



Irish Council for
Civil Liberties

INVESTING IN RIGHTS

2022 IRISH COUNCIL FOR CIVIL LIBERTIES PRE-BUDGET SUBMISSION

2021 has been an extraordinary year for civil liberties and human rights in Ireland. The pandemic has laid bare and accelerated inequality in Irish society. It turned the spotlight on areas, groups and institutions that have been neglected and where Covid has had a disproportionate impact.

It is almost universally acknowledged that in the years to come, the state will have to play a bigger and more robust role in the lives of those living in Ireland. It is in this context that the Irish Council for Civil Liberties have developed our first pre-Budget submission. If the last two years have taught us anything, it's that personal and civil liberties cannot be taken for granted and the vindication of rights is only as strong as the institutions that can realise and defend them. Our asks focus on reforming, establishing or better equipping institutions which either act as watchdogs for our rights or serve to defend our civil liberties.

The total cost for our asks for 2022 is a modest €8,870,100 which would represent a huge return on investment given the scope of the areas covered and the variety of issues we address. We hope that we can count on your support for our asks in Budget 2022 and for our ongoing human rights work in these and many other areas.

Liam Herrick



WHAT ARE ICCL'S ASKS FOR 2022?

1

Compassion and Justice for the Bereaved: Coroners Reform



The current coronial system is under resourced, regionally disjointed, adversarial, and largely ill-equipped to provide justice and compassion to the bereaved. Substantive modernisation of the coronial system was promised by the then-government in 2007, but never materialised. A long-term plan for comprehensive reform of the coronial system in Ireland is needed. As an initial step, we are asking the Department of Justice to commit to spending €200,000 on a detailed but rapid scoping exercise in 2022 to establish how best to sequence and plan for these long overdue reforms and to bring forward the necessary legislation to make them a reality.

We are also seeking a once-off investment of €70,000 to produce a Victim's Charter of Rights and a "Guide to the Coronial System". Families and other bereaved people are often unsure of how the system works because scant information is available. A centralised repository of information for bereaved people would be of immense benefit and would address the short-term needs of families and other bereaved persons while larger reforms are implemented.

COST OF COMPASSION AND JUSTICE FOR 2022: €270,000

2

A More Functional Democracy: Electoral Commission



The forthcoming Electoral Reform Bill promises the most comprehensive overhaul of how we manage and protect our democracy in a generation. ICCL welcomes the plans to establish an Electoral Commission, which was one of our Election 2020 asks. The establishment of an Electoral Commission has the potential to re-invigorate democratic rights and freedoms in Ireland. Issues such as inaccurate registers, decreasing turnout, and the absence of voter information or outreach campaigns can be addressed, but only if the Electoral Commission is provided with the tools and resources necessary.

In order to be effective, the Electoral Commission must be properly resourced, staffed and empowered to carry out extensive outreach, research, oversight and other functions. The New Zealand Electoral Commission has an annual budget of approx €14 Million a year. With this in mind, we are calling for an initial investment of €3 million in the Irish Electoral Commission for 2022 which will increase year on year by €3.5 million until 2024 to reach a total spend of approximately €10 million.

COSTS OF A MORE FUNCTIONAL DEMOCRACY FOR 2022: €3 MILLION

3

A Cleaner Internet: Reform the Data Protection Commission



Since GDPR came into force in 2018, the DPC has asserted its lead role in 196 cases of EU-wide significance, but delivered decisions in only four. We are calling for two additional Commissioners as provided for in the 2018 Data Protection Act, and for an independent review of how the DPC can be strengthened and reformed. These requests also appear in the Oireachtas Justice Committee Report of July 2021.

We estimate that the cost for an independent review will range from €150,000 to €400,000. Two additional Commissioners will cost €352,600 (€142,000 salary + 20% pension + 5% equipment and sundry costs x 2)

COSTS FOR A CLEANER INTERNET IN 2022: €652,600

4

A Fairer, More Transparent Country: Policing and Judicial Reform



ICCL has been making the case for reform of An Garda Síochána and Irish policing for years. The outcome of the policing reform process must be a human rights compliant police service and the maximum effectiveness of police oversight bodies. With this in mind, we have three policing reform asks for government in Budget 2022.

1. Garda Ombudsman's Office:

Based on the projected need to double expenditure on the office of GSOC in its reformed Ombudsman role, we are suggesting a 33% increase in resourcing each year over three years. This would effectively double the €11.2 million allocated to GSOC in 2021 and adequately resource its expanded range of functions as the new Garda Ombudsman office is established.

Keeping People Safe in 2022: €3.7 Million

2. An Independent Examiner of National Security Decisions:

This individual would examine security legislation and decisions to withhold information from oversight bodies on the basis of national security. We are basing our cost assumptions on the UK's Independent Reviewer of Terrorism Legislation model of one part time independent examiner and one special advisor.

Independent Reviewer: 150 days p/a @ €900 per day €135,000

Special Advisor: 150 days p/a @ €750 per day €112,500

Transparency for 2022: €247,500

3. Separate policing and prosecutorial powers:

There should be a clear division between investigation and prosecution of crime. Yet, in Ireland garda investigators routinely act as prosecutors at District Court level. ICCL is calling for garda prosecutors to be replaced by state solicitors. We estimate that Ireland would need 75-80 prosecutors to remove the need for Gardaí to act as prosecutors in the Judicial system.

In Budget 2022 we are calling for the recruitment of 20 additional state solicitors with a commitment to increasing this number in 2023 and 2024. We estimate that this would cost €1,000,000 (Avg. Salary of €40,000 x 20 +20% pension + 5% equipment and sundry costs etc. x 20)

Fairer Trials for 2022: €1 million

A FAIRER, MORE TRANSPARENT COUNTRY:

POLICING AND JUDICIAL REFORM: €4,947,500

Area	Costs for 2022	Reasoning
Compassion and Justice for the Bereaved: Coroners Reform	€270,000	Enhancing procedural rights and protecting victims' rights.
A More Functional Democracy: Electoral Commission	€3,000,000	Improving and strengthening the democratic process and safeguarding civil and political rights.
A Cleaner Internet: Reform the Data Protection Commission	€652,600	Protecting data rights and ensuring GDPR leadership
A Fairer, More Transparent Country: Policing and Judicial Reform:	€4,947,500	Moving towards a human-rights based system of policing, improving fairness and transparency in procedural matters & strengthening legal rights.

Grand Total: €8,870,100



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