

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

If "Other", please specify

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

* Organisation name

250 character(s) maximum

The Bar of Ireland

Main Areas of Work

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

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

500 character(s) maximum

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

Transparency register number

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

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

Ciara

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

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

The Council of The Bar of Ireland (“the Council”) is the accredited representative body of the independent referral Bar in Ireland, which consists of members of the Law Library and has a current membership of approximately 2,150 practising barristers. The Council has prepared these submissions at the request of the European Commission which is in the process of preparing the 2023 Annual Report on the Rule of Law. As the representative body of the barrister profession in Ireland, this submission will focus on the areas that relate to the scope of work and expertise of our members, namely the Justice System. As regards general horizontal developments since the Council’s last report, the following justice related activities are of note:

The Department of Justice published the second in its series of annual Justice Plans (https://www.gov.ie/en/publication/f6a7e-justice-plan-2022/?referrer=http://www.justice.ie/en/JELR/DOJ_Justice_Plan_2022.pdf/Files/DOJ_Justice_Plan_2022.pdf) to drive reforms across the Justice Sector. Key developments include the launch of the Family Justice Strategy 2022-2025 (<https://www.gov.ie/en/collection/4790f-family-justice-strategy/#:~:text=The%20vision%20of%20the%20first,possible%20%E2%80%93%20non%2Dadversarial%20outcomes.>) on 16th November 2022. The objective behind the strategy is to modernise the family justice system and to make it more user friendly. The strategy suggests wide-ranging reforms, including measures aimed at supporting children within the family justice system, improving access to information about the family justice system and more investment in technology to enable the provision of increased digital services. A Family Court Bill 2022 (<https://www.oireachtas.ie/en/bills/bill/2022/113/>) has also been published to provide for the establishment of a Family High Court, Family Circuit Court and Family District Court. The Council of The Bar of Ireland has expressed concerns as to the proposed jurisdictional changes, particularly the proposed expansion of jurisdiction of the District Court. At present, the District Court does not have adequate resources to cope with its current workload. The Council is therefore very concerned that any expansion in jurisdiction as is proposed under the Family Courts Bill 2022 will overwhelm the District Courts, with consequent lengthy delays for clients in being able to access justice.

In June 2022, the Minister for Justice established a Group to review the Civil Legal Aid Scheme (<https://www.gov.ie/en/press-release/68fab-minister-announces-review-of-civil-legal-aid-scheme/>) for the first time in its more than 40-year history. The Review Group is chaired by former Chief Justice, Mr. Frank Clarke, and comprises members with a range of expertise and experience in relation to the Scheme and broader access to justice issues. The terms of reference for the Group’s work include a requirement to undertake a comprehensive programme of consultation and engagement with relevant stakeholders, Government Agencies and Departments, and persons with unmet legal needs. A stakeholder consultation process (<https://www.gov.ie/en/consultation/a7aa6-stakeholder-consultation-on-the-review-of-the-civil-legal-aid-scheme/>) is underway and the Council is currently preparing submissions.

An Implementation Plan (https://www.gov.ie/en/publication/cb6f0-implementation-plan-on-civil-justice-efficiencies-and-reform-measures/?referrer=http://www.justice.ie/en/JELR/DOJ_CJERM_2022.pdf/Files/DOJ_CJERM_2022.pdf) arising from the Review of the Administration of Civil Justice (<http://www.civiljusticereview.ie/en/CJRG/04112020%20FINAL%20REPORT%20WEB1.pdf/Files/04112020%20FINAL%20REPORT%20WEB1.pdf>) was published in May 2022, setting out the approach and timescales to advance many of the recommendations arising from the Review – also known as the Kelly Report. The Implementation Plan identifies seven work streams aligned to the main themes from the Kelly Report and sets out the timelines for implementation over the next three years. The work streams relate to reform in the area of Civil procedure in the courts; Discovery; Judicial review; Multi-party litigation; Litigation costs; Facilitating court users; and Technology and e-litigation.

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

The Judicial Appointments Commission Bill 2022 is currently before the Houses of the Oireachtas. The revised Bill takes into account: (1) the recommendation of the Council of Europe's Group of States against Corruption (GRECO) that the system of selection, recommendation and promotion of judges target the appointments to the most qualified and suitable candidates in a transparent way; and (2) Recommendation CM/Rec(2010)12 of the Committee of Ministers to Member States on judges: independence, efficiency and responsibilities adopted by the Committee of Ministers on 17 November 2010, under the terms of Article 15.b of the Statute of the Council of Europe.

The 2022 Rule of Law Report raised concerns that the proposed Judicial Appointments Commission does not consist of a clear majority of judges chosen by their peers.

As per Section 9 of the Judicial Appointments Commission Bill 2022 (https://data.oireachtas.ie/ie/oireachtas/bill/2022/42/eng/ver_b/b42b22d.pdf), the Commission shall consist of an equal number of judges and lay members. The Minister for Justice indicated during the course of a Seanad (Senate) debate (<https://www.oireachtas.ie/en/debates/debate/seanad/2022-10-18/12/>) on 18th October 2022 that it is not intended to amend the proposed composition of the Commission to facilitate a majority of judges. The Minister reiterated the intention for "an equal number of legal persons as well as lay persons on the commission, working with the Attorney General but with the Chief Justice as chair".

The Council maintains its position as set out in its 2021 submission (<https://www.lawlibrary.ie/app/uploads/securepdfs/2021/05/Submission-to-DOJ-with-Appendix.pdf>) to the Department of Justice that it is of concern that neither the Chair of the Council of The Bar of Ireland nor the President of the Law Society are included as members of the Commission, resulting in no member of the Commission representing either of the professions from which candidates may be selected. Given the recent comments made by the Minister for Justice however, any extension in numbers of the proposed composition of the Commission is unlikely.

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

Judges:

The manner in which judges are appointed remains the same. A number of reforms to the appointments process for judges is currently being addressed under the Judicial Appointments Commission Bill 2022 (<https://www.oireachtas.ie/en/bills/bill/2022/42/>). The 2022 Bill replaces the 2020 Bill (which would have been referenced by the Council in consultation with the European Commission for the 2020 and 2021 Rule of Law Reports) however the proposals underpinning the establishment of a new Judicial Appointments Commission remain largely unchanged.

Prosecutors:

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

Court Presidents:

There is no change in respect of the appointment of the Chief Justice or Court Presidents. Under proposed reforms of the Judicial Appointments Commission Bill 2022, it is proposed that serving judges participate in the same application process as all other candidates for judicial office going forward.

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

Judges (including Court Presidents):

By way of update, the Guidelines for Judicial Conduct and Ethics ([https://judicialcouncil.ie/assets/uploads/documents/Guidelines for Judicial Conduct and Ethics.pdf](https://judicialcouncil.ie/assets/uploads/documents/Guidelines%20for%20Judicial%20Conduct%20and%20Ethics.pdf)) were drafted by the Judicial Conduct Committee and subsequently adopted by the entire Judicial Council on 4th February 2022.

On 22nd September 2022, the Judicial Conduct Committee's procedures ([https://judicialcouncil.ie/assets/uploads/documents/Complaints procedures - Section 52.pdf](https://judicialcouncil.ie/assets/uploads/documents/Complaints%20procedures%20-%20Section%2052.pdf)) relating to complaints were finalised, including the form for making a complaint.

On 3rd of October 2022, the Minister for Justice commenced the provisions of the Judicial Council Act 2019 (<https://www.irishstatutebook.ie/eli/2019/act/33/enacted/en/html?q=judicial+council+act>) enable a person to make a complaint about the conduct of a judge in Ireland in respect of allegations of misconduct arising on or after that date.

A determination by the Judicial Conduct Committee as to whether the complaint has been substantiated must be in writing and must give the reasons for the determination and may include a recommendation for the issuing of advice to the judge, the making of a recommendation that the judge pursue a specified course of action, and/or the issuing of an admonishment to the judge.

Where the Judicial Conduct Committee is not satisfied that the chosen determination has been complied with, the Committee may take such further action as it considers appropriate in all the circumstances, including the making of a referral to the Minister for the purposes of Article 35.4 of the Constitution of Ireland (<https://www.irishstatutebook.ie/eli/cons/en/html>) which provides for the removal/dismissal of a judge.

The retirement age for all judges remains unchanged at 70.

Prosecutors:

No change.

Promotion of judges and prosecutors (incl. judicial review)

3000 character(s) maximum

Judges:

As per our contribution to the Rule of Law Report in previous years, the manner in which judges are promoted remains the same. A number of reforms to the appointments process for judges, including the elevation of serving judges, is being addressed under the Judicial Appointments Commission Bill 2022. The Bill provides that all serving judges must participate in the same selection process for appointment to a higher court as other candidates.

Prosecutors:

No change.

Allocation of cases in courts

3000 character(s) maximum

No change.

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

3000 character(s) maximum

No change.

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

3000 character(s) maximum

Please refer to our response to question 3 (Irremovability of judges) above.

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

No change.

Independence/autonomy of the prosecution service

3000 character(s) maximum

No change.

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

3000 character(s) maximum

No change.

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 ([https://judicialcouncil.ie/assets/uploads/documents/Personal Injuries Guidelines.pdf](https://judicialcouncil.ie/assets/uploads/documents/Personal%20Injuries%20Guidelines.pdf)), 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 that necessitate the Supreme Court hearing the appeal. The appeal, the panel found, raises questions of significant relevance to 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

Access to justice and a sustainable criminal bar remains a key concern for The Bar of Ireland. As a direct consequence of the deep cuts ranging from 28.5%-69% that were applied to the professional fees paid to criminal barristers during the financial crisis of 2008–2011, a career choice for recently qualified junior barristers in crime has become unattractive when compared to opportunities in other areas of law. The evidence shows that two-thirds of barristers who commence a career in criminal law leave after only 6 years in practice and that this is as a direct consequence of the deep cuts that were applied. A skilled and experienced criminal prosecution bar can only emerge after many years of practice in the junior ranks of criminal defence law. It takes many years of practice at the Bar to acquire the necessary experience to effectively and skilfully prosecute serious cases on behalf of the State and it is imperative that newly qualified talented barristers are encouraged to practice in the area of criminal law. One significant form of such encouragement is to be fairly and reasonably rewarded for their services. The rates currently paid to barristers are at 2002 levels. The government's own 2018 spending review report on criminal legal aid (<https://assets.gov.ie/7320/b26e8d13fb42468fb66a40aed88fe875.pdf>) recognised that our cost effective and robust criminal legal aid system facilitates a high standard but low-cost representation of defendants through skilled advocates engaged by the State and recognised that the fee structure and the incentives of this fee structure must be monitored on an ongoing basis to ensure a fair, effective and efficient criminal justice system. Despite lengthy submissions and numerous requests of Government to address the professional fees paid to barristers (both prosecution and defence), and noting that all other stakeholders across the justice system have had a process of pay restoration arising from the cuts applied during 2008-2011, agreed and implemented since 2017, it is only fair and reasonable that barristers should be treated in the same way as other cohorts of workers in receipt of public funds. At a very basic level, individuals who provide services to the State are entitled to have their rates of pay regularly reviewed as is the case for every other worker in this country. For the past 7 years, the Government has failed to meaningfully engage with the profession to confirm the approach of the State in addressing the restoration of the cuts that were applied to criminal barristers. There are 3 important reasons why the State must immediately proceed to unwind the cuts: (1) To attract the best advocates to practice at the criminal bar to ensure that the State can prosecute criminal matters in the courts on behalf of the people of Ireland; (2) To treat barristers fairly and reasonably, consistent with the approach taken to restore cuts for other groups of workers; (3) To stop the exit of junior barristers

Resources of the judiciary (human/financial/material)

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

3000 character(s) maximum

A Judicial Planning Working Group (https://www.gov.ie/en/organisation-information/f7279-judicial-planning-working-group/?referrer=http://www.justice.ie/en/JELR/Pages/Judicial_Planning_Working_Group#:~:text=The%20Programme%20for%20Government%20contains,in%20the%20Justice%20Plan%202021.) was convened in 2021 comprising an independent Chair with representatives from the Departments of Justice; the Taoiseach; Public Expenditure and Reform, Office of the Attorney General, and the Courts Service, to consider the number and type of judges required to ensure the efficient administration of justice over the next five years. A consultation was carried out calling on interested parties for submissions in relation to the number and type of judges required; the impact of the COVID-19 pandemic, demographic changes, and implications of Brexit in regard to court caseloads; the development of judicial skills; and the extent to which efficiencies in case management and working practices, as well as enhanced digital technology, could help in meeting additional service demands, improving services, and access to justice. The Council of The Bar of Ireland made a submission (<https://www.lawlibrary.ie/app/uploads/securepdfs/2021/11/Submission-to-Judicial-Planning-Working-Group-30.7.21.pdf>) to the Group in which it highlighted, among other things, the need for additional recruitment of judges in line with the European average to support the efficient administration of justice. The European Commission for the Efficiency of Justice (CEPEJ) reported in its 2022 Evaluation Report (<https://rm.coe.int/cepej-report-2020-22-e-web/1680a86279>) that Ireland had 3.3 judges per 100,000 inhabitants in 2020, well below the European average of 22.

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

3000 character(s) maximum

Barristers

On foot of recommendations made by the Legal Services Regulatory Authority (LSRA) in respect of education and training standards for legal practitioners (<https://www.lsr.ie/wp-content/uploads/2020/11/Section-34-ET-Final-Report-to-Minister.pdf>), The Bar of Ireland developed a new Competency Framework for Continuing Professional Development, which was commenced in October 2021. The framework aims to guide members in the identification and selection of CPD activities that are relevant to their professional learning needs.

Judges

The Judicial Studies Committee (<https://judicialcouncil.ie/judicial-studies-committee/>), established on 10th February 2020 pursuant to the Judicial Council Act 2019, oversees a modernised programme of judicial training and education on topics such as Judicial Conduct and Ethics, Avoiding Re-traumatisation, Unconscious Bias and Vulnerable Witnesses, Induction, Mentoring, Assisted Decision-Making and Training of Judicial Trainers.

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 Implementation Plan (https://www.gov.ie/en/publication/cb6f0-implementation-plan-on-civil-justice-efficiencies-and-reform-measures/?referrer=http://www.justice.ie/en/JELR/DOJ_CJERM_2022.pdf/Files/DOJ_CJERM_2022.pdf) arising from the Review of the Administration of Civil Justice, published in May 2022, sets out the approach and timescales to advance reform in the area of technology and e-litigation. The overall aim is to create a secure digital environment to facilitate e-litigation and to modernise the digital facilities of Irish Civil Courts. This will involve equipping of a much larger number of courtrooms across all jurisdictions with Wi-Fi and evidence display hardware to enable the use by practitioners of e-Litigation software to present their cases in court electronically. Increasing the number of video-conferencing equipped courtrooms will also help to promote the use of video-conferencing for the taking of expert and other evidence. Varying levels of access to the digital court record for parties, judges, court staff and members of the public, will also be facilitated, consonant with data protection and privacy rights.

According to the Courts Service Annual Report for 2021 (published in July 2022) (https://www.courts.ie/acc/alfresco/24bce47c-3cc6-4e86-b647-04cdc64c2445/Courts_Service_Annual_Report_2021.pdf/pdf#view=fitH), the number of video technology enabled courtrooms was increased by 48 in 2021 bringing the number of courtrooms across the country that can support remote courts and video-link appearances to 106. A further 17 courtrooms was planned for 2022.

As regards electronic communication tools within the justice system, the Courts Service is working with the Department of Justice and our other justice community partners (i.e. An Garda Síochána (Police), the Irish Prison Service, the Probation Service etc) on a programme of work to electronically share data which currently happens in paper form. It is a multi-year programme made up of many sub-projects all aimed at eliminating duplication of data entries, improving data quality, and increasing efficiencies in the Criminal Justice system. The first results of this work went live in 2021, involving the electronic transfer of Court lists with the Prison Service. A second project to eliminate paper based communication is the electronic transfer of charge sheet offences from An Garda Síochána and this commenced its pilot phase in the last quarter of 2021.

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 aforementioned Implementation Plan arising from the Review of the Administration of Civil Justice aims to use e-Litigation technology to capture case management information and case flow data. This aligns with the Courts Service Modernisation Programme (https://www.courts.ie/acc/alfresco/b1bf7300-e162-46cd-995e-abc042799b87/Strategic_Vision_2030.pdf/pdf#view=fitH) which is in the process of developing a single unified case management system to be used across the organisation.

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

No change.

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. District Court criminal proceedings, from issue to disposal, averaged at 371 days, and 732 days in the Circuit Court. 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. 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. Average length of proceedings in the Central Criminal Court, from receipt of return for trial to final order, was 668 days, and 423 days from receipt of charge sheet to final order.

Civil proceedings in the Court of Appeal averaged at 529 days, from issue to disposal, and 420 days from issue of notice of appeal to final order in criminal proceedings. 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.

According to the latest data (2020) by the European Commission for the Efficiency of Justice (CEPEJ), Ireland has the lowest clearance rate 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

In further response to B. Quality of justice: Accessibility of courts (e.g. court/legal fees, legal aid, language) we wish to highlight the following in relation to Civil Legal Aid: In June 2022, the Minister for Justice established a Group to review the Civil Legal Aid scheme for the first time in its more than 40-year history. The Review Group is chaired by former Chief Justice, Mr. Frank Clarke, and comprises members with a range of expertise and experience in relation to the Scheme and broader access to justice issues. The terms of reference for the Group's work include a requirement to undertake a comprehensive programme of consultation and engagement with relevant stakeholders, Government Agencies and Departments, and persons with unmet legal needs. A stakeholder consultation process is currently underway and among the topics to be considered by stakeholders include: types of civil law cases; jurisdictions covered by the scheme; eligibility; financial contribution; mode of delivery; accessibility; awareness and assessment of the current scheme; the future. The Council welcomes this long awaited review and is in the process of compiling a submission in response to the consultation. A copy of the submission will be published on www.lawlibrary.ie after it has been submitted to the Review Group in early January 2023. As regards Legal fees: The Implementation Plan arising from the Review of the Administration of Civil Justice sets out to consider and advance 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 Bar of Ireland, in conjunction with the Law Society of Ireland, made a submission (<https://www.lawlibrary.ie/app/uploads/securepdfs/2022/07/EY-Report-on-Legal-Costs.pdf>) to Indecon in February 2022 highlighting the lack of an evidential basis 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 raised on the evidential basis of 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 that would assist in positively impacting on litigation costs: (1) Increased investment in the justice system, in particular the number of judges and support staff, better case management and adoption of technology, (2) ♦Investment in effective civil legal aid to ensure access to justice for all regardless of means, (3) The introduction of non-binding guidelines in respect of legal costs, (4) A reduction in State-imposed revenue on a Bill of Costs.

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

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

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

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

Regime for constitutional review of laws

3000 character(s) maximum

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

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

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

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

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

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

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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