Pillar ('the C&V Pillar') is a seventeen-member group representing community and voluntary organisations which contribute to the social dialogue process. The funding scheme for the C&V Pillar is administered by the Department of Rural and Community Development.

The C&V Pillar plays an active role in contributing to the Department of Rural and Community Development's policy formation. Funding is provided to members of the C&V Pillar to support costs, not funded from any other sources, directly related to the organisations' contribution to policy-making.

The C&V Pillar formally meets with officials from the Department of Rural and Community Development twice a year, with individual members also contributing separately as part of wider Departmental policy engagement.

National Civic Forum

The Department of Rural and Community Development lead on the National Civic Forum for formal dialogue between the State and the community and voluntary sector. This model of sectoral engagement supports open dialogue and increased collaboration with the sector in addressing societal issues, with a view to enhanced policymaking and meeting the needs of all of our communities in a more effective way. The event is part of a wider process to support deliberative and participative approaches to policy-making. This work contributes to meeting Action 1.4 in *Sustainable, Inclusive and Empowered Communities*: the Irish Government's five-year strategy to support the community and voluntary sector

in Ireland. The strategy is available at:

<https://assets.gov.ie/26890/ff380490589a4f9ab9cd9bb3f53b5493.pdf>

Engagement of Marginalised Communities

The Dormant Accounts funded project on the Engagement of Marginalised Communities sought to build capacity within local authorities and related stakeholders to consult and engage in a meaningful manner with marginalised and non-engaging communities. The project delivered training as well as providing resources and tool kits to support the engagement of marginalised communities in consultation and decision making processes at a local level. An easy to use resource guide, titled 'A Guide for Inclusive Community Engagement in Local Planning and Decision Making' was developed as part of the project and is available to any organisation looking to improve engagement.

The guide is available at: <https://www.gov.ie/en/publication/b97fd-supporting-the-engagement-of-marginalised-communities-in-decision-making-processes/>

Values and Principles

One of the key achievements of Sustainable, Inclusive and Empowered Communities, the five-year Strategy to support the Community and Voluntary Sector was the agreement of a set of clearly defined, shared Values and Principles, which guided the strategy's development and form the basis for collaboration and partnership working in the pursuit of the best outcomes achievable.

The adoption of these values and principles fulfils Action 1.2 in the strategy: Adopt an agreed set of values and principles for collaboration and 'partnership-working' at national and local level.

The Values and Principles were agreed by Government and adopted on a whole of government basis in May 2022 and formally launched by Minister of State for Community Development and Charities, Joe O'Brien TD, on 19 October 2022.

These Values and Principles will be used by all Government Departments and Agencies as a basis for their interaction with the Community and Voluntary Sector.

DRCD is taking the lead on championing the Values and Principles across Government. Minister O'Brien has written to all Senior Ministers to ask them to forward examples of their, or any of the agencies under their aegis, putting the values and principles into practice over the last year and any further plans to embed the values and principles in the work they carry out. The returns will be collated into a report to be discussed with the relevant sub-group of the Cross Sectoral Group on Local and Community Development, who oversee the implementation of the Sustainable, Inclusive and Empowered Communities Strategy.

Stakeholder engagement is an important element in the policy making process, and the Government actions and policies are reflective of regular engagements taking place with social partners, stakeholders and members of the public, though public consultation.

Examples of stakeholder engagement as part of the Government's policy making include:

- the Labour Employer Economic Forum which brings together representatives of Employers and Trade Unions with Government to discuss economic and employment issues as they affect the Labour Market;
- the National Economic Dialogue held annually facilitates an open and inclusive exchange on the competing economic and social priorities facing the Government as part of the preparations for the Budget and includes representatives of community, voluntary and environmental groups as well as the Oireachtas (parliament), business, unions, research institutes, the academic community and the diaspora;
- the National Dialogue on Climate Action functions as the coordinating structure facilitating broad public and stakeholder dialogue and public consultations;
- a Sustainable Development Goal National Stakeholder Forum Committee represents a wide variety of sectors and backgrounds;
- the National Economic and Social Council (NESCC) advises the Taoiseach on strategic policy issues relating to economic, social, and sustainable development and provides a forum for multilateral dialogue on the economic, social and environmental challenges facing the country and plays an important role in developing a shared understanding between the Government and stakeholders on important policy challenges;
- the National Civic Forum for formal engagement between the state and the community and voluntary sector is part of a process intended to strengthen deliberative and participative approaches to policy-making and programming.

The Citizens' Assembly is an exercise in deliberative democracy. Assembly members typically consist of 100 people, including an independent Chairperson and 99 members of the public, randomly selected to deliberate on an issue or issues of national importance.

Over the last decade, Citizens' Assemblies have become an important part of Ireland's democratic process, bringing citizens together to discuss and consider important legal and policy issues, subsequently reporting and providing recommendations to Parliament.

In 2022, two Citizens' Assemblies took place. The first Assembly was convened to examine how Ireland can improve its response to the issue of biodiversity loss. The second Assembly, the Dublin Citizens' Assembly, was tasked with examining and bringing forward recommendations regarding the type of directly-elected mayor and local government structures best suited for Dublin. Both of these Citizens' Assemblies have concluded their work and submitted their reports and recommendations to the Parliament.

During 2023, a Citizens' Assembly on Drugs Use was established to consider the legislative, policy and operational changes Ireland could make to reduce the harmful impacts of illicit drugs on individuals, families, communities and wider Irish society. This Assembly agreed 36 recommendations¹ which were

¹ <https://citizensassembly.ie/assembly-on-drugs-use/recommendations>

submitted to the Parliament at the end of 2023 and published in January 2024. These recommendations are now being examined by a parliamentary Committee

Background Briefing

Citizens' Assembly is an exercise in deliberative democracy, placing the citizen at the heart of important legal and policy issues facing Irish society. Over the last decade, citizens' assemblies have become an important part of the Irish democratic process, playing a meaningful role in informing wider public debate on significant issues.

A Citizens' Assembly is established by resolution of the Oireachtas (Dáil Éireann and Seanad Éireann). The Terms of Reference of the Citizens Assembly includes the following requirements in relation to membership and operations:

- preclude from membership of the Assemblies any individual who is either:(i) a politician currently serving in either House of the Oireachtas or the European Parliament; (ii) a lobbyist as provided for under the Regulation of Lobbying Act 2015;
- operate in an open and transparent manner, including by live streaming public proceedings; and
- determine all issues by a majority of the votes of members present and voting, other than the Chairperson, who will have a casting vote in the case of an equality of votes.

The Assembly is made up of 100 members of the public who are randomly selected, using a stratified random selection process, to be broadly representative of wider society. This allows a cross-section of the public to consider expert evidence, hear from people working in the area, engage with those who have lived experience, examine submissions from interested parties and engage in rational, reasoned debate on complex issues. As part of the Citizens' Assembly process, a public consultation process is held that engages with the broader Irish society.

In order to provide the Assembly with balanced non-biased information on the concerned topic, specialists/experts appear before the Assembly as well as speakers from civil society and advocacy groups to provide their perspective to the Assembly for consideration.

Arising from this debate, the Assembly agree on recommendations to be presented to the Government and the Oireachtas. Recommendation(s) are submitted to the Houses of the Oireachtas by way of final Report by the Assembly. On receipt, the Houses of the Oireachtas will refer the report of the Assembly for consideration to a relevant Committee of both Houses; the Committee will, in turn, bring its conclusions to the Houses for debate. Furthermore, the Government will provide in the Houses of the Oireachtas a response to each recommendation of the Assembly and, if accepting some or all of the recommendations, will indicate the timeframe it envisages for implementing those recommendations.

E. Initiatives to foster a rule of law culture

59. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

Ireland's support and advocacy for the Rule of Law is reflected at the highest levels of government. Referenced both in the Government of Ireland's [Programme for Government](#) and the Department of Foreign Affairs' [Statement of Strategy 2023-2025](#), this commitment is also reflected in Ireland's engagement on this file at an EU level. Ireland actively participates in discussions on rule of law items at the General Affairs Council. This has included active participation in the annual rule of law report country chapter dialogue exercises and in the evaluation of the Council's Rule of Law dialogue. Ireland's Minister of State for European Affairs, Peter Burke T.D. attended the October General Affairs Council, where Ireland's country chapter was discussed. We welcomed the opportunity for mutual learning and sharing of best practices that the Rule of Law dialogue offers. Ireland has also contributed consistently to hearings and discussions within the ongoing Article 7 TEU process in relation to Hungary and Poland and their adherence to rule of law standards and EU values. Furthermore, several rule of law-related events and publications have been organised by the Institute of International and European Affairs (IIEA), a leading international affairs think tank.

Throughout 2023, the issue of the rule of law was raised during several debates on proposed legislation in both Houses of the Irish parliament, the Oireachtas. The importance of upholding and adhering to the rule of law was referenced in the Dáil during debates on the: Court Proceedings (Delays) Bill 2023 and Policing, Security and Community Safety Bill 2023. The significance of the rule of law was also mentioned in the Seanad during debates on the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022 and on the Miscellaneous Provisions Act 2023.

Ireland's international development aid programme is also working with international, national and local partners to promote rule of law initiatives in our partner countries. Ireland recognises that rule of law is fundamental to upholding human rights, strengthening accountability and fighting corruption. Effective and accountable institutions, underpinned by strong governance and adherence to the rule of law, are central for the realisation of human rights and for enabling inclusive economic growth.

At a global level, Ireland continues to support an international infrastructure to advance democracy, rule of law and good governance. Ireland has a partnership with Irish Rule of Law International whose work supports strong governance and adherence to the rule of law. Ireland continues to engage with the Team Europe Democracy (TED) initiative – a partnership of 14 EU MS and the European Commission. TED supports work on accountability and the rule of law; political and civic participation; and safety, security and professionalism in media and the digital realm. Ireland also provides support to Transparency International, the International Organisation of Supreme Audit Institutions (INTOSAI) and the African and European Parliamentarians Initiative (AEPI) in support of strengthened democracy, human rights, the rule of law and inclusive development. Through many diverse development aid projects and programmes, Ireland supports and seeks to protect civil society space, recognising that a strong, independent and inclusive civil society empowers communities, contributes to good governance and the promotion of equality, accountability and the rule of law.

The Department of Foreign Affairs, through its Global Citizenship Education (GCE) Strategy 2021-2025, also seeks to build a broader sense of GCE in Ireland, encouraging the public to engage with, learn about and take action on issues such as climate change, hunger, peace, global inequality and injustice, as well as increasing understanding and awareness of how Irish Aid addresses these issues on their behalf. DFA works throughout Ireland in both formal and informal education settings working with educational institutions, NGOs, volunteer organisations and other Government Departments and agencies. Human rights and the rule of law are key components of GCE. Whilst none of our partners work solely on initiatives to foster a rule of law culture, many do have aspects of their programme that would relate to such initiatives. These include our strategic partners IDEA, Suas, Concern, Ubuntu and 80:20 and annual grants partners such as Akidwa, Afri and Financial Justice Ireland.

Within the education system in Ireland, rule of law and human rights issues are also addressed at pre-school, primary and post-primary levels, and there are human rights programmes in a number of third-level education institutions. At primary level, human rights feature in a range of contexts across the curriculum, which is taught in an integrated way. At this level the most relevant curriculum subject is Social, Personal and Health Education (SPHE). “Developing Citizenship” is a core element of this mandatory subject, from infant classes through to completion of primary education. At post-primary level, knowledge of human rights and the rule of law can also be developed in a range of contexts across the curriculum. Most commonly it features in SPHE, History, Geography, Business Studies and Civic, Social and Political Education (CSPE). CSPE and SPHE are part of the core curriculum in lower secondary post-primary schools (junior cycle). They are studied as part of the Wellbeing area of learning. A new short course in CSPE was made available to schools in September 2014, and subsequently updated in 2021. This course aims to inform, inspire, empower and enable young people to participate as active citizens in contemporary society at local, national and global levels, based on an understanding of human rights and social responsibilities. An optional subject for senior cycle, Politics and Society, was introduced in 2016. Politics and Society aims to develop the learner’s capacity to engage in reflective and active citizenship, informed by the insights of social and political sciences. Ireland also supports the Observatory on History Teaching in Europe (OHTe), an Enlarged Partial Agreement of the Council of Europe, whose mission is to promote quality education in order to enhance the understanding of democratic culture. The Observatory aims to provide a clear picture of the state of history teaching in its member states including Ireland, based on reliable data and facts on how history is taught, through general and thematic reports. OHTe General reports are longitudinal studies that examine how history is taught from a myriad of angles, using a methodology developed by the Observatory’s Scientific Advisory Council (SAC). The teaching and learning of History in Ireland supports young people to develop a deeper, wider and enduring perspective on the past by nurturing the development of critical thinking skills and the development of a greater appreciation of the complexities inherent in the challenge of interpreting the past and the making of reasoned judgements based on an evaluation of evidence.

The 2020 Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption, led by James Hamilton, former Director of Public Prosecution, recommended inter alia the establishment of an Advisory Council against Economic Crime and Corruption. The Advisory Council was established in 2022 and comprises 19 members and an independent Chairperson. Its role is to advise and make proposals to Government on strategic and policy responses to economic crime and corruption. One of its primary tasks is to develop a multi-annual strategy to combat economic crime and corruption and an accompanying action plan. It also serves as an Irish ‘centre of excellence’, one which coordinates research and analysis, training, public education and awareness raising, and promotes best practice. Both the Standards in Public Office Commission (SIPO) and the Department of Public

Expenditure, NDP Delivery and Reform are represented on the Advisory Council and participating in the development of the multi-annual strategy an accompanying action plan.

It is also envisaged that the establishment of An Coimisiún Toghcháin will strengthen Ireland's electoral system as a whole and help us to anticipate and respond to the challenges we face in an ever evolving electoral environment.