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**COMMISSION STAFF WORKING DOCUMENT**

**2024 Rule of Law Report  
Country Chapter on the rule of law situation in Ireland**

*Accompanying the document*

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**2024 Rule of Law Report**

**The rule of law situation in the European Union**

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## **ABSTRACT**

Reforms aimed at improving the independence and quality of the Irish justice system continued and its perceived independence among companies is now at a very high level. The new Judicial Appointments Commission Act introduced a number of improvements to reduce political influence in the appointment and promotion of judges. The composition of the Judicial Appointments Commission remained unchanged. The system for handling complaints relating to alleged judicial misconduct became fully functional. Steps have been taken to reduce litigation costs with a Civil Reform Bill in preparation and a report is being reviewed in view of further initiatives. A general review of the Civil Legal Aid scheme and a revision of the Criminal Justice Legal Aid Bill are being prepared. An additional number of judges have been appointed. Steps to improve digitalisation of justice are being taken. Consideration of recommendations on repealing the Offences Against the State Acts is still pending. Concerns persist as regards the length of proceedings and there is no system to regularly evaluate court performance based on defined indicators. A law providing for a compensation scheme for cases of excessive length of court proceedings has been adopted.

Ireland continues to have a comprehensive framework for both the prevention and repression of corruption, and a low level of perceived corruption. Work is on-going on a multi-annual anti-corruption strategy to tackle corruption, despite delays. When it comes to investigating and prosecuting corruption, challenges remain regarding resources and specialisation. Overall, cooperation within police services and between prosecution and police continues smoothly. The recently adopted police reform aims to ensure more independence to investigate integrity violations within the police, while the police continue to raise awareness on preventing corruption among staff. The reform of the existing framework for Ethics in Public Office is still pending, with drafting of relevant legislation outstanding. The amendments to the lobbying regulation entered into force, while no further steps were taken to strengthen the asset disclosure rules and the monitoring and enforcement capacity of the Standards in Public Office Commission. High-risk areas for corruption include public procurement, planning and development sectors.

Ireland has legal and institutional safeguards in place ensuring media freedom as well as independence for the media regulator and public service media. A system of self-regulatory bodies contributes to ensuring that the press sector operates in line with ethical and journalistic standards. The public service broadcaster has been facing financial challenges following cases of corporate governance failures, which also prompted the Government to launch an independent review on the matter. The media regulator supported new initiatives aimed at increasing media ownership transparency. There have been no developments regarding transparency of state advertising. A review of the 2014 Freedom of Information Act is ongoing. New initiatives on reporting and investigation of incidents contributed to increasing the safety of journalists. Work on the reform of the defamation regime continued, with a new revised bill awaiting publication in 2024.

The use of ‘guillotine motions’ to shorten the time allocated to debate legislative proposals decreased considerably. The Irish Human Rights and Equality Commission is facing resource issues. The Electoral Commission is reviewing the Electoral Act to address, among other aspects, legal obstacles to accessing funding for civil society organisations. A number of initiatives were taken to encourage the participation of civil society organisations and human rights defenders in the decision-making process.

## RECOMMENDATIONS

Overall, concerning the recommendations in the 2023 Rule of Law Report, Ireland has made:

- Significant progress on ensuring that the reform of the appointment and promotion of judges, as regards the composition of the Judicial Appointment Commission, is taking into account European standards on judicial appointments.
- Some progress on continuing actions aimed at reducing litigation costs to ensure effective access to justice, taking into account European standards on disproportionate costs of litigation and their impact on access to courts.
- Fully implemented the recommendation on lobbying, made some progress on strengthening the existing ethics framework, including the monitoring and enforcement capacity of the Standards in Public Office Commission, but not on the strengthening and digitalisation of the asset declarations system.
- Significant progress on the reform of the Defamation Act to improve the professional environment for journalists taking into account European standards on the protection of journalists.
- Some further progress on taking measures to address legal obstacles related to access to funding for civil society organisations, as part of the reform of the Electoral Act.

On this basis, and considering other developments that took place in the period of reference, it is recommended to Ireland to:

- Take forward the necessary legislative work aimed at reducing litigation costs to ensure effective access to justice, taking into account European standards on disproportionate costs of litigation and their impact on access to courts.
- Further strengthen the existing ethics framework, including the monitoring and enforcement capacity of the Standards in Public Office Commission, and strengthen and digitalise the asset declarations system.
- Complete the reform of the Defamation Act to improve the professional environment for journalists taking into account European standards on the protection of journalists.
- Ensure that rules or mechanisms are in place to provide funding for public service media that is appropriate for the realisation of its public service remit while guaranteeing its independence.
- Further continue efforts to address legal obstacles related to access to funding for civil society organisations, as part of the reform of the Electoral Act.

## I. JUSTICE SYSTEM

Ireland is a common law jurisdiction, whose judiciary is divided into a civil and a criminal branch. The court system comprises a court of final appeal (the Supreme Court), a Court of Appeal, and courts of first instance which include a High Court with full jurisdiction in all criminal and civil matters and courts of limited jurisdiction: the Circuit Court and the District Court organised on a geographical basis. Moreover, the Planning and Environment Court is an arm of the High Court. The Special Criminal Courts<sup>1</sup> are non-jury courts and deal with paramilitary, subversive and organised crime cases. Moreover, a number of specialised tribunals operate in different areas, including a Labour Court, which has sole appellate jurisdiction in all disputes under employment rights enactments<sup>2</sup>. A Judicial Council<sup>3</sup> was established in 2019. While Ireland does not have a constitutional court, all Courts are empowered to interpret and uphold the Constitution. Judicial appointments are made by the President of Ireland, acting on the advice of the Government. The Judicial Appointments Advisory Board (JAAB) is tasked with the identification of candidates and for informing the Government of the suitability of those persons for appointment to judicial office. The JAAB will be replaced by the Judicial Appointments Commission as provided for in the 2023

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<sup>1</sup> The Offences Against the State Act 1939 provides for the establishment of Special Criminal Courts. A Special Criminal Court now known as Special Criminal Court No. 1 is operating since 1972. Special Criminal Court No. 2 was established and is operating since 2016. A Special Criminal Court sits with three Judges and no jury. The Government appoints a panel of High Court, Circuit Court and District Court Judges to sit in the Special Criminal Courts. There are currently nineteen judges on the panel. Cases involving terrorism and organised crime offences are automatically brought before a Special Criminal Court for trial. Other offences are brought before or sent for trial when the Director of Public Prosecutions certifies that in his/her opinion, the ordinary Courts are inadequate to secure the effective administration of justice and the preservation of public peace and order. An appeal against a conviction or sentence by the Special Criminal Courts can be brought to the Court of Appeal.

<sup>2</sup> The Labour Court of Ireland is a tribunal exercising limited functions and powers of a judicial nature in accordance with the relevant provisions of the Constitution. The Labour Court was first established under the Industrial Relations Act, 1946 and its structure and functions have been statutorily developed on several occasions to include the Workplace Relations Act 2015. This involves making non-legally binding decisions in its capacity as an industrial relations tribunal, and legally binding decisions in its function as the sole appellate jurisdiction in all disputes through which individuals seek to assert their employment rights. The appointment of independent members to the Labour Court is carried out by the Minister for Enterprise, Trade and Employment. In practice, the Minister must choose four ‘employer’s members’ from a list of nominees presented by the Irish Business and Employers’ Confederation and four ‘worker’s members’ from a list presented by the Irish Congress of Trade Unions. Recommendations for the position of Chairman are made to the Minister by the Public Appointments Service. These members then hold office for a fixed period and may only be removed from office by the Minister under specific conditions. The Minister must give stated reasons for the removal of any ordinary member and must have the consent of the organisation that originally nominated the member. During its decision-making process, the Labour Court has demonstrated a practice of submitting preliminary reference requests to the Court of Justice of the European Union to gain clarification on points of EU law during its deliberations (e.g. *Parris v Trinity College Dublin*, C-443/15, ECLI:EU:C:2016:897). Final decisions made by the Labour Court can be appealed to the High Court on one or more points of law, but not on facts (e.g. *An Bord Banistíochta, Gaelscoil Moshíológ v The Labour Court & Aodhagán O’Suird* - [2023]IEHC484 [2022/178 MCA], (*Michelle Tanner v Labour Court (Trinity College Notice Party)* 2022 N0 118JR).

<sup>3</sup> In addition to promoting and maintaining public confidence in the judiciary and the administration of justice, the main functions of the Judicial Council are to consider complaints in relation to judicial misconduct and to ensure the continuous education and training of judges. The Judicial Council is made up of the following members: the Chief Justice and the ordinary members of the Supreme Court, the President of the Court of Appeal and the ordinary members of the Court of Appeal, the President of the High Court and the ordinary members of the High Court, the President of the Circuit Court and the ordinary members of the Circuit Court and the President of the District Court and the judges of the District Court.

Judicial Appointments Commission Act, envisaged to be established in 2024. The prosecution service is not part of the judicial branch. The Attorney General is the legal adviser to the Government. The legal profession has two types of lawyers – solicitors, represented by the Law Society, and barristers, largely represented by the Bar of Ireland. The Legal Services Regulatory Authority (LSRA), an independent body established in 2016, is Ireland’s national statutory regulator for both branches of the legal profession.

## Independence

**The level of perceived judicial independence in Ireland continues to be high among the general public and is now very high among companies.** Overall, 72% of the general population and 78% of companies perceive the level of independence of courts and judges to be ‘fairly or very good’ in 2024<sup>4</sup>. Among the general public, this figure has slightly decreased in comparison with 2023 (73%), as well as in comparison with 2020 (74%). The perceived judicial independence among companies has increased in comparison with 2023 (72%), as well as in comparison with 2020 (76%)<sup>5</sup>.

**Significant progress has been achieved on the appointment and promotion of judges as the new Judicial Appointments Commission Act introduced a number of improvements, while the composition of the Judicial Appointments Commission remains unchanged.** The 2023 Rule of Law Report recommended Ireland to ‘ensure that the reform of the appointment and promotion of judges, as regards the composition of the Judicial Appointment Commission, is taking into account European standards on judicial appointments’<sup>6</sup>. On 4 July 2023, Parliament passed the Judicial Appointments Commission Bill, which was then sent to the President for signing into law. The Act, which was signed into law on 8 December 2023, provides for the establishment of a new Judicial Appointments Commission responsible for selecting and recommending candidate judges to judicial office in Ireland and in EU and international courts. Under the new Act, the Commission will be chaired by the Chief Justice alongside three judges, four lay members and the Attorney General. The new Commission would, as a result, be composed of four judges and five members who do not come from the judiciary. As two judges are chosen by their peers, and

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<sup>4</sup> Figures 51 and 53, 2024 EU Justice Scoreboard, and Figures 50 and 52, 2022 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

<sup>5</sup> 82% of the companies in Ireland are either fairly or very confident that their investments are protected by the law and courts in the Member State. Only 7% of the surveyed companies see the quality, efficiency or independence of justice as one of the main reasons for concern about investment protection in the country. Figures 55 and 56, 2024 EU Justice Scoreboard.

<sup>6</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 2. Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, paras. 46-48: “The authority taking decisions on the selection and career of judges should be independent of the executive and legislative powers. With a view to guaranteeing its independence, at least half of the members of the authority should be judges chosen by their peers. However, where the constitutional or other legal provisions prescribe that the head of state, the government or the legislative power take decisions concerning the selection and career of judges, an independent and competent authority drawn in substantial part from the judiciary (without prejudice to the rules applicable to councils for the judiciary contained in Chapter IV) should be authorised to make recommendations or express opinions which the relevant appointing authority follows in practice. The membership of the independent authorities referred to in paragraphs 46 and 47 should ensure the widest possible representation. Their procedures should be transparent with reasons for decisions being made available to applicants on request. An unsuccessful candidate should have the right to challenge the decision, or at least the procedure under which the decision was made”.

the Chief Justice and the relevant court president are members *ex officio*, this means that out of eight voting members there is no clear majority of judges<sup>7</sup>. The fact that the Attorney General would sit on the Commission in an *ex officio* non-voting capacity was already considered a concern by stakeholders when the draft law was under discussion<sup>8</sup>. Unlike the previous system where the Government could also choose any other candidate<sup>9</sup>, the new Act requires that the Government ‘shall only consider [...] those persons who have been recommended by the [Judicial Appointments] Commission’<sup>10</sup>. On 13 October 2023, the President referred the Bill to the Supreme Court for consideration of its constitutionality. On 8 December 2023, the Supreme Court ruled that the new system for making judicial appointments complies with the Constitution<sup>11</sup>. While the composition of the Judicial Appointments Commission<sup>12</sup> remains unchanged and is not drawn in substantial part from the judiciary<sup>13</sup>, this Act brings considerable improvements by reducing political influence in the judicial appointment procedure and therefore, significant progress has been achieved on the recommendation made in the previous years.

**The system for processing complaints relating to alleged judicial misconduct became fully operational.** As reflected in the 2023 Rule of Law Report<sup>14</sup>, with the entry into force of the remaining provisions of the Judicial Council Act, complaints relating to alleged judicial misconduct can now be made to the Registrar to the Judicial Conduct Committee who determines whether a complaint is admissible<sup>15</sup>. If a complaint is admitted by either the Registrar or the review committee, the Judicial Conduct Committee follows the procedures

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<sup>7</sup> 2022 and 2023 Rule of Law Reports, Country Chapter on the rule of law situation in Ireland, p. 4 and p. 4 respectively. According to Article 9 of the Judicial Appointments Commission Act 2023, the Chief Justice, the President of the Court of Appeal and 2 members of the Judicial Council are members of the Commission. Where the Commission is performing the function of selecting and recommending persons for appointment to judicial office in the High Court, Circuit Court or District Court, the President of the Court concerned, and not the President of the Court of Appeal, shall be the member for the purpose of performance of that function.

<sup>8</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 4.

<sup>9</sup> The high degree of Government’s discretion in the system of appointment of judges could also be observed from comparative perspective in several indicators of the EU Justice Scoreboard. See Figure 62, 2018 EU Justice Scoreboard as regards the appointment of first instance judges, Figure 54, 2021 EU Justice Scoreboard as regards the appointment of Supreme Court judges, and Figure 57, 2023 EU Justice Scoreboard as regards the appointment of Supreme Court President.

<sup>10</sup> Judicial Appointments Commission Act 2023, Section 51.

<sup>11</sup> Judgment of the Supreme Court of 8 December 2023, *In the matter of article 26 of the Constitution and in the matter of the Judicial Appointments Commission Bill 2022*, [2023] IESC 34. The Judicial Appointments Commission Act 2023 (Act 33 of 2023) was signed into law by the President on 8 December 2023, following ratification by the Supreme Court, entering into force on the same day.

<sup>12</sup> Concerns were raised by stakeholders in this respect. Information provided by the Bar of Ireland in the context of the country visit to Ireland; information provided by the Law Society of Ireland in the context of the country visit to Ireland.

<sup>13</sup> Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 47: “However, where the constitutional or other legal provisions prescribe that the head of state, the government or the legislative power take decisions concerning the selection and career of judges, an independent and competent authority drawn in substantial part from the judiciary (without prejudice to the rules applicable to councils for the judiciary contained in Chapter IV) should be authorised to make recommendations or express opinions which the relevant appointing authority follows in practice.” See also Opinion No. 24 (2021) of the Consultative Council of European Judges (CCJE) to the Committee of Ministers of the Council of Europe, para. 20: “Decisions with respect to the career of judges must not be taken because of loyalty to politicians or other judges. [...] Therefore, the majority of those who make decisions or recommendations should be judges.”

<sup>14</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 5.

<sup>15</sup> Input from Ireland for the 2024 Rule of Law Report, p. 13.

outlined in relation to informal resolution or establishes a Panel of Inquiry<sup>16</sup>. 2023 was the first full year in which complaints relating to judicial misconduct could be received by the Judicial Council, after the formal start of the complaints' regime in 2022<sup>17</sup>. 34 complaints were received from October 2022 to the year-end according to the most recent public data available<sup>18</sup>. As noted in the 2022 and 2023 Rule of Law Reports, the Parliament remains in charge of deciding on the removal of judges from office and retains a margin of discretion in that regard, which could potentially result in politicisation of the process<sup>19</sup>.

## Quality

**There was some progress on reducing the litigation costs as the report analysing models was finalised and is currently being reviewed, and a Civil Reform Bill is in preparation.**

The 2023 Rule of Law Report recommended to Ireland to “continue actions aimed at reducing litigation costs to ensure effective access to justice, taking into account European standards on disproportionate costs of litigation and their impact on access to courts”<sup>20</sup>. The high level of litigation costs is considered as a source of concern<sup>21</sup>, although some stakeholders argue that the particularities of Ireland as a common law jurisdiction nuance this assertion<sup>22</sup>. The Government is reviewing the final report of the analysis of models to control litigation costs and will decide on the next steps<sup>23</sup>. As regards other reforms to civil proceedings which will impact litigation costs, a general scheme (first step in the legislative procedure) of a Civil Reform Bill is under preparation, which will give effect to certain recommendations contained in the Report of the Review of the Administration of Civil Justice<sup>24</sup>. As the Government is reviewing a report on how to reduce litigation costs, as a basis for further initiatives, and as a Bill is being prepared to address litigation costs in civil proceedings, some progress has been made on the recommendation in the 2023 Rule of Law Report.

**A general review of the Civil Legal Aid scheme is underway and the Justice Committee has reported on the Criminal Justice Legal Aid Bill 2023.** In June 2022, the Minister of Justice appointed an Independent Review Group to undertake a comprehensive review of the Civil Legal Aid Scheme. Stakeholders continue to raise concerns that the current system is too prohibitive and a barrier to access to justice for the most vulnerable sectors of society<sup>25</sup>. A “Public Consultation on the Review of the Civil Legal Aid Scheme” concluded in February

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<sup>16</sup> Ibidem.

<sup>17</sup> Input from Ireland for the 2024 Rule of Law Report, p. 13.

<sup>18</sup> 2022 Annual Report of the Judicial Conduct Committee, p. 39.

<sup>19</sup> 2023 and 2022 Rule of Law Reports, Country Chapter on the rule of law situation in Ireland, p. 5 and p. 5, respectively.

<sup>20</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 2.

<sup>21</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 5; Contribution from The Irish Environmental Network for the 2024 Rule of Law Report, p. 15; Information received in the context of the country visit to Ireland from ISME.

<sup>22</sup> Contribution from the Bar of Ireland for the 2024 Rule of Law Report, pp. 18-19; Information received in the context of the country visit to Ireland from the Law Society.

<sup>23</sup> Input from Ireland for the 2024 Rule of Law Report, p. 9. On 7 February 2024 the Department of Justice published the Indecon report entitled “Multi-Criteria Impact Evaluation of Options for the Control of Litigation Costs”.

<sup>24</sup> Input from Ireland for the 2024 Rule of Law Report, p. 9.

<sup>25</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 5. Contribution from the Irish Environmental Network for the 2024 Rule of Law Report, p. 15; Contribution from the Bar of Ireland for the 2024 Rule of Law Report, p. 9.

2023<sup>26</sup>. The responses will inform the work of the Civil Legal Aid Review Group and a report on this matter is awaited in 2024. Regarding legal aid in criminal matters, the General Scheme of Criminal Justice Legal Aid Bill 2023<sup>27</sup> was published in July 2023. It aims to extend legal advice services for victims. At the same time, it increases controls by the introduction of an offence where false statements or incomplete information are provided when filing an application for legal aid<sup>28</sup>. The Joint Committee on Justice published its report on the Pre-Legislative Scrutiny of the General Scheme of the bill in December 2023, which will help prepare the draft legislation to be presented to Parliament<sup>29</sup>.

**Additional judges have been appointed following the publication of the report of the Judicial Planning Working Group, while the issue of establishing an appropriate structure to discuss questions concerning constitutional safeguards for the judiciary in connection with employment conditions has not been addressed.** According to the 2024 EU Justice Scoreboard, Ireland remains the EU Member State with the lowest number of judges per inhabitant<sup>30</sup>. Stakeholder concerns persist that any expansion in jurisdiction proposed under the Family Courts Bill 2022 will overwhelm the District Courts and compromise access to justice<sup>31</sup>. In 2021, a Judicial Planning Working Group was set up to consider the number and types of judges required to ensure the efficient administration of justice over the next five years, and also with a view to the longer term<sup>32</sup>. Following the publication of the Judicial Planning Working Group Report in February 2023, the Government took note of its recommendations on judicial resources and at the beginning of 2023 approved the appointment of an additional 24 judges, which represents a 14% increase in the number of judges in the Irish legal system<sup>33</sup>. The Report also recommended the appointment of a further 20 judges before the end of 2024<sup>34</sup>. Following the launch of the Judicial Planning Working Group Report, and in cooperation with the court presidents, the Chief Justice established a Judicial Implementation Group tasked with demonstrating improved outcomes brought about by the appointment of new judges<sup>35</sup>. As noted in the 2023 Rule of Law Report, the Judicial Planning Working Group Report has not addressed the issue of establishing an appropriate structure to discuss questions concerning constitutional safeguards for the judiciary in connection with employment conditions, which is a pending recommendation by the Group of States against Corruption (GRECO)<sup>36</sup>. According to

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<sup>26</sup> Civil Liberties Union for Europe (2024), Liberties Rule of Law Report 2024 – Ireland, p. 11; Contribution from the Supreme Court of Ireland for the 2024 Rule of Law Report, p. 15.

<sup>27</sup> General Scheme of the Criminal Justice (Legal Aid) Bill 2023.

<sup>28</sup> Contribution from the Supreme Court of Ireland for the 2024 Rule of Law Report, p. 15.

<sup>29</sup> Houses of the Oireachtas 2023, Report on Pre-Legislative Scrutiny of the General Scheme of the Criminal Justice (Legal Aid) Bill 2023.

<sup>30</sup> Figure 37, 2024 EU Justice Scoreboard.

<sup>31</sup> Contribution from the Bar of Ireland for the 2024 Rule of Law Report, p. 9. The Department of Justice is continuing to engage with stakeholders on issues raised on the Family Courts Bill, and is working to address them as the Bill proceeds, and will undertake extensive preparatory work in advance of the legislation coming into force to make sure the Family Courts will work effectively (written contribution from the Department of Justice in the context of the country visit to Ireland).

<sup>32</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 6.

<sup>33</sup> Input from Ireland for the 2024 Rule of Law Report, p. 17.

<sup>34</sup> Department of Justice 2023, Report of the Judicial Planning Working Group, p. 81.

<sup>35</sup> Contribution from the Supreme Court of Ireland for the 2024 Rule of Law Report, p. 16.

<sup>36</sup> GRECO Fourth Evaluation Round – Evaluation Report, para. 137. The Fourth Evaluation Round reflected that the constitutional protection providing that judges were exempt from a pay reduction which applied to other public officials was revoked and amended. In this context, GRECO recommended that an appropriate structure be established within the framework of which questions concerning constitutional safeguards of the judiciary in connection with employment conditions are to be examined. In its latest report published in July



European standards, it is advisable that associations of judges be provided with a possibility to consider and comment on intended legislation in matters connected with the status of judges and the administration of courts<sup>37</sup>.

**The Government and the Courts Service are working on the improvement of the digitalisation of justice, including e-litigation.** According to the 2024 EU Justice Scoreboard, despite progress, there is still room for improvement as regards the digitalisation of justice<sup>38</sup>. The Implementation Plan arising from the Review of the Administration of Civil Justice<sup>39</sup>, published in May 2022, sets out the approach and timescales for the use of e-litigation technology to capture case management information and case flow data. Following a ten-year modernisation programme<sup>40</sup>, which aims to better support access to justice, concrete improvements have been delivered, including an increase of technology enabled courtrooms, support for remote attendance at hearings and fully remote hearings, digital evidence display, and digital audio recordings of proceedings<sup>41</sup>. The ICT Strategy 2021-2024 and the Data Strategy 2021-2024 foresee the adoption of a unified case management system and of a unified data model as initiatives to be implemented incrementally and as part of the 10-year modernisation programme<sup>42</sup>. The Unified Case Management System (UCMS) for the High Court went live in October 2023<sup>43</sup>. The Government has also committed to apply this technology platform to other jurisdictions over subsequent years.

**Follow up by Government to implement the recommendations on repealing the Offences Against the State Acts is pending.** As mentioned in the 2023 Rule of Law report<sup>44</sup>, on 21 June 2023, the Group to review the Offences Against the State Acts published its final report<sup>45</sup>. The Offences Against the State Acts contain certain provisions that provide for operation of the Special Criminal Court. Each year a resolution must be passed by Parliament resolving that those provisions should continue in operation for a further 12 months. The majority opinion of the Group recommended to repeal the Offences Against the State Acts in their entirety, while keeping some elements in replacement legislation, including the establishment of a new non-jury court instead of the Special Criminal Court. The Government has so far not announced a timeline to consider these recommendations<sup>46</sup>. The United Nations and civil society have called<sup>47</sup> for the immediate abolition of the Special

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2022 (GRECO Fourth Evaluation Round – Second Compliance Report for Ireland, para. 21-26), GRECO concluded that the recommendation remained to be implemented. In the Addendum to the Second Compliance Report for Ireland, published in January 2024, para. 24 to 29, GRECO welcomes the progress made with respect to this recommendation, notably that the report of the Judicial Planning Working Group was completed and a High-Level Steering Group looking into the implementation was established but underlines that many questions still remain open and concludes that the recommendation has been partially implemented.

<sup>37</sup> CCJE Opinion No. 23 (2020) The role of associations of judges in supporting judicial independence.

<sup>38</sup> Figures 42 to 50, 2024 EU Justice Scoreboard.

<sup>39</sup> Department of Justice 2022, Implementation Plan on Civil Justice Efficiencies and Reform Measures.

<sup>40</sup> The Courts Service Long-Term Strategic Vision to 2030: Supporting Access to Justice in a modern, digital Ireland.

<sup>41</sup> Input from Ireland for the 2024 Rule of Law Report, p. 23.

<sup>42</sup> Ibidem.

<sup>43</sup> Input from Ireland for the 2024 Rule of Law Report, p. 24.

<sup>44</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 7.

<sup>45</sup> Department of Justice 2023, Offences Against the State Act - Independent Review Group's Reports.

<sup>46</sup> Civil Liberties Union for Europe (2024), Liberties Rule of Law Report 2024 – Ireland, p. 10.

<sup>47</sup> UN Human Rights Committee (2014), Concluding observations on the fourth periodic report of Ireland; IHREC 2022, Annual Report 2021, p. 33; Civil Liberties Union for Europe (2024), Liberties Rule of Law Report 2024 – Ireland, p. 8.

Criminal Court<sup>48</sup> or, alternatively, to strengthen the procedure of the Court to ensure respect of the right to fair trial<sup>49</sup>.

## Efficiency

**Concerns remain with regard to the length of proceedings and that no specific system to regularly evaluate the court performance based on defined indicators has been established.** According to data on annual reports from the Courts Service, the average length of civil proceedings in the High Court in 2022 was 871 days, an increase of 74 days in comparison with 2021<sup>50</sup>. The average length of proceedings for criminal cases increased in 2022 in some instances<sup>51</sup>. The length of proceedings at the Court of Appeal remained stable for civil cases (from 529 days in 2021 to 527 days in 2022), while it has increased for criminal cases (from 420 days in 2021 to 461 days in 2022)<sup>52</sup>. While the average length of proceedings in applications for leave to appeal in the Supreme Court decreased from 161 days in 2021 to 126 days in 2022, the average length of appeal proceedings in the Supreme Court has increased significantly (441 days)<sup>53</sup>. The 2024 EU Justice Scoreboard shows that in 2022 the clearance rate for non-criminal cases was 84%, the lowest in the EU<sup>54</sup>. In Ireland there is no system to regularly evaluate the court performance based on defined indicators and changes to Rules of Court have been implemented to encourage compliance with time limits<sup>55</sup>. According to authorities, the collected court data are being used for court management purposes, while the 2023 OECD study showed room for improvement<sup>56</sup>. Data on the length of proceedings is still not systematically recorded in conformity with the methodology of the Council of Europe and the European Commission for the efficiency of justice<sup>57</sup>. The report of the Judicial Planning Working Group has recommended that the Courts Service needs to adopt, as a priority, a comprehensive system to collect data and monitor performance measures<sup>58</sup>. The Courts Service is following up on the actions aimed at improving the data that is made available on court activities and court proceedings<sup>59</sup>.

**A law providing for a compensation scheme for cases of excessive length of court proceedings has been adopted.** This law which creates a statutory right to the conclusion of court proceedings within a reasonable time was enacted on 1 May 2024<sup>60</sup>. As noted in the 2022 and 2023 Rule of Law Reports<sup>61</sup>, legislation establishing a statutory right to the conclusion of proceedings within a reasonable time and where appropriate, compensation, is a long-pending requirement from a 2010 European Court of Human Rights (‘ECtHR’)

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<sup>48</sup> The Court was established in 1972 to deal with terrorism and organised crime cases.

<sup>49</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 7.

<sup>50</sup> Courts Service, 2023. Annual Report 2022, p. 110.

<sup>51</sup> Ibidem, p. 110.

<sup>52</sup> Ibidem, p. 111.

<sup>53</sup> Ibidem, p. 111.

<sup>54</sup> Figure 10, 2024 EU Justice Scoreboard.

<sup>55</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 8.

<sup>56</sup> This limited use does not allow having the necessary data for the effective handling of resources and staff allocation. OECD (2023), *Modernising Staffing and Court Management Practices in Ireland: Towards a More Responsive and Resilient Justice System*, p. 210.

<sup>57</sup> CEPEJ data feed the EU Justice Scoreboard.

<sup>58</sup> Department of Justice 2023, *Report of the Judicial Planning Working Group*.

<sup>59</sup> Information received in the context of the country visit to Ireland from the Courts Service.

<sup>60</sup> Court Proceedings (Delays) Act 2024.

<sup>61</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 8; 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 8.

judgment<sup>62</sup>. The Court (Proceedings) Delays Act 2024 provides for a declaration and, where appropriate, compensation in cases where people experience undue delays in the justice system. It provides for the establishment of an independent assessment process, under the aegis of the Department of Justice, to assess claims for breach of the right to the conclusion of proceedings within a reasonable time. The national authorities are now working towards the implementation of the assessment mechanism provided for under the Act, and the commencement of the legislation. It is anticipated that the Act will become operational by 2025<sup>63</sup>.

## II. ANTI-CORRUPTION FRAMEWORK

The responsibility to fight and prevent corruption in Ireland falls under the control of several public authorities. The national police (*An Garda Síochána*), specifically, the Garda National Economic Crime Bureau (GNECB)<sup>64</sup>, investigates and prevents corruption. The Garda Anti-Corruption Unit (GACU) is responsible for promoting integrity as well as detecting and investigating corruption within the national police. The Garda Síochána Ombudsman Commission (GSOC) investigates cases of misconduct of the national police affecting the public interest and complaints from third parties regarding integrity in the national police. Within the GNECB, the national police has a distinct Anti-Bribery and Corruption Unit (ABCU), responsible for policing foreign bribery and corruption cases. The ABCU monitors foreign corruption cases for Irish involvement. The Corporate Enforcement Authority (CEA) retains both investigative and enforcement powers, and it carries out its functions under the framework of the Companies Act 2014<sup>65</sup>. The authority to prosecute lies with the Office of the Director of Public Prosecutions (ODPP)<sup>66</sup>. The Standards in Public Office Commission (SIPO) continues to oversee the integrity framework for public officials including conflict of interests, lobbying and party financing where it also provides advice to office holders<sup>67</sup>. The permanent Advisory Council against Economic Crime and Corruption coordinates and leads the delivery of a whole-of-government approach to economic crime and corruption, and acts as a “centre of excellence” for research and analysis, awareness-raising and training<sup>68</sup>.

**The perception of public sector corruption among experts and business executives is that the level of corruption in the public sector remains relatively low.** In the 2023 Corruption Perceptions Index by Transparency International, Ireland scores 77/100 and ranks

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<sup>62</sup> Judgment of the Grand Chamber of the European Court of Human Rights of 10 September 2010, *McFarlane v. Ireland*, 31333/06.

<sup>63</sup> Written contribution from the Government in the context of the country visit to Ireland.

<sup>64</sup> Specialist bureau that investigates fraud-related crime involving complex issues of criminal law or procedure.

<sup>65</sup> The Companies (Corporate Enforcement Authority) Act 2021 established the Corporate Enforcement Authority (CEA), which replaces the Office of the Director of Corporate Enforcement (ODCE) and assumes its role in the investigation and enforcement of company law offences.

<sup>66</sup> Within the ODPP, a new Anti-corruption Unit has been formalised in the Directing Division to deal with Garda corruption cases, while cases involving a foreign component will remain under the remit of the SFU.

<sup>67</sup> Including: the Ethics in Public Office Acts 1995, which set out standards of conduct for public officials, elected and appointed; the Electoral Act 1997, which regulates political financing, including political donations and election expenses; The Oireachtas (Ministerial and Parliamentary Activities) (Amendment) Act 2014, which regulates expenditure of public funds to political parties and independents; and the Regulation of Lobbying Act 2015, which makes the lobbying of public officials more transparent.

<sup>68</sup> The Advisory Council was established in May 2022 and is chaired by former Director of Public Prosecutions James Hamilton.

7th in the European Union and 11th globally<sup>69</sup>. This perception has been relatively stable over the past five years<sup>70</sup>. The 2024 Special Eurobarometer on Corruption shows that 57% of respondents consider corruption widespread in their country (EU average 68%) and 18% of respondents feel personally affected by corruption in their daily lives (EU average 27%)<sup>71</sup>. As regards businesses, 33% of companies consider that corruption is widespread (EU average 65%) and 9% consider that corruption is a problem when doing business (EU average 36%)<sup>72</sup>. Furthermore, 30% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 32%)<sup>73</sup>, while 25% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 31%)<sup>74</sup>.

**The permanent Advisory Council against Economic Crime and Corruption is working on a multi-annual strategy to tackle corruption, despite delays.** After being established in May 2022, the permanent Advisory Council against Economic Crime and Corruption has started working on a multi-annual National Strategy to Combat Economic Crime and Corruption and on an accompanying action plan in early 2023<sup>75</sup>. As reported last year<sup>76</sup>, the Council is composed of a chairman and 19 members from the business and financial sector, academia and civil society<sup>77</sup>. It is supported by a secretariat from the Ministry of Justice. In October 2023, the Advisory Council launched an online public consultation to gather public input for the Strategy to combat economic crime and corruption<sup>78</sup>. Overall delays around the Strategy have been already reported in previous years<sup>79</sup>. According to the current timeline, a

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<sup>69</sup> Transparency International, *Corruption Perceptions Index 2023* (2024), pp. 2-3. The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

<sup>70</sup> In 2019 the score was 74, while, in 2023, the score is 77. The score significantly increased/decreased when it changes more than five points; improved/deteriorated (changes between 4-5 points); has been relatively stable (changes from 1-3 points) in the last five years.

<sup>71</sup> Special Eurobarometer 548 on Citizens' attitudes towards corruption in the EU (2024). The Eurobarometer data on citizens' corruption perception and experience is updated every year. The previous data set is the Special Eurobarometer 534 (2023).

<sup>72</sup> Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024). The Eurobarometer data on business attitudes towards corruption as is updated every year. The previous data set is the Flash Eurobarometer 524 (2023).

<sup>73</sup> Special Eurobarometer 548 on Citizens' attitudes towards corruption in the EU (2024).

<sup>74</sup> Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024).

<sup>75</sup> Input from Ireland for the 2024 Rule of Law Report, p. 33. The establishment of an Advisory Council against Economic Crime and Corruption was one of the recommendations made in the Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption, published in December 2020 (the so-called "Hamilton Review").

<sup>76</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, pp. 9-10.

<sup>77</sup> Input from Ireland for the 2024 Rule of Law Report, p. 30. More specifically, 13 members represent the relevant government departments, enforcement, and regulatory agencies from across the public sector. The remaining six ordinary members represent the business and financial sector, academia, and civil society. One civil society representative member resigned, and a new member was appointed in June 2024. Information received in the context of the country visit to Ireland from the Department of Justice.

<sup>78</sup> Press release Department of Justice, Minister McEntee launches online public survey to inform cross-sectoral strategy to combat economic crime and corruption, Published on 16 October 2023.

<sup>79</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, pp. 9-10; 2022 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, pp. 9-10; 2021 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 10. The Hamilton review – published in December 2020 – recommended the development and approval of a multi-annual strategy and an accompanying action plan by Q1 2022. The drafting was then delayed to 2023.

first draft should be finalised by the end of 2024<sup>80</sup>. The draft strategy would then be submitted for approval to the Government. The Advisory Council has constituted five working groups tasked with researching and drafting working papers, which might constitute the final basis for the Strategy and Action Plan<sup>81</sup>. However, civil society organisations focusing on anti-corruption expressed concerns that they had not been comprehensively or formally involved in the drafting process<sup>82</sup>.

**The lack of resources and specialisation remains a challenge in investigating and prosecuting corruption cases.** The investigation of corruption offences is a shared task within the national police, including the GNECB and its specialised ABCU. As of February 2024, the Garda personnel for GNECB consists of 92 agents<sup>83</sup>, of which 16 are Garda Staff<sup>84</sup>. The current capacity of the GNECB is still below the planned staffing. A recruitment competition was held in 2023 and seven sergeants were allocated to the service<sup>85</sup>. Moreover, among the 60 Gardai successful in the competition, as of February 2024, only five have been allocated to the GNECB<sup>86</sup>. In order to provide the police with a higher level of specialisation, five forensic accountants have been allocated to the Garda Organisation, which is considered insufficient by the police<sup>87</sup>. As already reported in previous years<sup>88</sup>, issues regarding the available resources to effectively investigate corruption cases remain<sup>89</sup>. Since 2022, the total

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<sup>80</sup> Information received in the context of the country visit to Ireland from the Advisory Council and from the Department of Justice. Written contribution from the Department of Justice in the context of the country visit to Ireland.

<sup>81</sup> Information received in the context of the country visit to Ireland from the Advisory Council and from the Department of Justice. The working groups are focused on five pillars, namely Enhancing transparency and accountability; Tackling illicit financial flows and responding to technological challenges; Meeting international standards and enhancing cooperation; Raising awareness, education and capacity building; Information Sharing. It is important to note that these pillars are considered as a starting point in developing the Strategy, however they might be subject to changes.

<sup>82</sup> Information received in the context of the country visit to Ireland from the Irish Council for Civil Liberties. Contribution from Transparency International for the 2024 Rule of Law Report, p. 14. Civil society organisations who do not have considerable resources and staff capacity find it difficult to actively engage in discussions. For this reason, civil society calls for a higher level of publicity and active involvement in the consultation processes of relevant reforms or strategies. According to Transparency International, since the Department of Justice announced and advertised a vacancy for civil society representation in March 2023, no update has been shared publicly. However, the Department of Justice reported that a member of civil society was appointed to the Advisory Council in June 2024 and is involved in the drafting of the strategy as of July 2024. See also 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 10.

<sup>83</sup> The number includes one Chief Superintendent, two Superintendents, one inspector, 16 sergeants, and 72 Garda. Compared to 2022, the total number increased of six, as the staff numbers as at 31/12/2022 was 91. Input from Ireland for the 2024 Rule of Law Report, pp. 27-28.

<sup>84</sup> The number includes two Forensic Accountants, two analysts, three Executive Officers, and four Clerical Officers. Compared to 2022, the total number decreased, as the staff numbers as at 31/12/2022 was 17. Written contribution from the Department of Justice in the context of the country visit to Ireland.

<sup>85</sup> In 2023, 580 Gardai left the Garda police and 388 were recruited. The issue was already underlined in the 2023 Rule of Law Report, p. 11.

<sup>86</sup> Information received in the context of the country visit to Ireland from the police. The GNECB expects the remaining successful candidates to fill the vacant posts progressively in the upcoming 24 months.

<sup>87</sup> Information received in the context of the country visit to Ireland from the police. According to the police, the overall number of forensic accountants needs to be significantly increased, both at national and local level to Divisions/Regions. The current allocation of five accountants aims to cover all the police services, not only the anticorruption unit.

<sup>88</sup> 2023, 2022 and 2021 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 11, p. 12, and p. 11 respectively.

<sup>89</sup> Information received in the context of the country visit to Ireland from the police.

number of police staff available to investigate corruption offences has decreased, despite the recommendation under the Hamilton Review<sup>90</sup> to ensure adequate resources to GNECB<sup>91</sup>. Currently, one sergeant and four Gardai are attached to the ABCU. This allocation is considered insufficient by the police to conduct complex investigations in a timely manner<sup>92</sup>. The prosecution of corruption offences remains under the remit of the Office of the Director of Public Prosecutions (ODPP) and its Special Financial Crime Unit (SFU), that deals with cases of high complexity<sup>93</sup>. The SFU is currently staffed with nine prosecutors<sup>94</sup>. Within the ODPP, a new Anti-corruption Unit has been formalised in the Directing Division to deal with Garda corruption cases, while cases involving a foreign component will remain under the remit of the SFU<sup>95</sup>. Among the main challenges the prosecution has been facing in the past years<sup>96</sup>, it underlines a lack of suitable digital platforms and adequate resources to deal with increasing volumes of digital data, as well as lack of access to forensic accountants and specialisation in dealing with financial crimes<sup>97</sup>.

**Cooperation within police services and between prosecution and police continues smoothly.** The Economic Crime Forum of senior representatives meets regularly to discuss improvements and reports to the Advisory Council, with the aim to facilitate greater inter-agency coordination, collaboration and information sharing<sup>98</sup>. The Economic Crime Forum is currently implementing the actions under the 2021 implementation plan of the Hamilton Review<sup>99</sup>, including those in relation to information sharing<sup>100</sup>. The Economic Crime Forum

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<sup>90</sup> Department of Justice (2020), Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption, published in December 2020 (the so-called “Hamilton Review”).

<sup>91</sup> See Recommendation n. 4 under the Hamilton Review. GNECB detective staff was reduced by 28% since 2022, and by 66% of clerical officers, who are normally tasked with assisting detectives with general administration, covering typing, scanning, photocopying, data imputing, correspondence, overall supporting their work. Information received in the context of the country visit to Ireland from the police.

<sup>92</sup> Information received in the context of the country visit to Ireland from the police. GNECB intends to allocate additional staff to the ABCU to face increasing challenges in investigating corruption cases, should additional resources become available in the future.

<sup>93</sup> 2022 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, pp. 11-12. Information received in the context of the country visit to Ireland from the Office of the Director of Public Prosecutions. The unit is undergoing a structural reorganisation, which will lead to the establishment of three sub-groups dedicated to assets and confiscations, corporate crimes and serious fraud. The staff of the Special Financial Unit has been increased from three to seven since the 2022 Rule of Law Report. Within the Directing Division of the SFU, an anti-corruption unit has been formally established tasked with handling Garda corruption cases. The Directing Division consists of prosecutors who examine criminal investigation files and decide whether or not to take a prosecution, and whether a prosecution commenced by *An Garda Síochána* should be maintained.

<sup>94</sup> Input from Ireland for the 2024 Rule of Law Report, p. 30. Information received in the context of the country visit to Ireland from the Office of the Director of Public Prosecutions Office.

<sup>95</sup> Input from Ireland for the 2024 Rule of Law Report, p. 30.

<sup>96</sup> The issues were already underlined in the 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 11.

<sup>97</sup> Input from Ireland for the 2024 Rule of Law Report, p. 48. Information received in the context of the country visit to Ireland from the Office of the Director of Public Prosecutions Office.

<sup>98</sup> Written contribution from the Department of Justice in the context of the country visit to Ireland. The Economic Crime Forum was established in June 2021 and meets on a quarterly basis. It is made up of senior representatives from the Corporate Enforcement Authority, An Garda Síochána, the Central Bank of Ireland, the Office of the Director of Public Prosecutions, Revenue, the Competition and Consumer Protection Commission, the Department Social Protection and the Standards in Public Office Commission. The Office of the Director of Public Prosecutions is the current Forum chair. The Forum held the Q1 2024 meeting on 13 February 2024.

<sup>99</sup> Department of Justice (2021), Hamilton Review Group Implementation Plan. An Implementation Plan to implement the recommendations was published in April 2021.

is also further developing training for investigators of economic crime and corruption and has identified specific trainings that the national police may be able to provide. However, given the current difficulties related to the lack of resources, the police are expected to face increasing challenges in delivering and maintaining such trainings<sup>101</sup>. Cooperation between the Corporate Enforcement Authority (CEA) and the Garda Síochána is established through a Memorandum of Understanding and is reported to continue to work well<sup>102</sup>. On the cooperation with the EPPO, preparatory work concerning the working arrangement between the EPPO and the competent authorities of Ireland is ongoing<sup>103</sup>. Ireland does not participate in the EPPO, but recently adopted legislative amendments to allow its competent authorities to cooperate with the EPPO<sup>104</sup>. In 2023, the Ministry of Justice established an inter-agency group to explore the implications of Ireland joining the EPPO<sup>105</sup>. The Government has approved the drafting of legislation to allow Ireland to join the EPPO but there is no formal Government decision for now, until the detailed preparatory work required is completed<sup>106</sup>.

**Recent legislative changes are expected to support future investigations into foreign bribery, despite remaining challenges in investigations.** In November 2023, the Criminal Justice (Miscellaneous Provisions) Act was enacted amending section 12 of the Criminal Justice (Corruption Offences) Act 2018<sup>107</sup>. This amendment removed the requirement for an act of corruption to be an offence under the law of the specific place where it was perpetrated. According to the police, this change will significantly assist prosecutions of foreign corruption in the future<sup>108</sup>. The ABCU reiterates the difficulty in investigating foreign bribery because of lack of cooperation with third countries through mutual legal assistance<sup>109</sup>. The gathering of evidence in third countries, which would be considered admissible in Irish courts, remains difficult<sup>110</sup>. As of March 2024, the ABCU is working on twelve ongoing corruption investigations, out of which four concern foreign bribery of foreign public officials<sup>111</sup>. Additionally, one foreign bribery investigation remains under assessment for

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<sup>100</sup> Information received in the context of the country visit to Ireland from the Department of Justice.

<sup>101</sup> Information received in the context of the country visit to Ireland from the GNECB.

<sup>102</sup> CEA (2022), Memorandum of Understanding between the Director of Corporate Enforcement and An Garda Síochána.

<sup>103</sup> Input from Ireland for the 2024 Rule of Law Report, p. 30.

<sup>104</sup> Criminal Justice (Miscellaneous Provisions) Act 2023. The cooperation provided for by the legislation consists of mutual assistance for gathering evidence and freezing of assets; Ireland does not recognise the EPPO as a competent authority for the European Arrest Warrant Framework Decision; contribution from the EPPO for the 2024 Rule of Law Report. In 2023, Ireland was involved in 3 EPPO cases; it is not known whether these concerned corruption. EPPO (2024), 2023 Annual Report, p. 109.

<sup>105</sup> Input from Ireland for the 2024 Rule of Law Report, p. 31.

<sup>106</sup> Information received in the context of the country visit to Ireland from the Department of Justice.

<sup>107</sup> The OECD Working Group on Bribery (WGB) carried out a Phase 1bis evaluation of Ireland in March 2019. This evaluation assessed whether the Criminal Justice (Corruption Offences) Act 2018 implemented a number of recommendations of the OECD's Convention on Combating the Bribery of Foreign Public Officials in International Business Transactions. While the WGB recognised the high level of cooperation throughout the Phase 1bis process, they also identified some issues that will be revisited in the Phase 4 evaluation to ensure that pursuant to the statutory provisions, cases of the bribery of foreign public officials are investigated and prosecuted effectively and in accordance with the convention. The Phase 4 evaluation visit to Ireland is scheduled to take place in late 2025.

<sup>108</sup> Information received in the context of the country visit to Ireland from the GNECB.

<sup>109</sup> Information received in the context of the country visit to Ireland from the Anti-Bribery & Corruption Unit.

<sup>110</sup> Ibidem. In order to raise awareness on roles and responsibilities among companies' staff against bribery, the ABCU is committed to delivering presentations at training seminars.

<sup>111</sup> Information received in the context of the country visit to Ireland from the Anti-Bribery & Corruption Unit.

criminal offences<sup>112</sup>. Between October and December 2023, the office closed three cases due to prosecutions in other jurisdictions and/or insufficient evidence<sup>113</sup>.

**A new law was adopted to strengthen integrity and to enhance accountability of the police, and measures have been taken to promote a culture of integrity and awareness raising to prevent corruption within the national police.** The Policing, Security and Community Safety Act was adopted on 7 February 2024<sup>114</sup>. Following the recommendations made by the Commission on the Future of Policing in Ireland (CoFPI), the law provides for the establishment of a new Policing and Community Safety Authority which will merge the functions of the Policing Authority and the inspection function of the Garda Síochána Inspectorate<sup>115</sup>. In addition, it establishes a new Office of the Police Ombudsman, which will strengthen the mandate of the existing Garda Síochána Ombudsman Commission (GSOC). Civil society organisations welcome these changes, aiming at enhancing the governance, oversight, and accountability of the national police service<sup>116</sup>. The anti-corruption unit of the national police, the GACU, is tasked with investigating and preventing corruption within the police<sup>117</sup>. The GACU is following up on the recommendations of the Garda Síochána Inspectorate Report to better develop internal anti-corruption policies<sup>118</sup>. In order to promote a culture of integrity, the GACU delivers a learning programme, a dedicated evidence based newsletter<sup>119</sup>, and issues briefings to Garda personnel raising awareness of the role of the GACU<sup>120</sup>.

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<sup>112</sup> In 2021, the unit had nine ongoing corruption investigations, out of which three investigations concerned foreign bribery of foreign public officials. 2021 Rule of Law report, Country Chapter on the rule of law situation in Ireland, p. 11.

<sup>113</sup> Information received in the context of the country visit to Ireland from the Anti-Bribery & Corruption Unit.

<sup>114</sup> Houses of the Oireachtas (2024), Policing, Security and Community Safety Act 2023, Act 1 of 2024.

<sup>115</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 10. Department of Justice (2022), Press release: Landmark Policing, Security and Community Safety Bill marks a new departure for policing in Ireland.

<sup>116</sup> Contribution from Transparency International for the 2024 Rule of Law report, p. 14. The Bill includes explicit provision for the Garda Commissioner's independence and the creation of a high-level Board.

<sup>117</sup> Information received in the context of the country visit to Ireland from the Department of Justice. The total number of Garda Personnel attached to the GACU is currently 33 (28 Sworn Members, five Garda Staff).

<sup>118</sup> This is aimed to increase resources on investigative capacity, on training and education, as well as to enhance trust among police officers in addressing potential misconducts. Department of Justice (2022), Garda Síochána Inspectorate Report 'Countering the Threat of Internal Corruption': Implementation Plan - September 2022. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 12.

<sup>119</sup> Alongside the Garda Ethics & Cultural Bureau, the GACU distributes a quarterly evidence based "Learning the Lessons" newsletter to the Garda organisation, which provides a summary of criminal and disciplinary investigations in respect of Garda personnel (both Members and Garda Staff), which aims to create awareness across the organisation of the consequences of non-adherence to policy or not upholding the standards of the Code of Ethics. The focus is on improving policing practice and enhancing professional conduct and ethical behaviour. Each edition focus on a particular theme; four editions were published during 2023 addressing the following topics: Inappropriate Use of Garda Systems, Abuse of Authority, Criminal Conduct and the Garda Síochána Acceptance of Gifts, Hospitality and Sponsorship Policy. Input from Ireland for the 2024 Rule of Law Report, p. 50.

<sup>120</sup> Information received in the context of the country visit to Ireland from the GACU. The learning programme is delivered to Garda personnel including new Garda recruits, personnel attending promotion courses, personnel attending specialist training and to Senior Garda Managers. Face-to-face briefings were delivered by the GACU to over 600 Garda Personnel during 2023. As of January 2024, 14 590 Garda Personnel have completed three Compulsory Garda Education & Training System Anti-Corruption Learning Modules. Input from Ireland for the 2024 Rule of Law Report, p. 46.



**Some preparatory steps have been taken to strengthen the ethics framework.** The 2023 Rule of Law Report recommended to Ireland to “strengthen and digitalise the existing ethics framework, including the monitoring and enforcement capacity of the Standards in Public Office Commission”<sup>121</sup>. On 7 February 2023, Ireland presented a review study of the existing statutory framework for Ethics in Public Office<sup>122</sup>. Following the review, the Government tasked the relevant departments to draft a legislative concept, which is expected to be submitted to the Government in Q3 2024 for approval<sup>123</sup>. Once the legislative concept is approved, the drafting of actual legislation would start and build upon the policy framework developed for the 2015 Public Sector Standards Bill<sup>124</sup>. The main points to be covered under the legislative concept are expected to include strengthening the legal obligations on public officials to disclose actual and potential conflicts of interest, and strengthening the power of the Standards in Public Office Commission (SIPO)<sup>125</sup>. However, civil society organisations called for urgent action in order to ensure that the legislation is adopted before the next general election at the beginning of 2025<sup>126</sup>. In light of calls for reforms stressed by GRECO<sup>127</sup> and previous Rule of Law reports<sup>128</sup>, as well as by civil society organisations<sup>129</sup>, some preparatory steps have been taken to strengthen the existing ethics framework<sup>130</sup>. Therefore, there has been some progress on the implementation of this part of the recommendation made in the previous years.

**There has been no progress in the strengthening and digitalisation of asset declarations.** The 2023 Rule of Law Report recommended to Ireland to “strengthen and digitalise the existing ethics framework, on asset declarations [...]”<sup>131</sup>. Rules on asset and interest declarations apply to public office holders<sup>132</sup>, members of Parliament<sup>133</sup> and civil servants

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<sup>121</sup> 2023 Rule of Law report, Country Chapter on the rule of law situation in Ireland, p. 2. In the 2023 Rule of Law Report, the Commission concluded that some progress was made on the recommendation.

<sup>122</sup> 2023 Rule of Law report, Country Chapter on the rule of law situation in Ireland, pp. 12-13.

<sup>123</sup> Information received in the context of the country visit to Ireland from the Department of Public Expenditure NDP Delivery and Reform. Written contribution from the Department of Justice in the context of the country visit to Ireland.

<sup>124</sup> Input from Ireland for the 2024 Rule of Law Report, p. 28. The 2015 Public Sector Standards Bill aimed at consolidating the statutory framework for ethics and giving effect to relevant recommendations of the Mahon and Moriarty Tribunals. See also 2022 Rule of Law report, Country Chapter on the rule of law situation in Ireland, p. 13; 2020 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 9.

<sup>125</sup> Input from Ireland for the 2024 Rule of Law Report, p. 28.

<sup>126</sup> Information received in the context of the country visit to Ireland from Civil Liberties Union for Europe; and contribution from Transparency International for the 2024 Rule of Law Report, p. 13.

<sup>127</sup> GRECO (2024), Fourth Evaluation Round - Addendum to the Second compliance report, p. 8; GRECO (2014), Fourth Evaluation Round, p. 46.

<sup>128</sup> 2023 Rule of Law report, Country Chapter on the rule of law situation in Ireland, pp. 12-13. 2022 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, pp. 13-14.

<sup>129</sup> Contribution from Transparency International for the 2024 Rule of Law report, p. 13. According to the Irish Council for Civil Liberties, the approval of the pending legislation would support civil society in actively playing a role in the prevention of and fight against corruption.

<sup>130</sup> According to the Department of Public Expenditure NDP Delivery and Reform, the reform would increase the investigation power of SIPO, which would act as a centralised institution of declaration of interest at national and local level. The Department is aware that this would entail a parallel discussion on increasing resources.

<sup>131</sup> 2023 Rule of Law report, Country Chapter on the rule of law situation in Ireland, p. 2. In the 2023 Rule of Law Report, the Commission concluded that some progress was made on this part of the recommendation.

<sup>132</sup> Input from Ireland for the 2024 Rule of Law Report, p. 39. Disclosure obligations arise for the following categories: Oireachtas (Member of the Dáil or Seanad); Office Holders (i.e. Ministers, Ministers of State, Attorney General, and Chairperson and Deputy Chairperson of both Houses and chair of a Committee of one

under the Ethics Acts<sup>134</sup>. SIPO is responsible for delivering guidelines, advice, and investigating and reporting possible contraventions<sup>135</sup>. As reported in previous years, the material scope of declarations remains limited, and the declarations of liabilities are currently not presented in an accessible format<sup>136</sup>. The digitalisation of declarations would not only ensure a more user-friendly and streamlined process for the submission of periodic statements of interests, but it would also guarantee an easier use and access by SIPO and civil society<sup>137</sup>. Moreover, it would support improved complaints and investigations procedures<sup>138</sup>. The proposed reform of the statutory legal framework (see paragraph above) would extend disclosure requirements on public officials<sup>139</sup>. It would also explicitly provide that digital solutions should be developed and favoured, though the digitalisation process would only be suggested as an optional – and thus not obligatory – solution<sup>140</sup>. The Government underlined that progress on strengthening asset declaration provisions, as well as digitalisation, also depend on the discussion and adoption of the more comprehensive ethics in public office reform (see paragraph above)<sup>141</sup>. Therefore, as asset declarations are limited in scope and not presented in an accessible format, no progress was made on the implementation of this part of the recommendation made in the 2023 Rule of Law Report.

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or both Houses); Public Bodies and Civil Service (Designated Director e.g. chairman of a Board of a public body; Designated Position of Employment e.g. positions of employment below Principal Officer Grade level in the civil service, whose work area could produce conflicts of interest (e.g. procurement); special advisers. Office holders are required to provide a written statement of interests and additional interest including those of spouses and relatives to SIPO, but these are exempt from publication.

<sup>133</sup> In the case of members of the Oireachtas, statements of interests are furnished annually to SIPO, who passes them on to the Clerks of either House, who compile the Registers of Members' Interests. Input from Ireland for the 2024 Rule of Law Report, p. 39. Transparency International Ireland highlights that as of January 2024, the latest disclosures available on the Register are for 2022.

<sup>134</sup> The Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 are cited together as the Ethics Acts. The Minister for Public Expenditure and Reform has responsibility for these Acts.

<sup>135</sup> According to SIPO, the current allocation of resources is sufficient to perform its duties; however, following the ethics reform, a new capacity review is likely to be needed. [Placeholder: to update should the 2023 be issued in time. As stated in the 2022 SIPO Annual Report published in June 2023, in 2022 SIPO processed 148 complaints under the Ethics Act and initiated five preliminary inquiries. SIPO (2023), 2022 SIPO Annual Report.]

<sup>136</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 13; 2022 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 14; 2021 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 12; GRECO (2022), Fourth Evaluation Round - Second Interim Compliance Report, p. 9. The Review of Ireland's Statutory Framework for Ethics in Public Office underscores this situation. Information received in the context of the country visit to Ireland from SIPO. Declarations of liabilities are often handwritten forms scanned in PDFs.

<sup>137</sup> Information received in the context of the country visit to Ireland from Transparency International and Irish Council for Civil Liberties. 2023 Rule of Law report, Country Chapter on the rule of law situation in Ireland, p. 13.

<sup>138</sup> Input from Ireland for the 2024 Rule of Law Report, p. 41.

<sup>139</sup> Input from Ireland for the 2024 Rule of Law Report, p. 41. The reform aims to extend disclosure obligations in respect of ministers, senior advisors and officials who would be obliged to disclose significant liabilities above EUR 50 000. Besides, members of parliament would be obliged to disclose the interests of a spouse, civil partner or child that has a material interest in the subject matter of their functions or decisions.

<sup>140</sup> Information received in the context of the country visit to Ireland from the Department of Public Expenditure NDP Delivery and Reform. Written contribution from the Government in the context of the country visit to Ireland.

<sup>141</sup> The Department of Justice foresees that a draft regulation will be finalised by the end of 2024, with new obligations in place by 31 December 2025. Information received in the context of the country visit to Ireland from the Department of Public Expenditure NDP Delivery and Reform. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 13.

**Relevant amendments to the lobbying regulation entered into force, with overall positive reactions by civil society.** The 2023 Rule of Law Report recommended to Ireland to “strengthen and digitalise the existing ethics framework, on [...] lobbying”. The Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act 2023 was signed into law on 22 June 2023, amending the Regulation of Lobbying Act 2015. The commencement order for the 2023 Act follows a two-phased approach: the amendments to the transparency register are operational since 1 January 2024, while the new sanctions started applying on 1 June 2024<sup>142</sup>. The 2023 Act extends provisions to cover lobbying activity performed by certain representative and issue-based bodies, and to lobbying conducted by non-remunerated office-holders of other representative and issue-based bodies<sup>143</sup>. The law includes administrative financial sanctions, in case of some relevant contraventions, including for breaches of the cooling-off provision<sup>144</sup>. A cooling-off period of 12 months for certain categories of designated public officials is foreseen<sup>145</sup>. Civil society organisations welcomed the changes, notably the “anti-avoidance provisions”<sup>146</sup>, which allow to close loopholes in the 2015 Act<sup>147</sup>. In light of the important steps taken, the 2023 recommendation to strengthen the lobbying framework has been fully implemented.

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<sup>142</sup> This allowed time for SIPO to adjust to the operation of the new sanctions and conduct awareness raising activities with lobbyists and relevant designated public officials. The Minister for Public Expenditure, National Development Plan Delivery and Reform signed the order on 7 November 2023. Input from Ireland for the 2024 Rule of Law Report, p. 35. These provisions include those relating to contravention of the section 22 post term employment cooling off provisions.

<sup>143</sup> The 2023 Act removes the criterion of “in respect of which remuneration is payable”: non-remunerated office holders now fall within the scope of lobbying regulations. Moreover, the 2015 Act applied to representative and advocacy umbrella groups only where they had at least one employee, where that or another paid employee conducted lobbying. However, corporate interest groups and other such coalitions who do not engage any direct employees were not required to make returns to the Register of Lobbying. Nevertheless, these activities – where carried out under the auspices of a constituent member organisation - would constitute lobbying. The 2023 Act includes in the definition of persons carrying out lobbying “a body which exists primarily to represent the interests of its members” or “to take up particular issues”, “where one or more of the members of the body would fall within the scope of [the Act] if such member or members were to carry on lobbying activities outside of the body and the relevant communications are made on behalf of any of the members”, or “are made in the furtherance of any of those issues”.

<sup>144</sup> Section 22 of the 2015 Act set out restrictions on post-term employment as a lobbyist. With the 2023 Act, a breach of the cooling-off period, or lobbying during that period without SIPO’s consent, is a “relevant contravention”. This allows SIPO to carry out an investigation and impose sanctions where it believes that a person has not complied with the Section 22 cooling-off provisions. Breaches of Section 22 are part of the administrative enforcement regime established by the 2023 Act and thus are not criminal offences. The 2023 Act requires public bodies not only to inform relevant Designated Public Officials (DPOs) of their post-employment obligations but also to inform SIPO when a relevant DPO leaves their employment (including dates of appointment and departure), which aims to assist SIPO in administering Section 22 sanctions.

<sup>145</sup> Input from Ireland for the 2024 Rule of Law Report, p. 41. The post term employment restrictions apply to Ministers, Ministers of State, Special Advisers appointed under section 11 of the Public Services Management Act 1997, and public servants prescribed as a Designated Public Official by the Minister for Finance and Public Expenditure & Reform under section 6(2) of the Regulation of Lobbying Act. .

<sup>146</sup> The 2023 Act makes it an offence to take any action intentionally designed to avoid or circumvent one’s obligations in connection with registering as a lobbyist and/or making returns (the so-called “anti-avoidance” provisions).

<sup>147</sup> However, they noted the need for further reforms to address the exclusion of relevant agencies from the register, and the establishment of a legislative footprint. TI Ireland calls for improving the Parliament website to allow for a fully comprehensive “legislative footprint”. This has been recently recommended by OECD in their revised “Recommendation of the Council on Transparency and Integrity in Lobbying and Influence”, to “establish and maintain a mandatory public decision-making process footprint, to the extent possible, with timely, comprehensive and detailed information on lobbying and influence activities, made publicly available online and easily accessible, in an open data format, that is reusable for public scrutiny and allows for cross-checking with other relevant databases”. Contribution from Transparency International

**An Electoral Commission was established to address concerns about political party financing.** Political party financing is regulated under the Electoral Act, applicable since 1997 with no significant changes<sup>148</sup>. Civil society and political groups called for a review of the 1997 Electoral Act, as noted by a recent study of the Electoral Commission<sup>149</sup>. Reflecting these concerns, the Electoral Commission will soon launch a review of the 1997 Act, including a public consultation process<sup>150</sup>. Civil society raised concerns on the format of the declarations of donations to political parties, arguing that it will make it particularly difficult to access the necessary information on the website<sup>151</sup>. SIPO, which oversees the administration of legislation governing political financing, including political donations and election expenses, has not announced new initiatives related to a review of the political party financing framework. In the context of the Electoral Commission review of the 1997 Act, discussions are ongoing regarding the opportunity for the Electoral Commission to take over some of the current functions attributed to SIPO with regard to political party financing<sup>152</sup>.

**The legislation on Whistleblowers' Protection entered into force and the cooperation between government and civil society focuses on fostering integrity at work.** The Protected Disclosures (Amendment) Act 2022 entered into force on 1 January 2023<sup>153</sup>. The law transposes the Whistleblowers' Protection Directive<sup>154</sup>. Following the adoption of the law, the Official Guidance for Public Bodies on the implementation of the Act was revised and published in November 2023<sup>155</sup>. The new legislation provides for the establishment of a new Office of the Protected Disclosures Commissioner, which is now operational. Ireland's national Ombudsman has been appointed as the Protected Disclosures Commissioner.

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Ireland pp. 13-14 and from the Irish Council for Civil Liberties for the 2024 Rule of Law Report. See also Arthurcox.com (2023), Modifications to the Regulation of Lobbying in Ireland. Contribution from the Irish Environmental Network for the 2024 Rule of Law Report, p. 19. The IEN particularly stressed the exclusion of Port Authorities and An Bord Pleanála, considering the significant money flow involved in port development and offshore renewables sectors.

<sup>148</sup> Electoral Act 1997. The Department of Housing, Local Government and Heritage suggests the opportunity for a comprehensive review of the party financing framework, also considering the need to cover new tools, notably digital fundraising.

<sup>149</sup> See additional information under Section IV. Other institutional issues related to checks and balances.

<sup>150</sup> According to the Constitution, whenever a significant change for the general population is considered, a review study must be carried out. Information received in the context of the country visit to Ireland from the Ministry for Housing, Local Government and Heritage. The Government had also previously expressed willingness to carry out a comprehensive review of the 1997 Act, following the establishment of the Electoral Commission. See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, pp. 14-15, FT 114.

<sup>151</sup> Information received in the context of the country visit to Ireland from the Irish Council for Civil Liberties and Transparency International.

<sup>152</sup> SIPO has supervisory roles under the Electoral Act 1997 (as amended) and the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014. The Electoral Act 1997 regulates political financing, including political donations and election expenses; The Oireachtas (Ministerial and Parliamentary Activities) (Amendment) Act 2014 regulates expenditure of public funds to political parties and independents.

<sup>153</sup> Houses of the Oireachtas (2023), Protected Disclosures (Amendment) Act 2022 (Act 27 of 2022).

<sup>154</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, OJ L 305, 26.11.2019, p. 17-56.

<sup>155</sup> Department of public expenditure, Protected Disclosures Act Statutory guidance for public bodies and prescribed persons. The Guidance updates the original Statutory Guidance, issued in 2015, and the Interim Guidance on the amended Act issued in 2022.

Moreover, under the Act, public bodies, prescribed persons<sup>156</sup> and the newly established Office of the Protected Disclosures Commissioner must provide a detailed breakdown of the number of reports received in the calendar year and the actions taken to follow up<sup>157</sup>. The Ministry plans to publish a first report by the end of 2024<sup>158</sup>. Moreover, funding for Transparency International Ireland (TII) for the operation of its free “Speak Up” Helpline for whistleblowers and Legal Advice Centre has been increased in 2024 to offer information, referral advice and support to people looking to report wrongdoing<sup>159</sup>.

**The public procurement, planning and development sectors have been identified as high-risk areas for corruption.** The Flash Eurobarometer on Businesses’ attitudes towards corruption in the EU shows that 6% of companies in Ireland (EU average 27%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years<sup>160</sup>. In November 2023, the Minister for Housing, Local Government and Heritage presented a new Planning and Development Bill 2023, which was approved by the Lower House on 13 June 2024<sup>161</sup>. The Bill has been criticised by some commentators in the media and by civil society organisations for its potential consequences which might facilitate corruption implications<sup>162</sup>, and civil society organisations have identified planning as a high-risk area for corruption<sup>163</sup>. In order to address transparency issues, the Bill also contains measures to tackle any abuse of the planning system, such as dealing with false planning submissions and appeals<sup>164</sup>. Other sectors which have been identified by stakeholders as primary areas of risk for corruption are public utilities, sport

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<sup>156</sup> Under the Act, the Minister for Public Expenditure, NDP delivery and Reform has the power to designate competent authorities as prescribed persons. This list of prescribed persons was updated this year by Order in October 2023. The number of prescribed persons authorised under law to receive protected disclosures was increased to 108.

<sup>157</sup> This information will be collated and published by the Minister for Public Expenditure, NDP Delivery and Reform. Input from Ireland for the 2024 Rule of Law Report, p. 41.

<sup>158</sup> Input from Ireland for the 2024 Rule of Law Report, p. 43. The summary will cover reports made in 2023.

<sup>159</sup> Input from Ireland for the 2024 Rule of Law Report, p. 43. Funding has been increased from EUR 285 000 in 2022 to EUR 368 500 in 2024. The ‘Speak Up’ helpline was launched by TI Ireland in May 2011. TII also completed their second Integrity at Work Survey which will be published in 2025.

<sup>160</sup> Flash Eurobarometer 543 on Businesses’ attitudes towards corruption in the EU (2024). This is 21 percentage points above/below the EU average.

<sup>161</sup> Information received in the context of the country visit to Ireland from the Department of Housing, Local Government and Heritage. The Bill will be now submitted to the Senate.

<sup>162</sup> Contribution from the Irish Environmental Network for the 2024 Rule of Law Report, pp. 18-19; Input from Transparency International Ireland for the 2024 Rule of Law Report, p. 18. Irish Examiner (2023), *Attracta Uí Bhroin: New Planning Bill provides fertile ground for corruption and extortion*.

<sup>163</sup> Information received in the context of the country visit to Ireland from the Advisory Council. TI Ireland remains concerned that several corruption risks in the Irish planning system - highlighted more than a decade ago by the Planning Tribunal - remain largely unmitigated, with limited evidence of government impetus to address these outstanding issues. In 2019, TI Ireland’s second NII report on local authorities identified transparency in planning as an issue that requires particular attention at local government level. Contribution from Transparency International Ireland for the 2024 Rule of Law Report, p. 18.

<sup>164</sup> Written contribution from the Government in the context of the country visit to Ireland. Statutory declarations must be submitted with all submissions or objections on planning applications, appeals and judicial reviews stating that it is not being done for the purposes of delaying a development or for receiving a payment.

manipulation, offshore renewables, and natural resources<sup>165</sup>, and public and private procurement<sup>166</sup>.

### **III. MEDIA PLURALISM AND MEDIA FREEDOM**

In Ireland, the Constitution provides for the general legal framework concerning media pluralism and requires the State to guarantee the exercise of fundamental rights, including freedom of expression and freedom of the press<sup>167</sup>. The Online Safety and Media Regulation Act 2022 (the OSMR Act), entered into force in 2023 and extensively amended the Irish media regulatory framework, including through the introduction of updated rules for media services, the creation of a new regulatory framework of online safety, and the establishment of the Media Commission, the new independent media regulator<sup>168</sup>. Primary legislation provides safeguards for the independence of the public service media<sup>169</sup>. A comprehensive review by the Government of the Freedom of Information Act 2014 (the FOI Act), which regulates the right of access to information in the possession of public bodies, is ongoing.

**Ireland has a new independent media regulator with extensive powers.** The Media Commission was formally established on 15 March 2023<sup>170</sup> as the new independent media regulator<sup>171</sup>. The Media Commission is also entrusted with online safety and digital regulation functions, having been designated as Digital Service Coordinator under the Digital Services Act<sup>172</sup> and as a competent authority under the Terrorist Content Online

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<sup>165</sup> Information received in the context of the country visit to Ireland from the police. The GNECB is organising further trainings in the areas of public procurement law and competition manipulation in sport in 2024.

<sup>166</sup> Written contribution from the Department of Justice in the context of the country visit to Ireland. In 2022, the role of the Competition and Consumer Protection Commission (CCPC) was extended, giving it new powers to inter alia carry out investigations into irregularities in public procurement. The Competition (Amendment) Act 2022 (the “2022 Act”) has amended the 2002 Act to clarify that bid-rigging is a breach of section 4. Section 4(1)(f) of the 2002 Act (as inserted by section 5 of the 2022 Act) now refers specifically to bid-rigging as a prohibited agreement or concerted practice, and section 4(11) of the 2002 Act now defines bid-rigging. Section 6(2)(d) of the 2002 Act (as inserted by section 6 of the 2022 Act) makes it a specific (by-object) offence to engage in bid-rigging. The Hamilton Report recommended to introduce specific legislation “to enable the collection, collation and analysis of all public procurement data to detect and deter bid-rigging by the CCPC”. In the context of the Advisory Council against Economic Crime and Corruption, the Department of Justice has written to the Department of Enterprise, Trade and Employment with a view to introducing the necessary legislative amendments recommended. Further discussions are being considered.

<sup>167</sup> Constitution of Ireland, Article 40, para. 6.1. Ireland ranks 8th in the 2024 Reporters without Borders World Press Freedom Index compared to 2nd in the previous year.

<sup>168</sup> Online Safety and Media Regulation Act 2022. The OSMR Act was also aimed at transposing the Audiovisual Media Services Directive (the AVMSD). In this respect, on 19 May 2022, the Commission decided to refer Ireland to the Court of Justice of the European Union over its failure to transpose the Directive. On 29 February 2024, the Court of Justice of the European Union found that Ireland had failed to fulfill its obligations under Article 2 of the AVMSD by not transposing the Directive by 19 September 2020, Judgment of the Court of Justice of 29 February 2024, *Commission v Ireland* (Services de médias audiovisuels), C-679/22, ECLI:EU:C:2024:178.

<sup>169</sup> According to European Parliament’s Flash Eurobarometer: News & Media Survey 2023, 56% of respondents in Ireland stated that they trust public TV and radio stations, above the EU average of 48%.

<sup>170</sup> Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (2023), Press Release - New media regulator, Coimisiún na Meán, formally established.

<sup>171</sup> The OSMR Act provides for specific rules ensuring that the Media Commission is functionally and effectively independent, Online Safety and Media Regulation Act 2022, Part 3; 2024 Media Pluralism Monitor, country report for Ireland, p. 15.

<sup>172</sup> Department of Enterprise, Trade and Employment (2023), Press Release - Minister Coveney and Minister Calleary welcome Digital Services Bill.

Regulation<sup>173</sup>. A self-financing system based on levies raised from the services regulated under the OSMR Act is expected to provide the Media Commission with the resources needed to fund its activity and fulfil its regulatory functions independently<sup>174</sup>. However, there are some concerns about the fact that the resources available for the Media Commission might be limited considering the wide scope of its tasks<sup>175</sup>.

**A framework of self-regulatory bodies ensures compliance with ethical and professional standards for the press.** The Office of the Press Ombudsman (PO) and the Press Council of Ireland (PCI) provide for a well-established and well-functioning self-regulatory system for the Irish press sector<sup>176</sup>. The PCI is tasked with ensuring the protection of freedom of the press and the respect of journalistic ethical and professional standards. To this end, the PCI has drawn up a Code of Practice which sets out relevant standards that its members are required to adhere to and that are intended to ensure ethical, accurate and truthful reporting by the press<sup>177</sup>. The membership of the PCI enables a newspaper to benefit from the defence of “fair and reasonable publication” in defamation cases<sup>178</sup>.

**The Government commissioned an independent review of the public service broadcaster RTÉ following reports of corporate governance failures, which have also affected its financial viability.** Public service media play a key role in the Irish media landscape. The public service broadcaster, RTÉ represents the most frequent source for news used by the Irish audience<sup>179</sup> and, together with the Irish language public broadcaster TG4, accounts for 28% of broadcasting viewing<sup>180</sup>. In 2023, following reports on corporate governance failures, RTÉ faced a reputational crisis<sup>181</sup> which prompted the Government to commission an independent review of RTÉ’s governance, corporate culture, and accountability frameworks<sup>182</sup>. The purpose of this independent review was 'to help restore trust through a

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<sup>173</sup> Input from Ireland for the 2024 Rule of Law Report, p. 52.

<sup>174</sup> Input from Ireland for the 2024 Rule of Law Report, p. 52, as confirmed by information received in the context of the country visit to Ireland from Coimisiún na Meán. Recruitment of new staff is currently ongoing: Coimisiún na Meán expects to increase its staff up to 160 by Q2 of 2024 and plans to ask the Government for the possibility of additional recruitment in order to reach 250 staff in the course of 2025, information received in the context of the country visit to Ireland from Coimisiún na Meán; 2024 Media Pluralism Monitor, country report for Ireland, p. 8.

<sup>175</sup> Information received in the context of the country visit to Ireland from the Irish Council for Civil Liberties.

<sup>176</sup> Currently, all daily and Sunday newspapers published in Ireland, the majority of local newspapers, as well as many Irish magazines and online-only news publications are members of the PCI, information is available on the Press Council of Ireland and Office of the Press Ombudsman website.

<sup>177</sup> Press Council of Ireland, Code of Practice; Input from Ireland for the 2024 Rule of Law Report, p. 53.

<sup>178</sup> Pursuant to Section 26 of Defamation Act 2009, in defamation cases a court is entitled to take into account the extent to which a member of the PCI adhered to the code of practice/standards of the PCI and abided by decisions of the PO and PCI when determining whether it was fair and reasonable to publish an alleged defamatory statement made in good faith and in the course of, or for the purpose of, the discussion of a subject of public interest.

<sup>179</sup> Reuters Institute (2023), Digital News Report Ireland, p. 62.

<sup>180</sup> 2024 Media Pluralism Monitor, country report for Ireland, p. 7.

<sup>181</sup> In June 2023, it was revealed that RTÉ paid one of its top presenters more than what accounted for and declared to the public and the Parliament, RTÉ (2023), RTE admits paying Tubridy €345,000 more than declared; 2024 Media Pluralism Monitor, country report for Ireland, p. 23.

<sup>182</sup> The Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media appointed a team of forensic accountant, tasked of carrying out an examination of the managing, controlling and accounting of certain commercial operations by RTÉ, and established two independent expert review committees tasked of reviewing corporate governance and culture in RTÉ, Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (2023), Press Release - Minister Catherine Martin announces an independent root and branch examination of RTÉ 4 July 2023, as confirmed by information received in the context of the country visit to

wide-ranging, and independent review into the root causes of the failings in RTÉ and the recommendation of measures to prevent their recurrence in the future'<sup>183</sup>. The final reports of the independent review into RTÉ were published on 7 May 2024<sup>184</sup>. To increase its accountability and ensure additional oversight over its financial operations, RTÉ has been also designated by the Government as a relevant body under the National Treasury Management Agency (Amendment) Act 2014<sup>185</sup>. As a further consequence RTÉ also faced a steep decline in the payment of the TV licence fee<sup>186</sup>, which put the public service broadcaster in a difficult financial environment and exacerbated the long-standing challenge of funding of RTÉ<sup>187</sup>. In November 2023, the Government pledged to provide RTÉ with additional funding of EUR 56 million to ensure its economic viability and offset the shortfall in licence fee revenues<sup>188</sup>. Although this step was welcomed, stakeholders pointed out that the current TV licence fee funding model is no longer sustainable<sup>189</sup>. Stakeholders stressed the importance of a reform of the funding system that can provide RTÉ with stable and adequate financial resources while also ensuring its editorial independence and integrity<sup>190</sup>.

**Access to information on media ownership has improved, also with the launch of a new online database.** Although Irish media outlets do not have a legal obligation to disclose their

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Ireland from RTÉ, Coimisiún na Meán, and the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

<sup>183</sup> Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (2023), Press Release - Minister Catherine Martin announces an independent root and branch examination of RTÉ. RTÉ has developed an action plan aimed at implementing the applicable recommendations in the reports from the independent review, while the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media is progressing measures to implement the recommendations applicable to Government or the Department. In particular, the implementation of the recommendations will be monitored by the Government and will be based on interim reports to be produced by RTÉ aimed at providing adequate follow-up of the reform process. In parallel, RTÉ has also started its own internal reform process by appointing an external corporate governance expert tasked to assist the company in developing new standards and approaches to matters like accountability and risk management, information received in the context of the country visit to Ireland from RTÉ and the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

<sup>184</sup> Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (2024), Press Release – Minister Martin publishes reviews arising from the independent examination of RTÉ.

<sup>185</sup> National Treasury Management Agency (Amendment) Act 2014, Section 19, as confirmed by information received in the context of the country visit to Ireland from RTÉ and the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

<sup>186</sup> RTÉ indicated that as of October 2023 the TV licence renewals were down 39% leading to an overall shortfall of EUR 21 million in the expected licence fee revenues, Committee of Public Accounts (2023) Official Report of Debate – Thursday, 12 October 2023.

<sup>187</sup> The TV licence fee funding RTÉ has not been adjusted to the inflation rate since 2008 and has been considered by several institutions, including Coimisiún na Meán and a parliamentary committee, not fit for the purpose of providing RTÉ with the necessary resources, 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 18; 2022 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 17; 2024 Media Pluralism Monitor, country report for Ireland, p. 23.

<sup>188</sup> Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (2023), Press Release - Funding of €56 million for RTÉ agreed; Contribution from the Irish Council for Civil Liberties for the 2024 Rule of Law Report, p. 21; 2024 Media Pluralism Monitor, country report for Ireland, p. 23, as confirmed by information received in the context of the country visit to Ireland from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, Coimisiún na Meán and RTÉ.

<sup>189</sup> Information received in the context of the country visit to Ireland from RTÉ, Coimisiún na Meán, the Irish Council for Civil Liberties.

<sup>190</sup> Information received in the context of the country visit to Ireland from RTÉ, Coimisiún na Meán, the Irish Council for Civil Liberties, and the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media; 2024 Media Pluralism Monitor, country report for Ireland, p. 31. The Government committed to announce a decision on the future funding model for RTÉ in July 2024, written contribution from the Government in the context of the country visit to Ireland.



beneficial owners<sup>191</sup>, information on media ownership is facilitated in practice by the Mediaownership.ie online database, which provides access to information on ownership of print, broadcast and online Irish-owned media outlets<sup>192</sup>. In 2023, the scope of the database was extended to a larger number of online outlets, increasing the transparency of digital media ownership<sup>193</sup>. Transparency of media ownership in Ireland has been also improved with the launch in 2023 of a new online database, the Media Ownership Monitor Ireland (MOM Ireland)<sup>194</sup>. Although MOM Ireland currently only covers the largest Irish media outlets, compared to the Mediaownership.ie database it provides for more granular information about ownership of the media and their links to other media or non-media businesses<sup>195</sup>. Ireland is a small market for media and a certain degree of concentration is considered inevitable<sup>196</sup>. Although stakeholders have referred to challenges related to overconcentration trends<sup>197</sup> particularly at local and regional levels<sup>198</sup>, the concentration of media ownership has diminished in recent years<sup>199</sup>. There have been no developments with respect to the rules on the assessment of media market concentrations<sup>200</sup>.

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<sup>191</sup> Euromedia Ownership Monitor (2023), Ireland Country report 2023.

<sup>192</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 18. The project has been funded since its launch by Coimisiún na Meán, that committed to extend its financial support for further three years, information received in the context of the country visit to Ireland from Coimisiún na Meán; 2024 Media Pluralism Monitor, country report for Ireland, p. 17. The database is available on the official website mediaownership.ie.

<sup>193</sup> Information received in the context of the country visit to Ireland from Coimisiún na Meán. The 2024 MPM reported a drop of 13 percentage points from the previous year in relation to risk transparency of media ownership indicator, which decreased to 50% from the 2022 figure of 2022, 2024 Media Pluralism Monitor, country report for Ireland, p. 17.

<sup>194</sup> MOM Ireland is a new project developed by the Dublin City University School of Communications School of Communications in collaboration with the Global Media Registry civil society group, which builds on and further develops the European Media Ownership Monitor, a pilot project offering a searchable database with information on the most relevant news media in the European Union co-funded by the European Commission and led by the University of Salzburg, information received in the context of the country visit to Ireland from Coimisiún na Meán; 2024 Media Pluralism Monitor, country report for Ireland, p. 17.

<sup>195</sup> In this respect, Coimisiún na Meán committed to financially support MOM Ireland in order to expand its coverage capacity to all print, broadcast and online Irish media outlets, information received in the context of the country visit to Ireland from Coimisiún na Meán.

<sup>196</sup> The four largest TV outlets hold 61.75% shares of the Irish media market overall (RTÉ 26.75%, Virgin Media Television 19%, BBC 10%, Sky Television 6%), Euromedia Ownership Monitor (2023), Ireland Country report 2023.

<sup>197</sup> The 2024 MPM reported a very high risk of 83% for the plurality of media providers indicator, which is due to the level of concentration in the broadcasting sector, where only two broadcasters established in Ireland operate, the radio sector, where all the licensed commercial radios rely on a single source for their national and international news feeds, and the regional press sector, where the largest player further consolidated its position in 2023. The high concentration is nevertheless offset by the possibility for Irish viewers to have access to several international media outlets operating in the national market, 2024 Media Pluralism Monitor, country report for Ireland, p.18.

<sup>198</sup> Information received in the context of the country visit to Ireland from the Irish Council for Civil Liberties.

<sup>199</sup> In 2021, two new media players entered the Irish market by respectively acquiring stakes in the largest domestic print media group and the largest private commercial radio group, which were previously owned by the same player, Euromedia Ownership Monitor (2023), Ireland Country report 2023.

<sup>200</sup> Under Irish law, media market concentrations must be notified to and approved by the Competition and Consumer Protection Commission, for the competition aspects, and by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media for the media pluralism aspects. When carrying out the media pluralism assessment, the Minister can seek the assistance of the Media Commission, Competition and Consumer Protection Act 2014, Sections 28D-28G; 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, pp. 18-19.

**Although no cases of unfair treatment were reported, some concerns regarding the transparency in the allocation of state advertising persist.** Ireland does not have specific rules regulating state advertising in media by public bodies, which is allocated following the general public procurement rules<sup>201</sup>, under which media outlets can compete for the purchasing of state advertising<sup>202</sup>. In many cases, procurement procedures consist of appointing an agency tasked with negotiating the placement of state advertising with the interested media outlets<sup>203</sup>. However, there is lack of clarity as to how the allocation of state advertising is determined by the appointed agency<sup>204</sup>. In this respect, although there is no evidence suggesting uneven or unfair treatment of media outlets in the allocation of state advertising, the lack of full transparency on this matter remains a source of concern<sup>205</sup>. As also mentioned in the 2023 Rule of Law Report<sup>206</sup> there are persisting concerns related to the risks of conflict of interests deriving from the fact that certain agencies, which could be tasked with negotiating the placement of state advertising on behalf of the public bodies, also own media outlets that have a significant presence at regional and local levels<sup>207</sup>. In 2022, Ireland introduced specific language requirements for state advertising<sup>208</sup> by requiring at least 20% of advertising by public bodies to be in the Irish language and at least 5% of public bodies' advertising budget to be used for advertising in the Irish language through Irish language media<sup>209</sup>.

**A robust legal framework is in place to ensure access to information.** The Freedom of Information (FOI) Act<sup>210</sup> provides for the relevant rules governing the right of access to information and public documents in Ireland<sup>211</sup>. Under the FOI Act, any interested party can submit a request for access, which must be responded to within four weeks and can be refused only on the basis of exemptions set out in the act, such as the need to protect confidential, personal or commercially sensitive information of third parties<sup>212</sup>. Requesters dissatisfied with the response of the public body can rely on a two-tier review system<sup>213</sup>. Although the FOI Act provides a robust legal framework supporting the exercise of the right

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<sup>201</sup> Input from Ireland for the 2024 Rule of Law Report, p. 54, as confirmed by information received in the context of the country visit to Ireland from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

<sup>202</sup> Information received in the context of the country visit to Ireland from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

<sup>203</sup> Information received in the context of the country visit to Ireland from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media; 2024 Media Pluralism Monitor, country report for Ireland, p. 17.

<sup>204</sup> 2024 Media Pluralism Monitor, country report for Ireland, p.22.

<sup>205</sup> Ibidem.

<sup>206</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 19.

<sup>207</sup> Euromedia Ownership Monitor (2023), Ireland Country report 2023.

<sup>208</sup> Official Languages Acts 2003-2021, Section 10A; Input from Ireland for the 2024 Rule of Law Report, p. 54.

<sup>209</sup> Pursuant to Section 10A of the Official Languages Acts 2003-2021 'Irish language media' means any media where 50 per cent or more of the content of that media is through the Irish language.

<sup>210</sup> A revision of the Act is ongoing since 2021, Department of Public Expenditure, NDP Delivery and Reform (2021), Review of the Freedom of Information Act – Review Roadmap.

<sup>211</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, pp. 19-20.

<sup>212</sup> Input from Ireland for the 2024 Rule of Law Report, p. 57.

<sup>213</sup> The first stage is carried out internally by the public body concerned and allows requesters to seek the review of the response by another official at a higher level. If after the internal review the requester is still dissatisfied, they can seek an independent review by the Office of the Information Commissioner, Freedom of Information Act 2014, Sections 21 and 22.

of access to information<sup>214</sup>, some stakeholders stressed the need to extend its scope of application to additional public authorities<sup>215</sup> and referred to practical shortcomings, also related to the lack of adequate resources<sup>216</sup>, which affect the handling of requests in a consistent and timely manner<sup>217</sup>. In November 2023, the Government also launched the new 2023-2027 Open Data Strategy aimed at ensuring that data held by public bodies is freely available to the public and easily accessible online for reuse and redistribution<sup>218</sup>.

**New initiatives on reporting and investigating incidents contributed to foster journalists' safety.** Journalists in Ireland are able to operate in safe conditions<sup>219</sup>. One alert was reported by the Council of Europe's Platform to promote the protection of journalism and safety of journalists<sup>220</sup> and six incidents were registered by the Mapping Media Freedom platform<sup>221</sup> since the publication of the 2023 Rule of Law Report. Several stakeholders stressed the positive contribution of the Media Engagement Group in reinforcing the safety of media personnel in Ireland<sup>222</sup>. The main objective of the Media Engagement Group is to foster a coordinated and standardised approach in the reporting and investigation of incidents involving media professionals<sup>223</sup>. As part of this effort, the national police established a

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<sup>214</sup> According to the 2023 Annual Report of the Office of the Information Commissioner (OIC), which contains the most recent data on the matter, public bodies received 37 437 FOI requests in 2023. 9% of requests were withdrawn or handled outside of FOI, while 2% were transferred to another more appropriate body. Of the requests that were formally decided on, 80% were granted in full or in part (45% granted in full and 35% part-granted). In 2023, the Office of the Information Commissioner received 665 applications to review decisions made by public bodies in response to a FOI request, corresponding to 1.3% of the overall FOI requests made that year, Office of the Information Commissioner (OIC) (2024), 2023 Annual Report.

<sup>215</sup> Most notably, it was considered advisable for the FOI Act to be applicable also to the Data Protection Commission, taking into account the role played by Ireland in the regulation of several big online platforms established in the State, information received in the context of the country visit to Ireland from the Irish Council for Civil Liberties. Nonetheless, the FOI Act already applies to the Data Protection Commission although only as regards its general administration in order to take into account the confidential nature of its regulatory engagements and the need to protect commercially sensitive information under the terms of the FOI act itself, written contribution from the Government in the context of the country visit to Ireland.

<sup>216</sup> 2024 Media Pluralism Monitor, country report for Ireland, p. 14.

<sup>217</sup> It was indicated that sometimes it is difficult to find the officials responsible for the handling of the request and that in some instances the documents are disclosed in a not searchable format, making more difficult to analyse them, information received in the context of the country visit to Ireland from the Irish Council for Civil Liberties.

<sup>218</sup> Department of Public Expenditure, NDP Delivery and Reform (2023), Open Data Strategy 2023-2027.

<sup>219</sup> The 2024 MPM stressed that although journalists in Ireland are usually not exposed to risks of physical violence, there were instances of journalists subjected to vexatious lawsuits or verbal harassment, 2024 Media Pluralism Monitor, country report for Ireland, p. 14.

<sup>220</sup> The alert concerned the seizure by the police of photos taken by an editorial photo agency while covering riots in Dublin city, Council of Europe, Platform to promote the protection of journalism and safety of journalists, Ireland.

<sup>221</sup> In particular, two incidents concerned cases of verbal attacks and attacks on journalists' property, one case related to legal incidents involving journalists and three incidents related to cases of censorship, Mapping Media Freedom, Ireland country profile.

<sup>222</sup> The Media Engagement Group is a non-statutory body, established in 2022 upon the joint initiative of the National Union of Journalists, other media organisations, State agencies and the national police, which meets quarterly to discuss matters related to actions that the police can take to strengthen the safety of media professionals, input from Ireland for the 2024 Rule of Law Report, p. 56; Contribution from the Irish Council for Civil Liberties for the 2024 Rule of Law Report, p. 22, as confirmed by information received in the context of the country visit to Ireland from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and RTÉ.

<sup>223</sup> Input from Ireland for the 2024 Rule of Law Report, p. 56, as confirmed by information received in the context of the country visit to Ireland from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and RTÉ.

single contact point, managed by a dedicated police office, through which media professionals can report incidents involving them, including those taking place online<sup>224</sup>. According to stakeholders, this mechanism has proven effective in ensuring that incidents are reported and satisfactorily followed up<sup>225</sup>. The Media Engagement Group also carried out further actions to support journalists, including training activities<sup>226</sup> and collaboration with online platforms in view of encouraging them to foster the possibility for journalists to flag cases of online harassment<sup>227</sup>.

**There has been significant progress on the reform of the defamation regime, as the Government is working on the publication of the draft Defamation (Amendment) Bill.**

The 2023 Rule of Law Report recommended to Ireland to “advance with the reform of the Defamation Act to improve the professional environment for journalists taking into account European standards on the protection of journalists”<sup>228</sup>. The lack of specific safeguards to counter strategic lawsuits against public participation (or SLAPPs), coupled with the lack of mechanisms to reduce the risk of defamation cases, produces a chilling effect on journalists and is a long-standing issue for the media freedom in Ireland<sup>229</sup>. Following the publication of the General Scheme of the Defamation (Amendment) Bill (the General Scheme)<sup>230</sup> in March 2023, the Government referred it to the Joint Oireachtas Committee on Justice for pre-legislative scrutiny, which was completed in September 2023<sup>231</sup>. On this basis, the Government included the Defamation (Amendment) Bill among the legislation for priority publication in 2024<sup>232</sup>. Therefore, considering these developments, there has been significant progress in relation to the recommendation made in the 2023 Rule of Law Report.

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<sup>224</sup> To foster the tracking of these incidents and their investigation, all the relevant reports received through the contact point are recorded in a dedicated database, information received in the context of the country visit to Ireland from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

<sup>225</sup> Information received in the context of the country visit to Ireland from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and RTÉ.

<sup>226</sup> In 2023 the Media Engagement Group organised two training seminars for journalists. In the first seminar, focused on crime prevention, the police offered training on personal protection and ways to interact with hostile groups while in the second seminar, focused on online safety, representatives of online platforms informed journalists about the available tools to increase their online safety, input from Ireland for the 2024 Rule of Law Report, p. 56, as confirmed by information received in the context of the country visit to Ireland from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and RTÉ.

<sup>227</sup> The Media Engagement Group is engaging with major online platforms in order to foster online safety of media professionals on social media, particularly by encouraging those platforms to develop more robust and standardized reporting mechanisms for cases of abuse of media personnel online, information received in the context of the country visit to Ireland from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

<sup>228</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 2.

<sup>229</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, pp. 21-22; 2022 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, pp. 18-19; 2021 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 15; 2020 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 13; 2023 Media Pluralism Monitor, country report for Ireland, pp. 12-13.

<sup>230</sup> The General Scheme provides for the abolition of juries in High Court defamation cases and introduces specific safeguards against SLAPPs, 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, pp. 21- 22; 2024 Media Pluralism Monitor, country report for Ireland, p. 8.

<sup>231</sup> Joint Oireachtas Committee on Justice (2023), Report on Pre-Legislative Scrutiny of the General Scheme of the Defamation (Amendment) Bill.

<sup>232</sup> Department of the Taoiseach (2024), Government Legislation Programme 2024, p. 6, as confirmed by information received in the context of the country visit to Ireland from the Department of Justice.

#### **IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES**

Ireland has a bicameral parliamentary system: Parliament comprises a Lower House, and an Upper House. Government Ministers and members of Parliament have the right of legislative initiative. Constitutional review is carried out by the High Court with a right of appeal to the Court of Appeal and the Supreme Court. The Irish Human Rights and Equality Commission (IHREC) is Ireland's National Human Rights and Equality Institution. The Offices of the Ombudsman and Information Commissioner are independent both by law and in practice. Other relevant institutions in the system of checks and balances are the Ombudsman for the Defence Forces, the Ombudsman for Children's Office and the National Disability Authority.

**The use of 'guillotine motions', which results in shortening the debate time on legislative proposals, decreased considerably.** As referred in previous Rule of Law Reports<sup>233</sup>, since the beginning of the COVID-19 pandemic, the use of 'guillotine motions' had become a major feature of the legislative process. In 2023, 29 'guillotine motions' were prepared in relation to Bills debated in the lower House. Of those, only three motions were used<sup>234</sup>. 16 'guillotine motions' were prepared in relation to Bills debated in the upper House in 2023, and of those, only one motion was used<sup>235</sup>. This means a decrease in comparison to the previous period<sup>236</sup>. While both Irish authorities and civil society organisations had raised concerns regarding the continued rushing of legislation at the end of parliamentary terms<sup>237</sup>, stakeholders have signaled that this practice has abated for now<sup>238</sup>.

**The Irish Human Rights and Equality Commission is facing resource issues in view of new responsibilities attributed to it.** The Government has provided additional funding to IHREC following its accreditation with A status by the UN Global Alliance of National Human Rights Institutions (GANHRI)<sup>239</sup>. IHREC has continued its activities, focusing on five strategic priorities in 2022: economic equality, justice, respect and recognition, futureproofing, and public sector duty<sup>240</sup>. According to IHREC, as Ireland's National Human Rights Institution and National Equality Body, it is being tasked with new responsibilities and mandates, while some of its existing statutory powers have not yet been deployed due to resource issues<sup>241</sup>.

**On 1 January 2024, Ireland had two leading judgments of the European Court of Human Rights pending implementation, the same number as the previous year<sup>242</sup>.** At

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<sup>233</sup> 2021 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, pp. 16-17; 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, pp. 22-23.

<sup>234</sup> Input from Ireland for the 2024 Rule of Law Report, p. 63.

<sup>235</sup> Ibidem.

<sup>236</sup> As indicated in the 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, pp. 22-23, in 2022, 56 such motions were prepared in the Lower House in relation to the bills that were passed and enacted and of those, 27 motions were used in order to shorten the debate. In the Upper House, 38 motions were prepared and seven motions were moved.

<sup>237</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 23.

<sup>238</sup> Civil Liberties Union for Europe (2024), Liberties Rule of Law Report 2024 – Ireland, p. 8. In Ireland, only 8% of the surveyed companies perceive the frequent changes in legislation or concerns about quality of law-making process as a reason for the lack of confidence in investment protection. Figure 56, 2024 EU Justice Scoreboard.

<sup>239</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 23.

<sup>240</sup> IHREC 2023, Annual Report 2022, p. 13.

<sup>241</sup> Information received in the context of the country visit to Ireland from the IHREC.

<sup>242</sup> These are the same two leading judgments that were pending on 1 January 2023. Judgments of the European Court of Human Rights of 10 September 2010, *McFarlane v. Ireland*, 31333/06, and of 28 January 2014,

that time, Ireland’s rate of leading judgments from the past 10 years that remain pending was at 50% (the same number as in 2023) and the average time that the judgments had been pending implementation was 11 years and 7 months (compared to 10 years and 7 months in 2023)<sup>243</sup>. As regards the respect of payment deadlines, on 31 December 2023 there were no cases awaiting confirmation of payments (the same as in 2022)<sup>244</sup>. On 1 July 2024, the number of leading judgments pending implementation had remained two<sup>245</sup>.

**Some further progress was made to address legal obstacles related to access to funding for civil society organisations as the Electoral Commission is reviewing the 1997 Electoral Act.** The 2023 Rule of Law Report recommended to Ireland to “take measures to address legal obstacles related to access to funding for civil society organisations, as part of the reform of the Electoral Act”<sup>246</sup>. Civic space in Ireland remains open<sup>247</sup>. As referred in the 2023 Rule of Law Report<sup>248</sup>, civil society organisations have raised concerns about the impact of the prohibition, under the Electoral Act, to receive donations above a certain threshold for ‘political purposes’ or from foreign donors<sup>249</sup>. In February 2023, an Electoral Commission was established and started its functions with a view to making recommendations to address, among other matters, the issues related to the wide-ranging definition of “political purposes” raised by civil society<sup>250</sup>. On 9 November 2023, the Electoral Commission published a draft Research Programme for 2024-2026, stressing the objective to carry out a review of the 1997 Electoral Act and launched a public consultation for this purpose<sup>251</sup>. Stakeholders have raised concerns that the long-promised review of the 1997 Electoral Act to remove restrictions on civil society funding has not yet materialised<sup>252</sup>. Considering that the Electoral Commission is working on the Electoral Act review, there was some further progress achieved on the 2023 recommendation.

**Innovative steps have been taken to encourage the participation of civil society organisations and human rights defenders in the decision-making process.** The Citizens’ Assembly bringing together citizens to discuss and consider important legal and policy

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*O’Keefe v. Ireland*, 35810/09. The adoption of necessary execution measures for a judgment by the European Court of Human Rights is supervised by the Committee of Ministers of the Council of Europe. It is the Committee’s practice to group cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.

<sup>243</sup> All figures are calculated by the European Implementation Network and are based on the number of cases that are considered pending at the annual cut-off date of 1 January 2024. See the Contribution from the European Implementation Network for the 2024 Rule of Law Report, p. 5.

<sup>244</sup> Council of Europe (2024), Supervision of the execution of judgments decisions of the European Court of Human Rights – 17<sup>th</sup> Annual Report of the Committee of Ministers – 2023, p. 137.

<sup>245</sup> Data according to the online database of the Council of Europe (HUDOC).

<sup>246</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 2.

<sup>247</sup> Rating by CIVICUS; ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

<sup>248</sup> 2023 Rule of Law Report, Country Chapter on the rule of law situation in Ireland, p. 24.

<sup>249</sup> Under the Electoral Act 1997, donations may be received by third parties up to a limit of EUR 2500 from a donor in any given calendar year. SIPO has interpreted the relevant legislation as also comprising certain activities carried out by civil society organisations, such as advocacy work including outside electoral periods.

<sup>250</sup> Input from Ireland for the 2024 Rule of Law Report, p. 61.

<sup>251</sup> Ibidem.

<sup>252</sup> Civil Liberties Union for Europe (2024), Liberties Rule of Law Report 2024 – Ireland, p. 8.

issues, continue to develop recommendations and to report back to Parliament<sup>253</sup>. During 2023, a Citizens' Assembly on Drugs Use was established to consider the legislative, policy and operational changes that Ireland could make to reduce the harmful impacts of illicit drugs on Irish society<sup>254</sup>. Moreover, an updated "Guide for Inclusive Community Engagement in Local Planning and Decision Making" was published in October 2023 and is available to any organisation looking to improve engagement<sup>255</sup>.

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<sup>253</sup> The Government provides a response to recommendations of the Citizens' Assembly and arranges for a debate in the Oireachtas. Moreover, if the Government accepts a recommendation that the Constitution should be amended, its reply in the Oireachtas will include a timeframe for the holding of a referendum.

<sup>254</sup> Input from Ireland for the 2024 Rule of Law Report, p. 75. This Citizens' Assembly submitted its report to the Oireachtas in December 2023. It was subsequently published on 25th January 2024 and is available under: <https://citizensassembly.ie/assembly-on-drugs-use/report/>. The Dáil and Seanad referred the report to the Joint Committee on Drugs Use to consider the recommendations in the report.

<sup>255</sup> *Ibidem*, p. 73.

## Annex I: List of sources in alphabetical order\*

\* *The list of contributions received in the context of the consultation for the 2024 Rule of Law report can be found at [https://commission.europa.eu/publications/2024-rule-law-report-targeted-stakeholder-consultation\\_en](https://commission.europa.eu/publications/2024-rule-law-report-targeted-stakeholder-consultation_en).*

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## **Annex II: Country visit to Ireland**

The Commission services held virtual meetings in February 2024 with:

- Advisory Council on Economic Crime and Corruption
- Association of Judges of Ireland (AJI)
- Bar of Ireland
- Coimisiún na Meán
- Corporate Enforcement Authority (CEA)
- Courts Service
- Department of Enterprise, Trade and Employment
- Department of Foreign Affairs
- Department of Housing, Local Government and Heritage
- Department of Justice
- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
- Department of Public Expenditure NDP Delivery and Reform
- Garda Anti-Corruption Unit (GACU)
- Garda National Economic Crime Bureau (GNECB)
- Houses of the Oireachtas Service (Parliament Service)
- Irish Council for Civil Liberties
- Irish Environmental Network
- Irish Human Rights and Equality Commission
- Irish Small and Medium Enterprises Association (ISME)
- Law Society of Ireland
- Legal Services Regulatory Authority
- National Union of Journalists
- Office of the Director of Public Prosecution
- Office of the Press Ombudsman
- RTÉ Ireland's National Television and Radio Broadcaster
- Standards in Public Office Commission (SIPO)
- The Press Council of Ireland
- Transparency International

\* The Commission also met the following organisations in a number of horizontal meetings:

- Amnesty International EU
- Centre for Democracy and Technology Europe
- Centre for European Volunteering
- Civil Liberties Union for Europe
- Civil Rights Defenders
- Civil Society Europe
- Culture Action Europe
- Democracy Reporting International
- European Centre for Non-Profit Law
- European Civic Forum

- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Free Press Unlimited
- International Federation for Human Rights
- International Planned Parenthood Federation
- International Press Institute
- Irish Council for Civil LibertiesJEF Europe
- Open Society Foundations
- Philanthropy Europe Association
- PICUM
- Reporters Without Borders
- SOLIDAR
- Transparency International EU