

**TARGETED STAKEHOLDER CONSULTATION 2023 RULE OF LAW REPORT**  
**UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)**

**IRELAND REVIEW**

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**I. Justice System**

**B. Quality of justice**

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

As part of its 2022 Universal Periodic Review, Ireland accepted recommendations to undertake a comprehensive and independent review of the legal aid system for civil cases and ensure equal treatment before the courts and to continue its efforts and consider reform measures related to the legal aid system to ensure improved legal aid schemes, particularly for low-income groups. Ireland also accepted a recommendation to improve the accessibility of effective remedies against any form of discrimination to protect vulnerable groups from hate speech and other hate crimes. ([A/HRC/49/18/Add.1](#), recommendations 157.58, 157.124, 157.125, and 157.126).

In its 2022 concluding observations, the Human Rights Committee expressed concern, in relation to efforts to address and memorialize the past human rights violations and institutional abuse of women and children in the Magdalene laundries, children's institutions, and mother and baby homes, about the alleged failure of the Commission to thoroughly and effectively investigate all allegations of abuse, mistreatment or neglect, taking into account the experience of all survivors; the limited number of investigations carried out by An Garda Síochána and the lack of prosecutions for the violations in these institutions; the failure to provide full and effective remedies to victims by including, inter alia, the obligation of victims, in order to receive compensation, to sign a waiver against further legal recourse against state and non-state actors through judicial process. The Committee recommended that Ireland should (1) intensify its efforts to increase complaint mechanisms for victims and to raise their awareness in order to investigate all allegations of abuses thoroughly taking a human-rights, survivor-centred and trauma-informed approach, prosecute suspected perpetrators where appropriate and, if convicted, punish them with penalties commensurate with the gravity of the offence and (2) guarantee full and effective remedy to all victims, removing all barriers to access ([A/HRC/49/18/Add.1](#), paras 11 and 12).

In its 2022 concluding observations, the Human Rights Committee welcomed efforts by Ireland to combat trafficking in persons but expressed concern about "barriers in the criminal justice response as well as the very low rate of investigations, prosecutions, and convictions for the crime of trafficking. The Committee recommend that Ireland review barriers in the criminal justice system response and adopt the necessary measures to ensure assistance to victims is not conditional to cooperation with competent authorities in the investigations and criminal proceedings and ensure that all cases of trafficking in persons are thoroughly investigated, that perpetrators are prosecuted and punished with appropriate penalties, and that victims are provided with full reparation ([CCPR/C/IRL/CO/5](#), paras 31 and 32).

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

As part of its 2022 Universal Periodic Review, Ireland accepted a recommendation to ensure that public servants receive training on the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the absolute prohibition of torture. ([A/HRC/49/18/Add.1](#), recommendation 157.115).

In its 2022 concluding observations, the Human Rights Committee expressed concern about reports of increases in hate crime and discriminatory incidents, especially in the context of the COVID-19 pandemic. The Committee recommended that Ireland should provide adequate training to central and local authorities, law enforcement officials, judges, and prosecutors on addressing hate speech and hate crimes, and to media workers on promoting acceptance of diversity and should widely disseminate the Covenant, its two Optional Protocols, its fifth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public ([CCPR/C/IRL/CO/5](#), paras 17, 18, and 49).

In its 2022 concluding observations, the Human Rights Committee expressed welcomed efforts by Ireland to combat trafficking in persons, including the preparation of Human Trafficking Action Plans and the designation of the Irish Human Rights and Equality Commission as Ireland's Independent National Rapporteur on the Trafficking in Human Beings. However, the Committee expressed concern about, among other things, the barriers in the criminal justice response and the low rate of identification of victims, investigations, prosecutions, and convictions for the crime of trafficking. The Committee recommend that Ireland, among other things, continue efforts to provide adequate training, including on standards and procedures for the identification and referral of victims of trafficking, to all relevant State officials, including judges, prosecutors, law enforcement officials, immigration officers and staff working in all reception facilities, and to lawyers ([CCPR/C/IRL/CO/5](#), paras. 31 and 32).

In its 2022 concluding observations, the Human Rights Committee welcomed the formal recognition of the Travellers as a distinct ethnic group in Irish society as well as the State party's acknowledgement of the systemic racism affecting this. However, the Committee expressed concerned that the formal recognition has not yet been backed up by a legal act and about the multiple forms of discrimination the Traveller and Roma communities faces [...]. The Committee recommended that Ireland should double its efforts on preventative measures, inter alia, adequate human rights-based training of all public officials, including judicial officers ([CCPR/C/IRL/CO/5](#), paras. 39 and 40).

### **C. Efficiency of the justice system**

#### **Other – please specify**

##### *Prison Conditions*

As part of its 2022 Universal Periodic Review, Ireland accepted recommendations to take measures to complete the reform of law enforcement agencies, including the penitentiary system, ensuring the separation of remand prisoners and sentenced prisoners; avoid overcrowding in prisons and other detention facilities; investigate thoroughly and impartially all cases of abuse of authority by prison staff; and bring its prison conditions in line with the United Nations Standard Minimum Rules for the

Treatment of Prisoners. ([A/HRC/49/18/Add.1](#), recommendations 157.112–157.114, 157.116, and 157.123).

In its 2022 concluding observations, the Human Rights Committee welcomed the measures taken Ireland to improve the conditions of detention as well as those taken to address the situation of prisoners during the COVID-19 pandemic. The Committee, however, expressed its continuing concerns about, among other things, the persistence of overcrowding, despite reductions, contributing to a lack of separation between remand and convicted prisoners; reports of the continued and increasing practice of solitary confinement; the lack of specific information in regard to the cause and investigation of deaths in detention; and the lack of transparency and reiterated refusal to publish the Dóchas reports on treatment and conditions of detention of women detainees. The Committee recommended that Ireland should eliminate overcrowding in places of detention, including by continuing its efforts to resort to non-custodial alternative measures to detention; take the necessary measures to ensure separation between adult remand and convicted prisoners; refrain from imposing solitary confinement, except in the most exceptional circumstances and for strictly limited periods, and take the necessary steps to ensure that all persons deprived of their liberty have access to an independent and effective complaints mechanism to investigate allegations of torture and ill-treatment; guarantee swift, thorough investigations of all deaths in detention and ensure there is adequate transparency, inter alia, through the prompt publication of investigative reports; and improve transparency related to the conditions of detention of women detainees, including by publishing the Dóchas reports ([CCPR/C/IRL/CO/5](#), paras 35 and 36).

#### *Best interests of the child*

As part of its 2022 Universal Periodic Review, Ireland accepted a recommendation to ensure that children receive training on the dangers of online spaces. Ireland supported a recommendation to Implement the Youth Justice Strategy 2021–2027 to help address a full range of issues connected to children and young people at risk of coming into contact with the criminal justice system. Ireland supported a recommendation to cease torture and other cruel or inhuman treatment of children in places of reform and industrial schools operated by religious institutions and prosecute and punish perpetrators of such abuse. Ireland also supported a recommendation to collect data and conduct independent and effective investigations into all allegations, and ensure that victims obtain redress, regarding reports of acts of violence and mistreatment in Catholic reform institutions and vocational schools, as well as in mother and baby homes and the Magdalene laundries administered by the Catholic Church ([A/HRC/49/18/Add.1](#), recommendations 157.213, 157.216, 157.218, and 157.223).

## **II. Anti-Corruption Framework**

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

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

In its 2022 concluding observations, the Human Rights Committee expressed concern about the possible lack of independence of the Garda Anti-Corruption Unit established to prevent, detect and investigate corruption and criminality of An Garda Síochána or Garda Staff. The Committee recommended that Ireland should work to ensure the full, effective, and prompt implementation of the recommendations included in the Hamilton Review, as well as take steps to strengthen the operational and structural independence and specialization of law enforcement agencies and

prosecutors dealing with corruption cases, in order to enable the investigation of complex and high-level corruption and criminality cases ([CCPR/C/IRL/CO/5](#), paras 9 and 10).

## **B. Prevention**

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

In its 2022 concluding observations, the Human Rights Committee noted information provided by Ireland that it is undertaking a review of Ethics in Public Office upon the lapse of the Public Sector Standards Bill. The Committee expressed concern about the low number of recommendations contained in the Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption (Hamilton Review) that have been fully implemented. The Committee recommended that Ireland should continue its efforts including through international cooperation and effective adoption and implementation of legislation, including considering re-tableting the Public Sector Standards Bill, and preventive measures to combat corruption and promote good governance, transparency, and accountability and work to ensure the full, effective, and prompt implementation of the recommendations included in the Hamilton Review ([CCPR/C/IRL/CO/5](#), paras 9 and 10).

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

In its 2022 concluding observations, the Human Rights Committee recommended that Ireland should continue its efforts including through international cooperation and effective adoption and implementation of legislation, including considering re-tableting the Public Sector Standards Bill, and preventive measures to combat corruption and promote good governance, transparency, and accountability ([CCPR/C/IRL/CO/5](#), paras 9 and 10).

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

In its 2022 concluding observations, the Human Rights Committee expressed concern that whistleblower protection measures are insufficient. The Committee recommended that Ireland should implement the necessary measures to effectively protect whistle-blowers, inter alia, through the prompt enactment of the Protected Disclosures ([CCPR/C/IRL/CO/5](#), paras 9 and 10).

## **C. Repressive measures**

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

In its 2022 concluding observations, the Human Rights Committee welcomed various anti-corruption measures taken by the State party, including the adoption of the Criminal Procedure Act 2021 and the Criminal Justice (Corruption Offences) Act 2018. The Committee recommended that Ireland should continue its efforts including through international cooperation and effective adoption and implementation of legislation, including considering re-tableting the Public Sector Standards Bill, and preventive measures to combat corruption and promote good governance, transparency, and accountability and increase the efficiency of investigations, prosecutions, and convictions for corruption ([CCPR/C/IRL/CO/5](#), paras 9 and 10).

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

In its 2022 concluding observations, the Human Rights Committee regretted the lack of data provided regarding the number of prosecutions and convictions for corruption ([CCPR/C/IRL/CO/5](#), paras 9 and 10).

### **III. Media Freedom and Pluralism**

#### **A. Media authorities and bodies**

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

As part of its 2022 Universal Periodic Review, Ireland accepted a recommendation to step up its legislation on racist hate speech and activate efforts to combat its dissemination on the Internet; ensure that the draft bill on Internet security and mass media regulation is aligned with international human rights standards; and ensure its swift adoption. Ireland also supported a recommendation to adopt measures to prevent and punish hate speech and hate crimes against ethnic minorities, migrants and refugees, with an emphasis on online safety and governance of the media ([A/HRC/49/18/Add.1](#), recommendations 157.83 and 157.97).

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

#### **A. The process for preparing and enacting laws**

*Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), and transparency and quality of the legislative process*

As part of its 2022 Universal Periodic Review, Ireland accepted recommendations to take further steps to incorporate the International Convention on the Elimination of All Forms of Racial Discrimination into the domestic legal order, with a view to closing gaps in the policy and institutional framework for any group of people experiencing racial discrimination. Ireland also supported a recommendation to continue efforts aimed at ensuring compatibility of the new electoral code with the International Covenant on Civil and Political Rights and another recommendation to incorporate domestic legislation a specific definition of domestic violence in its psychological, emotional and economic dimensions, classify it as a crime and provide legal protection against emerging forms of gender-based violence ([A/HRC/49/18/Add.1](#), recommendations 157.43, 157.49, and 157.202).

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

In its 2022 concluding observations on Ireland's fifth periodic report, the Human Rights Committee noted information provided by Ireland indicating that restrictions were introduced by the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act on certain individual rights and freedoms as a result of measures taken to protect public health following the onset of the COVID-19 pandemic and welcomed the efforts made by Ireland to ensure that the decision-making process, in reaction to the COVID-19 pandemic, was done in compliance of the obligations arising from the Covenant. However, the Committee expressed concern about reports that rights such as freedom of movement and freedom of peaceful assembly have been significantly and

disproportionately reduced during the COVID-19 pandemic. The Committee recommended that Ireland should consider undergoing a comprehensive review of its response to COVID-19 including a human rights impact assessment that evaluates the effect of rights restrictions, specifically in regard to minority groups; consider establishing a human rights and equality-based independent monitoring mechanism to ensure that restrictive measures taken in time of public emergency remain in conformity with article 4 of the Covenant; and ensure adequate oversight and that such restrictions comply with the principle of proportionality, in a transparent and non-discriminatory manner ([CCPR/C/IRL/CO/5](#), paras 27 and 28).

## **B. Independent authorities**

*Independence, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions*

As part of its 2022 Universal Periodic Review, Ireland accepted recommendations to allocate sufficient budgetary and human resources to the Irish Human Rights and Equality Commission in order for it to discharge its functions effectively and to consider expanding its mandate to include the prevention and prohibition of racial discrimination. As part of the same process, Ireland also supported a recommendation to designate a national preventive mechanism in line with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment discrimination ([A/HRC/49/18/Add.1](#), recommendations 157.34–157.37, and 157.46).

In its 2022 concluding observations, the Human Rights Committee noted the efforts of Ireland to strengthen its democracy and improve the participation and transparency of its electoral system, including through the introduction of the Electoral Reform Bill and the Electoral Commission. However, the Committee expressed its concern about the slow progress in adopting the Electoral Reform Bill and the Commission's missing role in addressing issues and challenges related to hate speech in the electoral process. The Committee recommend, among other things, that Ireland should take the necessary measures to complete the adoption of the Electoral Reform Bill and ensure the effective and independent functioning of the new Electoral Commission and should consider attributing a role to the Commission with regard to the regulation and monitoring of discriminatory rhetoric and hate speech in the electoral process ([CCPR/C/IRL/CO/5](#), paras 47 and 48).

## **D. The enabling framework for civil society**

*Rules and practices guaranteeing the effective operation of civil society organisations and rights defenders*

As part of its 2022 Universal Periodic Review, Ireland accepted a recommendation to eliminate barriers and restrictions against civil society engagement, including by amending legislation ([A/HRC/49/18/Add.1](#), recommendation 157.128).