

2023 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 European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, three editions of the Rule of Law Report have been published in 2020, 2021 and 2022.

In the preparation of the first three editions of the Rule of Law Report, the Commission has relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through the targeted stakeholder consultation [1]. The information provided has informed the Commission's country-specific assessments in preparing the Report. Building on the positive experience from the first three editions of the Rule of Law Report, the Commission is now inviting stakeholders to provide written contributions for the preparation of the 2023 Rule of Law Report through this targeted consultation.

The contribution to be provided should include (1) information on measures taken to implement the recommendations addressed to the Member State in the 2022 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 2022 [2] falling under the 'type of information' outlined in the next section.

The input should be short and concise and summarise information related to one or more of the areas referred to in the template. You are invited to focus on the areas that relate to the scope of work and expertise of your organisation. Existing reports, statements, legislation or other documents may be referenced with a link (no need to provide the full text). Stakeholders are encouraged to make references to any contributions already provided in a different context or to Reports and documents already published. Contributions should focus on significant developments both as regards the legal framework and its implementation in practice.

If you wish to submit information concerning several Member States, you will have to fill-in the questionnaire separately for each Member States (due to the size of the questionnaire). There is no limit to the number of contributions submitted by a single participant. In such cases, you are not required to repeat the information in the section "about you" that is non-mandatory nor the information on horizontal developments.

Please provide your contribution by **20 January 2023**. Should you have any requests for clarifications or encounter difficulties in filling in the questionnaire, you can contact the Commission at the following email

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

[1] For the consultation for the 2022 Report, see https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en

[2] Unless the information was already submitted in the consultation for the previous Rule of Law Reports.

Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

Legislative developments

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

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

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, heads of independent authorities included in the scope of the questionnaire[1])

Any other relevant developments

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

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[1] 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

* Organisation name

250 character(s) maximum

Main Areas of Work

- ☒ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☐ Other

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

500 character(s) maximum

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 add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda

- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador

- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☒ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg

- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa

- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Surname

Email Address of the organisation (this information will not be published)

* 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 2023 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 2023 Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member States in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2022 Rule of Law Report and (2) any other significant developments since January 2022[1]. Please include a link to and reference relevant legislation/documents (in the national language and/or where available, in English) if relevant. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

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.

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

Member State covered in contribution [only one choice possible]

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

- ☐ 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

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

3000 character(s) maximum

Recommendation: 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.

Response: The Implementation Plan arising from the Review of the Administration of Civil Justice sets out measures to reduce the costs of litigation, including costs to the State.

In January 2022, the Department of Justice commissioned Indecon Economic Consultants to carry out economic research in this area. When completed, this research, together with appropriate legal advice on its findings and implications, will inform policy proposals that the Minister for Justice intends to bring to Government next year. The Law Society of Ireland, in conjunction with the Bar of Ireland, made a submission to Indecon in February 2022 highlighting the lack of evidence for claims that Ireland is a high legal cost jurisdiction. A review of reports into legal costs over the last 20 years has demonstrated that there are considerable questions to be answered on the evidential basis for the assertion that Ireland is a high legal cost jurisdiction. On the contrary, there is evidence that legal costs have reduced over the last 10 years. Our submission also highlighted four areas which would assist in positively impacting on litigation costs:

1. Increased investment in the justice system - in particular the number of judges and support staff - case management enhancements and adoption of technology.
2. Investment in a fit for purpose system of civil legal aid to ensure access to justice for all.
3. The introduction of non-binding guidelines in respect of legal costs.
4. A reduction in State-imposed revenue on a Bill of Costs.

Recommendation: Continue the reform of the Defamation Act to improve the professional environment for journalists taking into account European standards on the protection of journalists.

Response: The Department of Justice published the Report of the Review of the Defamation Act 2009 ("the Report") in March 2022 which considers issues raised in submissions made to the Department during the consultation process, examines relevant reforms in other common law countries and at EU level, and sets out a range of recommendations for change.

The Report also contains proposals to provide clearer protection for responsible public interest journalism, and recommends a number of mechanisms to support more consistent, proportionate and predictable redress in defamation cases. The major proposals arising from the Report include:

- an end to juries in defamation cases;
- easier access to justice for individuals whose reputation is unfairly attacked;
- clearer protection for responsible public interest journalism;
- reducing legal costs and delays;
- measures to encourage prompt correction and apology, where mistakes are made; and new measures to combat abuse.

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)

3000 character(s) maximum

The Judicial Appointments Commission Bill 2022 is currently before the Houses of the Oireachtas and, once passed, will:

- establish the Judicial Appointments Commission;
- provide for the making of applications to that Commission for recommendation for appointment, or nomination for appointment or election, to judicial office in the State or outside the State;
- amend and extend the qualification and eligibility requirements for appointment to judicial office; and
- provide for the publication, by the Commission, of a statement of selection procedures (to be applied in considering applications, a statement of the requisite knowledge, skills and attributes that is required by applicants seeking recommendation. It will also require that the Commission makes recommendations for appointment based on “merit”.

The Law Society made a submission on the Judicial Appointments Bill in March 2021 and met with the Joint Oireachtas Committee on Justice where we summarised relevant issues in our Opening Address. That Committee published its Report on Pre-Legislative Scrutiny of the General Scheme of the Judicial Appointments Commission Bill 2020 in October 2021.

A primary concern in relation to the independence of the appointment and selection of judges proposed by the Bill, is the Attorney General's inclusion on the Commission (albeit in a non-voting capacity). We consider the proposal not to be appropriate for the following reasons:

1. If the new Commission is to be genuinely independent in its functions, there is no reason for the Attorney General, who also sits at the Cabinet table, to participate.
2. To the contrary, it becomes more difficult to defend the independence of the process if a significant player has a dual role both prior to, and post, the Commission's recommendation.
3. We do not believe that this difficulty is overcome, in any real way, by providing that the Attorney will not have a vote at the Commission table.
4. The level of candidate detail which is required to be provided by the Commission to the Minister is more than sufficient to enable the Attorney to provide input on the technical aspects of any proposed appointment and Government will always have the benefit of the advice of the Attorney at a political level.
5. As a major purchaser of legal services in the State, there is a risk of a conflict of professional interests, and/or the perception of same, in the Attorney's involvement in both stages of the process.
6. It is not standard, in comparable jurisdictions, for the Attorney General to participate in the manner proposed.

For each of these reasons, the Society recommends that the Attorney General should give his/her perspective at Cabinet, following receipt of recommendations from the Commission, and should not be involved in the Commission's deliberations in any way.

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)

3000 character(s) maximum

Once appointed, the independence of the judiciary is protected by the Constitution (Article 35.2) against political or other interference in the discharge of judicial duties.

Article 35.4.1 of the Constitution provides that a judge of the Supreme Court or the High Court may not be removed from office except for stated misbehaviour or incapacity. This can only be done by the passing of a resolution by Parliament (Dáil Eireann and Seanad Eireann), which is notified to the President who must then order the removal of the judge to whom the resolution relates. This has not yet happened. The same process would apply to judges of the District Court and Circuit Court.

In light of the high threshold for the removal of a judge and the difficulty this poses for ensuring that a judge (who fails to discharge their office in an appropriate manner) is either sanctioned or removed, the Judicial Council Act 2019 was passed by the legislature.

The Judicial Council commenced work in 2020 and may now investigate complaints against Judges. If such complaints are upheld, it may require a judge to take a particular course of action and report to the Council in that regard. It may also refer a matter to the Minister for Justice if it considers that judicial conduct merits possible removal under Article 35.4.1 of the Constitution on the grounds of "stated misbehaviour or incapacity" following resolutions passed by the Houses of the Oireachtas.

Promotion of judges and prosecutors (incl. judicial review)

3000 character(s) maximum

See above regarding the Judicial Appointments Commission Bill 2022 which also provides for the promotion of judges in Ireland.

Allocation of cases in courts

3000 character(s) maximum

The allocation of cases in each Court is essentially the responsibility of the President of each court, who may then delegate that function to other judges presiding over a particular area of Court work. Depending on the Court concerned the relevant president of that court will assign judges to particular areas of work. In this regard the allocation of cases is controlled by the judiciary and follows a defined practice that is transparent and known to all parties.

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)

3000 character(s) maximum

See above regarding the Judicial Appointments Commission Bill 2022 and the Judicial Council Act 2019

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)

3000 character(s) maximum

See above regarding the Judicial Council Act 2019.

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

3000 character(s) maximum

Non-interference with the remuneration of judges is recognised as an aspect of judicial independence.

Article 35.5 of the Constitution as originally enacted prohibited the reduction of such remuneration while the judge was in office however, following the economic crisis in 2008, Article 35.5 of the Constitution was amended (by a 2011 referendum) to provide that:

The remuneration of judges shall not be reduced during their continuance in office save in accordance with this section.

The remuneration of judges is subject to the imposition of taxes, levies or other charges that are imposed by law on persons generally or persons belonging to a particular class.

Where, before or after the enactment of this section, reductions have been or are made by law to the remuneration of persons belonging to classes of persons whose remuneration is paid out of public money and such law states that those reductions are in the public interest, provision may also be made by law to make proportionate reductions to the remuneration of judges.

After this amendment there was consequent legislation reducing public sector salaries including those of Judges. However, the constitutional amendment does exclude the possibility of judges having their salaries cut on an individual or collective basis outside the context of a general measure to cut public sector salaries.

Independence/autonomy of the prosecution service

3000 character(s) maximum

The Director of Public Prosecutions is an independent statutory office (section 2(5) Prosecution of Offences Act, 1974) appointed through a transparent, competitive process.

The duties of the Director are to:

- enforce the criminal law in the courts on behalf of the People of Ireland;
- direct and supervise public prosecutions on indictment (formal written accusations) in the courts;
- give general direction and advice to the Irish police force in relation to summary cases (which are less serious cases which can be heard in the District Court); and
- give specific direction to An Garda Síochána (the Gardaí) in cases where requested.

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

3000 character(s) maximum

The Law Society recently updated the Solicitor's Guide to Professional Conduct 2022 which sets out the professional responsibility of solicitors to retain their professional independence as a core value of their profession. The guide states:

Independence

Solicitors must retain professional independence and the ability to advise their clients fearlessly and objectively. Independence is essential to the functioning of solicitors' relationships with all parties, and it is the duty of the solicitor to ensure that their independence is not compromised. Solicitors should not allow

themselves to be restricted in their actions on behalf of clients or restricted by clients in relation to their other professional duties.

A solicitor's independence is necessary because of the position of trust they hold. The position of trust carries responsibilities to the courts, as officers of the court, to clients, third parties and to the legal profession. The independence of a solicitor's advice is a core value of the legal profession.

Solicitors must not allow themselves to be intimidated by a client or other person into making decisions, giving advice, or taking actions that are in any breach of the solicitor's professional duties.

Individual solicitors are responsible for their own conduct; solicitors who are owners of firms also have a responsibility for the good management of their firm and should always retain full control of the firm.

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

3000 character(s) maximum

The Supreme Court has agreed to hear an appeal in respect of the constitutionality of Personal Injuries Guidelines which were developed and approved by the Judicial Council in 2020.

A panel comprising three judges of the Supreme Court agreed that issues of general importance have been raised which necessitate the Supreme Court hearing the appeal. The panel found that the appeal raises questions of significant relevance around the interpretation and construction of delegated legislation regarding the implications of the constitutional mandate of judicial independence and the separation of powers between judges and the Oireachtas (Houses of Parliament). A date for hearing is yet to be fixed.

Source: Irish Times, Test challenge to personal injuries award guidelines to be heard by Supreme Court, 1 December 2022: <https://www.irishtimes.com/crime-law/courts/2022/12/01/test-challenge-to-personal-injuries-award-guidelines-to-be-heard-by-supreme-court/>

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 under section 2)

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

3000 character(s) maximum

The issue of the availability of legal aid remains a problem in the Irish context. There is a separate civil legal aid and criminal legal aid system.

Court fees:

Court fees are not applied in some areas such as family law, domestic violence and wardship. All other court applications attract stamp duty, irrespective of the means of the person concerned. Such fees can be considerable - for example, the cost of issuing a summons in the High Court is €190 and the minimum cost of lodging a Judicial Review application is €330. Such fees may prove prohibitive to those on a low wage or social welfare.

Civil Legal Aid:

The scope of civil legal aid is defined by the Civil Legal Aid Act 1995, supplemented by regulations made by

the Minister for Justice.

It is administered and delivered by the Legal Aid Board, a statutory, publicly funded organisation which provides civil legal aid and advice through a mixture of law centres and referrals to a panel of private practitioners.

In order to qualify for legal aid, an applicant must satisfy a number of tests including:

- i. a Merits Test (likelihood of success);
- ii. a Means Test (provides that an applicant's disposable income must be below €18,000 with no flexibility i.e. an applicant with an income €1 over the limit can be excluded from the scheme - the financial limit was established in 2006 and has not been reviewed since); and
- iii. the case must come within an area of law which is not excluded from the provision of legal aid.

In reality, a person has to have very limited financial means before they can qualify for legal aid in Ireland. Civil legal aid is not free. All legal aid applicants are expected to make a financial contribution (€130 for legal aid and €30 for legal advice) in cases other than those involving domestic violence. While the remit of the Legal Aid Board includes free mortgage arrears support, international protection services and criminal legal aid, the vast majority of legal aid relates to family and child care law. A number of areas of law are excluded entirely from the provision of legal aid such as social welfare claims and appeals, employment or anti-discrimination claims before the Workplace Relations Commission and the Labour Court. This has particular significance where these cases involve matters of EU law.

In June 2022, the Minister for Justice established a Review Group to examine the Civil Legal Aid Scheme. The Group has opened a consultation amongst stakeholders to provide feedback which will help inform any future changes to the provision of civil legal aid. The Law Society is in the process of drafting a submission in response to the consultation.

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities)

3000 character(s) maximum

The current number of judges is inadequate to deal with the ever increasing case load.

The European Commission for the Efficiency of Justice (CEPEJ) reported in its 2022 Evaluation Report that Ireland had 3.3 judges per 100,000 inhabitants in 2020, well below the European average of 22.

A Judicial Planning Working Group was convened in 2021 to consider the number and type of judges required to ensure the efficient administration of justice over the next five years. Publication of the report of the Judicial Planning Working Group is awaited. The report is expected to include recommendations around the appointment of additional judges to sit in the soon-to-be established Planning and Environment division of the High Court.

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

3000 character(s) maximum

Training for solicitors

Solicitors are required as part of their professional obligation to undertake continuing professional development (CPD) training on an annual basis. The current hours for solicitor are and completion of those hours has to be certified by each practising solicitor every year and the Law Society may audit an individual solicitor to ensure compliance.

The full annual CPD requirement in 2022 for a solicitor who is NOT a sole practitioner or a compliance

partner and/or an anti-money laundering compliance partner is 20 hours (to include a minimum of 3 hours management and professional development skills and a minimum of 2 hours regulatory matters).

The full annual CPD requirement in 2022 for a solicitor who IS a sole practitioner or a compliance partner and /or an anti-money laundering compliance partner: the CPD requirement for the 2022 cycle is 20 hours, to include a minimum of 3 hours management and professional development skills and a minimum of 3 hours regulatory matters, of which at least 2 hours shall be accounting and anti-money laundering compliance.

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

3000 character(s) maximum

The Review of the Administration of Civil Justice Report ("the Kelly Report") made clear that the present level of digitalisation of the Courts Service is totally inadequate.

The Courts Service's recent efforts towards digitalisation have focused on using existing technologies to facilitate access to justice and operational efficiencies, most obviously in the expansion of videoconferencing during the pandemic. Many of the most concrete plans in the Courts Service ICT Strategy 2021 - 2024, such as a unified case management system, cybersecurity, and infrastructure development, are based around this approach.

The Courts Service has also adopted a Communications and Stakeholder Engagement Strategy 2021 to 2025 which can be accessed [here](#).

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)

3000 character(s) maximum

See above.

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

3000 character(s) maximum

In the Circuit and High Courts there are no particular divisions or specialist Courts dealing with fraud and corruption cases per se, which will be dealt with through the criminal and civil courts in the same manner as other criminal or civil matters.

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)

Length of proceedings

3000 character(s) maximum

The Courts Service Annual Report for 2021 provides updated data on the average length of proceedings across the various courts. In the High Court the average length of civil proceedings, from issue to disposal,

increased from 660 days in 2020 to 797 days in 2021. Personal Injury cases accounted for the lengthiest of proceedings at 1,188 days. Once again, the greatest delays are recorded in the Supreme Court at an average of 3946 days (c. 10 years) across all cases, from issue to disposal. At the time of going to print (July 2022) the information for the average length of civil proceedings from the Circuit and District Courts weren't available.

According to the latest data (2020) by the European Commission for the Efficiency of Justice (CEPEJ), Ireland has the lowest clearance rate of cases in Europe at 60% (European average is 96%) which is a measure of how well a system processes the volume of cases it works with. The recommendations set out in the Review of the Administration of Civil Justice Implementation Plan, specifically the proposed reforms to civil practice and procedure and discovery, limitations on adjournments, and a recommendation that provision be made by rule of court for automatic discontinuance of stagnant proceedings, should help to address delays. Changes to Rules of Court have already been implemented to encourage compliance with time limits, and two recent judgments of the High Court (see: [2021] IEHC 408 and [2021] IEHC 187), dismissing proceedings for inordinate and inexcusable delay, are indicative of the courts' continuing approach to the failure to observe time limits in litigation.

Other - please specify

3000 character(s) maximum

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 2022 Report regarding the anti-corruption framework (if applicable)

3000 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 authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

3000 character(s) maximum

The Department of Justice and An Garda Síochána with various other State agencies are the responsible authorities for the prevention of and investigation of prosecution in Ireland with the Department being

responsible for legislative and policy responses and An Garda Síochána being the investigator. The Director of Public Prosecutions (DPP) is responsible for the prosecution of corruption in the criminal sphere.

The Revised Estimates for Public Services 2023 gives a breakdown of the budget allocation for An Garda Síochána (pgs 83-85) and the Director of Public Prosecutions (pgs 39-40).

The Revised estimates are available here: <https://www.gov.ie/en/collection/e20037-revised-estimates/#2022>

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

3000 character(s) maximum

In relation to the functional independence of the Office of the DPP, this is largely secured through a clear legislative basis for the functions of that office set out in the Prosecution of Offences Act 1974. Although the Director of Public Prosecutions is appointed by Government, section 2 of the 1974 Act provides that the Director shall be independent in the performance of his/ her functions. The independent appointments structure for civil servants applies to officers appointed to the Office of the DPP.

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

3000 character(s) maximum

The Review of structures and strategies to prevent, investigate and penalise economic crime and corruption Report of the Review Group was published in 2020 ('The Hamilton Report') and is available here https://www.anticorruption.ie/wp-content/uploads/2021/08/Hamilton_Review_Group_Report.pdf

An implementation Plan was also published identifying specific measures and implementation timeframes to address the recommendations in the Hamilton Report. See here <https://www.anticorruption.ie/wp-content/uploads/2021/08/HRG-Implementation-Plan.pdf>

B. Prevention

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

3000 character(s) maximum

GRECO published its Compliance Report in relation to the Fourth Evaluation Round of Ireland in 2017. That report found that Ireland had only implemented three of the 11 recommendations made.

In its Second Compliance Report in relation to the Fourth Evaluation Round of Ireland published in July 2022, GRECO concluded that Ireland has now implemented satisfactorily or dealt with in a satisfactory manner five of the eleven recommendations contained in the Fourth Round Evaluation Report. Of the remaining recommendations, two have been partly implemented and four remain not implemented.

The Second Compliance Report states that, as far as judges are concerned, the envisaged replacement of the Judicial Appointments Advisory Board (JAAB) by a Judicial Appointments Commission (JAC), as per the Judicial Appointments Commission Bill, remains questionable, as the composition of the JAAB, which includes a majority of judges, is considered more suitable for judicial appointments than the JAC, which would have an equal number of representatives of the judiciary and lay persons. The fact that under the

proposed Bill, the Government would still receive a non-prioritised list of unranked candidates is also a concern, as the risk of politicised decisions remains. Induction and in-service training for judges has been institutionalised to some extent, and the guidelines on conduct and ethics have been adopted. Lastly, while the establishment of the Judicial Council has been an important development, more should be done to ensure constitutional safeguards of the judiciary.

One of the significant pieces of proposed legislation highlighted in the 2017 report, namely the Public Sector Standards Bill 2015 which was to consolidate standards in public office across the public sector has not been progressed any further due to the lapsing of the Bill and the formation of a new Government in June 2020.

The Greco Second Compliance Report in relation to the Fourth Evaluation Round of Ireland (2022) report is available here <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a73867>

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

3000 character(s) maximum

The primary legislation governing access to public information is the Freedom of Information Act 2014. Decision making in relation to access to public information rests at first instance and the Office of the Information Commissioner deals with appeals of such decisions and publishes its decisions in that regard.

A review of the Freedom of Information Act 2014 was recently announced. Further information is available here <https://www.gov.ie/en/policy-information/2e3d5-freedom-of-information-updates-from-the-department-of-public-expenditure-and-reform/>

The Law Society's Human Rights and Equality Commission provided a submission to the public consultation on the review of the Freedom of Information Act 2014. The submission recommended:

- An increased focus on accessibility to public information for individuals from marginalised groups, including persons with disabilities and/or language/literacy difficulties;
- Increase in awareness-raising around the existence of the Freedom of Information process and how it can be used by members of the public;
- Public bodies working on issues of immediate public interest, or issues that substantially affect the lives of marginalised communities, should be required to publish information in a clear, accessible manner on a regular basis.

The Regulation of Lobby Act 2015 governs transparency in relation to lobbying activity and is overseen by the Head of Lobby and Regulation. Information about the legislation is available here <https://www.lobbying.ie/>

Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

3000 character(s) maximum

There is a Civil Service Code of Standards and Behaviour which deals specifically with Conflicts of Interest and may be accessed here <https://www.sipo.ie/acts-and-codes/codes-of-conduct/civil-servants/Civil-Service-Code-of-Standards.pdf>

Measures in place to ensure whistleblower protection and encourage reporting of corruption.

3000 character(s) maximum

The Protected Disclosures Act 2014 provides protection for whistleblowers in the public and private sector. The 2014 Act was recently amended by the Protected Disclosures (Amendment) Act 2021 to give effect to Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law and to establish the Office of the Protected Disclosures Commissioner. The new legislation strengthens existing whistleblowing safeguards in some areas, extends whistleblowing protections to volunteers and shareholders, while also imposing new obligations on private sector and charity employers with more than 50 staff.

The effectiveness of these measures is assessed by Transparency Ireland (part of the international transparency network) each year with its latest "Speak Up" Report being from 2020 and available here <https://www.transparency.ie/resources/whistleblowing>

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, 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)

3000 character(s) maximum

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

3000 character(s) maximum

C. Repressive measures

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

3000 character(s) maximum

A list of criminal and civil legislation relevant to corruption is available here <https://www.anticorruption.ie/legislation/>

Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds

(Please include, if available the number of (data since 2019): indictments; first instance convictions; first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year)

3000 character(s) maximum

The OECD has collected 2021 enforcement data from the Parties to the OECD Anti-Bribery Convention. The enforcement data includes the number of criminal, administrative and civil cases of foreign bribery that have resulted in a final disposition, such as a criminal conviction or acquittal, or similar findings under an

administrative or civil procedure.

The OECD data is available here: <https://www.oecd.org/daf/anti-bribery/oecd-anti-bribery-convention-enforcement-data-2022.pdf>

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)

3000 character(s) maximum

There are few legal obstacles to the investigation and prosecution of crimes related to corruption.

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

3000 character(s) maximum

The Standards in Public Office ('SIPO') publishes its investigation reports which are available here <https://www.sipo.ie/reports-and-publications/investigation-reports/>

There is no similar reporting in relation to private offenders and the Courts Service does not publish such statistics in respect of criminal prosecutions related to corruption.

Other - please specify

3000 character(s) maximum

III. Media Freedom and Pluralism

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

3000 character(s) maximum

Recommendation:

Continue the reform of the Defamation Act to improve the professional environment for journalists taking into account European standards on the protection of journalists.

Response: The Department of Justice published the Report of the Review of the Defamation Act 2009 ("the Report") in March 2022 which considers issues raised by submissions made to the department during the consultation process, examines relevant reforms in other common law countries and at EU level, and sets out a range of recommendations for change. The Review also contains proposals to provide clearer protection for responsible public interest journalism, and recommends a number of mechanisms that support more consistent, proportionate and predictable redress in defamation cases. The major proposals arising from the Review include:

- an end to juries in defamation cases
- easier access to justice for individuals whose reputation is unfairly attacked
- clearer protection for responsible public interest journalism
- reducing legal costs and delays

- measures to encourage prompt correction and apology, where mistakes are made; and new measures to combat abuse
- make it easier to grant orders directing online service providers to disclose the identity of an anonymous poster of defamatory material

One of the Report's main recommendations is to end the use of juries in defamation cases, which has often led to very high awards and legal costs in defamation cases, unpredictable outcomes and long delays. The Review proposes the provision of quicker, lower-cost, more accessible and more effective redress mechanisms - including in cases of online defamation. It makes proposals to support increased use of ADR and prompt correction and apology, where mistakes are made.

The Report contains a specific recommendation for the introduction of an anti-SLAPP (strategic litigation against public participation) mechanism in Irish law which would allow a person to apply to the court for summary dismissal of defamation proceedings that they believe are a SLAPP. According to the Minister of Justice, this recommendation goes beyond the scope of the Commission's proposed Directive, which is limited to civil cases with cross-border implications.

The Department of Justice has confirmed its intention to publish the Defamation (Amendment) Bill to update aspects of defamation law based on the Report in the near future.

In January 2022, the Government published the Online Safety and Media Regulation Bill which proposes to reform the regulatory structures for online media, including replacing the Broadcasting Authority of Ireland with a new Media Commission and Online Safety Commissioner (while retaining the 'Right of Reply' scheme).

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

3000 character(s) maximum

The Government recently enacted the Online Safety and Media Regulation Act 2022 which establishes a new regulator, a multi-person Media Commission to which an Online Safety Commissioner will be appointed.

The Media Commission will replace the Broadcasting Authority of Ireland and be responsible for overseeing updated regulations for broadcasting and video on-demand services and the new regulatory framework for online safety created by the Act. The Act also transposes the revised Audiovisual Media Services Directive into Irish law, including the regulation of video-sharing platform services as part of the regulatory framework for online safety.

The Government announced funding of €7.5 million in 2023 to support the Media Commission which will oversee the regulatory regime for online safety and put in place an expanded development and support framework for the wider media sector.

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

3000 character(s) maximum

The Online Safety and Media Regulation Act 2022 governs the conditions and procedures for appointment and dismissal of the Online Safety Commissioner and members of the Media Commission.

The appointment of four Commissioners to the Media Commission was recently announced. More information is available [here](#).

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

3000 character(s) maximum

The Media Commission has a number of different functions under the Online Safety and Media Regulation Act 2022 including:

- to ensure the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld;
- that the interests of the public, including the interests of children, are protected, with particular commitment to the safety of children;
- that the broadcasting services and audiovisual on-demand media services available in the State are open, inclusive and pluralistic, and that the Commission's policies in relation to those services best serve the needs of the people of the island of Ireland.

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 (including any rules regulating the matter)

3000 character(s) maximum

The Government recently enacted the Electoral Reform Act 2022.

The Act provides for:

- the establishment of a statutory, independent Electoral Commission for Ireland;
- the modernisation of our electoral registration process to deliver greater accessibility and greater integrity;
- the regulation of online political advertising to provide for transparency during electoral campaigns and ensure that our elections remain free from hidden influences on how we vote;
- provisions to protect the integrity of our electoral processes which will see the regulation of electoral process information and online electoral information in order to guard against manipulative or inauthentic behaviour during electoral campaigns;
- the strengthening of our regulatory regime in respect of political donations and accounts, including the provision of new investigatory and enforcement powers to the Standards in Public Office Commission.

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

3000 character(s) maximum

See above response.

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

Under the Online Safety and Media Regulation Act 2022, the newly established Media Commission shall endeavour to ensure diversity and transparency in the control of communications media operating in the State. It is not yet established what this means in practice. The Media Ownership Ireland webpage provides a reference database of Irish media outlets, where the public can find out about the companies and individuals who own them.

The site and its data are developed, collated, and periodically updated as a project of Dublin City University's School of Communications.

The Media Ownership Ireland webpage: <http://www.mediaownership.ie/>

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

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

3000 character(s) maximum

A recent Court of Appeal decision in *Corcoran v An Garda Síochána* (2022) has clarified the law relating to the disclosure of journalistic sources in Ireland. The court found that the concept of journalistic privilege were laid in article 40.6.1.i of the Irish Constitution, where the State guarantees: "The right of the citizens to express freely their convictions and opinions ... the State shall endeavour to ensure that organs of public opinion, such as the radio, the press, the cinema, while preserving their rightful liberty of expression, including criticism of Government policy, shall not be used to undermine public order or morality or the authority of the State." The court noted that, in actual fact, there is no such thing as 'journalistic privilege'. The Court of Appeal very helpfully synthesised the current law into 28 principles to be applied when considering journalistic privilege. The principles have been briefly summarised in the Law Society Gazette here: <https://www.lawsociety.ie/gazette/in-depth/disclosure-of-journalistic-sources>

The Court of Appeal decision can be accessed here: <https://www.carteranhold.ie/wp-content/uploads/2022/04/2022-IECA-98-Emmet-Corcoran-Oncor-Ventures-v-The-Commissioner-of-An-Garda-Siochana-002.pdf>

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

3000 character(s) maximum

No update or amendment

Access to information and public documents (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)

3000 character(s) maximum

See above response regarding the Freedom of Information Act 2014.

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

3000 character(s) maximum

The Department of Justice published the Report of the Review of the Defamation Act 2009 ("the Report") in March 2022 which contains a specific recommendation for the introduction of an anti-SLAPP (strategic litigation against public participation) mechanism in Irish law which would allow a person to apply to the court for summary dismissal of defamation proceedings that they believe are a SLAPP. According to the Minister of Justice, this recommendation goes beyond the scope of the Commission's proposed Directive, which is limited to civil cases with cross-border implications.

Other - please specify

3000 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 2022 Report regarding the system of checks and balances (if applicable)

3000 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 (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

[1] This includes also the consultation of social partners

3000 character(s) maximum

Before a Bill is drafted a Regulatory Impact Assessment (RIA) is carried out identifying initial options to address the policy matter concerns, which then is consulted on with Government Departments and an updated RIA accompanies draft heads of legislation. A practice of consultation process of draft Bills and Laws exists. Parliament is not required to hold public consultations in relation to draft legislation, although it regularly chooses to do so, either by a general call for submissions or by engaging with the most relevant stakeholders.

Before a Bill is finalised, a general scheme of the Bill may be published. The general scheme of a Government Bill undergoes scrutiny by a parliamentary Committee before the text of the Bill is finalised. The relevant Committee may invite stakeholders to participate by attending meetings to discuss the general scheme of the Bill.

At the end of the pre-legislative scrutiny, the Committee produces a report and lays it before the Houses of Parliament. The report makes recommendations on the Bill based on the Committee's scrutiny. Documents laid before the Houses of Parliament are available to the public online. Private Members' Bills undergo a similar process of scrutiny by a parliamentary Committee only if they pass the second stage in the Lower House and in practice private members bills rarely receive the Government support that would be required for enactment.

Article 17.2 of the Constitution deals with what are referred to as "money bills". The Article provides:

"Dáil Éireann shall not pass any vote or resolution, and no law shall be enacted, for the appropriation of revenue or other public moneys unless the purpose of the appropriation shall have been recommended to Dáil Éireann by a message from the Government signed by the Taoiseach."

This recommendation is known as a "money message", without which certain legislation, which entails a financial implication for the State cannot proceed to be considered by the Dáil.

It is the Ceann Comhairle (Chairman) of the Dáil that decides whether a proposed Bill requires this "money message". In practice the absence of a money message has acted to prevent Bills being initiated by anyone other than the Government in being at the time.

GRECO has generally found that Ireland's legislative process to be transparent and participative. See Fourth Round Report of Greco available here

[https://hudoc.greco.coe.int/eng#{%22GRECOState%22:\[%22IRL%22\],%22sort%22:\[%22GRECODocumentID%20Ascending,GRECOPublicationDate%20Descending%22\],%22GRECOSectionID%22:\[%22Greco-Eval-IV-Rep-2014-3E-Final-Ireland-PUBLIC-4%22\]}](https://hudoc.greco.coe.int/eng#{%22GRECOState%22:[%22IRL%22],%22sort%22:[%22GRECODocumentID%20Ascending,GRECOPublicationDate%20Descending%22],%22GRECOSectionID%22:[%22Greco-Eval-IV-Rep-2014-3E-Final-Ireland-PUBLIC-4%22]})

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)

3000 character(s) maximum

No update or amendment.

Regime for constitutional review of laws

3000 character(s) maximum

Article 15 of the Constitution of Ireland states that the Oireachtas (Legislative houses of parliament) 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.

COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic
- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

3000 character(s) maximum

In response to the lack of Parliamentary oversight of many of the responses to the Covid-19 pandemic there was a Special Oireachtas Committee on Covid 19 Response established in August 2020 and concluded its work and issued a final report in October 2020. It is notable in terms of the legislative response that the Special Committee recommended (Recommendation 11) in its final report:

“All sectoral committees should review the relevant Covid-19 legislation which is regulating activity in their sectors and every proposal to extend regulations after 9 November 2020 should require approval by the Houses of the Oireachtas or the relevant joint committee.”

This recommended parliamentary oversight of Ministerial regulations emanating from the emergency measures legislation has not been implemented and restrictions continue to be made by the Minister for Health alone.

The final report of the Special Committee is available at:

https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/special_committee_on_covid_19_response/reports/2020/2020-10-09_final-report-of-the-special-committee-on-covid-19-response-sccr004_en.pdf

The Irish Human Rights and Equality Commission published a report on Ireland's Emergency Powers During the Covid-19 Pandemic in February 2021 which assessed the human rights and equality implications of the emergency measures undertaken since March 2020 to tackle the COVID-19 pandemic.

The report is available here: <https://www.ihrec.ie/app/uploads/2021/02/Irelands-Emergency-Powers-During-the-Covid-19-Pandemic-25022021.pdf>

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#>)

3000 character(s) maximum

The Irish Human Rights and Equality Commission is an “A “ Rated national human rights body in accordance with the Paris Principles. Since its establishment in 2014, it has been provided with an increase in funding year on year and has been in a position to comment on measures introduced during the pandemic, highlighting the disproportionate impact on the more vulnerable groups in society.

The Office of the Ombudsman can review administrative actions and decision making and is an independent office. The recommendations of the Ombudsman, having considered complaints of poor administration, are no binding but are complied with in practice.

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

3000 character(s) maximum

The Irish Human Rights and Equality Commission release an annual report each which provides an overview of their work, their successful influence on legislation, policy and practice, and their engagement with key organisations to address discrimination and human rights abuses.

The Irish Human Rights and Equality Commission 2021 Annual Report is available here: https://www.ihrec.ie/app/uploads/2022/07/IHREC_2021_AR_English_FA.pdf

C. Accessibility and judicial review of administrative decisions

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

3000 character(s) maximum

These are available on the website of the Courts Service of Ireland here: <https://www.courts.ie/judgments>

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)

3000 character(s) maximum

The Courts Service of Ireland provides a brief guide on how the regime operates which is available here- <https://www.courts.ie/judicial-review#:~:text=Judicial%20Review%20is%20a%20mechanism,Rules%20of%20the%20Superior%20Courts>

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

3000 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 and dissolution rules)

3000 character(s) maximum

The Charity Regulator is the regulatory body to ensure that Charities including many civil society organisations operate in accordance with charity law in general and in particular the Charities Act 2009, and adopt good governance practices.

See <https://www.charitiesregulator.ie/en>

The Wheel is Ireland's national association of community and voluntary organisations, charities and social enterprises. It is a registered charity and acts as a 'one-stop-shop' for anything related to the charity and non-profit sector.

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.

3000 character(s) maximum

The Report of the Review of the Defamation Act 2009 ("the Report") published in March 2022 contains a specific recommendation for the introduction of an anti-SLAPP (strategic litigation against public participation) mechanism in Irish law. The recommendation would allow a person to apply to the court for summary dismissal of defamation proceedings that they believe are a SLAPP. According to the Minister for Justice, this recommendation goes beyond the scope of the Commission's proposed Directive on SLAPPs, which is limited to civil cases with cross-border implications.

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)

3000 character(s) maximum

The Civil Society Fund (CSF) is Irish Aid's main project funding scheme. Applications are accepted on an annual basis from Irish and invited international civil society organisations to carry out development projects of between one and three years in duration. The process is highly competitive and not all applications will be successful.

Ireland has been criticised by the EU Commission as being the most expensive member state in which to make an environmental claim before the courts and while individuals are not specifically excluded from legal aid in environmental matters, certain exclusions within the Legal Aid Scheme may prevent legal aid from being granted.

These exclusions include disputes relating to rights and interests over land, actions representing a group and actions looking to establish precedents on a particular point of law. Furthermore, the Legal Aid Scheme, as recently confirmed by the High Court in *Friends of the Irish Environment v Legal Aid Board* [2020] IEHC 454 does not provide legal aid for organisations, including Environmental NGOs.

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.)

3000 character(s) maximum

Civil society organisations are often invited to make submissions during the consultation stage of developing proposed legislation which are then taken into consideration when reviewing the proposed legislation. Oireachtas Committees tasked with reviewing certain proposed legislation often invite “witnesses” to give their opinion and recommendations in the development of new legislation. These witnesses are often civil society organisations with interest and experience in the particular area.

E. Initiatives to foster a rule of law culture

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 etc.)

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On Tuesday, 11 October 2022, the Oireachtas Justice Committee met with Ms Věra Jourová, Vice-President of the European Commission for Values and Transparency, on the European Commission’s Rule of Law Report 2022, and the rule of law situation in Ireland.

The discussion is available here: https://www.oireachtas.ie/en/debates/debate/joint_committee_on_justice/2022-10-11/3/

The Library & Research Service of the Houses of the Oireachtas also released a report on the European Commission Rule of Law Report 2022 on 23 November 2022 which offers an overview of some of the important rule of law developments within the EU and also highlights Ireland’s performance, including its progress since the 2021 Report.

The report on the European Commission Rule of Law Report 2022 is available here: https://data.oireachtas.ie/ie/oireachtas/libraryResearch/2022/2022-12-19_l-rs-note-european-commission-rule-of-law-report-2022_en.pdf

Other - please specify

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