

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the ‘type of information’ outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

^[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities

☒ Other

If "Other", please specify

The accredited representative body of the independent referral Bar (barrister profession) in Ireland.

* Organisation name

250 character(s) maximum

The Bar of Ireland

Main Areas of Work

- ☒ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☐ Checks and Balances
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

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

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☒ Ireland
- ☐ Italy

- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Ciara

Surname

Murphy

Email Address of the organisation

thebarofireland@lawlibrary.ie

*** Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could

be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

The Council of The Bar of Ireland is the accredited representative body of the independent referral Bar in Ireland, which consists of members of the Law Library and has a current membership of approximately 2,150 practising barristers. The Council has prepared these submissions at the request of the European Commission which is in the process of preparing the 2024 Annual Report on the Rule of Law. As the representative body of the barrister profession in Ireland, this submission will focus on the areas that relate to the scope of the expertise of our members (the Justice System).

In regard to general horizontal developments since the Council's last submission, the following developments are of note:

- The Legal Services Regulatory Authority (LSRA) in Ireland has been actively working on reforms to address various challenges within the legal profession. One of the significant initiatives is the Breaking Down Barriers Report, which was published in January 2024. The report focuses on identifying and addressing the economic and other barriers faced by aspiring and early career solicitors and barristers including costs of legal training, routes to qualification and support of underrepresented groups. The full report is available here: <https://www.lsra.ie/wp-content/uploads/2024/09/LSRA-Breaking-Down-Barriers-Addressing-Challenges-Recommendations-Report-Jan-2024-FINAL.pdf>

In September 2024, the LSRA released The Minister for Justice approved and published the LSRA's Implementation Plan on 30th October 2024. This detailed implementation plan set out how the LSRA intends to address barriers in the legal profession. The Bar of Ireland is engaging with the LSRA on the implementation plan.

- In October 2024, the LSRA introduced Legal Partnerships (LP's), a new structure through which barristers can provide their professional service. The introduction of LP's permits solicitors to form partnerships with barristers and barristers to form partnerships with other barristers, which was not previously permitted. To date, only one LP has been registered with the LSRA. The Bar remains committed to working with the LSRA on proposals for structural reform of the legal profession while preserving the independence and excellence that defines The Bar.

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the

recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

- ☐ Albania
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☒ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024

Report regarding the justice system (if applicable)

5000 character(s) maximum

Family Courts Act

As previously stated in previous Rule of Law Reports, the Council of The Bar of Ireland has expressed its concerns in the proposal to expand the jurisdiction of the District Court under the Family Courts Bill (now an Act) as it will drastically increase and overwhelm the workload of the court.

The Family Courts Bill 2022 passed through both Houses of the Oireachtas on 7th November 2024. In advance of the Bill passing, meetings were held between representatives of The Bar of Ireland and the Department of Justice to discuss the Minister for Justice's amendments to the Bill that were put forward on foot of our lobbying campaign earlier this year. The Bar of Ireland has been to the forefront in engaging with Oireachtas members on the new Family Courts Act 2024, and the need for a practical family law system that reflects the needs of users, and in particular the welfare of children and vulnerable litigants.

The success or otherwise of the Family Courts Act, 2024 depends on the level of detailed advance planning towards, and resourcing of the family law courts and the campuses where they will operate. We are urging the new Government to avoid commencing many aspects of what is contained in the Act until there is a uniform and modern Courts infrastructure in place across the entire country which will fully and properly meet the needs of litigants, children, professional advisors and the judiciary in the delivery of a modern and efficient Family Justice system.

Reform of Civil Legal Aid

Reform of the Civil Legal Aid Scheme in Ireland remains a significant priority for the Council. The current Civil Legal Aid Scheme remains inflexible and hinders access to justice for society's most vulnerable. The Council stresses that reforming the Scheme should ensure broad applicability, eligibility, and accessibility to safeguard the rights of the vulnerable and protect the maximum rights of citizens.

In February 2023, the Council made a submission to the Independent Review Group established by the Minister for Justice. A significant question to be answered in the report is how "fit for purpose" the terms and conditions under which barristers provide services to the Legal Aid Board (in place since 2012) are in the current environment. At a meeting between representatives of the Council and the Legal Aid Board in May 2024, the Board acknowledged that the full restoration of fees for civil practitioners continues to be an issue of priority and that the Board will continue to advocate on behalf of the Council to remove the FEMPI era cuts applied in 2012. It is important to note that its publication is significantly delayed with no indication as to an update to when the report will be published. We are hopeful that the outcome of this review will form the basis for engagement on the terms and conditions under which barristers provide services through the civil legal aid scheme.

Criminal Legal Aid Fees

As outlined in our submission to the Commission in January 2024, the increase in funding for professional fees for criminal barristers announced by Government as part of Budget 2024 was an important and necessary step. This was a result of action in October 2023, where criminal barristers withdrew their professional services nationwide in protest at the failure of successive Governments to adequately resource the criminal justice system in relation to the fees payable to barristers by the Director of Public Prosecutions and under the Criminal Justice (Legal Aid) scheme.

Unfortunately, due to failure for the Government to meaningfully engage with the Council on unwinding the remaining cuts that were applied to professional fees during the period 2008-2011, members were left no option but to withdraw their services again. In July 2024, criminal barristers across the country participated in

a three-day, national withdrawal of their professional services arising from a loss of confidence in the Government's commitment to the preservation of the highest standards in the administration of criminal justice and a loss of confidence in the existing mechanisms and procedures for the determination of fees payable to barristers.

On October 1, 2024, as part of Budget 2025, Minister for Justice Helen McEntee announced a further restoration of 8% in fees for criminal legal aid, that came into effect on 1 January, 2025. The Council remains committed to working with Government to unwind the outstanding cuts to fees of 10.5% and engage in discussions on proposals to reform the criminal legal aid system. The draft Programme for Government, published on 15 January 2025 includes a commitment to 'fully restore criminal legal aid fees' and this commitment is welcomed by the Council.

Please see "other" section for an update on the Defamation Bill.

A. Independence

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

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

Judges: On January 1, 2025, the Judicial Appointments Commission (JAC) was established. This marks the most substantial reform in the judicial appointment process in almost thirty years in Ireland. The Council noted in previous submissions to the Commission its concerns with the structure of the JAC and maintains that the Act is out of sync with European standards in that it does not include a requirement for a judicial majority to sit on the Commission.

Further, the Council reiterates its concern that neither the Chair of the Council of The Bar of Ireland nor the President of the Law Society are included as members of the Commission, resulting in neither profession from which judicial appointments primarily emerge being represented. The inclusion of representatives of the legal professions on the Commission would provide a more complete picture of attributes of applicants that come before the JAC.

Prosecutors:

There is no change in respect of the appointment of prosecutors.

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)

5000 character(s) maximum

Judges (including Court Presidents): No Change.

The retirement age for all judges remains unchanged at 70.

Prosecutors: No change.

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Judges:

A number of reforms to the appointments process for judges, including the elevation of serving judges, are provided for in the Judicial Appointments Commission Act 2023. These provisions include the requirement for all serving judges to participate in the same selection process for elevation to a higher court as other candidates. This ensures that all candidates are assessed based on merit and suitability for the role.

Prosecutors:

No change.

Allocation of cases in courts

5000 character(s) maximum

No change.

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)

5000 character(s) maximum

No change.

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)

5000 character(s) maximum

No change.

Independence/autonomy of the prosecution service

5000 character(s) maximum

In February 2024, the Government approved the publication of the final report by the High-Level Review Group on the role of An Garda Síochána in public prosecutions. The report recommended that An Garda Síochána continue to prosecute low-level but high-volume offences, with enhanced quality assurance and monitoring by the Office of the Director of Public Prosecutions (ODPP). The new Garda Operating Model aims to bring greater internal oversight and consistency in prosecution practices. This includes enhanced monitoring and training from the ODPP to ensure the quality and consistency of prosecution. The full report is available here <https://www.gov.ie/pdf/?file=https://assets.gov.ie/283202/7944926b-4ca0-4523-b0d1-55767574c7c4.pdf#page=null>

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

5000 character(s) maximum

The Bar of Ireland is the accredited representative body of the independent referral Bar in Ireland, which consists of members of the Law Library and has a current membership of approximately 2,150 practising barristers. The principles that barristers are independent, owe an overriding duty to the proper administration of justice and that the interests of their clients are defended fearlessly in accordance with ethical duties are at the heart of the independent referral bar.

An independent barrister is obliged to be free from any influence, especially such as may arise from their personal interests or external pressure, in the discharge of their professional duties. They must hold themselves out as willing and obliged to appear in court on behalf of any client on the instructions of a solicitor and to give legal advice and any other legal services to clients. They have an overriding duty to the court to ensure that the proper and efficient administration of justice is achieved, and they must not deceive or knowingly mislead the court. They must promote and protect fearlessly and by all proper and lawful means their client's best interests and do so without regard to their own interest or to any consequences for themselves or to any other person including fellow members of the legal profession; and, to perform their functions with due independence and in a manner which is consistent with their duty to participate in the administration of justice. This independence is necessary in non-contentious matters as well as litigation.

The recent introduction of Legal Partnerships introduced by the LSRA in late 2024 could lead to conflicts of interest for practitioners who decide to practice under this new structure. Independent referral barristers traditionally operate independently, providing unbiased legal opinions and advocacy. Barristers who choose to practice under a Legal Partnership structure risk this independence, because of influences that may arise from the interests of the partnership. The independence of barristers is a cornerstone of the legal system in Ireland, ensuring that barristers can act without external pressures. It is noted that to date, there has only been one Legal Partnership registered with the LSRA.

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

5000 character(s) maximum

In our previous Rule of Law submission, the Council referenced a Supreme Court case regarding the constitutionality of Personal Injuries Guidelines. The case, *Delaney v Personal Injuries Assessment Board & Ors* [2022] IEHC 321, was awaiting final decision from the Supreme Court in regards to an appeal. On April 9, 2024, the Supreme Court ruled that the Personal Injuries Guidelines, which were voted into force by the Judiciary, are legally binding and remain in effect. The court dismissed most of the issues raised in an appeal challenging the guidelines' constitutionality. However, it did find that a section of the 2019 Judicial Council Act, which relates to the judges' powers to make guidelines, was unconstitutional.

The Judicial Council's Personal Injuries Guidelines Committee completed a review of the guidelines and submitted draft amendments to the Board of the Judicial Council on 11 December, 2024. Such amendments included an increase in the compensation award values for specific injuries to reflect inflation, changes to the "Use of Guidelines" section to incorporate recent judges from Superior Courts as examples of current legal standards and an amendment to clarify guidance on how to assess ward damages in cases involving multiple injuries. These amendments are currently under consideration.

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

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

5000 character(s) maximum

Access to justice and the Courts remains a key priority for The Bar of Ireland. In November 2024, The Bar of Ireland published its Manifesto for Justice in the lead up to the 2024 General Election. In the manifesto, the Council emphasised its priorities and concerns regarding access to courts, including the impact of legal aid and professional fees paid to barristers in both criminal and civil legal aid. The Manifesto is available here: <https://www.lawlibrary.ie/app/uploads/2024/11/GE-Manifesto-2024-FINAL-FBC.pdf>

As noted in the horizontal developments section above, there is significant need for a comprehensive review of the civil legal aid system. The Council continues to highlight concerns about the scope and adequacy of the current system, noting that it is under-resourced and unable to meet the growing demand. Regarding professional fees for barristers under the civil legal aid scheme, a thorough review and update of the outdated 2012 terms and conditions is required in addition to the removal of cuts to barristers' civil fees applied during the FEMPI era.

Criminal barristers, on the recommendation of Council of The Bar of Ireland, participated in a nationwide withdrawal of service in October 2023, and again in July 2024, with the aim of seeking an independent, meaningful, time-limited and binding mechanism to determine the fees paid to criminal barristers by the Director of Public Prosecutions and under the Criminal Justice (Legal Aid) Scheme. An 18% restoration of fees has now been implemented arising from Budget 2024 and Budget 2025 and is a welcome and necessary step. However, even after this 18% cut was restored, there are outstanding FEMPI-era cuts that continue to apply to the profession and barristers continue to endure cuts of 10.5% to their professional fees.

Now, more than ever, it is crucial that the Department of Justice and the Office of the Director of Public Prosecutions ensure appropriate fee payment structures, unravel the remaining cuts, and restore the link to public pay agreements in order to promote fairness in the Irish legal system and sustainable access to justice.

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

Court Resourcing:

The Bar of Ireland Manifesto for Justice addresses the need for better resourcing of the courts to reduce delays and improve access. Ireland has the lowest number of judges per capita amongst the Council of Europe member states, which contributes to long waiting times for cases to be heard.

The Bar of Ireland welcomed the publication of the Report of the Judicial Planning Working Group, together with OECD Research in February 2023. The report emphasised the need for a substantial increase in judicial numbers and recommended appointing 44 additional judges in two phases; with 24 judges appointed in the first phase completed in 2023 and 20 judges appointed in the second phase in October 2024. Unfortunately, to date, the second phase of judicial appointments has not yet been implemented. The draft Programme for Government (published on 15 January 2025) states that the new Government will 'appoint 20 additional judges within 12 months and plan for further increases to meet growing demands and timely access to justice'. This is a welcome commitment.

The report of the Judicial Planning Working Group also recommended that a review take place in 2025 to assess judicial needs up to 2028. This review should determine if further increases in judicial numbers are necessary.

There is much to commend in the Report in respect of judicial workforce planning, as well as advancing a number of Courts Service strategic supports. However, it is the Council's position that there remains a number of issues will need to be carefully considered in order to evaluate their impact on access to justice and how our system continues to have the trust of the public:

- Changes of Circuit or District Court Areas (specifically in the area of family and childcare) need to be viewed from a range of perspectives.
- The importance of publicly accessible, in-person judicial services should not be underestimated. While the focus on efficiencies is important to the administration of justice, they should not arise at the cost of access to a vital public service.
- Thirdly, the reforms underway through the implementation of the Kelly Report on the Review of the Administration of Civil Justice, Justice Plan 2022 as well as the important body of work in respect of a new Family Law System and the Review of the Civil Legal Aid System mean that dialogue between those groups, and practitioners operating at the coal face, is all the more important. It is noteworthy that the issue of legal aid, and the efficient operation the administration of justice is inextricably linked.

The proper resourcing of the Family Courts Act will dictate its success in the coming months and years. Although the increase in the number of judges is a positive development in resource expansion, the District Court is a Court of summary jurisdiction and is not set up to process complex cases such as financial relief applications in the context of judicial separation/divorce and cohabitation/civil partnership breakdown. The Council will be urging the next Government to delay the implementation of many aspects of the Act until a uniform and modern Courts infrastructure is established nationwide. This infrastructure should fully and properly meet the needs of litigants, their children, professional advisors, and the judiciary.

It is noted that the draft Programme for Government published on 15 January 2025 states that the new Government will 'publish an implementation plan for a new Family Court system within 12 months'.

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

5000 character(s) maximum

As referenced in the horizontal developments section of this report, the LSRA published its implementation plan arising from the 'Breaking Down Barriers Reports' published in late 2024. The Report includes 32 recommendations to address economic and other barriers facing aspiring and early career legal professionals and to increase diversity in the legal professions. The Bar of Ireland is engaging with the LSRA on the implementation plan.

The draft Programme for Government published on 15 January 2025 states that the new Government will 'Introduce independent oversight of professional legal education, support the development of a national apprenticeship programme for solicitor training, and remove barriers to becoming a solicitor or barrister'.

Separate from the recommendations of the LSRA, The Bar of Ireland continues to provide education and training opportunities for members under its Competency Framework for Continuing Professional Development (CPD) launched in October of 2021. The framework guides members in the identification and selection of CPD activities that are relevant to their professional learning needs.

The Judicial Studies Committee (<https://judicialcouncil.ie/judicial-studies-committee/>), established on 10th February 2020 pursuant to the Judicial Council Act 2019, continues to oversee a modernised programme of judicial training and education on topics such as Judicial Conduct and Ethics, Avoiding Re-traumatisation, Unconscious Bias and Vulnerable Witnesses, Induction, Mentoring, Assisted Decision-Making and Training of Judicial Trainers. The Committee is committed to maintaining public trust in the judiciary and the administration of justice by delivering appropriate, effective, and timely training. The training is based on the core values and principles set out in the Guidelines for the Judiciary on Conduct and Ethics, including independence, impartiality, integrity, propriety, equality, competence, and diligence.

The draft Programme for Government notes that the new Government intends to 'establish a Judicial Training Institute under the Judicial Council to support ongoing training and continuous professional development for judges and prospective judges'.

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

5000 character(s) maximum

The Courts Service has made progress in technology and digitalisation as part of its Modernisation Programme which aims to create a court system that is efficient, user-friendly, and fit for purpose. The development of the Unified Case Management System (UCMS) is a significant milestone. This system replaces outdated systems with a unified platform, allowing for better case tracking and court documentation management. All Courts Service staff and members of the judiciary have now been moved to a modern and reliable technology platform.

As of 2024, the number of courtrooms equipped with video technology increased significantly. There are now 136 video-enabled courtrooms across the country. The Courts Service has reported a substantial increase in the use of video technology for courtroom appearances. In 2024, there were over 50,000 remote appearances, including litigants, legal professionals, expert witnesses, and prisoners.

As announced by the Chief Justice in May 2024, the Supreme Court has decided to undertake a project involving the recording and broadcasting of proceedings of the Court. This decision to broadcast aims to enhance access to court proceedings and to inform and educate the public in relation to cases heard before the Supreme Court, which are cases of public importance. It is consistent with the practice in a significant number of apex courts with a similar jurisdiction, and with the practice of the ECtHR and CJEU. It is not intended that the Court will immediately move to broadcasting all proceedings, and the position will be assessed as the pilot programme develops. The ambition of the Court is to routinely record and broadcast oral argument in substantive appeal hearings and the delivery of Supreme Court judgments. It is envisaged that the Court would retain the discretion not to broadcast any particular case. At present, it is planned that recordings will be made available on the Supreme Court website. It is envisaged that the recordings will be under the control of the Court and will be edited prior to uploading. The project is in its test phase and the plans will be kept under constant review in the coming months.

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

5000 character(s) maximum

As mentioned above, the Courts Service details that the legacy case management systems are in the process of being replaced through virtual software (Microsoft Power Platform) with a single modern platform capable of offering online services. The Courts Service received the Civil Service Excellence Award for their new family law information initiative on November 26, 2024. This award recognizes their innovative approach to designing and piloting family law information to the case management system with input from users, staff, and members of the judiciary.

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.

5000 character(s) maximum

On 11 December 2023, a new division of the High Court dedicated to Planning and Environment cases was formally established under the Planning and Development Act. The new division of the High Court aims to improve the delivery of housing by reducing planning delays and will allow for greater efficiency and specialism in the handling of litigation relating to planning and environmental matters, particularly judicial reviews. The Planning and Development Act 2024 was signed into law in October 2024.

The Act's comprehensive planning framework is expected to increase the complexity and volume of planning-related cases, necessitating legal professionals to familiarize themselves with the new provisions and prepare for more intricate litigation. In terms of geographical distribution and the number of courts, the Act includes provisions for regional spatial and economic strategies, which may result in the establishment of specialized planning courts or tribunals in different regions to handle disputes more efficiently. There may also be a need for creating specialized courts or divisions within existing courts to manage the increased volume and complexity of planning and development cases. Council has encouraged members of The Bar who practice in the area in conjunction with the Council and Specialist Bar Association to monitor developments in the months ahead.

The draft Programme for Government published on 15 January 2025 provides for 'a dedicated division of the High Court to handle all immigration cases' and will also 'consider the establishment of a dedicated medical negligence court'.

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C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

The average length of proceedings across various courts using data from 2023 provided by the Court Service Annual Report 2024 are set out below:

- District Court: Criminal proceedings, from issue to disposal, averaged 350 days, a slight improvement from 369 days in 2023.
- Circuit Court: Criminal proceedings averaged 540 days, down from 569 days in 2023. The average length of civil proceedings is still not reported.
- High Court: The average length of civil proceedings, from issue to disposal, decreased to 820 days, compared to 871 days in 2023. Personal injury cases remain the lengthiest, averaging 1,280 days.
- Central Criminal Court: The average length of proceedings, from receipt of return for trial to final order, was 710 days, down from 738 days in 2023. From receipt of charge sheet to final order, the average was 450 days, a slight improvement from 464 days in 2023.
- Court of Appeal: Civil proceedings averaged 510 days, from issue to disposal, a reduction from 527 days in 2023. Criminal proceedings averaged 450 days, down from 461 days in 2023.
- Supreme Court: The average length of time for an Application for Leave Determined (issue to determination date) was 17 days in 2024, down from 18 days in 2023. The average time for an Application for Leave Determined (from papers being ready to determination) remained at 5 days. The average length of appeals was 60 days, a slight decrease from 63 days in 2023.

Any other developments related to the justice system - please specify

5000 character(s) maximum

Arising from the recommendations contained in the 2024 Rule of Law Report regarding the justice system in Ireland, we wish to make the following observations in relation to litigation costs.

The Council welcomed the Commission's acknowledgement in its 2024 Country Chapter that there has been progress on the reduction litigation costs. It further appreciates the recognition that high levels of litigation costs can be explained by the unique aspects of Ireland as a common law jurisdiction, which provides additional context and consideration.

In 2022, The Bar of Ireland in conjunction with the Law Society made a detailed submission in response to a number of bodies ascertaining that legal costs in Ireland are high. Our submission undertook a detailed analysis of the various reports published over the past 20 years and demonstrated that the evidential basis for claims that Ireland is a high legal cost jurisdiction is very limited and that there are considerable questions to be raised on the assertion that Ireland is a high legal cost jurisdiction.

The Bar of Ireland and the Law Society also commissioned an independent report to conduct an economic evaluation of options to control litigation costs and this report was also submitted to Indecon and the Department of Justice. This report provided further in-depth analysis of legal costs in Ireland.

On 7 February 2024, the Department of Justice published a report titled the Multi-Criteria Impact Evaluation of Options for the Control of Litigation Costs. The report, prepared by Indecon, represents an independent examination of possible models to control litigation costs in Ireland. Specifically, it recognises that the majority of the Review Group were in favour of creating non-binding guidelines in relation to cost levels to assist parties and their representatives. The report includes a proposed requirement for all clients to be informed in advance of guideline costs and of any factors that could lead to a divergence. It is noted that the draft Programme for Government published on 15 January 2025 states that the new Government will 'continue work to develop new guidelines to set clear rates and scales of fees for all forms of civil litigation, promoting transparency, competitiveness and fairness in legal costs'.

To reiterate the view of The Bar of Ireland, the most optimal manner to positively impact on legal costs is through a combination of four measures:

- Increased investment in the justice system, in particular the number of judges and support staff, better case management and adoption of technology.
- Investment in effective civil legal aid to ensure access to justice for all regardless of means.
- The introduction of non-binding guidelines in respect of legal costs.
- A reduction in state-imposed revenue on a Bill of Costs.

Defamation Bill

Under the Defamation (Amendment) Bill 2024, it is proposed that juries in High Court defamation cases would be abolished and protective measures for those targeted by Strategic Lawsuits against Public Participation proceedings (SLAPPs) would be introduced (where a plaintiff presents defamation proceedings against an individual or an organisation in order to silence responsible investigation or debate on matters of public interest).

The Council's key concern with the Bill surrounds the role of juries in defamation actions, and the primary argument for their removal, relates to their role in assessing damages. Historically, there have been instances where jury-awarded damages were more modest than what might have been awarded by a judge and it is now possible to guide juries with bands indicating appropriate damages in defamation cases. The Council emphasises the crucial role that juries play in society, providing a necessary balance to the judicial arm of the State. The provisions in the Bill as drafted, contradicts long-established jurisprudence that underscores the importance of public involvement in determining matters related to damage to reputation and free speech. While the bill completed First Stage in the Dáil in August 2024 and the legislation has since lapsed upon the dissolution of the 33rd Dáil, the draft Programme for Government states the intention of the new Government to 'restore the Defamation Bill to the order paper and make passing the legislation a priority'. The Council will continue to engage with Government on the Bill.

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

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

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

Measures to prevent 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)

5000 character(s) maximum

--> For the three previous points, **please also provide information and figures on their application /enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

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

5000 character(s) maximum

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

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 financial and 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 licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

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

Rules and practices guaranteeing journalists' 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

5000 character(s) maximum

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

5000 character(s) maximum

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)

5000 character(s) maximum

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

5000 character(s) maximum

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1]/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

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)

5000 character(s) maximum

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

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

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

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

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

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

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

5000 character(s) maximum

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)

5000 character(s) maximum

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

5000 character(s) maximum

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

D. The enabling framework for civil society

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

5000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them 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, as well as available remedies

5000 character(s) maximum

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)

5000 character(s) maximum

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (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.)

5000 character(s) maximum

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

Contact

rule-of-law-network@ec.europa.eu

