

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

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

*** Organisation name**

250 character(s) maximum

The Bar of Ireland

Main Areas of Work

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

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

500 character(s) maximum

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

Transparency register number

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

N/A

*** Country of origin**

Please add the country of origin of your organisation

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

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

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

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

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

First name

Ciara

Surname

Murphy

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

*** 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

The Council of The Bar of Ireland is the accredited representative body of the independent referral Bar in Ireland, which consists of members of the Law Library and has a current membership of approximately 2,150 practising barristers. The Council has prepared these submissions at the request of the European Commission which is in the process of preparing the 2024 Annual Report on the Rule of Law. As the representative body of the barrister profession in Ireland, this submission will focus on the areas that relate to the scope of the expertise of our members (the Justice System).

As regards general horizontal developments since the Council's last report, the following justice related activities are of note:

Family Courts Bill

In April 2023, the Department of Justice published its annual Justice Plan which is the third and final instalment of annual plans outlining the actions required to deliver the goals established in the 2021-2023 Statement of Strategy. Improving access to justice and modernising the courts system remains a priority for both the Department of Justice and The Council of The Bar of Ireland.

2022 saw the publication of the Family Courts Bill and the establishment of a Family Justice Implementation Group to roll out the Family Justice Strategy, which commits to ensuring the family court system is more accessible, easier to understand, and improves its responsiveness to users' needs through investing in digital services. As previously stated in the 2023 Rule of Law Report, the Council of The Bar of Ireland has expressed its concerns in the proposal to expand the jurisdiction of the District Court under the Family Courts Bill as it will drastically increase and overwhelm the workload of the court. The District Court is a court of summary jurisdiction and is not set up to process complex cases nor does it have the resources to do so. Further, the summary manner in which the District Court approaches cases is not appropriate for lengthy and multi-issue substantive family law cases. The Council therefore remains very concerned that any expansion in jurisdiction proposed under the Family Courts Bill 2022 will overwhelm the District Courts and result in lengthy delays for clients in being able to access justice.

Reform of Civil Legal Aid

The Council continues to prioritise reform of the Civil Legal Aid Scheme and in February 2023, made a submission to the Independent Review Group established by the Minister for Justice. In its current state, the Civil Legal Aid Scheme is inflexible and is serving as a barrier to access to justice for the most vulnerable sectors of society on a long-term and sustainable basis. The Council reemphasises a successful reformation of the Scheme should provide broad applicability, eligibility and accessibility in order to protect the rights of those most vulnerable while protecting the greatest number of rights for citizens. The Council looks forward to publication of the report in early 2024 from the Independent Review Group to assess next steps in addressing reform of the Civil Legal Aid Scheme.

Criminal Legal Aid

On 3 October 2023, criminal barristers in Ireland, on the recommendation of Council of The Bar of Ireland, withdrew their professional services nationwide in protest at the failure of successive Governments to adequately resource the criminal justice system, and specifically in relation to the fees payable to barristers by the Director of Public Prosecutions and under the Criminal Justice (Legal Aid) scheme. One week later, on the 10th October 2023, the Government announced an increase in funding for professional fees of criminal barristers as part of Budget 2024. The 10% increase in the budget for professional fees payable to barristers by the Director of Public Prosecutions and under the Criminal Justice (Legal Aid) Scheme was welcomed by the Council as a positive first step in reversing the fee cuts of 28.5% plus that were applied to barristers fees during the period 2008 – 2011 and have endured since that time. In addition, the Minister for Justice announced that her 'intention is to build on the strengths of the criminal legal aid scheme while addressing any issues relating to how it is structured. Engagement will now begin with the legal professions for the purpose of working together to identify reforms to the fees, including automation of payments, which will support improved efficiency and governance in the administration of the scheme, and chart a path to greater transparency and fairness in the level of fees paid under criminal legal aid.'

Please see "Other" for the continuation and conclusion of horizontal developments including Criminal Legal Aid (cont.) and Litigation Costs.

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

On 13 October 2023, the Judicial Appointments Commission Bill 2022 was referred by the President of Ireland, Michael D Higgins, to the Supreme Court for a decision on its constitutionality, provided for in Article 26 of the Constitution of Ireland. The Supreme Court heard the matter on the 15th and 16th November 2023 and published its judgment that the Judicial Appointments Commission Bill 2022 is constitutional on 8th December 2023. Following the decision of the Supreme Court, Article 34.3.3 of the Constitution precludes the possibility of any further legal challenge to the constitutionality of the legislation.

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

Judges:

The Judicial Appointments Commission Bill 2022 completed the final stages in the Oireachtas on 4 October 2023. The Bill provides for the establishment of a new, independent Judicial Appointments Commission to select and recommend persons for judicial office in Ireland and in the EU and international courts.

On 13 October 2023, the Judicial Appointments Commission Bill 2022 was referred by the President of Ireland, Michael D Higgins, to the Supreme Court for a decision on its constitutionality, provided for in Article 26 of the Constitution of Ireland. The Supreme Court heard the matter on the 15th and 16th November 2023 and published its judgment that the Judicial Appointments Commission Bill 2022 is constitutional on 8th December 2023.

Prosecutors:

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

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

Judges (including Court Presidents): No Change.

As per our contribution to the Rule of Law Report in 2022, the Guidelines for Judicial Conduct and Ethics ([https://judicialcouncil.ie/assets/uploads/documents/Guidelines for Judicial Conduct and Ethics.pdf](https://judicialcouncil.ie/assets/uploads/documents/Guidelines%20for%20Judicial%20Conduct%20and%20Ethics.pdf)) were drafted by the Judicial Conduct Committee and adopted by the entire Judicial Council on 4th February 2022. The Judicial Conduct Committee's procedures relating to complaints were finalised in September 2022 with the Minister for Justice commencing the provisions of the Judicial Council Act 2019 in October 2022. This enables a person to make a complaint about the conduct of a judge in Ireland in respect of allegations of misconduct arising on or after that date.

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

Unsatisfactory determinations made by the Judicial Council Committee; the Committee is permitted to take further action including making a referral to the Minister for the purposes of Article 35.4 of the Constitution of Ireland (provides for the removal of a judge).

The retirement age for all judges remains unchanged at 70.

Prosecutors: No Change.

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Judges:

A number of reforms to the appointments process for judges, including the elevation of serving judges, is being addressed under the Judicial Appointments Commission Act 2023. The Act provides that all serving judges must participate in the same selection process for appointment to a higher court as other candidates.

Prosecutors:

No change.

Allocation of cases in courts

5000 character(s) maximum

No change.

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

5000 character(s) maximum

No change.

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

5000 character(s) maximum

Please refer to our response to question 2 (Irremovability of judges) above.

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

5000 character(s) maximum

No change.

Independence/autonomy of the prosecution service

5000 character(s) maximum

No change.

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

5000 character(s) maximum

The Bar of Ireland is the accredited representative body of the independent referral Bar in Ireland, which consists of members of the Law Library and has a current membership of approximately 2,150 practising barristers. The principles that barristers are independent, owe an overriding duty to the proper administration of justice and that the interests of their clients are defended fearlessly in accordance with ethical duties are at the heart of the independent referral bar.

An independent barrister is obliged to be free from any influence, especially such as may arise from their personal interests or external pressure, in the discharge of their professional duties. They must hold themselves out as willing and obliged to appear in court on behalf of any client on the instructions of a solicitor and to give legal advice and any other legal services to clients. They have an overriding duty to the court to ensure that the proper and efficient administration of justice is achieved, and they must not deceive or knowingly mislead the court. They must promote and protect fearlessly and by all proper and lawful means their client's best interests and do so without regard to their own interest or to any consequences for themselves or to any other person including fellow members of the legal profession; and, to perform their functions with due independence and in a manner which is consistent with their duty to participate in the administration of justice. This independence is necessary in non-contentious matters as well as litigation.

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

5000 character(s) maximum

In reference to the 2023 Rule of Law Report, The Council previously mentioned a Supreme Court Case regarding the constitutionality of Personal Injuries Guidelines. The case, *Delaney v Personal Injuries Assessment Board & Ors* [2022] IEHC 321, challenged the constitutionality of the guidelines but was rejected by the High Court. A panel of three judges of the Supreme Court agreed issues of general importance were raised that necessitates the Supreme Court hearing the appeal. The panel found the appeal raises questions of significant relevance to the interpretation and construction of delegated legislation regarding the implications of the constitutional mandate of judicial independence and the separation of

powers between judges and the Oireachtas (Houses of Parliament). A decision on the appeal is awaited.

Source: The Personal Injury Guidelines - An Update - Irish Claims Board

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

Access to justice and a sustainable criminal bar remains a key concern for The Bar of Ireland. As a direct consequence of the deep cuts ranging from 28.5%-69% that were applied to the professional fees paid to criminal barristers during the financial crisis of 2008–2011, a career choice for recently qualified junior barristers in crime has become unattractive when compared to opportunities in other areas of law. The evidence shows that two-thirds of barristers who commence a career in criminal law leave after only 6 years in practice and that this is as a direct consequence of the deep cuts that were applied. A skilled and experienced criminal prosecution bar can only emerge after many years of practice in the junior ranks of criminal defence law. It takes many years of practice at the Bar to acquire the necessary experience to effectively and skilfully prosecute serious cases on behalf of the State and it is imperative that newly qualified talented barristers are encouraged to practice in the area of criminal law. One significant form of such encouragement is to be fairly and reasonably rewarded for their services. The government's own 2018 spending review report on criminal legal aid (<https://assets.gov.ie/7320/b26e8d13fb42468fb66a40aed88fe875.pdf>) recognised that our cost effective and robust criminal legal aid system facilitates a high standard but low-cost representation of defendants through skilled advocates engaged by the State and recognised that the fee structure and the incentives of this fee structure must be monitored on an ongoing basis to ensure a fair, effective and efficient criminal justice system.

As mentioned earlier as part of the horizontal development of this report, criminal barristers, on the recommendation of Council of The Bar of Ireland, withdrew their professional services nationwide on 3 October 2023. This was in response to the failure of successive Governments to adequately resource the criminal justice system, and specifically in relation to the fees payable to barristers by the Director of Public Prosecutions and under the Criminal Justice (Legal Aid) scheme. Later, on the 10 October 2023, the Government announced an increase in funding for professional fees of criminal barristers as part of Budget 2024. The 10% increase in the budget for professional fees payable to barristers by the Director of Public Prosecutions and under the Criminal Justice (Legal Aid) Scheme was welcomed by the Council as a positive first step in ensuring fairness in the level of fees paid under criminal legal aid. Now, more than ever, it is crucial that the Department of Justice and the Office of the Director of Public Prosecutions ensure appropriate fee payment structures, unravel existing cuts, and restore the link to public pay agreements in order to promote fairness in the Irish legal system and sustainable access to justice.

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

The Council appreciates the EU Commission's recognition of the significant increase in judges in 2023 and for 2024. An announcement was made by the Minister for Justice in February 2023 to increase the number of judicial appointments in step with the Organisation for Economic Co-operation and Development's (OECD) recommendation. Specifically, Government approval was secured for 24 additional judges to be appointed in 2023 and for significant investment to support the establishment of Planning and Environment Court and dedicated Family Courts. In 2024, it is intended to increase the number of judicial appointments to a further 20 judges subject to assessment of the impact of the 24 initially appointed judges. Overall, it will increase the number of judges from 173 to 217. However, increasing judicial capacity alone is not sufficient to improve efficiency within the courts system, and additional supports such as courts service, IT and estate resources are crucial to manage complex caseloads effectively.

Perhaps most notably, the proposal to expand the jurisdiction of the District Court under the Family Courts Bill will drastically increase the workload of the court. The Council will continue to express its concerns on these proposed changes, as an expansion in jurisdiction will overwhelm the lower courts in terms of caseload. Although a planned increase in the number of judges is a positive development in resource expansion, the District Court is a Court of summary jurisdiction and is not set up to process complex cases such as financial relief applications in the context of judicial separation/divorce and cohabitation/civil partnership breakdown. Further, the summary manner in which the District Court approaches cases is not appropriate for lengthy and multi-issue substantive family law cases. Unless settled, such cases are regularly of long duration and the District Court is not equipped to deal with lengthy cases. Further, the District Court is not a Court that delivers regular written judgements which contribute to the development of vital case law in this area. In addition, the increase in monetary jurisdiction of the District Court of up to land with a value of €1 million, with the option to increase this to €2 million at the election of the Minister for Justice is inappropriate and indicates a significant departure from its current jurisdiction. Ultimately, the transfer of adjudication from the High and Circuit Courts to an already overburdened District Court will lead to:

1. Reduced court time for families and children in the determination of their rights.
2. The application of a more summary process for the determination of those rights.
3. Less authoritative jurisprudence in family and child law due to fewer written judgements from Circuit and High courts.
4. Limited access to the specialist input and expertise of counsel as District Court litigation is often conducted solely by solicitors.

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

5000 character(s) maximum

Barristers

On foot of recommendations made by the Legal Services Regulatory Authority (LSRA) and updated in 2020 (<https://www.lsr.ie/wp-content/uploads/2020/11/Section-34-ET-Final-Report-to-Minister.pdf>) The Bar of Ireland continues to follow its Competency Framework for Continuing Professional Development which was established in October of 2021. The framework guides members in the identification and selection of CPD activities that are relevant to their professional learning needs.

Judges

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

The Committee is committed to maintaining public trust in the judiciary and the administration of justice by delivering appropriate, effective, and timely training. The training is based on the core values and principles set out in the Guidelines for the Judiciary on Conduct and Ethics, including independence, impartiality, integrity, propriety, equality, competence, and diligence.

In 2023, with the assistance of the Associate Director, the Committee developed the Judicial Studies Committee Workplan 2023-2026 to set out a strategic approach to training and ensure sustainable programmes. This plan highlights four key priority areas: developing and delivering training programmes, ensuring adequate resources and supports, establishing policies and procedures, and raising awareness of the importance of judicial education and training. This plan is underpinned by a detailed Annual Action Plan, which is a dynamic document that will be reviewed and updated as necessary.

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 Report of the Review of the Administration of Civil Justice, also known as the Kelly Report, was published by the Department of Justice in May 2022 and sets out over 90 recommendations to reform civil law in Ireland. Among the recommendations, an approach to advance the reform in the area of technology and e-litigation was established. The overall aim is to create a secure digital environment to facilitate e-litigation and to modernise the digital facilities of Irish Civil Courts. This includes equipping courtrooms across jurisdictions with Wi-Fi and evidence display hardware to enable practitioners to use e-Litigation software to present cases in court electronically. Varying levels of access to the digital court record for parties, judges, court staff and members of the public, will also be facilitated, consonant with data protection and privacy rights.

According to the Courts Service Annual Report for 2022 (published 28 September 2023), the number of video technology enabled courtrooms was increased by 14 in 2022, bringing the number of courtrooms across the country that can support remote courts and video-link appearances to 120. Further, there was a total of 23,214 Irish Prison Service video courtroom appearances. The technology supports virtual appearances from litigants, legal professionals, expert witnesses, prisoners, and Gardaí dialling-in from remote locations to a physical courtroom with digital evidence display.

The Courts Service Annual Report for 2022 highlights the completion of the eCharge sheets project which automatically pulls charge sheet and station bail data from An Garda Síochána's system (Irish police enforcement) into the Courts Service system (up to 2021, all data was manually typed in). The new system is used to now process 95% of charge sheets and has reduced the time taken to process a charge sheet by 77%.

The report further outlines a 10-year Modernisation Programme and breaks the programme into long and short-term planning goals. The Corporate Strategic Plan 2021-2023 sets out ICT strategic goals and adopts a "digital first" approach with two priorities to develop an ICT and data strategy to define the application, infrastructure and data architecture to support a modern and digitally-enabled Courts Service and engage in collaborative digital initiatives with other agencies to drive efficiencies.

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

As mentioned in the previous question regarding modernisation and digitisation of the justice system, the Courts Service Annual Report for 2022 details that the legacy case management systems are in the process of being replaced through virtual software (Microsoft Power Platform) with a single modern platform capable of offering online services. In 2022, the Court Service concentrated on developing a unified case management system for the Courts and in 2023 has started to replace Civil legacy systems in the High Court and the Family Law system in the Circuit Court.

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

On 11 December 2023, a new division of the High Court dedicated to Planning and Environment cases was formally established. The new division of the High Court aims to improve the delivery of housing by reducing planning delays and will also allow for greater efficiency and specialism in the handling of litigation relating to planning and environmental matters, particularly judicial reviews. In summary:

- The new Division will replace and expand the scope of the “Commercial, Planning and Environment List” of the High Court, which became operational on 17th April 2023. This was in line with the Government Decision of 2nd November 2022, which approved the establishment of a dedicated Planning and Environment division of the High Court including, if necessary, on an administrative basis.
- It is now to become fully operational following on from the assignment of an additional High Court judge to the area and the publication by the President of the High Court of ‘Practice Direction HC 124’, which is to take effect from 11 December 2023.
- The Practice Direction sets out the expanded scope of the new High Court Division and has been finalised following on from two public consultations undertaken by the Courts Service; a necessary element for compliance with the Aarhus Convention in respect of environmental law.
- The expanded scope now encompasses proceedings related to 21 identified pieces of EU environmental legislation and 16 identified areas of national legislation, which include, planning, transport, water, climate, natural heritage, built heritage, waste, mineral exploration, the marine, agriculture and pollution.
- The new Practice Direction provides that cases will be assigned different priorities. A stated objective of the Court is that capacity is retained to deal expeditiously with urgent cases such as proceedings that concern large-scale projects of strategic importance, or matters of significant environmental impact. This is to ensure that these proceedings can continue to be prioritised and afforded an early hearing date.
- The new High Court Division will therefore deal with proceedings which include strategic infrastructure and commercial planning matters and decisions involving EU and national environmental and planning legislation.
- Cases will be now be heard by the three judges assigned to the new Court Division.

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

The Courts Service Annual Report for 2022 provides updated data on the average length of proceedings across the various courts. District Court criminal proceedings, from issue to disposal, averaged at 369 days and 569 days in the Circuit Court. The average length of civil proceedings from the Circuit Court and District Courts weren’t available. In the High Court the average length of civil proceedings, from issue to disposal, increased from 797 days in 2021 to 871 days in 2022. Personal Injury cases accounted for the lengthiest of

proceedings at 1,325 days. Average length of proceedings in the Central Criminal Court, from receipt of return for trial to final order, was 738 days (an increase from 668 in 2021), and 464 days from receipt of charge sheet to final order (an increase from 423 in 2021). Civil proceedings in the Court of Appeal averaged at 527 days, from issue to disposal, and 461 days from issue of notice of appeal to final order in criminal proceedings. In regard to the Supreme Court, the average length of time for an Application of Leave Determined (issue to determination date) was 18 days in 2022 compared to 23 in 2021 and the average time for an Application of Leave Determined (from papers being ready to determination) was 5 days (unchanged from 2021). The average length of appeals is 63 days in 2022, an increase from 52 in 2021.

Other - please specify

5000 character(s) maximum

In continuation of horizontal developments:

Criminal Legal Aid (Continued)

The Oireachtas Joint Committee on Justice invited the Council to attend a meeting on the publication of the General Scheme of the Criminal Justice (Legal Aid) Bill following a submission to the Committee made by the Council in August 2023. In both the submission and meeting with the Committee, the Council emphasised its position that the criminal legal aid system in how it is administered is effective, economical and consistent with the efficient operation of the criminal justice system in a manner in line with interests of all parties involved. Any proposed changes to how the criminal legal aid scheme operates must take caution to avoid amending a system that is not broken which may lead to doing more harm than good in the process.

Litigation Costs

The European Commission report on the 2023 Rule of Law detailed the recommendation for Ireland to continue actions aimed at reducing litigation costs and take into account European standards while the economic analysis of litigation costs is finalised. While the Council appreciates any judicial system of costs should be fair and equitable, the assertion that Ireland is a high legal costs jurisdiction compared to its European counterparts is not strongly supported by evidence.

It is crucial to highlight distinctions between common law jurisdictions and civil jurisdictions regarding state funding in adversarial versus inquisitorial systems. In essence, making a direct comparison of Irish litigation costs with those of European counterparts may not be accurate. An independent report commissioned by the Council of The Bar of Ireland and the Law Society of Ireland has further found that complaints in relation to litigation costs have fallen since the Legal Service Regulatory Authority (LSRA) began its role in managing complaints.

In May 2023, the National Competitiveness & Productivity Council published its annual report on the key competitiveness and productivity challenges facing the Irish economy and suggests specific policy actions to address these challenges. The Council also produces Ireland's Competitiveness Scorecard on a three-year cycle which provides a comprehensive statistical assessment of Ireland's competitiveness performance. This year, the report noted that:

'For the first time, the NCPC also sought to include indicators to benchmark Ireland's performance in key areas for Irish business, and especially SMEs, such as insurance and legal costs, and the quality and efficiency of the judicial system and the planning process (and associated time costs). However, data limitations prevented the NCPC from examining these issues in detail. For example, while the European Commission for the Efficiency of Justice (CEPEJ) collects and publishes data on clearance rates for court cases and the time taken for court cases to be resolved, 11 significant caveats apply to this data when interpreted for civil law jurisdictions, including Ireland. Additionally, while the CSO's Services Producer Price

Index (SPPI) tracks costs relating to 'Legal, Accounting, Public Relations and Business Management Consultancy', there is no specific breakdown on legal costs.

The NCPC will consider how best to address these issues moving forward.'
(see page 13, paragraph 2.1 of Ireland's Competitiveness Scorecard 2023)

A report was commissioned by the Department of Justice in 2022 to undertake an economic evaluation on options to control litigation costs. This report has yet to be published.

Since the passage of the Legal Services Regulation Act 2015, legal practitioners are required to disclose to clients expected legal costs and inform them if they become aware of any factors that could increase anticipated costs. This promotes transparency and enables clients to assess associated financial risks before committing to a legal service. The Council stresses the importance of considering multiple factors when addressing litigation costs moving forward, including the complexity of individual cases and the need to invest in various aspects of the justice system. The Council recommends supporting greater investment in the justice system, allow the Legal Costs Adjudication System time to "bed down" as it is too early to assess its efficiency and introduce non-binding guidelines for legal cost levels, as controlling direct litigation costs should allow for flexibility to each individual circumstance.

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

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

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

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

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

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

5000 character(s) maximum

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

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

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

5000 character(s) maximum

Judicial review of administrative decisions:

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

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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