

TARGETED STAKEHOLDER CONSULTATION 2021 RULE OF LAW REPORT

UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)

This document presents the UN Human Rights Office's contribution to the targeted stakeholder consultation held by the European Commission in 2021 in the context of the second annual rule of law report.

It is a compilation of information related to Ireland, included in reports and documents of United Nations Treaty Bodies, Special Procedures and the Universal Periodic Review of the UN Human Rights Council, presented in a summarized manner. It also refers to statements and reports of the UN High Commissioner for Human Rights and her Office. The cited material covers the period 2018-2020.

It mentions both positive developments and challenges to the rule of law in Ireland, as well as recommendations issued by the UN Mechanisms on how these challenges can be addressed and how the rule of law can be further strengthened.

In light of the methodology proposed by the European Commission the submission is divided in four pillars: national justice systems, anti-corruption frameworks, media pluralism and freedom and other institutional issues related to the checks and balances essential to an effective system of democratic governance.

IRELAND REVIEW

Justice System

➤ *Quality of justice*

In its 2020 concluding observations the UN Committee on the Elimination of Racial Discrimination recommended that Ireland extend the scope of the Legal Aid Board to the areas of law that are particularly relevant to Travellers and other ethnic minority groups, including by designating the Social Welfare Appeals Office and the Workplace Relations Commission as prescribed tribunals under section 27 (2) (b) of the Civil Legal Aid Act 1995 ([CERD/C/IRL/CO/5-9, para. 43](#)).

In its 2020 concluding observations the UN Committee on the Elimination of Racial Discrimination recommended that Ireland provide training for the police, prosecutors and judges on the proper methods for identifying, registering, investigating and prosecuting racist incidents and racist hate crimes ([CERD/C/IRL/CO/5-9, para. 22](#)).

In the 2019 report following her visit to Ireland, the UN Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material recommended that judges, prosecutors, lawyers and law enforcement agencies be educated on international child right norms and standards, so that they adopt a

child-friendly and gender-sensitive approach when dealing with child victims of sale and exploitation ([A/HRC/40/51/Add.2](#), para 79. e.)

➤ ***Efficiency of the justice system***

In the 2019 report following her visit to Ireland, the UN Special Rapporteur on the sale and sexual exploitation of children recommended that Ireland review the court system's capacity to handle childcare cases effectively and in a timely manner, adapt court infrastructure so that it is fit for purpose and establish a nationwide case-management system to reduce delays and pressure on the judiciary ([A/HRC/40/51/Add. 2, para. 81](#)).

➤ ***Other***

In the 2019 report following her visit to Ireland, the UN Special Rapporteur on the sale and sexual exploitation of children recommended that Ireland create and maintain child-friendly reporting and complaint mechanisms, including free, dedicated helplines managed by qualified professionals, to report abuse and exploitation of children; provide training for relevant professionals; educate judges, prosecutors, lawyers and law enforcement agencies on international child right norms and standards; revise the Garda policy not to record incidents and proceed with investigations in the case of victims who are referred by a third party, such as a church, but who are initially unwilling to make a complaint; and prosecute cases of clerical and institutional child sexual abuse. ([A/HRC/40/51/Add.2, para. 80](#)).

Anti-corruption framework

➤ ***Other***

In 2018, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression initiated a dialogue with Ireland expressing concerns that major sections of the Digital Safety Commissioner Bill 2017 may be incompatible with standards of international human rights law pertaining to the right to freedom of expression. (see ([OL IRL 1/2018](#), available at <https://spcommreports.ohchr.org/TmSearch/Results>).

Other institutional issues related to checks and balances

➤ ***Independent authorities***

Ireland will go through the SCA re-accreditation in June 2021, available at: <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Pages/2020-Sessions.aspx>.

➤ ***The enabling framework for civil society***

45. Measures regarding the framework for civil society organisations (e.g., access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.)

In 2020 UN Special Procedures mandate holders initiated a dialogue through written communication ([AL IRL 2/2020](#)) to Ireland, about information received concerning Section 22 of the Electoral Act 1997 as amended in 2001, which in practice restricts civil society organizations' effective exercise of the right to freedom of association that includes the right to seek, secure and use financial resources, including from international sources, available at: <https://spcommreports.ohchr.org/TmSearch/Results>.