

2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2023^[1] falling under the ‘type of information’ outlined in section II.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

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

Type of information

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

A) Legislative developments

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

B) Policy developments

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

C) Developments related to the judiciary / independent authorities

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[2])

D) Any other relevant developments

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

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable.

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

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Civil society organisation/NGO

- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities
- ☒ Other

If "Other", please specify

Commissioner Didier Reynders invited the Network of the Presidents (as a judicial network) to take part in the targeted consultation for the 2024 Rule of Law Report. Mr Justice Donal O'Donnell is a board member of the Network of Presidents, and this response represents the Irish Supreme Court.

*** Organisation name**

250 character(s) maximum

Supreme Court of Ireland

Main Areas of Work

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

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

500 character(s) maximum

www.supremecourt.ie and www.courts.ie

Transparency register number

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

N/A

*** Country of origin**

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia

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

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

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

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

First name

Rebecca

Surname

Murphy

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

*** Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2024 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics 2024 RoL Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

N/A

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to

implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law Report and (2) any other significant developments since January 2023^[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

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

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

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

Member State covered in contribution [only one choice possible]

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

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☒ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia

- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

5000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

From the 2023 Report:

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

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

As mentioned in the 2022 report, at the point of publication, the draft law was passed by the Lower House of the Oireachtas in July 2022 and was at the report stage before the Upper House.

2024 update:

The Judicial Appointments Commission Bill 2022 was passed by both Houses of the Oireachtas on 4 October 2023 and it was subsequently presented to President Michael D. Higgins in accordance with the provisions of the Constitution. On 13 October 2023, the President, after consultation with the Council of State on 11 October 2023 as required by Article 26.1 of the Constitution, referred to the Supreme Court the question of whether the following provisions of the Judicial Appointments Commission Bill 2022 were repugnant to the Constitution: ss. 9, 10, 39, 40(2), 42, 43, 45, 46, 47, 51, 57 and 58.

The Article 26 procedure is one of the most important functions of the President and the Supreme Court under the Constitution of Ireland. It has two significant features.

- If any provision of the Bill is found repugnant to the Constitution, the President must not sign the Bill, and the Bill falls in its entirety.
- Article 34.3.3° provides that the decision of the Court shall be final, for all time, and cannot be revisited.

On 8 December 2023, the Supreme Court upheld the constitutionality of the Judicial Appointments Commission Bill 2022, and the President signed the Bill into law (in accordance with Article 26.5.3. of the Constitution). Accordingly, the Bill will reform the system of judicial appointment in Ireland as it will establish a new, independent Judicial Appointments Commission to select and recommend persons for judicial office in Ireland and in the EU and international courts.

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

From the 2023 Report:

As mentioned in previous reports, the Judicial Council was established in 2019 pursuant to the Judicial Council Act 2019. The Judicial Council established a Judicial Conduct Committee, which is comprised of the following 13 members:

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

In February 2022, the Judicial Council adopted Guidelines for the Judiciary on Conduct and Ethics. Under the complaint's regime, a panel of inquiry made up of two judges and a lay person can be appointed to investigate allegations of misconduct. In cases where serious misconduct is found, the Judicial Conduct Committee can make a referral to Justice Minister. This would be for the purpose of asking the Government to consider exercising its powers to have the judge removed under Article 35.4 of the Irish Constitution.

On 3 October 2022, the remaining provisions of the Judicial Council Act 2019 entered into force (the Justice Minister signed a commencement order under the Judicial Council Act 2019). Accordingly, complaints relating to the alleged misconduct can now be made to the Registrar to the Judicial Conduct Committee, which determines whether the complaint is admissible.

2024 Update:

In June 2023, the Judicial Council launched its Report for 2022, which indicated that from the commencement of the legislation on 3 October to 31 December 2022, 34 complaints were received. Of these, 17 were deemed as not coming within the scope of the 2019 Act. Of the remaining 17 complaints:

- 10 were determined to be inadmissible by the committee's registrar;
- One complaint was withdrawn;
- Six complaints, received in December 2022, remained for consideration at the end of the year;
- Two requests for reviews of the registrar's determination were received and referred to the Complaints Review Committee.

The Judicial Council does not publish ad hoc requests, and more up-to-date figures will be made available through their annual report during 2024.

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

From the 2023 Report:

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

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

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

2024 Update:

The Judicial Appointments Commission Bill was found to be constitutional by the Supreme Court of Ireland on 8 December and has been signed into law by the President.

Allocation of cases in courts

5000 character(s) maximum

There is no update since the previous report.

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

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

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

5000 character(s) maximum

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

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

5000 character(s) maximum

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

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

5000 character(s) maximum

No new updates for 2023. As mentioned previously, security of remuneration is a key feature of judicial independence. Article 35.5 of the Irish Constitution (as originally enacted) prohibited the reduction of such remuneration while the judge continued in office. Following the economic crash of 2008, Article 35.5 of the Irish Constitution was amended by a referendum held in November 2011 which now provides:

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

2° The remuneration of judges is subject to the imposition of taxes, levies or other charges that are imposed by law on persons generally or persons belonging to a particular class.

3° Where, before or after the enactment of this section, reductions have been or are made by law to the remuneration of persons belonging to classes of persons whose remuneration is paid out of public money and such law states that those reductions are in the public interest, provision may also be made by law to make proportionate reductions to the remuneration of judges.”

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

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

Independence/autonomy of the prosecution service

5000 character(s) maximum

N/A

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

5000 character(s) maximum

N/A

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

5000 character(s) maximum

N/A

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section

2)

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

5000 character(s) maximum

COSTS:

There has been no change since the last report. As mentioned previously, a 2020 report on reviewing the administration of civil justice, chaired by Mr Justice Peter Kelly, former President of the High Court, put forward two options for legal costs. These included a set of non-binding guidelines, which the majority favoured, or a table of maximum costs set by an independent committee. A decision on the best way forward was deferred last year when the Minister for Justice announced that economic consultants had been commissioned to evaluate the potential impact of these two options, as well as the potential of other options. A final report is expected shortly.

LEGAL AID:

In June 2022, the Minister for Justice established the Civil Legal Aid Review Group to review the current operation of the civil legal aid scheme and make recommendations for its future. The review group is chaired by former Chief Justice Frank Clarke and the membership is drawn from legal practitioners, academics, department officials, those who work with marginalised groups, and representatives from the Legal Aid Board, the body which administers the statutory scheme. This report is due to be published imminently.

In November 2022, the Civil Legal Aid Review Group began a consultation process inviting views of key stakeholders as to how the Civil Legal Aid Scheme can be reformed. The consultation ran from Monday 14 November 2022 until Friday 3 January 2023. The Civil Legal Aid Review Group is now considering the results of a comprehensive multi-phased process of consultation. They are also examining how legal needs are met in other jurisdictions. The report is due to be published imminently.

In February 2023, the Chief Justice's Access to Justice Working Group (established by the former Chief Justice, Mr Justice Frank Clarke), which is chaired by the current Chief Justice hosted a two-day conference entitled "Civil Legal Aid Review: An Opportunity to Develop a Model System in Ireland". In July 2023, the Report from the 2023 Access to Justice was presented to the Minister for Justice, which detailed the presentations and issues explored over the course of the conference. The conference and the publication of the report were aimed at assisting the work of the Civil Legal Aid Review Group.

Regarding criminal legal aid, in July 2023, the General Scheme of Criminal Justice Legal Aid Bill 2023 was published, which aims to expand legal advice services for victims but to tighten controls on eligibility for criminal legal aid, including by making it an offence to knowingly make misleading statements about income.

Note: On 3 October 2023, the Council of the Bar of Ireland organised the withdrawal of service as a means of drawing attention to the issue of lack of pay restoration following recession-era cuts to fees. Following this, the Department of Justice secured funding (part of the budget measure) and announced €9 million in funding to increase fees for criminal legal aid by 10 per cent in 2024.

ASSISTED DECISION-MAKING ACT:

On 26 April 2023, the Assisted Decision-Making (Capacity) Act 2015 ("2015 Act") commenced, which provides for an assisted decision-making process to replace the substituted decision-making process under the current Wardship systems for adults.

The Circuit Court is “the court” for the purposes of the 2015 Act. As a result of the increased volume of applications brought under the 2015 Act, it was proposed that three new judges (under the appointment of the additional judges under Phase 1 of the JPWG recommendations) would be appointed to Assisted Decision-Making – 1 in Dublin and 2 outside Dublin.

For the High Court, it was proposed that three new judges (under the appointment of the additional judges under Phase 1 of the JPWG recommendations) would be assigned to work full-time on applications to discharge wards of court from wardship as required under ss. 54 and 55 of the 2015 Act. Under the ADMCA, the High Court is required to complete the discharge process within three years from 26 April 2023 (when the ADMCA was commenced).

PLANNING AND ENVIRONMENTAL COURT:

On 11 December 2023, the President of the High Court, Mr Justice David Barniville, established by way of a detailed Practice Direction (HC124) a new Planning and Environmental Division of the High Court. New procedures, rules, dedicated judges, technology, and a build-up of expertise in this area – will allow for more efficient and clearer case management and throughput of cases.

LANGUAGE:

The Official Languages (Amendment) Act 2021 was signed into law in December 2021. Regarding the Irish Courts, a new “Irish Language Procedure” has been developed, setting out steps to be followed when parties to proceedings and/or those giving evidence choose to exercise their constitutional right to be dealt with through the Irish language.

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

From the 2023 Report:

The Judicial Planning Working Group (“JPWG”) was established pursuant to an agreement in the Programme for Government of the present government and was formally established in the summer of 2021. The JPWG was led by an independent Chair, Brigid McManus, former Secretary General of the Dept of Education, and was initially an interdepartmental group only comprising representatives of the Dept. of An Taoiseach, Dept. of Justice, Dept. of Public Enterprise and Reform and the Courts Service.

2024 Update:

The JPWG Report was submitted to the Minister for Justice on 6 January 2023 and received Government approval on 21 January 2023. The report was launched by Minister Simon Harris at the Chief Justice’s Access to Justice Conference on 24 February 2023 and (in short), made a total of 54 detailed recommendations that specifically involve or impact the judiciary.

Following the launch of the JPWG Report, and in conjunction with the Presidents of each of the other courts, the Chief Justice established a Judicial Implementation Group under the Chairmanship of Mr Justice Denis McDonald. The purpose of the implementation process is to demonstrate improved outcomes brought about by the appointment of the first tranche of new judges this year, and therefore, secure the appointment of the second phase of judges in 2024. The Judicial Implementation Group has adopted a Judicial Implementation Plan, which has been accepted by the Department of Justice. This Implementation Plan will be made available on the website of the Department of Justice together with the implementation plans of the Courts Service, the Judicial Council, and the Department itself.

Regarding judicial resources, the report recommended an increase in judicial numbers over the coming years. The JPWG Report recommended that 44 additional judges be appointed between now and the end of 2024 in two phases:

- Phase 1 - 24 additional judges (all of which have been appointed);
- Phase 2 (subject to satisfactory review and before the end of 2024), the appointment of 20 further judges.

Further, the JPWG Report made several recommendations under the heading “effective use and management of judicial resources”. These recommendations include, for example, the development of an evidence-based, comprehensive and strategic approach to human resource management for the judiciary (including, for instance, formulating terms and conditions), a review of support staff roles in the Courts Service to take into account emerging judicial needs, options for flexible working, flexibility in legislation to allow for a small number of additional judges to cover long-term absences and to appoint a judge in advance of a planned retirement to ensure a smooth transition with no time delays.

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

5000 character(s) maximum

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

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

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

Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

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

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

5000 character(s) maximum

In Ireland, there are five tiers of court jurisdictions: the District Court, the Circuit Court, the High Court, the Court of Appeal, and the Supreme Court. Each court deals with specific types of cases and/or appeals from decisions of lower courts if the court in question has appellate jurisdiction.

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

As mentioned above, the Assisted Decision-Making (Capacity) Act 2015 and the Assisted Decision-Making (Capacity) (Amendment) Act 2022 (which was signed into law on 17 December 2022) will replace the wardship regime for persons with capacity issues and introduce new decision support arrangements for such

persons. As mentioned above, the jurisdiction will be conferred on the Circuit Court in respect of such arrangements. The High Court is required to complete the discharge process within three years from 26 April 2023 (when the ADMCA was commenced).

Further, on 11 December 2023, a new division of the High Court was established that deals solely with planning and environmental issues. The new Planning and Environmental Law Court will operate in a similar manner to the Commercial Court and that the court will work in tandem with reforms to planning legislation, to bring about improvements in the ability to process cases and in costs, and to be consistent with Ireland's obligations under EU environmental law.

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

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Length of proceedings

5000 character(s) maximum

According to the Supreme Court Annual Report 2022 (published in September 2023), the number of applications for leave and new appeals lodged in the Supreme Court by year-end continued to be on trend with 2020 and 2021. Average waiting times for leaves to appeal being determined were maintained at 5 weeks throughout the year. The time from leaves to appeal being granted to being listed is 16 weeks at year-end, compared with 17 weeks at the end of 2021 and 21 weeks at the end of 2020. Pending cases at year-end were 57. In this respect, the Court has no significant backlog, and appeals get a hearing date as soon as they are ready to proceed.

According to our Supreme Court Registrar, the average waiting times reported at the end of September 2023 (Q3) are:

*Leave to appeal- From Complete Documents being filed to a Determination- 5 weeks

*Appeals- From Leave To Appeal Granted to Listing of Appeal- 19 weeks

Other - please specify

5000 character(s) maximum

As part of the JPWG Report, appropriate metrics must be agreed upon between the Judiciary, the Courts Service, and the Department of Justice. For this purpose, a suite of data indicators will be collected and supplied to the Department of Justice to assist with measuring the impact of additional Judicial appointments and support the case for future judicial resources. Measuring the impact of Phase 1 of judicial appointments has commenced.

In doing so, the Courts Service have developed/continues to develop a comprehensive system to collect the data and monitor performances.

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)

5000 character(s) maximum

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

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

B. Prevention

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

5000 character(s) maximum

General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

5000 character(s) maximum

Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

5000 character(s) maximum

Sectors with high-risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement
- List other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen /residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

5000 character(s) maximum

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

5000 character(s) maximum

C. Repressive measures

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

5000 character(s) maximum

Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible) including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

5000 character(s) maximum

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

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

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

5000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

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

5000 character(s) maximum

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

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

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

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

Consultations with members of the judiciary in relation to proposed reforms which affect the judiciary generally occur on an informal basis. The Minister would write to the Chief Justice seeking the views of the judiciary in relevant areas, and the Chief Justice may then, where necessary, consult with judicial

colleagues. There is also consultation between the Department of Justice and the Courts Service regarding proposed legislative reforms affecting the courts more generally.

Occasionally working groups are established (particularly regarding specific pieces of legislation that would affect the judiciary). For example, the Judicial Planning Working Group has set up a Implementation Steering Group, that will meet three times a year to monitor progress against the timelines outlined in the implementation plans. This includes representatives from the Department of Justice, the Courts Service, the Judiciary (as observers), the Judicial Council, An Garda Síochána, and Director of Public Prosecutions.

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

While it is possible to fast track cases, it is not separately assessed/captured by the Courts Service statistics.

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

N/A

Regime for constitutional review of laws

5000 character(s) maximum

There have been no new developments in 2023 regarding regimes for constitutional reviews of law.

B. Independent authorities

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

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

N/A

Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

N/A

C. Accessibility and judicial review of administrative decisions

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

5000 character(s) maximum

There have been no new developments in 2023 regarding the transparency of administrative decisions in Ireland.

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

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

Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

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

5000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

5000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services

5000 character(s) maximum

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

5000 character(s) maximum

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives etc.)

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

Contact

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