

Ireland

Member State Contribution

European Commission Annual Rule of Law Report 2023

Commission Questions

I. Justice System

1. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

A. Independence

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

3. 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)

4. Promotion of judges and prosecutors (incl. judicial review)

5. Allocation of cases in courts

6. 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)

7. 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)

8. 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

9. Independence/autonomy of the prosecution service

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

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

B. Quality of justice

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

13. Resources of the judiciary (human/financial/material)

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

15. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

16. 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)

17. Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

C. Efficiency of the justice systems

18. Length of proceedings

II. Anti-corruption framework

19. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

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

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

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

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

B. Prevention

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

24. 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)

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

26. Measures in place to ensure whistle-blower protection and encourage reporting of corruption.

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

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

C. Repressive measures

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

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

31. 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)

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

III. Media freedom and pluralism

33. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

A. Media authorities and bodies

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

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

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

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

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

38. 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 licences, company operation, capital entry requirements, concentration, and corporate governance

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

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

40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

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

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

43. 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

IV. Other institutional issues related to checks and balances

44. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

A. The process for preparing and enacting laws

45. Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'/public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

46. 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)

47. Regime for constitutional review of laws

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

- **judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic**
- **oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic**
- **processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances**

B. Independent authorities

49. 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 institutions¹²

50. 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.

C. Accessibility and judicial review of administrative decisions

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

52. 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).

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

D. The enabling framework for civil society

54. 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)

55. 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.

56. 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)

57. 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.)

E. Initiatives to foster a rule of law culture

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

I - Justice System

1. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

- **Ensure that the reform of the appointment and promotion of judges, as regards the composition of the Judicial Appointment Commission, is taking into account European standards on judicial appointments.**

The Minister for Justice published the Judicial Appointments Commission Bill 2022 in April 2022. The Bill was passed by Dáil Éireann in July 2022, and is currently before Seanad Éireann.

In summary, the Bill provides for the establishment of a Judicial Appointments Commission to replace the Judicial Appointments Advisory Board for the purpose of recommending persons to the Minister for appointment as judges. All appointments to all judicial positions in the State and nominations to judicial positions outside the State must come through the Commission by way of recommendation. The Commission will recommend 3 names to the Minister in respect of a judicial vacancy.

The Bill replaces the Judicial Appointments Commission Bill 2017 which provided for a majority of lay members of the Commission compared to judicial and other members. It also provided for a lay Chairperson. The new Bill provides for an equal number of lay and judicial members and a judicial chairperson i.e. the Chief Justice, as well as the Attorney General, in a non-voting capacity.

The Commission has no members of the legislative branch or the executive branch of government in its voting membership. The lay members will be selected by way of an independent process.

The Commission can thus be seen to meet both the spirit and letter of the relevant European standards which advocate that such an Appointments Commission would be an independent and competent authority whose members would be drawn in substantial part from the judiciary, as well as being more widely representative. In addition, the draft Judicial Appointments Bill provides for additional safeguards that would impose clear parameters on the limited discretion Government holds with respect to the appointment procedure and in particular the Bill now provides that the Government shall only consider for appointment or nomination to judicial office those persons who have been recommended by the Commission.

- **Continue actions aimed at reducing litigation costs to ensure effective access to justice, taking into account European standards on disproportionate costs of litigation and their impact on access to courts.**

In its submission for the 2022 report, Ireland noted the Department of Justice's intention to carry out a detailed economic and legal evaluation, which would include examining making binding, except where both parties agree to opt out. The economic aspect of this work began in December 2021 via the commissioning of independent economic research in the area. While there have been delays, the Department expects to receive a final report in the first quarter of 2023. In reviewing the report, the Department will legally assess prospective implementation of any recommendations with a view to considering policy proposals later this year.

On 2 June 2022, the Minister for Justice appointed an Independent Review Group under the Chairpersonship of the former Chief Justice, Mr Frank Clarke, to undertake a comprehensive review of the Civil Legal Aid Scheme in Ireland. The terms of reference charge the Group with examining the current scheme's flexibility and responsiveness to meet the legal needs of those it is intended to serve, the current operation of the scheme, the categories of civil law which are and should be covered by it, how the scheme is delivered, and how it relates to other forms of public legal assistance. The Review Group commenced work on appointment and is expected to submit its report to the Minister by June of this year. As part of its work, it has designed a three-pronged consultation process: (1) with organisational stakeholders (2) a public survey and (3) a series of focus groups targeted at those who are hard to reach and/or may have unmet legal need.

A. Independence

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

Prosecutors are appointed through an open competition. Applicants are invited to attend a competency based interview and successful candidates are placed on a Prosecutor panel in order of merit. As vacancies arise within the Office of the Director of Public Prosecutions, candidates are offered the position of Prosecutor. All competitions are run in compliance with the Code of Practice for Appointments to Positions in the Civil Service and Public Service. The Codes of Practice are published by the CPSA www.cpsa.ie. If a candidate is unhappy following a selection process, they have a right under the Code to request a review of a decision made during the process or make a complaint that the selection process followed was unfair.

3. 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)

New hire Prosecutors are offered a one year probationary contract. During their first year their attendance, performance and attitude is reviewed on a quarterly basis. Prosecutors who successfully complete their probation have their appointment confirmed. Unsuccessful Prosecutors have their appointment terminated. This decision can be appealed by the employee up to and including the grade of Principal.

The Civil Service Code of Standards and Behaviour applies to all Prosecutors. Any Prosecutor in breach of the Code could be dismissed under circular 19 of 2016 Civil Service Disciplinary Code. Employees have a right to Appeal a decision in accordance with the appeals process, set out in Part 4 of the Code.

All Prosecutors are members of a Civil Service Pension Scheme. The minimum retirement age of a Prosecutor is dependant on their pension scheme. Most Prosecutors must retire at aged 70 with an exception to members of the New Entrant Scheme 2004 where any Prosecutors hired between 2004 - 2012 have no compulsory retirement age.

4. Promotion of judges and prosecutors (incl. judicial review)

As senior vacancies arise, the Office of the DPP will hold competency based competitions to create a panel at senior grades from which successful candidates will be offered promotion in order of merit. Competitions are run in compliance with the Code of Practice for Appointments to Positions in the Civil Service and Public Service. The Codes of Practice are published by the CPSA www.cpsa.ie. If a candidate is unhappy following a selection process, they have a right under the Code to request a review of a decision made during the process or make a complaint that the selection process followed was unfair.

6. 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)

The Judicial Council was formally established on 17 December 2019 under the Judicial Council Act 2019. All holders of judicial office are members of the Judicial Council. Its main functions are to ensure –

- excellence in the performance of judicial functions
- high standards of conduct among Judges
- an independent judiciary
- public confidence in the judiciary and in the administration of justice

The Judicial Council Members are set out in the Judicial Council Act 2019 under section 8 as follows:

- The Chief Justice and the ordinary judges of the Supreme Court;
- The President of the Court of Appeal and the ordinary judges of the Court of Appeal;
- The President of the High Court and the ordinary judges of the High Court
- The President of the Circuit Court and the ordinary judges and specialist judges of the Circuit Court;
- The President of the District Court and the judges of the District Court other than the President of that Court.

The Board of the Judicial Council performs the functions of the Council on its behalf.

The Board is comprised of the following 11 members:

- The Chief Justice and each of the four Presidents;
- One judge elected by and from the judges of each of the five jurisdictions;
- One additional judge co-opted by the Board.

The Chief Justice shall be the chairperson of the Council and the President of the Court of Appeal shall be its vice-chairperson.

7 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)

The Judicial Council has a statutory obligation to establish the Judicial Conduct Committee under section 43 of the Judicial Council Act 2019. This committee promotes and maintains high standards of conduct among judges, including by the investigation and hearing of complaints. This committee is independent in the performance of its functions. The committee consists of 13 members, 8 judges and 5 lay members.

The Judicial Conduct Committee

- Considers complaints which have been determined to be admissible and refers them either for resolution by informal means or establishes a Panel of Inquiry to investigate the complaint
- Determines if the complaint is substantiated and issues a reprimand
- must provide the Board with draft judicial conduct and ethical guidelines as per section 43 of the 2019 Act
- prepares and publishes guidelines for informal resolution of complaints as per section 43 of the 2019 Act and statutory procedures for making of complaints

The Panel of Inquiry under section 69 of the 2019 Act has a number of powers to carry out its investigation

The Judicial Conduct Committee met a number of times in 2021 and completed its work on preparing draft Guidelines on judicial conduct and ethics. It submitted its draft Guidelines to the Board of the Judicial Council on 28th June 2021 in accordance with Section 43(3)(d) of the Judicial Council Act 2019. The Board reviewed these draft Guidelines and put the draft Guidelines before the Council to be considered for adoption by all judges. The Judicial Council at its annual meeting on 4th February 2022 adopted the Guidelines on judicial conduct and ethics in advance of the statutory deadline of 22nd June, to take effect from the 1st of June 2022.

The Judicial Conduct Committee finalised its procedures for making a complaint in September 2022. On 3rd October 2022, the Minister for Justice commenced the remaining provisions of Part 5 of the Judicial Council Act as a result of which complaints relating to allegations of judicial misconduct on or after that date can now be made to the Registrar to the Judicial Conduct Committee, who determines whether the complaint is admissible. There is a facility to review a determination by the Registrar if it is determined to be inadmissible. If either the Registrar or the review committee decides to admit the complaint, the Judicial Conduct Committee follows the procedures outlined in relation to informal resolution or establishing a Panel of Inquiry.

8. 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

Prosecutors are remunerated at a rate €34,250 – €86,703. Furthermore, a 3% pay increase was implemented with effect from 2 February 2022 in addition to a 1% or €500 (whichever greater) increase with effect from 1 October 2022 under [Circular 19/2022](#).

9. Independence/autonomy of the prosecution service

The Office of the Director for Public Prosecutions (ODPP)'s submission for the Commission's 2022 report remains current. Further detail on the prosecution service in Ireland, and the roles of the ODPP, State Solicitors and the Garda Síochána in terms of prosecuting crime, is available in the following report: [Prosecution Service in Ireland](#).

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

In Ireland, the legal profession has two types of lawyer - solicitors and barristers. Most solicitors work in private practice offering services directly to the public. Other solicitors are "in-house" solicitors, employed for example by the State or by business. Barristers specialise in court advocacy and the provision of legal advice and opinions but can also work in in-house roles and in the full time service of the State.

The Legal Services Regulatory Authority (LSRA), an independent body established in 2016, is Ireland's national statutory regulator for both branches of the legal profession – barristers and solicitors. The objectives of the Legal Services Regulatory Authority are set out in section 13(4) of the [Legal Services Regulation Act 2015](#):

(4) The Authority shall, in performing its functions of the regulation of the provision of legal services under this Act, have regard to the objectives of—

- (a) protecting and promoting the public interest,
- (b) supporting the proper and effective administration of justice,
- (c) protecting and promoting the interests of consumers relating to the provision of legal services,
- (d) promoting competition in the provision of legal services in the State,
- (e) encouraging an independent, strong and effective legal profession, and
- (f) promoting and maintaining adherence to the professional principles specified in subsection (5).

In 2018, the LSRA established the Roll of Practising Barristers which has expanded the traditional definition of barristers and now all barristers who are lawfully entitled to provide legal services as a barrister are on the Roll. In 2019, the LSRA introduced the new business model framework for Limited Liability Partnerships. In 2023 the LSRA will be introducing the framework for Legal Partnerships (which can include barrister-barrister partnerships and barrister-solicitor partnerships) as a new model for legal services delivery.

Following the introduction of legal partnerships, the LSRA will be revisiting the subject of multi-disciplinary practices (involving legal practitioners and other professions – e.g. architect, accountant, barrister practice). A Report on this was produced in 2017 and a further report will be undertaken across 2023.

These developments in the legal sector are introduced in line with the LSRA's objectives, including encouraging an independent, strong and effective legal profession.

Other jurisdictions do not have separate barrister and solicitor professions. In 2020 the LSRA published a report in accordance with section 34(1)(b) of the 2015 Act which considered whether the professions of solicitor and barrister should be unified. The report concluded that there was no evidential basis for recommending unification of the professions but undertook to revisit the issue once other reforms under the Act had bedded down.

The LSRA is currently undertaking a research project at the request of the Minister for Justice on potential barriers that may exist to commencing a career as a barrister or solicitor. It anticipates that it will report on this issue in 2023. The LSRA is also working with the Department of Justice on the implementation of recommendations made to reform the training and education of legal practitioners including reforms to increase competition in the legal education and training market.

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

The ODPP has an extensive internal training programme. In order to lead this programme, the Office has a Legal Training Steering Committee. Its aim is to draw together all threads of training requirements and to involve representatives from the legal staff and management in the process. This Group meets 3-4 times per year to discuss training needs and to decide on the training programme for the legal staff of the Office.

The Office also operates a “Refund of Fees Scheme” whereby staff can receive financial assistance to complete courses in their own time, which involve knowledge and skills deemed of relevance to the work of the Office. These courses are offered by external providers such as universities or other third level institutions, as well as the Law Society of Ireland and the Honorable Society of Kings Inns.

Legal Staff can also participate in courses offered by One Learning (the learning and development provider for the Irish Civil Service). These courses include training in management and leadership skills, for example.

Legal Staff also regularly attend external training and conferences both nationally and internationally. Internal training modules on a specialised topics are run regularly within the office and can include external expert speakers. The Office also holds an annual conference, which is attended by legal staff from the Office and includes presentations from external speakers. Topics covered in the 2022 conference included “Disclosure in 21st Century” and “Trauma Informed Practice”.

The following general information in relation to the training and continuous professional development of solicitors and barristers in Ireland may also be of assistance:

- Legal staff employed by the Office are either solicitors or barristers.
- To practice as a solicitor, it is required to be admitted to the Roll of Solicitors. To be admitted, it is required to carry out Professional Practice Courses organised by the Law Society of Ireland and also complete in-office training.
- Solicitors must also carry out 20 hours of Continuous Professional Development (CPD) per year which includes minimum requirements in the categories of “Management and Professional Development Skills” and “Regulatory Matters”).
- To qualify as a barrister, it is required to complete and be admitted to the barrister-at-law degree at the Honourable Society of Kings Inns and be called to the Bar. Practising barristers must “undertake the continuing education and professional development necessary to ensure an adequate level of knowledge and competence in his area(s) of practice”. A Practising Barrister must also comply with any minimum requirements for continuing education and professional development as may be prescribed by the Legal Services Regulation Authority (see paragraph 3.32, Legal Services Regulation Authority, Code of Practice for Practising Barristers).
- The Legal Services Regulation Authority have made recommendations in relation to legal practitioner education and training which may be of assistance.

II – Anti Corruption Framework

19. Please provide information on measures taken to follow up on the recommendations received in the 2022 Report regarding the anti-corruption framework.

The 2022 EU Rule of Law Report recommended *inter alia* that Ireland ‘Strengthen the existing ethics framework, including on codes of conduct, asset declarations, revolving doors and lobbying, and in particular as regards the monitoring and enforcement capacity of the Standards in Public Office Commission’.

In its fourth round evaluation report, the Council of Europe’s Group of States against Corruption (GRECO) recommended that Ireland replace its existing ethics framework with a uniform and consolidated values based normative framework and enhance its asset declarations regime. In its fifth round evaluation report, GRECO has made further recommendations for Ireland regarding top executive functions in central government including:

- integrity checks ahead of appointment of senior office holders and public servants,
- risk assessments to inform corruption prevention policies,
- the adoption and dissemination of codes of conduct for persons with top executive functions covering all relevant integrity matters,
- training on integrity standards to take place regularly, and
- strengthening disclosure obligations and post term employment restrictions.

The 2020 Programme for Government committed to the reform and consolidation of the Ethics legislation. Acting on this this commitment, the Department of Public Expenditure and Reform undertook a review of Ireland’s legislative framework for ethics in public office. The review examined:

- the operation of Ireland’s existing ethics legislative framework;
- the recommendations made by the Standards in Public Office Commission (SIPO) based on its operation of the current regime;
- International best practice and recommendations;
- the views of stakeholders including through a public consultation;
- the outstanding recommendations of the Moriarty and Mahon tribunals;
- the ‘Hamilton Report’ recommendations on preventing economic crime and corruption, published in December 2020.

The Minister for Public Expenditure and Reform presented the review findings and recommendations to Government in December 2022. Government agreed to the preparation of a legislative scheme for reform and consolidation of the statutory framework informed by the outcome of the review. The review report will be published shortly. The draft legislative scheme will be prepared in consultation with relevant Ministers and brought to Government for approval to publish during 2023.

In preparing legislative proposals, the Department will take as its point of departure the policy framework developed for the 2015 Public Sector Standards Bill. This involves consolidation of the statutory framework for ethics and giving effect to the relevant recommendations of the Moriarty and Mahon Tribunals. Notably, it would see a significant strengthening of the legal obligations on public officials to disclose as a matter of routine, actual and potential conflicts of interest.

In relation specifically to revolving doors and lobbying, the [Regulation of Lobbying \(Amendment\) Bill 2022](#) (the Bill) was published on 22 September 2022 and completed Dáil Committee Stage on 7 December 2022. The Bill will amend the Regulation of Lobbying Act 2015 in order to build on the existing strong legislative foundation and further strengthen Ireland’s lobbying laws, thus ensuring that the regulation of lobbying framework remains up to date and fit for purpose. In particular, the Bill will make failure to comply with the post-term employment restrictions set out in section 22 of the Act a relevant contravention under the Act and introduce significant civil and administrative sanctions for anyone contravening this element of the legislation.

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

Budget 2023 provided a record allocation of over €3.3bn for the justice sector, an increase of 5%. This included a budget of €2.14 bn for An Garda Síochána, which will support the recruitment of up to 1,000 new Garda trainees and over 400 Garda staff.

The most recently available data indicates Garda numbers are as follows:

- 14,133 Sworn Gardaí (72% male, 28% female)
- 3,332 Garda Staff (28% male, 72% female)

More specifically, the current Garda member numbers for the Garda National Economic Crime Bureau (GNECB) are outlined in the following table:

RANK	Staff numbers as at 31/12/2022
Chief Superintendent	1
Superintendent	2
Inspector	1
Sergeant	18
Garda	69
TOTAL	91

The current Garda Staff strength for the GNECB is as follows:

ROLE	Staff numbers as at 31/12/2022
Forensic Accountant Grade II	1
Professional Accountant Grade 2	4
Executive Officer	4
Clerical Officer	8

TOTAL	17
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The current Garda member numbers for the Anti-Corruption Unit, (responsible for internal Garda Corruption), are as follows:

RANK	Staff numbers as at 31/12/2022
Assistant Commissioner	1
Chief Superintendent	1
Superintendent	2
Inspector	3
Sergeant	8
Garda	11
TOTAL	26

The current Garda Staff strength for the Anti-Corruption Unit is as follows:

ROLE	Staff numbers as at 31/12/2022
Executive Officer	4
Clerical Officer	1
TOTAL	5

In addition to the ACU, within GNECB, an Garda Síochána has a distinct Anti-Bribery & Corruption Unit (ABCU), responsible for policing Foreign Bribery and Corruption cases. The ABCU is currently staffed by one Detective Inspector and three Detective Gardaí. While this is short of the allocation recommended in the 2020 Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption, it should be noted that, to mitigate risk, Garda resources can be utilised to conduct corruption investigations if necessary and for the less complex cases.

An Garda Síochána is not part of the European Public Prosecutions Office (EPPO). However An Garda Síochána cooperate with OLAF whereby training, knowledge skills and expertise is shared among LEA and Judiciary participants. An Garda Síochána participated and contributed to a Judgement and Decision Making Conference in Brussels on the 7th and 8th of December 2022.

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

An Garda Síochána established an Anti-Bribery & Corruption Unit (ABCU) in March 2017 which forms part of the Garda National Economic Crime Bureau (GNECB). ABCU is a ring-fenced resource dedicated to the proactive prevention, disruption and investigation of bribery and corruption, both foreign and

domestic. The ABCU has the ability, autonomy to proactively prevent, disrupt and investigate allegations of bribery and corruption, both foreign and domestic.

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

The Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption (often referred to as the Hamilton Review) was published in December 2020 and an all-of-government implementation plan to progress the review group recommendations was published in April 2021. Five actions in the implementation plan have already been completed in full:

- The Criminal Procedure Bill was signed into law by the President in May 2021 and was commenced on 28 February 2022. The commencement of this Act will allow pre-trial hearings take place, which will improve trials for white-collar crimes, organised crime and other complex offences and will make it less likely juries are sent away during trial, making the court process faster and more efficient.
- The Judicial Council has been engaged with in relation to the development of judicial training for complex economic crime/corruption cases.
- The Advisory Council to co-ordinate and lead the delivery of a whole-of-government approach to economic crime and corruption and to serve as a ‘centre of excellence’ for research and analysis, awareness-raising, training and other best practice issues was established in May 2022 and is chaired by former Director of Public Prosecutions James Hamilton;
- The Forum of senior representatives to facilitate greater inter-agency co-ordination, collaboration and information sharing was established in June 2021 and has met quarterly since then.
- The Competition Amendment Act was signed into law on 29 June 2022. This creates a specific offence of bid rigging.

A number of actions in the implementation plan have been significantly advanced including:

- Amend relevant legislation for search warrants to allow Gardaí to require persons subject to arrest warrants to provide the passwords to electronic devices;
- Amend “Custody Regulations” to allow An Garda Síochána engage an expert to participate in interviewing a detained subject;
- Conduct a review of Ethics in Public Office as set out in the Programme for Government with a view to strengthening the law relating to ethics in public office including to address misconduct by former members of the Oireachtas/Office holders
- Additional resourcing for enforcement agencies.

Now that the Advisory Council has been established, work will begin on developing a multi-annual National Strategy to Combat Economic Crime and Corruption and an accompanying Action Plan in Q1 2023.

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

Policy in Ireland for the prevention of corruption and promotion of integrity among elected and appointed senior public officials is set in a number of pieces of legislation including the Ethics Acts (Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001), the Regulation of Lobbying Act 2015 and the Criminal Justice (Corruption Offences) Act 2018 (which provides for the forfeiture of office, position or employment by an Irish official following conviction or indictment for certain corruption offences under this Act).

The Ethics Acts

The Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 are cited together as the Ethics in Public Office Acts 1995 and 2001 (the Ethics Acts). The Ethics Acts provide a statutory framework for the disclosure of interests, regulation of gifts, and personal appointments (of special advisors), oversight. This is done by the Standards in Public Office Commission (SIPO) or the Select Committee on Members' Interests in each House of the Oireachtas. They also require that individuals furnish tax clearance certificates on election/nomination to either house of the Oireachtas, appointment to judicial office or senior office.

The principal objective of the legislation is to demonstrate that those who are participating in public life do not seek to derive personal advantage from the outcome of their actions. To meet this objective, a statutory framework has been put in place to regulate the disclosure of interests and to ensure that other measures are taken to satisfy the broad range of obligations arising under the legislation. The legislation is founded on the presumption of integrity but recognises that specific measures should exist to underpin compliance.

Institutional framework

The Standards in Public Office Commission (SIPO) is an independent non-partisan body established under the Standards in Public Office Act 2001. Its membership is composed of the Chairperson and five ordinary members. The Chairperson must be a judge or former judge of the High Court or Supreme Court, who is appointed by the President following a resolution passed by both Houses of the Oireachtas. There are four ex-officio members - the Comptroller and Auditor General, the Ombudsman, the Clerk of Dáil Éireann and the Clerk of Seanad Éireann. The final member is a former member of either Dáil Éireann or Seanad Éireann, who is appointed by the Government following a resolution passed by both Houses of Parliament.

SIPO has supervisory roles under four separate pieces of legislation: the Ethics in Public Office Act 1995, as amended by the Standards in Public Office Act 2001 (Ethics Acts), the Electoral Act 1997 (as amended), the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014, and the Regulation of Lobbying Act 2015. SIPO's principal functions are to publish guidelines, to give advice and to investigate and report in relation to possible contraventions of the Ethics Acts. These functions relate to office holders (including Ministers and Ministers of State), the Attorney General, special advisers and public servants.

The SIPO Commission is supported by a secretariat composed of civil servants, which is provided by the Office of the Ombudsman. That office also provides shared services. Funding to SIPO is provided through the vote of the Ombudsman, which is also managed by that Office. While it does not report to a Minister, its funding comes from government budget processes (rather than directly from

parliament). SIPO's Annual Report is provided to the Minister for Public Expenditure and Reform for tabling in the Oireachtas.

Codes of Conduct

Section 10 of the Standards in Public Office Act 2001 provides for codes of conduct to be drawn up for certain specified categories of person. The codes, which are published by SIPO, set out the standards of conduct and integrity expected to be observed by the persons to whom they relate in the performance of their official duties and connected matters. A person to whom a code of conduct relates is obliged to have regard to and be guided by the code, in the performance of his or her functions, and in relation to any other matters to which the code relates (sections 10(6) and (7), 2001 Act). The principal codes published by SIPO are as follows:

- (i) The [Code of Conduct for Office Holders](#) (as prescribed under the Ethics Acts) includes Ministers of Government, the Attorney General and Ministers of State.
- (ii) [The Civil Service Code of Standards and Behaviour](#) includes Secretaries General and Special Advisers.
- (iii) The [Codes of Conduct for Oireachtas Members](#).

In circumstances where SIPO holds an investigation in relation to the conduct of a relevant person under the Ethics Acts, the investigation hearings are generally held in public and the investigation reports are published in the public domain with an accompanying press release. SIPO also reports on its activities in its Annual Report, which includes information on compliance with the requirements of the Ethics Acts, as appropriate.

Advice and Training

SIPO gives advice to office holders, on a confidential basis, on the interpretation of their obligations under the Ethics Acts. Office holders are required to act in accordance with the advice given (section 25, 1995 Act). In addition, advice is to be given on request to an office holder in relation to the application or otherwise of the Code of Conduct for Office Holders to any particular case or circumstance relating to him/her or to any conduct or proposed conduct of the person (section 10, 2001 Act). Office holders may also seek more informal guidance, which is not binding. Where SIPO is of the view there has been or may be a breach of the Acts by an office holder, it may decline to give advice.

SIPO has agreed to provide training to all Members of Parliament in concert with already scheduled training initiatives for Members under electoral legislation. The parliamentary authorities have included SIPO as part of its training program for new member induction, and facilitates SIPO to host annual information sessions for both the Ethics Acts and the Electoral Act.

A general election was held in February 2020 and in November 2020 SIPO staff provided training to new Members of Parliament as part of their induction programme. Training covered relevant aspects of the ethics, political finance and lobbying legislation. In addition, presentation and question/answer sessions were held in early 2021 and early 2022 via videoconference for interested members and their staff in advance of the January deadline to submit statutory ethics and electoral returns. Ongoing training is planned to take place annually hereafter.

Review of the Statutory Framework

The 2020 Programme for Government committed to the reform and consolidation of the Ethics legislation. In 2021, the Government approved proposals by the Minister for Public Expenditure and Reform that his Department undertake the review of ethics legislation.

The review as agreed by the Government includes the following elements:

- A review of Ireland’s existing ethics legislative framework, including a reassessment of the 2015 Public Sector Standards Bill;
- A review of the recommendations of relevant tribunals of inquiry;
- A review of recommendations of the Standards in Public Office Commission (SIPO) based on its operation of the current regime – and consideration of ethical questions that have arisen since 2017;
- Consultations with the Department of Housing, Planning and Local Government on the local government aspects of a consolidated statutory regime.
- A review of current EU/International best practice and recommendations; and
- A Public Consultation - Consultations with various parties.

The review process considered input from key public sector stakeholders such as the Departments of Justice and Housing and Local Government and the Dáil and Seanad Committees on Members Interests, recommendations from the SIPO Commission, submissions received during the public consultation, and international good practice.

The review report and recommendations were submitted to Government in December 2022 and Government agreed to the preparation of a legislative scheme for reform and consolidation of the statutory framework informed by the outcome of the review. The review report will be published shortly. The draft legislative scheme will be prepared in consultation with relevant Ministers and brought to Government for approval to publish during 2023.

In preparing fresh legislative proposals, the Department will take as its point of departure the policy framework developed for the 2015 Public Sector Standards Bill. This involves consolidation of the statutory framework for ethics and giving effect to the relevant recommendations of the Moriarty and Mahon Tribunals. Notably, it would see a significant strengthening of the legal obligations on public officials to disclose as a matter of routine actual and potential conflicts of interest.

The Government’s ultimate goal is to create a fit-for-purpose, easy to understand and user-friendly ethical framework that contributes to the quality and efficacy of Ireland’s public administration and by doing so enhances trust and confidence in public officials and our democratic institutions.

In addition, the [Regulation of Lobbying \(Amendment\) Bill 2022](#) (the Bill) was published on 22 September 2022 and completed Dáil Committee Stage on 7 December 2022. The Bill will amend the Regulation of Lobbying Act 2015 in order to build on the existing strong legislative foundation and further strengthen Ireland’s lobbying laws, thus ensuring that the regulation of lobbying framework remains up to date and fit for purpose. In particular, the Bill will make failure to comply with the post-term employment restrictions set out in section 22 of the Act a relevant contravention under the Act and introduce significant civil and administrative sanctions for anyone contravening this element of the legislation.

24. 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.

Lobbying

The [Regulation of Lobbying \(Amendment\) Bill 2022](#) (the Bill) was published on 22 September 2022 and completed Dáil Committee Stage on 7 December 2022. The Bill will amend the Regulation of Lobbying Act 2015 (the Act) in order to build on the existing strong legislative foundation and further strengthen Ireland's lobbying laws, thus ensuring that the regulation of lobbying framework remains up to date and fit for purpose. By strengthening our regulation of lobbying regime even further, the Bill will ensure it continues to deliver on the objectives set for it.

In particular, the purpose of the Bill is to:

- Improve the operation and functionality of the Lobbying Register;
- Strengthen the existing legislation and its enforcement; and
- Make failure to comply with the post-term employment restrictions set out in section 22 of the Act a relevant contravention under the Act.

The key elements of reform in the Bill will allow for the following changes to be made to the Act:

- extend the time period between statutory reviews from three to five years to allow for the impacts of any policy/legislative changes to become clear;
- bring certain business groups, regardless of number of employees, within the scope of the Act and require that members of such groups be named on lobbying returns to ensure the groups do not avoid the requirement to register;
- extend the Act's scope to include non-remunerated office-holders to capture all relevant lobbying activity;
- provide for an exemption for registration for communications made by political parties to their members who are DPOs (Designated Public Officials) only in their capacity as members of the party;
- introduce legislative provisions to improve the operation of the Lobbying Register;
- introduce a new 'relevant contravention' in the Act covering the taking of any action by a person that has the intended purpose of avoiding the obligations to either register or submit lobbying returns to SIPO;
- amend the Act to make failure to comply with the cooling-off provisions of section 22 of the Act a 'relevant contravention' under the Act. A system of civil and administrative sanctions, operated by SIPO, will be introduced in this regard. This system will involve minor or major sanctions. The sanctions proposed include - a caution or reprimand, a monetary penalty of up to €25,000 and/or a prohibition from lobbying of up to 2 years; and
- set out clear timelines in the Act for the processing of section 22 (post term employment) applications made to SIPO by former relevant DPOs.

Asset Disclosure Rules and Enforcement and Gifts Policy

The Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 are cited together as the Ethics in Public Office Acts 1995 and 2001 (the Ethics Acts). The Ethics Acts provide a statutory framework for the disclosure of interests, regulation of gifts, and personal appointments (of special advisors). This is addressed by oversight from the Standards in Public Office Commission (SIPO) or the Select Committee on Members' Interests in each House of the Oireachtas. They also require that individuals furnish tax clearance certificates on election/nomination to either House of the Oireachtas, appointment to judicial office or senior office.

The principal objective of the legislation is to demonstrate that those who are participating in public life do not seek to derive personal advantage from the outcome of their actions. To meet this objective, a statutory framework has been put in place to regulate the disclosure of interests and to ensure that other measures are taken to satisfy the broad range of obligations arising under the legislation. The legislation is founded on the presumption of integrity but recognises that specific measures should exist to underpin compliance.

The 2020 Programme for Government committed to the reform and consolidation of the Ethics legislation. In 2021, the Government approved proposals by the Minister for Public Expenditure and Reform that his Department undertake the review of ethics legislation.

The review as agreed by the Government includes the following elements:

- A review of Ireland’s existing ethics legislative framework, including a reassessment of the 2015 Public Sector Standards Bill;
- A review of the recommendations of relevant tribunals of inquiry;
- A review of recommendations of the Standards in Public Office Commission (SIPO) based on its operation of the current regime – and consideration of ethical questions that have arisen since 2017;
- Consultations with the Department of Housing, Planning and Local Government on the local government aspects of a consolidated statutory regime.
- A review of current EU/International best practice and recommendations; and
- A Public Consultation - Consultations with various parties.

The review process considered input from key public sector stakeholders such as the Departments of Justice and Housing and Local Government and the Dáil and Seanad Committees on Members Interests, recommendations from the Standards in Public Office Commission, submissions received during the public consultation, and international good practice.

The review report and recommendations were submitted to Government in December 2022 and Government agreed to the preparation of a legislative scheme for reform and consolidation of the statutory framework informed by the outcome of the review. The review report will be published shortly. The draft legislative scheme will be prepared in consultation with relevant Ministers and brought to Government for approval to publish during 2023.

In preparing fresh legislative proposals, the Department will take as its point of departure the policy framework developed for the 2015 Public Sector Standards Bill. This involves consolidation of the statutory framework for ethics and giving effect to the relevant recommendations of the Moriarty and Mahon Tribunals. Notably, it would see a significant strengthening of the legal obligations on public officials to disclose as a matter of routine, actual and potential conflicts of interest.

The Government’s ultimate goal is to create a fit-for-purpose, easy to understand and user-friendly ethical framework that contributes to the quality and efficacy of Ireland’s public administration and by doing so enhances trust and confidence in public officials and our democratic institutions.

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

Conflicts of Interest: Lobbying

The [Regulation of Lobbying \(Amendment\) Bill 2022](#) (the Bill) was published on 22 September 2022 and completed Dáil Committee Stage on 7 December 2022. The Bill will amend the Regulation of Lobbying Act 2015 in order to build on the existing strong legislative foundation and further strengthen Ireland’s lobbying laws, thus ensuring that the regulation of lobbying framework remains up to date and fit for purpose. In particular, the Bill will make failure to comply with the post-term employment restrictions set out in section 22 of the Act a relevant contravention under the Act and introduce significant civil and administrative sanctions for anyone contravening this element of the legislation. The post term employment restrictions are set out in the 2015 Regulation of Lobbying Act and apply to Ministers, Special Advisers and Senior Civil and Public Servants.

Conflicts of Interest: The Ethics Acts

As outlined in the response to **Question 23** above, the broad focus of the Ethics Acts is to provide for disclosure of interests, including material interests that could influence a Government Minister or Minister of State, members of parliament, the Attorney General, a board member of a public body or a public servant (including special advisers) in performing their official duties.

Disclosure obligations arise for the following categories:

Oireachtas: Member of the Dáil or Seanad

Office Holders: i.e. Ministers, Ministers of State, Taoiseach, Tánaiste, a member who is Attorney General, and Chairman and Deputy of both Houses and chair of a House Committee

Public Bodies and Civil Service: Designated Director e.g. chairman of a Board of a public body; Designated Position of Employment e.g. positions of employment below Principal Officer Grade level in the civil service, whose work area could produce conflicts of interest (e.g. procurement)

In the case of members of the Oireachtas, statements of interests are furnished annually to SIPO, who passes them on to the Clerks of either House, who compile the Registers of Members' Interests.

Registrable interests are in summary:

- A remunerated profession (exceeding €2,600),
- Shares or other investments (value exceeding €13,000)
- A directorship of any company
- Interest in land (exceeding €13,000)
- Interest in any contract for the purchase of land
- Certain gifts (excluding personal) (any gift over €650) see Appendix.
- Below cost supply of travel facilities and entertainment
- Remunerated position as political lobbyist or consultant
- Certain contracts in relation to supply of goods and services to a public body
- Below cost supply of property or a service
- Voluntary disclosure of any other interests that could materially influence the person in his or her official functions

In addition to the statement of registrable interests an Oireachtas member must also declare any material interest in proceedings of a House or Committee. There are different procedures depending of the member (a) intends to speak or (b) intends to vote but not speak. This obligation extends beyond personal interests and includes the material interests of a "connected person" i.e. a relative, anyone in partnership, a trustee and controller of a company. Such statements must be furnished to the Clerk of either House.

Office Holders: As members of the Oireachtas, Office-Holders have the same obligations as non-office holding Oireachtas members concerning:

- tax clearance;
- annual disclosure of registrable interests; and
- the disclosure of a material interest in the proceedings of a House or Committee.

However, as Office-Holders, there is the additional requirement to:

- furnish a statement of additional interests;
- surrender and disclose gifts received by virtue of office; and
- disclose a material interest in a function of office.

'Additional interests' are the interests of a spouse or civil partner, child or child of spouse that could materially influence the office holder in his or her official functions 'so as to confer on or withhold from the office holder or the spouse or civil partner or the child a substantial benefit. There is a separate interests form for additional interests. The statement of additional interests is furnished to the Clerk of the House of which the Office-Holder is a member. The additional interests form is private whereas the statement of registrable interests form is public as personal registrable interests are published in the registers of members' interests (see above).

There is an obligation to furnish an additional interests form or a nil statement even if the person is no longer an office holder or no longer an Oireachtas member on 31 December. Once a person has been an office holder they must comply with the requirements on additional interests. There is no requirement for the monetary value of the statement to be specified. Statements of additional interest are furnished to the Clerk of either House.

Declaration of a Material interest in a function of office: Where an Office-Holder intends to perform a function of office, and has actual knowledge of a personal material interest in that function or of a connected person, or another office or of a person connected to another office holder, then a statement must be made of the facts and nature of the interest concerned. Statements are furnished to An Taoiseach and SIPO, or by An Taoiseach to the Chairman of SIPO.

Analogous declaration requirements apply to the holders of designated directorships and designated positions of employment in the public and civil service.

Review of the Statutory Framework

As outlined in the response to **Question 23** above, the ethics review made preliminary recommendations regarding disclosure obligations that are summarised as follows:

- That disclosure obligations be revised based on the seniority and autonomy of the public official concerned;
- That disclosure obligations also encompass senior public officials not previously mandated to make disclosures;
- That interests should be disclosed upon taking up a designated position and then updated as required rather than on a fixed annual basis;
- That disclosure arrangements are underpinned by electronic rather than paper-based reporting.

While the proposed reform of the statutory framework will extend disclosure requirements on public officials, it will, instead of the current paper based system, provide for a more streamlined and efficient process for the submission of periodic statements of interests and improved complaints and investigations procedures.

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

Legislative developments

Ireland has had a comprehensive statutory framework for the protection of whistleblowers in place since 2014 in the form of the [Protected Disclosures Act 2014](#). On foot of the adoption of Directive (EU) [2019/1937](#) on the protection of persons who report breaches of Union law ("the Whistleblowing Directive"), Ireland has taken the necessary steps to transpose this Directive into Irish law. The [Protected Disclosures \(Amendment\) Act 2022](#) was signed into law on 21 July 2022 and came into force on 1 January 2023.

The original 2014 Act already implemented many of the provisions of the Whistleblowing Directive; in particular in respect of the establishment of internal, external and public disclosure channels and the protection of reporting persons from all forms of penalisation for raising concerns about wrongdoing. The new Act expands the personal scope of the original legislation in line with the requirements of the Directive and imposes new requirements on employers and competent authorities as regards establishing formal reporting channels and acknowledging, following-up and giving feedback on all reports received. The Act strengthens the protections available to reporting persons by expanding the scope of the legislation's interim relief provisions and by providing for criminal penalties for breaches of the Act.

The new Act maintains the very broad material scope of the original legislation, going well beyond the scope of the Whistleblowing Directive to include all criminal acts, any breach of a legal obligation (other than one applying to the reporting person's employment contract), miscarriage of justice, endangerment of public health and safety and the environment and any misbehaviour by a public body. It also goes beyond the Directive in providing for special procedures for reporting in the areas of law enforcement, defence, national security and international relations.

The new Act also provides for the establishment of a new Office of the Protected Disclosures Commissioner. See below for further details.

Policy developments

On foot of the enactment of the new legislation, the [official guidance for public bodies](#) on the implementation of the Act has been revised and published.

Funding for Transparency International Ireland (TII) for the operation of its free Speak Up Helpline and Legal Advice Centre has been increased from €285,000 in 2022 to €405,000 in 2023. This will fund the employment of an additional solicitor and also for the revision of TII's plain language Speak Up Safely Guide to the Act and to conduct a new Integrity at Work survey on experiences and attitudes to the legislation. The last survey was published in 2017.

Developments related to the judiciary/independent authorities

The new legislation provides for the establishment of a new Office of the Protected Disclosures Commissioner to support certain aspects of the implementation of the Protected Disclosures Act. Ireland's national Ombudsman has been appointed as the Protected Disclosures Commissioner.

The primary role of the Commissioner is to act as a "clearing house" for external disclosures made to competent authorities or "prescribed persons" as they are described in the Protected Disclosures Act. Over 100 statutory bodies are designated as prescribed persons under the Act. In some cases it is not clear who the most appropriate prescribed person to report to is. The Commissioner can receive reports and forward them to the most appropriate person to deal with the matter raised.

The Commissioner also acts in a similar capacity in respect of any reports made to Government Ministers. Under the new Act, all such reports must be transmitted to the Commissioner who will forward them to the most appropriate person to deal with the matter concerned.

In cases where the Commissioner is unable to identify a person with the competence to handle a particular report, the Commissioner may, as a last resort, accept the report and follow-up directly on the matter concerned. Appropriate investigative powers have been provided in the new legislation in this regard.

The new legislation also gives new powers to the Inspectorate of the Workplace Relations Commission to check employers' compliance with the new requirements to have formal internal reporting channels and for enforcement powers to deal with non-compliance.

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

An Garda Síochána are carefully monitoring the activities of criminal groups and are implementing strong policing measures to disrupt and dismantle all organised crime networks.

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

The criminal law in relation to corruption was updated in 2018 with the Criminal Justice (Corruption Offences) Act 2018 and addresses bribery and corruption offences committed by Irish citizens abroad, making such offences punishable in the Irish Courts. The sanctions for corruption offence range depending on the offence, from fines and maximum prison sentences of 5 years to 10 years.

The Prevention of Corruption (Amendment) Act 2001 also has relevance as it outlines offences at Section 6 for corruption occurring partially in the state and Section 7 corruption outside the State and at Sections 8 and 9 corruption in office and offences by bodies corporate.

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

An Garda Síochána has no recorded or ongoing prosecutions, convictions or penalty imposed. However, the Anti-Bribery & Corruption Unit (ABCU) can potentially utilise the PREVENTION OF CORRUPTION (AMENDMENT) ACT 2001. It should be noted that administrative sanctions are not utilised; therefore there is no data on sanctions.

31. 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, pardoning)

As noted in replies to questions 20 and 21, an Garda Síochána established an Anti-Bribery & Corruption Unit (ABCU) in March 2017 which forms part of Garda National Economic Crime Bureau. ABCU is a ring-fenced resource dedicated to the proactive prevention, disruption and investigation of bribery and corruption, both foreign and domestic.

The Hamilton Review recommended an increase in resourcing at this Unit from one Detective Sergeant and two Detective Gardaí to one Detective Sergeant and ten Detective Gardaí. In 2021, ABCU saw an increase in human resources to five Detective Gardaí. However, in 2022, staffing has been reduced to three Detective Gardaí due to promotions of one Detective Sergeant and two Detective Gardaí.

There is a recruitment competition ongoing for the allocation of additional Forensic Accountants to the GNECB. GNECB is also running a competition to recruit Detective Sergeants and Detective Gardaí and it is envisaged that the Anti-Bribery and Corruption Unit will receive an allocation of new staff following their transfer to GNECB.

The Garda National Economic Crime Bureau (GNECB) can utilise fraud trained Garda members to conduct corruption investigations if necessary for less complex cases.

The main challenges and obstacles to the investigation of corruption cases is the manner in which such offences are usually committed, which is in secret, with only the parties to the offence aware of its commission and in a position to provide evidence of its occurrence. All parties involved are liable to prosecution and are unlikely even if they played only a minor role to report the matter to the authorities. The introduction of an immunity program for those blowing the whistle on corruption would greatly assist in the investigation and prosecution of such offences.

Electronic material also presents a significant challenge to corruption investigations. During the course of every investigation conducted by the Anti-Bribery and Corruption Unit a vast amount of electronic evidence is collected, including mobile phone data, computer data, cloud data and data from social networks. The Anti-Bribery and Corruption Unit does not currently have access to a Data Mining Tool to enable the effective and efficient examination of this data. This results in the examination of electronic data taking up a significant amount of investigative resources.

There is no automatic immunity from criminal prosecution in Ireland for persons in public office, whether they are elected or appointed officials.

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

Administrative sanctions are not utilised; therefore there is no data on sanctions.

III – Media Freedom and Pluralism

33. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

- **Continue the reform of the Defamation Act to improve the professional environment for journalists, taking into account European standards on the protection of journalists**

The Report of the Review of the Defamation Act 2009 was published on 1 March 2009. A Defamation (Amendment) Bill, is included in the Government's Legislation Programme, and the General Scheme of the Bill is currently being drafted with a view to publication of the General Scheme in Q1 2023.

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

The Online Safety and Media Regulation (OSMR) Act 2022 was signed into law in December 2022. The Act provides for the establishment of a new multi-person media commission to be known as Coimisiún na Meán and the dissolution of the Broadcasting Authority of Ireland (BAI).

An Coimisiún will be responsible for overseeing and enforcing updated regulations for broadcasting and video on-demand services and a new regulatory framework for online safety. Coimisiún na Meán will also implement measures which will complete the transposition of the revised Audiovisual Media Services Directive (AVMSD) and have functions relating to the promotion of pluralistic media, research, media literacy, protection of children, journalists and creators' support.

When commenced, section 10 of the Broadcasting Act, 2009 (as inserted by Section 8 of the OSMR Act 2022), as required by Article 30(1) of the revised AVMSD, will provide that Coimisiún na Meán will be independent in the performance of its functions.

Meanwhile, Part 8B of the Act (as inserted by Section 47 of the OSMR Act 2022) will, when commenced, provide for a range of investigative and enforcement powers for Coimisiún na Meán. Firstly, An Coimisiún will be empowered to audit certain services and to require the provision of information and periodic reports. Also, where a regulated service is suspected to be non-compliant, An Coimisiún may appoint authorised officers to investigate and report. If An Coimisiún decides that a service is non-compliant, it may seek to impose a financial sanction of up to €20 million or 10% of turnover. If certain services continue to fail to comply, An Coimisiún may, under certain circumstances, seek to hold individual officers within those services criminally liable and can also seek court approval to block access to a service in Ireland.

It is envisaged that Coimisiún na Meán will be formally established in Q1 2023. The OSMR Act 2022 provides for An Coimisiún to impose a levy on regulated services to fund its operations. On an interim basis, the Irish Government, pending the development by An Coimisiún of an industry levy, has allocated Exchequer funding €7.6 million (2023) to facilitate Coimisiún na Meán to fulfil the functions set out in the OSMR Act 2022.

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

Sections 11 and 12 of the Broadcasting Act 2009 (as inserted by Section 8 of the OSRM Act 2022) set out the process by which a Commissioner, including the Executive Chairperson of An Coimisiún, may be appointed or removed from office by Government.

The Executive Chairperson and Commissioners must be appointed by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media on foot of an open public competition and resulting recommendation from the Public Appointments Service.

Meanwhile, such personnel may be dismissed by the Government in certain circumstances, for example, where they have engaged in serious misconduct. This dismissal process includes requirements for appropriate notice and right of reply.

Finally, there are circumstances in which the Executive Chairperson or a Commissioner will be deemed to have ceased to hold office, e.g., if adjudicated bankrupt, convicted of an offence involving fraud or dishonesty, or elected as a member of either House of the Oireachtas (Irish Parliament).

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

The Advertising Standards Authority for Ireland (ASAI) is an independent self-regulatory body set up and financed by the advertising industry. Its role is to promote high standards of advertising and sales promotion. It publishes a Code of Standards for Advertising and Marketing Communications.

The Press Council of Ireland is the independent body, established under section 44 of the Defamation Act 2009, which oversees news publications. The voluntary members of the Press Council agree to abide by its Code of Practice. The Press Ombudsman, a position provided for by Schedule 2 of the Defamation Act 2009, can investigate complaints of the member publications to determine if the Code of Practice has been breached.

The Office of the Press Ombudsman receives complaints from members of the public and seeks to resolve them by conciliation or mediation to the satisfaction of everyone concerned. Where conciliation or mediation is not possible, the Press Ombudsman will make a decision on the complaint based on the Code of Practice.

The Press Council of Ireland (including the Press Ombudsman) was established in 2008 by the press industry as an independent body. The Defamation Act 2009 (Press Council) Order 2010 (S.I. No. 163 of 2010) recognises the Press Council of Ireland as the Press Council for the purposes of the Defamation Act. The Press Council is therefore a non-statutory body but is recognised by statute.

The Council has 13 members. Seven members, including the Chair, are independent members, who are appointed following a public competition. The remaining six members are drawn from the press industry.

The Press Ombudsman is appointed by the Press Council following an open competition.

The principal objectives of the Press Council are to –

- (a) ensure the protection of freedom of expression of the press,
- (b) protect the public interest by ensuring ethical, accurate and truthful reporting by the press,
- (c) maintain certain minimum ethical and professional standards among the press,
- (d) ensure that the privacy and dignity of the individual is protected.

The Press Council has drawn up a Code of Practice which sets out 11 principles which members are required to adhere to, including ethical standards, rules and standards intended to ensure the accuracy of reporting where a person's reputation is likely to be affected and rules and standards intended to ensure that intimidation and harassment of persons does not occur and that the privacy, integrity and dignity of the person is respected.

The Office of Press Ombudsman and Press Council provide a complaints handling and an appeals process which enable members of the public to seek redress (other than damages) if something is published in the State in a newspaper, magazine or a digital edition of a print publication, which breaches the Code of Practice.

These structures seek to ensure that everybody has access to an independent press complaints mechanism that is quick, fair and free, that the freedom of the press is never abused, and that the public interest is served.

38. 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 licences, company operation, capital entry requirements, concentration, and corporate governance

We would refer the Commission to the detailed material provided for the 2022 Rule of Law report, which remains current.

In addition, the following relevant safeguards should also be noted:

Section 84 of the Broadcasting Act 2009 sets out the conditions for dismissal from the Board of a Public Service Broadcaster and specifies that the removal of a member of the Board requires a resolution to be passed by both Houses of the Oireachtas (Irish Parliament) calling for his or her removal.

Section 124 of the Broadcasting Act 2009 provides that the BAI must carry out a yearly review of both public services broadcasters (RTÉ and TG4) examining the extent to which these corporations have fulfilled their public service commitments and the adequacy, or otherwise, of public funding. The BAI submits a report to the Minister with the outcome of the review and makes a recommendation in relation to funding. The BAI is also required under Section 124 to undertake a five-yearly review of the adequacy or otherwise, of public funding to enable public service broadcasters meet its public service objectives. The BAI subsequently submits a report to the Minister with a recommendation as to the requisite level of public funding required to permit the public service broadcaster to fulfil its public service objectives.

In relation to safeguards for plurality of information and opinions, Section 114 and Section 118 of the Broadcasting Act 2009 establishes certain principles which public service broadcasters must uphold in pursuit of their objectives. These provisions require public service broadcasters to be responsive to the interests and concerns of the whole community, to ensure that the programmes reflect the varied elements which make up the culture of the people of the whole island of Ireland and to uphold the

democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression.

39. 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

We refer the Commission to input provided in the corresponding 2021 question.

40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

Building on the European Commission's Recommendation on the protection, safety and empowerment of journalists, An Garda Síochána established a Media Engagement Group in 2022 to discuss threats and violence against journalism and to develop a coordinated response. The Group is led by An Garda Síochána and includes representatives from the Department of Justice, the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media, and from the media sector.

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

An Garda Síochána has trained units dedicated to policing public order during protests and demonstrations. An Garda Síochána has not evidenced the endangerment of journalists at protests or demonstrations. There is no evidence that Journalists would require specific protection or that their safety is compromised at such events.

An Garda Síochána has within its capacity the ability to conduct a criminal investigation into any complaint of a threat to life made by a journalist and has the training and willingness to do so and for the purpose of the investigation will secure crime scenes, collect evidence and interview suspects, irrespective of their status and prepare reports for the Director of Public Prosecutions.

42. Access to information and public documents (including 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)

Transparency is a core principle of public administration. Access to information and public documents is legislated for by the Freedom of Information Act 2014. The Act covers some 600 bodies and provides that new public bodies, as they are established, will automatically be subject to the legislation.

While there is scope for improvement and modernisation, overall the Freedom of Information (FOI) system is operating well, providing a solid footing from which to move forward. The legislation has been in place since 1997. The latest update in 2014 widened the scope of FOI to take in approximately 600 bodies.

A further comprehensive review of the legislation is almost complete. Almost 2,400 responses have been received to different elements of the review. The purpose of the review is to strengthen the

existing statutory framework and to further enhance the operation of transparency in the public service. The latest update on the review is available [here](#) with the final review report intended to be presented to Government for consideration in Q1 2023.

While the recommendations have not been finalised, the main themes emerging from the review are the need for a) a more coherent approach to information governance and access, b) to supplement formal freedom of information requests, and c) improvements to the request process.

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

Defamation is not a criminal offence in Ireland. Accordingly, there are no criminal proceedings or convictions for defamation. The following information relates to civil defamation actions (i.e. proceedings between private parties).

The concept of anti-SLAPP measures has recently been discussed in the media in Ireland, arising from the filing of a number of 'Media Freedom Alerts' against Ireland with the Council of Europe's platform to promote the protection of journalists and safety of journalists. A total of three such alerts have been filed to-date in relation to defamation actions taken (in one case by a private individual; in another by two MEPs, and in the third by an Irish public representative) against print or broadcasting media. Each of the cases are understood to be currently pending before the courts. These are the only reported claims that defamation proceedings amount to a SLAPP.

There are currently no specific legal measures designed to counter a SLAPP (in the sense that this concept has been developed in some other jurisdictions.) However, Irish law includes measures to respond to litigation which amounts to an abuse of process, including for example the inherent jurisdiction of the courts to strike out vexatious proceedings.

The Report of the Review of the Defamation Act 2009, which was published on 1 March 2022, includes a recommendation to 'introduce a new 'anti-SLAPP' mechanism, to allow a person to apply to court for summary dismissal of proceedings that he/she believes are a SLAPP.' (The Report noted that while the term 'SLAPPs' was not explicitly used in submissions to the public consultation on reform of the Defamation Act 2009, a number of submissions from journalists' representative bodies and from the print and broadcast media raised fears and concerns that echo those typical of SLAPP cases.)

Ireland has opted-in to adoption and application of the Commission's Proposal for a Directive on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ("Strategic lawsuits against public participation"), under Article 3 of Protocol 21 TFEU.

Defamation actions may, in general, be initiated in the Circuit Court or High Court. However certain actions can only be initiated in the Circuit Court e.g. an application for a declaratory order (i.e. an order that a statement is false and defamatory) is made to the Circuit Court.

Circuit Court actions are heard by a judge sitting alone. The maximum damages that can be awarded by the Circuit Court is €75,000. High Court defamation actions are normally heard before a judge and jury.¹

¹ The Report of the Review of the Defamation Act 2009 recommends the removal of juries in High Court defamation actions.

Details of the numbers of cases initiated in the courts in the 3 years 2019 to 2021 (the latest year that statistics are currently available) are set out below.

Defamation - Circuit Court Cases

Year	Incoming	Resolved	
		By Court	Out of Court
2019	151	37	3
2020	161	2	8
2021	121	2	6

Defamation - High Court Cases

Year	Incoming	Resolved	
		By Court	Out of Court
2019	157	12	34
2020	156	16	9
2021	109	4	12

IV – Other Institutional Issues Relating to Checks and Balances

44. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

A. The process for preparing and enacting laws

The Electoral Reform Bill 2022, which provided for, *inter alia*, the establishment of an Electoral Commission, known as *An Coimisiún Toghcháin*, was published on 30 March, 2022 and commenced its passage through the legislative process shortly thereafter. The Bill passed both Houses of the Oireachtas on 14 July, 2022 and the Electoral Reform Act 2022 was signed by the President on 25 July, 2022.

A number of provisions in Parts 1, 2 and 3 as well as all of Parts 6 and 8 of the Act were commenced on 13 October, 2022 by way of the Electoral Reform Act 2022 (Commencement) Order 2022 (S.I. No. 512 of 2022). Notwithstanding the commencement of these provisions, the Act provides that *An Coimisiún* will be established on a given ‘establishment day’ by order of the Minister for Housing, Local Government and Heritage; the preparation of both the establishment day order and further commencement orders are being advanced within the Department of Housing, Local Government and Heritage.

In advance of *An Coimisiún*’s establishment, a range of administrative preparations are required, such as the selection of the *An Coimisiún*’s ordinary membership and its chief executive as well as their designation for appointment on *An Coimisiún*’s establishment day by the President. The Board of *An Coimisiún* will initially comprise of seven members, which will include a chairperson nominated by the Chief Justice, the Clerk of the Dáil and the Ombudsman as *ex officio* members and 4 ordinary members. Arrangements are now at an advanced stage with regard to the appointment of the ordinary Board members and the nomination of the chairperson.

In addition, complementary arrangements are being progressed to provide for transitional staffing arrangements, the appointment of an interim chief executive, the securing of premises, the drawing up of governance procedures and the procurement of ICT infrastructure and software all of which will be essential for *An Coimisiún* in undertaking its functions in an efficient and effective manner when established.

Against this background, it is envisaged that *An Coimisiún* will be established in January 2023 and will commence its suite of functions, including undertaking research on a range of electoral matters such as a comprehensive review of the Electoral Act 1997 (as previously signalled) to address, among other matters, the issues raised by civil society organisations in connection with the wide-ranging definition of “*political purposes*” as set out in section 22(2)(aa) of that Act and its impact on the means by which they raise funds to run their normal day-to-day operations.

It is envisaged that *An Coimisiún* will examine the issues that have been raised by civil society and others and will report in a relatively short timeframe with effective recommendations. The issues raised by civil society and others are both complex and integral to maintaining transparency in relation to our political donations regime and, more broadly, to the funding of political debate in Ireland. Accordingly, any recommendations to amend the Act will be important and deserving of careful

consideration and will merit an objective analysis of their implications and impacts over the course of the proposed review.

45. Framework, policy and use of impact assessments and evidence based policy-making, stakeholders/public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

Over 2022, the Houses of the Oireachtas gradually phased out the last of the Covid-19 measures in the manner in which the Houses operated. Visitors returned to the public galleries and school groups returned to take part in educational programmes on-site.

All sessions of the Houses continued to be live-streamed, shown on ‘Oireachtas TV’ and all documentation, especially that related to the progression of legislation through the Houses, continued to be made available to Members of the Houses and the public on the Houses of the Oireachtas’ public website.

Committees of the Houses of the Oireachtas continued to undertake pre-legislative scrutiny on Government bills in advance of their publication, and in some cases pre-Committee Stage scrutiny on Private Members’ Bills. Of the pre-legislative scrutiny processes undertaken in 2022, those most relevant to the rule of law included:

- Pre-legislative scrutiny on the General Scheme of the Criminal Justice (Hate Crime) Bill
- Pre-legislative scrutiny on the General Scheme of the Policing, Security and Community Safety Bill
- Pre-legislative scrutiny on the General Scheme of the Garda Síochána (Powers) Bill
- Pre-legislative scrutiny on the General Scheme of the Communications (Retention of Data) (Amendment) Bill

Outside of consideration of draft legislation, as part of its own Work Programme, the Justice Committee considered and drafted reports on the Courts and Courthouses, on Women’s Shelters and Domestic Abuse Refuges, on Minorities engaging with the Justice System and examining the present approach to sanctions for possession of certain amounts of drugs for personal use.

46. 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)

In 2022, **52 pieces of primary legislation were passed by the Houses of the Oireachtas**, and enacted. As the pandemic moved on to a newer phase, and legislative solutions had previously been developed, only two pieces of legislation dealt in detail with measures to address the Covid-19 pandemic.

As detailed in previous reports, while limited emergency procedures do technically exist in Ireland under the Constitution, they have not been used in recent years, and **were not used in 2022**.

In terms of ordinary parliamentary procedures that can be used to ensure focused discussions and timely consideration by the Houses of the Oireachtas, there were two relevant changes to the rules of the Houses (Standing Orders), one in each House:

Dáil Éireann – a new section 174A on pre-legislative consideration (and consequential change to DSO 30) and publication of Government Bills was added to the Dáil Standing Orders in September 2022. Under the new Standing Order, if a Government Minister has provided the draft heads of a bill or the

general scheme to the relevant Committee in order to undertake pre-legislative scrutiny and that scrutiny has not taken place within 8 weeks, the Minister may then proceed to present the Bill to the House.

Seanad Éireann – Seanad Standing Order 190 was amended so that SSO 190(2) the Seanad Standing Orders may be suspended or modified in order to give an Instruction to a Committee to make amendments that fall outside the scope of the Bill, following a debate of not less than 60 minutes; while allowing the Cathaoirleach to determine that the amendments in question warrant the initiation of a separate Bill.

Ordinary parliamentary procedures were used in 2022 as follows:

- In 2022, it was agreed to waive the requirement for **pre-legislative scrutiny** for 15 bills, prior to publication.
- In 2022, Committee Stage in Dáil Éireann was undertaken by a **Committee of the Whole Dáil** for 20 of these Acts.
- In 2022, 59 ‘guillotine’ motions were prepared in the Dáil in relation to the bills that were passed and enacted and of those, **27 ‘guillotine’ motions were used**, in order to shorten the debate. In the Seanad, 29 guillotine questions were prepared and 5 motions were moved.
- In 2022, Seanad Éireann agreed to the Government’s proposal for **Early Signature Motions** on 15 occasions, allowing for the President’s consideration of the Bill to take place within five days.

47. Regime for constitutional review of laws

Article 15 of the Constitution of Ireland states that the Oireachtas will not enact any law which is in any respect repugnant to the Constitution or any provision thereof. It further states that every law enacted by the Oireachtas which is in any respect repugnant to the Constitution or to any provision thereof, shall, but to the extent only of such repugnancy, be invalid. Article 34.3.2 of the Constitution provides that “... the jurisdiction of the High Court shall extend to the question of the validity of any law having regard to the provisions of the constitution...” with a right of appeal to the Court of Appeal and the Supreme Court.

As part of the enactment process, all primary legislation must first be signed by the President. Article 26 of the Constitution provides for a judicial process by which the President may, after consultation with the Council of State, refer any Bill to which the article applies to the Supreme Court for a decision on the question as to whether the Bill, or any specified provision or provisions of the Bill, is or are repugnant to the Constitution or to any provision of the Constitution. Article 26 applies to any Bill passed or deemed to have been passed by both Houses of the Oireachtas other than certain exceptions described (such as a Money Bill, or a Bill expressed to be a Bill containing a proposal to amend the Constitution).

The Supreme Court, consisting of a minimum of five judges, shall consider every question put to it by the President under Article 26 for a decision, and, having heard arguments by or on behalf of the Attorney General and by counsel assigned by the Court, shall pronounce its decision on such questions in open court as soon as may be, and in any case not later than sixty days after the date of such reference.

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

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic

- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic

- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

As most of the legislative structure required to support individuals and businesses through a pandemic were in place, only two new pieces of primary legislation were passed in 2022 that included sections relevant to mitigating the impact of Covid-19:

- [Finance \(Covid-19 and Miscellaneous Provisions\) Act 2022](#)
 - The relevant sections exempted the pandemic special recognition payment from income tax, allowed businesses in some circumstances to avail of the Employment Wage Subsidy Scheme (EWSS), extended the Covid Restrictions Support Scheme, and amended some warehousing arrangements.
- *Electoral Reform Act 2022*
 - Part 5 of the Bill brought forward amendments to electoral law in order to allow polls (elections etc) to take place during a pandemic.

Covid-19 and pandemic supports was a regular topic of debate and engagement in parliament. The Dáil held a debate on the subject every two months in 2022 and the Seanad discussed it a little less than that. During on-going and normal engagement and scrutiny of Government actions, in particular scrutiny of Government spending, Covid-19 was discussed at length in several formats.

49. 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

Irish Human Rights and Equality Commission (IHREC)

The Irish Human Rights and Equality Commission (IHREC) was established on 1 November 2014 from a merger of the Human Rights Commission and Equality Authority. IHREC is accredited by the International Coordinating Committee on National Human Rights (ICC) as an 'A' status national human rights and equality institution (NHRI) for Ireland in full compliance with the UN Paris Principles, with the right to participate in sessions of the Human Rights Council. IHREC is also a national equality body for Ireland under EU law.

IHREC is an independent public body that accounts to the Oireachtas, with a mandate established under the Irish Human Rights and Equality Commission Act 2014 (IHREC Act 2014).

The Commission has a broad statutory remit in relation to the protection and promotion of human rights and equality under the Act. The work of the Commission ranges from working at the policy level to review the effectiveness of human rights and equality law, policy and practice in the State and within public bodies, to working with communities and civil society to monitor and report on people's real life experiences of human rights and equality on the ground. Its legal powers and functions (Section 10) are set out in the Act, and include giving practical help including legal assistance to help

people defend their rights, and contributing to legal cases (*amicus curiae*) that deal with an individual's equality or human rights.

The Irish Human Rights and Equality Commission Act 2014 provides, at section 9(2), that the Commission shall, subject to the provisions of the Act, be independent in the performance of its functions. Section 26 of the Act provides that the funding provided to the Commission is to be reasonably sufficient for the purposes of expenditure by the Commission in the performance of its functions. The Commission's Director is accountable to the Oireachtas (Parliament) for the use of its resources (Section 22), and for the general administration of the Commission (Section 23). The Commission also reports on its activities annually to the Oireachtas, with the report to be submitted not later than 6 months after the end of the financial year concerned (Section 28).

The Ombudsman and the Information Commissioner

The Offices of the Ombudsman and Information Commissioner are independent both by law and in practice. Their tenure cannot be terminated other than on grounds of stated misbehaviour, incapacity or bankruptcy, and following resolutions of both Houses of the Oireachtas calling for their removal.

The Ombudsman and Commissioner are accountable directly to the Oireachtas. Annual reports of both offices are presented to the Houses, as well as any special reports at their discretion are laid before the Houses, and both office holders appear regularly before Oireachtas Committees. In addition, where the Ombudsman has made recommendations to a public body and these have not been implemented to his satisfaction, he may lay a special report before the Houses in this regard. Funding for both Offices is appropriated by the Oireachtas under Vote 19.

Both Offices have extensive powers to require that information is provided as required for their investigations, and may require individuals to attend in order to give evidence, while the Information Commissioner may enter on to premises in order to secure information or records if required.

Ombudsman for Children's Office (OCO)

The Ombudsman for Children's Office (OCO) was established in 2004 under the Ombudsman for Children Act 2002. The Ombudsman for Children is appointed by the President of Ireland and is directly accountable to the Oireachtas (Ireland's parliament) in relation to the exercise of their statutory functions. Section 6(1) of the 2002 Act provides for the statutory independence of the Ombudsman for Children in exercising their statutory functions. These functions are:

- to promote the rights and welfare of children up to 18 years of age,
- to examine and investigate complaints made by or for children about the administrative actions of schools, hospitals and public bodies that have, or may have, adversely affected a child.

The OCO engages with a diverse range of issues affecting children through its independent examination and investigation of complaints, engagement with developments in legislation and public policy, initiatives to hear and highlight the views of children and activities to raise awareness of children's rights. They include issues arising in the areas of education, health, housing, child protection and welfare, family and alternative care, child justice and asylum and immigration. Further information about the OCO, including reports published by the OCO, is available on the OCO's website, www.oco.ie.

National Disability Authority

The National Disability Authority is an independent statutory body that provides information and advice to the Government on policy and practice relevant to the lives of people with disabilities. The main function of the NDA is to provide advice and information to the Minister of State with responsibility for Disability on matters concerning policy and practice in relation to people with disabilities and to assist the Minister in the co-ordination of disability policy.

Ombudsman for the Defence Forces (ODF)

The ODF was established as an independent statutory office, under the Ombudsman (Defence Forces) Act 2004. The ODF has full independence and autonomy in the discharge of his statutory functions. The ODF generally deals with appeals from personnel who have made complaints under the Redress of Wrongs (ROW) system and are dissatisfied with the outcome of the internal Redress of Wrongs appeals mechanism within the Defence Forces.

The function of the ODF is to act as the ultimate point of appeal for, and investigation into, complaints made by members and former members of the Defence Forces. Section 114 of the Defence Acts 1954 - 2011 provides that any member of the Defence Forces, who consider themselves to have been wronged in any matter, may make a complaint and have it investigated and redressed. Where the wrong is proven, redress is offered to the complainant. In the event that the complainant is unhappy with the internal military investigations or with the proposed redress, they can have their complaint forwarded to the ODF. Where the complainant is currently serving in the Defence Forces the complaint must have already been within the military redress of wrongs system for at least 28 days before the matter is brought to the attention of the Ombudsman. The Defence Forces are required to notify the ODF of every Redress of Wrongs complaint initiated under Section 114 of the Defence Acts 1954-2011.

A serving member may also, in line with Section 6 of the Ombudsman (Defence Forces) Act 2004, submit a complaint directly to the Ombudsman, without having first initiated a complaint under the Redress of Wrongs process. Former members of the Defence Forces may also make their complaint directly to the ODF.

The ODF may investigate a complaint made by a complainant in respect of an action or decision which may have adversely affected the complainant personally.

The ODF is excluded from investigating actions that concern:

- Security or military operations
- Organisation, structure and deployment of the Defence Forces
- Terms and conditions of employment
- Administration of military prisons

In addition, the ODF is excluded from investigating actions if the person making the complaint has lodged legal proceedings in relation to the matter or if the action has been summarily dealt with according to Section 179 of the Defence Acts.

50. 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.

Following completion of an ODF investigation, a case report, which may include recommendation(s) that the Ombudsman considers appropriate, is referred firstly to the Chief of Staff of the Defence

Forces and then to the Minister for Defence for consideration and final decision. Under the terms of the Ombudsman (Defence Forces) Act 2004, the ODF may recommend

- that the action be further considered,
- that measures or specified measures be taken to remedy, mitigate or alter the adverse effect of the action, or
- that the reasons for taking the action be given to the Ombudsman

The Ombudsman may also request the Minister to notify him within a specified time of the response to his/her recommendation. The recommendations are not binding and the process provides an opportunity for the Minister to make his own recommendations also. Recommendations from the Ombudsman are generally accepted by the Minister, other than where the recommended action is not in line with legislation or regulations governing the Defence Forces.

Under the terms of Section 7(5) of the Ombudsman Act, where the ODF considers that the measures taken, or proposed to be taken, in response to a recommendation made to the Minister are not satisfactory, the Ombudsman may include a special report on the relevant case in his/her Annual Report to the Oireachtas.

The ODF publishes an Annual Report which contains an update on case administration and trends.

In his Annual Report for 2021, the Ombudsman noted that:

- A total of 38 case reports were submitted by the office of the ODF and for the Minister's consideration in 2021.
- A significant majority of cases related to non-selection for promotion (20 cases).
- 3 cases were categorised as pertaining to interpersonal issues.
- Other cases related to non-selection for career courses and non-selection for overseas service or for a particular posting.
- 2 complaints were referred directly to the ODF by former members.
- 12 Recommendations were made to the Minister in 2020, all of which were accepted by the Minister.
- 15 Recommendations were made to the Minister in 2021.
- As many of the Recommendations require assessment and research on the Minister's part, and liaison between the Minister and the Defence Forces, there is, understandably, a significant time lag between making a Recommendation, and its acceptance, or rejection, as the case may be,

The Annual Report for 2021 can be found [here](#).

52. 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).**

The Review of the Administration of Civil Justice (commonly known as the Kelly Review) made a number of recommendations in regard to Judicial Review procedures. These recommendations are being reviewed by the relevant implementation group which includes the Department of Justice and the Courts Service.

An Garda Síochána has no evidence that there is a problem with safety of civil society. There is no specific legislation for this type of activity. However there is criminal legislation to protect anyone from harassment/intimidation etc.

The Harassment Harmful Communications and Related Offences Act 2020 has extended this criminal law to protect citizens from distributing, publishing or sending threatening or grossly offensive communications at Section 4. The criminal law in Ireland is adequate to protect those who are targeted for their role in civil society and or protection of human rights organizations

Any allegations by victims of behaviour which is by hostility or prejudice, based on actual or perceived age, disability, race, colour, nationality, ethnicity, religion, sexual orientation or gender will be considered a hate crime matter.

The Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022 was published in October 2022 and will update laws criminalising hate speech and legislate against hate crimes for the first time in Irish law

The new legislation will criminalise any intentional or reckless communication or behaviour that is likely to incite violence or hatred against a person or persons because they are associated with a protected characteristic. The penalty for this offence will be up to five years' imprisonment.

It will also create new, aggravated forms of certain existing criminal offences, where those offences are motivated by hatred of a protected characteristic. These will carry an enhanced penalty and the criminal record will clearly state that the offence was a hate crime.

An Garda Síochána takes Hate Crime very seriously and investigates all reports thoroughly and sensitively. The Garda Diversity and Integration strategy addresses Hate Crime and will work closely with stakeholders and victims to remove on line hate speech and abuse.

Garda National Diversity & Integration Unit and Garda Community Relations Bureau have published a Garda Diversity & Integration Strategy which is available on www.garda.ie

There are currently no specific legal measures designed to counter a SLAPP (in the sense that this concept has been developed in some other jurisdictions.) However, Irish law includes measures to respond to litigation which amounts to an abuse of process, including for example the inherent jurisdiction of the courts to strike out vexatious proceedings.

54. 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)

Registration Process

The Charities Regulatory Authority (the 'Charities Regulator') was established in October 2014 pursuant to the Charities Act 2009. The Authority is the State organisation responsible for registering and regulating all of Ireland's charities.

All charities operating in Ireland must be fully registered on the Charities Regulator's Register of Charities.

The Charities Act 2009 sets out the requirements that an applicant organisation must meet to be considered a charity. This criteria is also known as the 'Charity Test'.

In summary, an organisation must operate in Ireland, exist for a charitable purpose(s), promote this charitable purpose(s) only, carries out all activities to further this charitable purpose(s), exists to benefit the public or a section of the public in Ireland or elsewhere through its charitable purpose(s) and not be an excluded Body (as defined in the 2009 Act)

The Charities Act 2009 sets out four categories of charitable purpose and an organisation must fall within one or more of these categories: (1) the prevention or relief of poverty or economic hardship; (2) the advancement of education; (3) the advancement of religion; (4) any other purpose that is of benefit to the community [the Charities Act 2009 provides further detail on what is deemed to be a charitable purpose under this heading].

The advancement of Human Rights is not currently recognized as a charitable purpose in Irish law. The General Scheme of the Charities (Amendment) Bill, published in April 2022, contains a proposal to add 'the advancement of Human Rights' as a charitable purpose.

The Charities Regulator has published Registration Guidelines for those organisations seeking to register, setting out key considerations and essential matters to be prioritized.

Any organisation that receives registration, must comply with the provisions of the Charities Act 2009.

The Charities Governance Code sets out the minimum standards that charity trustees should meet to effectively manage and control their charity and is based on legal requirements and best practice.

All charities are legally required to complete and submit an Annual Report to the Charities Regulator regarding their activities and financial affairs for the preceding twelve months.

Dissolution

A charity may be wound up for a number of reasons, including where it has achieved its specific charitable purpose for which it was formed; it may become insolvent or cannot afford to continue its activities; it may be seeking to merge with another charity with similar objectives; or it may wish to change its legal form.

The particular issues which need to be considered in winding up a charity differ from case to case, and the procedure is dependent on the charity's legal form (for example, an incorporated charity must be wound up in accordance with the Companies Act 2014).

Irrespective, before starting a wind-up, conversion or merger, a charity is legally bound under section 39 of the Charities Act 2009 to notify the Charities Regulator of its intention. It must also provide any information sought by the Charities Regulator.

Other universal legal requirements include requiring the consent of the Charities Regulator to pay any surplus funds or assets to members; the retention by the charity's trustees (or liquidator as applicable) of financial statements for at least six years after winding up is complete unless consent to destroy or dispose is granted by the Charities Regulator; and where a charity holds a valid CHY number, to comply with the requirements of the Revenue Commissioners. Charity trustees are therefore responsible for decisions made whilst a charity trustee, and this does not cease when the charity is wound up.

In February 2021, the Charities Regulator published revised Guidance on winding up a charity, which provides information on how a registered charity may be wound up.

It is also noted that a registered charity may be removed from the Register for a number of other reasons, including a failure by an organisation to meet its statutory duties under the Charities Act 2009. Another example would be when a deemed registered charity, (an organisation automatically added to the Register in October 2014 pursuant to section 40 of the Charities Act 2009), no longer holds an entitlement to a charitable tax exemption.

The Ombudsman for Children (OCO) is responsible for protecting the rights of children under 18 years old. It is funded by the Department of Children, Equality, Disability, Inclusion and Youth (D/CEDIY) and operates as an independent body particularly in representing children's rights at institutional level. The Ombudsman (in 2022) requested an independent study be carried out by a solicitor firm RDJ. These recommendations have been presented to the Oireachtas and will be considered in due course.

The first recommendation is to Repeal section 11(4) of Act which allows a Minister or Government to compel the Ombudsman to cease an investigation that it is engaged in as the Ombudsman considers it fit and proper. This was viewed by RDJ as a risk that the Minister or Government has too much power to intervene and stop a legitimate OCO investigation. The OCO is designated as an independent body so the object of this suggestion is to further the OCO's independence and freedom from any potential Government interference of an investigation it is conducting, thus further increasing its independence from Government.

55. 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.

An Garda Síochána has no evidence that there is a problem with safety of civil society. There is no specific legislation for this type activity, however there is criminal legislation to protect anyone from harassment/intimidation etc. The Harassment Harmful Communications and Related Offences Act 2020 has extended this criminal law to protect citizens from distributing, publishing or sending threatening or grossly offensive communications at Section 4. The criminal law in Ireland is adequate to protect those who are targeted for their role in civil society and or protection of human rights organizations.

Any allegations by victims of behaviour which is by hostility or prejudice, based on actual or perceived age, disability, race, colour, nationality, ethnicity, religion, sexual orientation or gender will be considered a hate crime matter.

Hate Crime can include verbal abuse, intimidation, threats, harassment, assault or criminal damage to property.

An Garda Síochána takes Hate Crime very seriously. An Garda Síochána investigate all reports of Hate Crime thoroughly and sensitively.

The Garda Diversity and Integration strategy addresses Hate Crime and will work closely with stakeholders and victims to remove on line hate speech and abuse.

Garda National Diversity & Integration Unit and Garda Community Relations Bureau have published a Garda Diversity & Integration Strategy which is available on www.garda.ie

There are currently no specific legal measures designed to counter a SLAPP (in the sense that this concept has been developed in some other jurisdictions.) However, Irish law includes measures to respond to litigation which amounts to an abuse of process, including for example the inherent jurisdiction of the courts to strike out vexatious proceedings.

56. 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)

The Electoral Reform Bill 2022, which provided for, *inter alia*, the establishment of an Electoral Commission, known as *An Coimisiún Toghcháin*, was published on 30 March, 2022 and commenced its passage through the legislative process shortly thereafter. The Bill passed both Houses of the Oireachtas on 14 July, 2022 and the Electoral Reform Act 2022 was signed by the President on 25 July, 2022.

A number of provisions in Parts 1, 2 and 3 as well as all of Parts 6 and 8 of the Act were commenced on 13 October, 2022 by way of the Electoral Reform Act 2022 (Commencement) Order 2022 (S.I. No. 512 of 2022). Notwithstanding the commencement of these provisions, the Act provides that *An Coimisiún* will be established on a given ‘establishment day’ by order of the Minister for Housing, Local Government and Heritage; the preparation of both the establishment day order and further commencement orders are being advanced within the Department of Housing, Local Government and Heritage.

In advance of *An Coimisiún’s* establishment, a range of administrative preparations are required, such as the selection of the *An Coimisiún’s* ordinary membership and its chief executive as well as their designation for appointment on *An Coimisiún’s* establishment day by the President. The Board of *An Coimisiún* will initially comprise of seven members, which will include a chairperson nominated by the Chief Justice, the Clerk of the Dáil and the Ombudsman as *ex officio* members and 4 ordinary members. Arrangements are now at an advanced stage with regard to the appointment of the ordinary Board members and the nomination of the chairperson.

In addition, complementary arrangements are being progressed to provide for transitional staffing arrangements, the appointment of an interim chief executive, the securing of premises, the drawing up of governance procedures and the procurement of ICT infrastructure and software all of which will be essential for *An Coimisiún* in undertaking its functions in an efficient and effective manner when established.

Against this background, it is envisaged that *An Coimisiún* will be established in early January 2023 and will commence its suite of functions, including undertaking research on a range of electoral matters such as a comprehensive review of the Electoral Act 1997 (as previously signalled) to address, among other matters, the issues raised by civil society organisations in connection with the wide-ranging definition of “*political purposes*” as set out in section 22(2)(aa) of that Act and its impact on the means by which they raise funds to run their normal day-to-day operations.

It is envisaged that *An Coimisiún* will examine the issues that have been raised by civil society and others and will report in a relatively short timeframe with effective recommendations. The issues raised by civil society and others are both complex and integral to maintaining transparency in relation to our political donations regime and, more broadly, to the funding of political debate in Ireland. Accordingly, any recommendations to amend the Act will be important and deserving of careful

consideration and will merit an objective analysis of their implications and impacts over the course of the proposed review.

The OCO is fully funded by the DCEDIY through the Corporate Governance Unit in the Department. In its funding, the OCO has therefore to engage in dialogue with the CGU and subject to offering explanations for expenditure through the Department. In the recommendations from RDJ it was viewed that it would strengthen the independence of the OCO if it were to obtain its financial support directly from Dept of Public Expenditure(DPER) to whom they can make representations directly in regards to funding requests and not via another Government Department. This is also seen as an improvement in the independence of the Ombudsman for Children who could then deal directly with the source of funding. The OCO staff number continue to increase to the current level of 37, its highest ever.

57. 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.)

Community & Voluntary Pillar

The Community and Voluntary Pillar ('the C&V Pillar') is a seventeen member group representing community and voluntary organisations which contribute to the social dialogue process. The funding scheme for the C&V Pillar is administered by the Department of Rural and Community Development.

The C&V Pillar plays an active role in contributing to the Department of Rural and Community Development's policy formation. Funding is provided to members of the C&V Pillar to support costs, not funded from any other sources, directly related to the organisations' contribution to policy-making.

The C&V Pillar formally meets with officials from the Department of Rural and Community Development twice a year, with individual members also contributing separately as part of wider Departmental policy engagement.

Civic Forum

The first National Civic Forum for formal dialogue between Government (national and local) and the Community and Voluntary sector was held in the Aviva Stadium on Monday 21st November.

This event is a part of a process intended to strengthen deliberative and participative approaches to policy-making and programming, complementing existing engagement fora, and supports the implementation of Action 1.4 in *Sustainable, Inclusive and Empowered Communities* (Government's five year community strategy) to 'Support participative and deliberative approaches for developing public policy, including establishing a Civic Forum for formal dialogue between the sector and local and central government'.

Officially opened by the Taoiseach (Irish Prime Minister), with Ministers for Rural and Community Development Heather Humphreys and Joe O' Brien in attendance, the event was attended by over 100 delegates from across the state and C&V sectors.

The theme of the day was *Co-creating a Shared Future*, with delegates invited to participate in the process to look at how we can do better in deliberative and participative approaches to policy making and programming and to design what future Civic Fora should address, how it should be designed and who should be in attendance.

The day, which was co-designed with the sector, was moderated by Professor Jane Suiter, Dublin City University, and comprised of plenary sessions with a number of contributors, panel discussions, roundtable and breakout sessions. There was great engagement on the day and all contributions and inputs were noted and will be reviewed.

A report will be produced based on the contributions which will help to shape a way forward and next steps. That report will be brought to the relevant sub-group of the Cross Sectoral Group (CSG) on Local and Community Development in the first instance. The CSG oversee the implementation of the five-year Strategy.

Values and Principles

One of the key achievements of *Sustainable, Inclusive and Empowered Communities, the five-year Strategy to support the Community and Voluntary Sector* was the agreement of a set of clearly defined, shared Values and Principles, which guided the strategy's development and form the basis for collaboration and partnership working in the pursuit of the best outcomes achievable.

The adoption of these values and principles fulfils Action 1.2 in the strategy: Adopt an agreed set of values and principles for collaboration and 'partnership-working' at national and local level.

The Values and Principles were agreed by Government and adopted on a whole of government basis in May 2022 and formally launched by Minister of State for Community Development and Charities, Joe O'Brien TD, on 19 October 2022.

These Values and Principles will be used by all Government Departments and Agencies as a basis for their interaction with the Community and Voluntary Sector.

DRCD will continue to take the lead on championing the Values and Principles, and will seek to ensure their recognition and implementation in a coherent and meaningful manner across departments, local authorities and state agencies.

The recommendations of the study by Solicitors RDJ also examined oversight by DCEDIY and recommended that the oversight or Governance be removed from DCEDIY and that OCO would go directly to DPER as regards Governance thus reducing the likelihood of any interference from DCEDIY. The study also resulted in a suggestion that OCO would solely be responsible for hiring its own staff and would no longer have to seek approval from DCEDIY. Both of these innovations are seen as further increasing the independence of the OCO.

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

Ireland participates actively in discussions on rule of law items at the General Affairs Council. This has included partaking in the annual rule of law report country chapter dialogues exercise. We welcome the opportunity for mutual learning and sharing of best practices that the Rule of Law dialogue offers. Ireland has also contributed consistently to hearings and discussions within the ongoing Article 7 TEU process in relation to Hungary and Poland and their adherence to rule of law standards and EU values.

The European Commission rule of law report itself was the subject of debate in the Irish Parliament in 2022. The Joint Committee on Justice held an engagement with Commissioner Didier Reynders in November 2022 that focused primarily on the European Commission's rule of law report and the Joint Committee on European Union Affairs held an engagement in October 2022 with European Commissioner Věra Jourová on the Rule of Law report in 2022 and the rule of law situation in Ireland. The Houses of the Oireachtas Service Library and Research Service published a Note on "[European Commission Rule of Law Report 2022](#)" for the information of Members of Parliament and their staff.

Outside of those dedicated debates, the issue of the rule of law was raised during debates held on other matters in 2022, in particular in debates on pre-European Council Meeting Statements and Post-European Council Statements, during the Joint Sitting of both House for the address by the President of the European Commission, in the consideration of a number of pieces of primary legislation concerned with legal frameworks, on Journalists in Conflicts across the World, and as part of Europe Day Statements.

In Committees, the Joint Committee on European Union Affairs mentioned the rule of law in separate meetings and debates on EU enlargement and accession, on the Conference on the Future of Europe, on the GAC, on Presidency priorities, engagements with EU Ambassadors, engagements with representatives of the European Committee of the Regions and in its engagement with Comhairle na nÓg (Youth Parliament). The Joint Committee on Tourism, Culture, Arts, Sport and Media mentioned the issue as part of the debate about proposals for a European Media Freedom Act.

Ireland recently concluded a six-month Presidency of the Council of Europe's Committee of Ministers. During this mandate, Ireland championed deepening Council of Europe cooperation with the EU in thematic areas including the rule of law. Furthermore, this was a recommendation of the report of the High Level Reflection Group, chaired by former Irish President Mary Robinson. One of the key priorities of the Irish Presidency was entitled "Our Founding Freedoms", which included promoting and protecting values such as the rule of law across Ireland and the European continent as a whole.

On 19 October 2022 Minister for European Affairs, Thomas Byrne TD participated in a public panel discussion on Rule of Law in Ireland which was organised by the Irish Council for Civil Liberties. This event provided panellists and invited guests to discuss the Commission's 2022 Rule of Law Report for Ireland. Issues covered included access to justice, democratic oversight, press freedom and minority rights.

Further, several rule of law-related events and publications have been organised by the Institute of International and European Affairs (IIEA), a leading international affairs think tank. These have included a February 2022 event on media pluralism in the EU with Vice President of the European Commission for Values and Transparency Vera Jourová (more information available [here](#)). The IIEA also regularly publishes online briefings and papers on rule of law subjects, such as [this June 2022 paper on AI and the Rule of Law](#). Rule of law and the EU is one of the thematic priorities of the IIEA's Global Europe project, a three year project funded by the Department of Foreign Affairs.

