

# 2023 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

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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](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

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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

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\* 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

Supreme Court of Ireland, invited by Moldovan Constitutional Court to contribute via the Conference of European Constitutional Courts.

\* Organisation name

*250 character(s) maximum*

Supreme Court of Ireland

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*

www.supremecourt.ie; and www.courts.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

N/A

\* 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

Rebecca

Surname

Murphy

Email Address of the organisation (this information will not be published)

[REDACTED]

#### \* 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

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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



N/A

## Questions for contribution

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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<sup>[1]</sup>. 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

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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*

### 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*

From the 2022 Report:

As mentioned in the 2022 report, on 8 April 2022, the Irish Government tabled a draft law in Parliament on the appointment and promotion of judge. The Judicial Appointments Commission Bill 2022 provides for a new process for recommending persons to the Government for appointment as judges. The proposed legislation provides for the establishment of a Judicial Appointments Commission comprised of the following 9 members to replace the current Judicial Appointments Advisory Board:

- The Chief Justice, who it is proposed will chair the Commission;
- Two nominees of the Judicial Council, one having been a practising solicitor and one having been a practising barrister;
- One court president being the president of the court in respect of which the Commission is to recommend persons for appointment;
- Four lay members, three of which are to be selected by open competition by the Public Appointments Service, and one of which will be nominated by the Irish Human Rights and Equality Commission;
- The Attorney General, in an ex-officio non-voting capacity.

Therefore, the proposed new Judicial Appointments Commission would have a substantial but not a majority lay membership and would be chaired by the Chief Justice. The composition of the envisaged Judicial Appointments Commission proposed under the Judicial Appointments Bill 2022 was raised as a concern under the 2022 Rule of Law Report.

2022 update:

In Ireland, for a Bill to be enacted it must be passed by both the Dáil Éireann and the Seanad Éireann, and it must pass through five Stages in each House. Only when both Houses have passed a Bill can the President sign it into law. On 29 June 2022, the Judicial Appointments Commission Bill 2022 was passed by Dáil Éireann and is currently before the second house, Seanad Éireann. As of 5 October 2022, it was at the 3rd stage (the committee stage) of the legislative process.

While there are several key proposals that the judiciary welcome within the Judicial Appointments Commission Bill 2022 (such as recommendations for appointment or promotion be based on merit and the number of candidates submitted by the Judicial Appointments Advisory Board to government for a single post be reduced to three), there remain some concerns, including (1) practicing lawyers are excluded from membership of the proposed Judicial Appointments Commission; (2) equal number of lay and judicial members on the Judicial Appointments Commission. In fact, contrary to recommendation in the 2022 Rule of Law report that it be ensured “that the reform of the appointment and promotion of judges as regards the composition of the Judicial Appointments Commission, takes into account European standards on judicial appointments” the currently proposed composition of the Judicial Appointment Commissions does not provide for a clear majority of judges chosen by their peers.

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*

From the 2022 Report:

The Judicial Council was established in 2019 pursuant to the Judicial Council Act 2019. The Judicial Council established a Judicial Conduct Committee. This Committee is independent in the performance of its functions, and its objectives are to promote and maintain high standards of conduct among judges. Those standards have regard to stated principles of judicial conduct, which require judges to uphold and exemplify judicial independence, impartiality, integrity, propriety (including the appearance of propriety), competence and diligence and to ensure equality of treatment to all persons before the courts.

The Committee is comprised of the following 13 members:

1. The Chief Justice and the four Presidents of the Courts (or their respective nominees)
2. Three judges elected by all of the judges in Ireland (other than the Chief Justice and the four Presidents)
3. Five lay members appointed by Government.

In February 2022, the Judicial Council adopted guidelines in relation to judicial conduct and ethics ([click here to view guidelines](#)). Under the complaint's regime, a panel of inquiry made up of two judges and a lay person can be appointed to investigate allegations of misconduct. In cases where serious misconduct is found, the Judicial Conduct Committee can make a referral to Justice Minister. This would be for the purpose of asking the Government to consider exercising its powers to have the judge removed under Article 35.4 of the Irish Constitution.

2022 Update:

On 3 October 2022, Judicial Council Act 2019 (Commencement) Order 2022 (S.I. 489/2022) was signed by Minister for Justice, Helen McEntee. It brings into operation the remaining provisions of the Judicial Council Act 2019 concerning judicial conduct and ethics. Accordingly, procedures are put in place to facilitate complaints about alleged judicial misconduct and any complaints about the conduct of a judge that is alleged to constitute judicial misconduct will now be addressed under this new procedure, which can be summarised as follows:

- A complaint can be made about a judge within three months of the alleged misconduct.
- A complaint can be made by any person who is directly affected or who witnessed the alleged misconduct.
- If it is admissible, it will be referred to the judicial conduct committee.
- If the complaint cannot be resolved by informal means, it will be investigated by a panel of inquiry who will report back to the committee.
- The committee can recommend action including the issuing of a reprimand to a judge in the form of issuing advice, recommending the judge takes certain action or admonishing the judge.
- In the case of the most serious instances of misconduct, it can make a referral to the Minister for Justice under Article 35.4 of the Irish Constitution which allows for the removal of a judge 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*

Under the proposed legislation (Judicial Appointments Commission Bill 2022) serving judges wishing to be considered for appointment to a higher court would apply to the Judicial Appointments Commission via the same process as other eligible office holders.

All judges seeking promotion to higher courts will be required to have fulfilled requirements in relation to judicial training or continuing professional development; section 58(3)(g) of the Judicial Appointments Commission Bill 2022 provides:

“Without prejudice to the generality of subsection (1), a statement of requisite knowledge, skills and attributes shall specify that an applicant will be required to demonstrate the following, namely that he or she: (g) has— (i) if the applicant already holds judicial office, undergone judicial training or participated in an appropriate level of continuing professional development education or training programmes as a judge or relevant to the role of a judge, or (ii) if the applicant does not hold judicial office, participated in continuing professional development education or training programmes relevant to the role of a judge or the area of law to which the appointment concerned relates.”

### Allocation of cases in courts

*3000 character(s) maximum*

There is no update since the previous report.

Allocation of cases to judges in each level of court jurisdiction remains a matter for the Court President. For the Irish Supreme Court, the assignment of cases to individual judges is a function of the Chief Justice (President of the Supreme Court). The Supreme Court is currently comprised of the Chief Justice and eight other judges. As the Supreme Court sits as a panel of five to consider almost all cases, or a panel of seven in some cases, the Chief Justice’s discretion is somewhat limited due to the low number of judges on the Court. In selecting the panels of five or seven to hear each case, consideration is given to:

- Ensuring a reasonable distribution of work;
- Ensuring suitable expertise on each appeal; and
- The need to avoid a conflict of interest in a case (for example if a member of the Court sat on the case when he or she was a judge of the Court which delivered the decision under appeal).

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*

I understand that the Judicial Council, as the relevant body, is submitting a response to this question.

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*

I am aware that the Judicial Council is submitting a response to this question.

However, as mentioned above, the Judicial Council Act 2019 (Commencement) Order 2022 (S.I 489/2022) was signed on 3 October 2022, which brought into force procedures to facilitate complaints about alleged judicial misconduct.

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*

Security of remuneration is a key feature of judicial independence. Article 35.5 of the Irish Constitution (as originally enacted) prohibited the reduction of such remuneration while the judge continued in office. Following the economic crash of 2008, Article 35.5 of the Irish Constitution was amended by a referendum held in November 2011 which now provides:

“1° The remuneration of judges shall not be reduced during their continuance in office save in accordance with this section.

2° 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.

3° 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.”

Further, there are different salaries for judges depending on whether their appointment was prior to 01.01.2012, or after 01.01.2012:

- Current salaries payable to judges appointed before the 01.01.2012 take into account pension related deduction as per the Courts (Supplemental Provisions) Act 1961 (Judicial Remuneration) (section 46(9) Order 2022 (S.I. No. 317/2022) (came into operation on 1 July 2022).
- Current salaries payable to judges appointed after the 01.01.2012 take into account pension related deduction as per the Courts (Supplemental Provisions) Act 1961 (Judicial Remuneration) (section 46(9A) Order 2022 (S.I. No. 318/2022) (came into operation on 1 July 2022).

Independence/autonomy of the prosecution service

*3000 character(s) maximum*

N/A

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

*3000 character(s) maximum*

N/A

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

*3000 character(s) maximum*

N/A

## 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*

### Costs:

The Supreme Court is aware that a working group on the costs of litigation is carrying out an economic analysis of models or approaches to reducing litigation costs. It is understood that it is expected that the findings will be published in the next few weeks.

### Legal Aid:

In relation to legal aid, the Supreme Court is aware that a working group has been established which will review the civil legal aid scheme. The Civil Legal Aid Review Group is led by the former Chief Justice, Mr Justice Frank Clarke.

On 14 November 2022, Minister for Justice, TD Helen McEntee, welcomed the opening of a consultation to seek the views of key stakeholders on how the Civil Legal Aid Scheme can be reformed. The consultation forms part of a comprehensive, independent review of the Civil Legal Aid Scheme, an action as committed to in the Justice Plan 2022 and the Programme for Government. The consultation will run from Monday 14 November 2022 until Friday 3 January 2023. The Civil Legal Aid Review Group is responsible for the oversight of the consultation process.

Further, as mentioned in the 2022 Report, in October 2021, the Chief Justice's Access to Justice Working Group (established by the former Chief Justice, Mr Justice Frank Clarke), which is chaired by the current Chief Justice and also made up of a former Supreme Court judge and representatives of the Bar, Law Society, FLAC (Free Legal Advice Centres) and Legal Aid Board hosted a two-day conference which provided perspectives on the critical importance of improving access to justice and highlighted current and planned initiative aimed at removing barriers for those seeking access to justice. Arising from this, the Chief Justice' Working Group on Access to Justice will host a further conference on the topic of reform of the civil legal aid system. Which will focus on the civil legal aid system and how there is an opportunity under the review currently taking place to develop a model system in Ireland.

### Family Court Bill:

The Family Court Bill 2022, which will provide for the establishment of a Family Court as divisions within the existing court structures, was published on 1 December 2022. The Bill aims to modernise the family-justice system and improve access to justice for families.

The principles set out in the Bill are aimed at helping to ensure that the new Family Court system will:

- Make the best interests of the child a primary consideration in all family-law proceedings;
- Operate in an efficient manner; and
- Encourage active case management at the courts.

The Bill also provides for court procedures designed to support a faster and less adversarial resolution of disputes.

## Resources of the judiciary (human/financial/material)

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

*3000 character(s) maximum*

**Judiciary:**

While the number of judges in the High Court has increased (as noted in the 2022 Rule of Law Report), the number of judges per inhabitant remains low. A report by CEPEJ Evaluation Report 2022: Efficiency and quality of justice in Europe (published on 5 October 2022) noted that Ireland had 3.27 judges per 100,000 inhabitants in 2020, which is well below the European average of 17.6.

The Judicial Planning Working Group (set up by the Government) is due to publish a report, which will consider the number and type of judges required to ensure the efficient administration of justice over the next five years in the first instance, but also with a view to the longer term. An OECD study was conducted involving all court jurisdictions other than the Supreme Court in order to inform the Judicial Planning Working Group. The Judiciary looks forward to the publication of this report, which it hopes will lead to the appointment of more judges and a recurring assessment of the number of judges required in Ireland.

**Financial Budget:**

According to the CEPEJ Evaluation Report 2022: Efficiency and quality of justice in Europe Ireland did not provide data on the total implemented judicial system budget for 2020. However, Ireland spent €31,07 on the courts' implemented budget per 100,000 inhabitants which is below the Council of Europe median but represents an increase from €22,78 in 2014.

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

*3000 character(s) maximum*

I am aware that the Judicial Council are submitting a response to this question.

**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 Court Service is best placed to respond to this question.

**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*

The Court Service is best placed to respond to this question.

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

In addition, the Special Criminal Court consists of three judges sitting without a jury and primarily deals with criminal charges involving terrorist organisations, and, more recently, with charges relating to organised drug activities. The court was established by the government to hear cases that the ordinary courts might be unable to handle because of fears of the possibility of jury intimidation.

In relation to foreseen changes in the court structure, the Assisted Decision-Making (Capacity) Act 2015 (the full commencement of the Act is delayed until early 2023) and the Assisted Decision-Making (Capacity) (Amendment) Act 2022 (which was signed into law on 17 December 2022) will replace the wardship regime for persons with capacity issues and introduce new decision support arrangements for such persons. Jurisdiction will be conferred on the Circuit Court in respect of such arrangements. The current situation is that while some parts of the 2015 Act are commenced, others remain to be commenced

In addition, as mentioned above, the Family Court Bill 2022 (published on 1 December 2022) provides for the establishment of a Family High Court, Family Circuit Court and Family District Court as divisions of the existing High Court, Circuit Court and District Court.

Further, a new division of the High Court is due to be established in early 2023 that will deal solely with planning and environmental issues. It is envisaged that the new Planning and Environmental Law Court will operate in a similar manner to the Commercial Court and that the court will work in tandem with reforms to planning legislation, to bring about improvements in the ability to process cases and in costs, and to be consistent with Ireland's obligations under EU environmental law.

## 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*

According to the Supreme Court Annual Report 2021 (published in December 2022), the average waiting time from the filing of complete documents in respect of an application for leave to appeal to the issue by the Supreme Court if its Determination of the application was five and a half weeks.

The average length of time from the grant of leave to appeal to the listing of an appeal ranged from 14.5 weeks to 17 weeks in the four quarters of 2021.

### Other - please specify

*3000 character(s) maximum*

N/A

## 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*

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

*3000 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

*3000 character(s) maximum*

## 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*

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*

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*

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

*3000 character(s) maximum*

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*

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*

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*

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*

Other - please specify

*3000 character(s) maximum*

### III. Media Freedom and Pluralism

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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*

#### 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*

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*

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

*3000 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 (including any rules regulating the matter)

*3000 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 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*

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

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

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

*3000 character(s) maximum*

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

*3000 character(s) maximum*

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

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

Other - please specify

3000 character(s) maximum

## IV. Other institutional issues related to checks and balances

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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

Consultations with members of the judiciary in relation to proposed reforms which affect the judiciary generally occur on an informal basis. The Minister would write to the Chief Justice seeking the views of the judiciary in relevant areas, and the Chief Justice may then, where necessary, consult with judicial colleagues. There is also consultation between the Department of Justice and the Courts Service regarding proposed legislative reforms affecting the courts more generally.

Occasionally working groups are established (particularly regarding specific pieces of legislation that would affect the judiciary). For example, the Judicial Planning Working Group where consultations between the group, and judiciary occur. However, this is not standard.

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

We do not have access to such statistics.

## Regime for constitutional review of laws

3000 character(s) maximum

There have been no new developments in 2022 regarding regimes for constitutional reviews of law.

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

There have been no new developments in 2022.

As mentioned in the 2022 Rule of Law Report, in response to the Covid-19 pandemic in Ireland, measures were put in place to restrict both the organisation and attendance at events and the movement of people within the state: see Emergency Measures in the Public Interest (Covid-19) Act in March 2020, and the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 was commenced on the 20 March 2020 and amended the Health Act 1947.

The restrictions on both events and the movement of people varied throughout the course of the pandemic. Under the government's Plan for Living with COVID-19, there was a five-level framework in place for public health restrictive measures. Statutory Instruments (S.I.'s) gave effect to the measures in this five-level framework. The level at which a county within the country was in this framework was determined by the 'r number' or growth rate at any given time. Measures were generally put in place for a period of three weeks, at which point they were reviewed and the corresponding S.I. either revoked or amended usually for an extension of the date. The first S.I. was commenced on 8 April 2020, and as of 1 April 2022, all covid restrictions have ended.

## 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

N/A

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

N/A

## 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

There have been no new developments in 2022 regarding the transparency of administrative decisions in Ireland.

Administrative proceedings in the Irish courts are based on a procedure of judicial review whereby a party may challenge the validity of an administrative act of a public body. There are no specialised administrative courts in Ireland. The High Court, which considers judicial review proceedings at first instance, the Court of Appeal and the Supreme Court are courts of general jurisdiction.

Accordingly, judgements pertaining to judicial review are produced in the same way as other proceedings; i.e., written judgments (with the exception of judgments delivered ex tempore) setting out the reasons for the decision, which is then circulated to the parties and then are made available to the public on the Courts Service website.

There is an ongoing effort to improve the accessibility of all judgments. For example, in November 2021, a short accompanying summary of a judgment is now published alongside the judgment itself. The initiative aims to ensure that the judgments of the court are clear and digestible.

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

Judicial Review is a mechanism by which an application can be made to the High Court to challenge the decision-making processes of administrative bodies and lower courts.

Mr. Justice Meenan is the High Court List Judge for the Non-Jury/Judicial Review List and there are seven High Court Judges currently assigned to handle matters arising from the list.

Judicial Review covers several different areas, including:

- review of decisions and trial procedures in the District/Circuit Court;
- decisions on welfare;
- decisions concerning special needs children;
- professional disciplinary bodies;
- and planning applications.



An important point to underline in judicial review is that it is not an appeal, it is a review of the procedures in the decision-making of the relevant body in question.

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*

No new developments in 2022.

## 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*

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*

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*

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*

## 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.)

*3000 character(s) maximum*

Other - please specify

*3000 character(s) maximum*

## Contact

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