

FOR IMMEDIATE RELEASE/

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Report highlights the challenges to the rule of law in Ireland

ICCL together with Minister for European Affairs Thomas Byrne TD hosted an event on the European Commission's Rule of Law Report in Ireland. The report highlights challenges and threats to the rule of law in Ireland and makes several recommendations for reforms to the judicial, legal and political systems to better protect people's fundamental rights.

A morning seminar for Irish civil society organisations heard from a panel of experts about the current challenges to the rule of law, and the importance of the Commission's reporting mechanism. The Commission's 2022 report highlighted the need to reform Ireland's defamation laws, lower the cost of litigation to ensure access to justice, strengthen ethics legislation, ensure that judicial appointments are transparent and to amend legislation which sees restrictions on the work of CSOs.

The Minister for European Affairs said:

"The government is strongly committed to upholding the rule of law in Ireland and we welcome the report from the Commission. Work is already ongoing to revise or develop legislation in the areas the Commission has recommended including defamation and ethics reform. One of the clearest signs of undermining of the rule of law is repression of civil society, this is why I strongly welcome the involvement of as many Irish CSOs as possible in the reporting process, the government want to hear your concerns regarding the rule of law. I am delighted to be part of today's conversation on Ireland's 2022 Country Chapter of the Commission's report and thank the ICCL for this opportunity."

Barbara Nolan, Head of the European Commission Delegation in Ireland said:

"The annual Rule of Law Report evaluates the rule of law situation in all 27 Member States, including Ireland. The European Commission greatly appreciates the contribution of civil society to this report, in particular the input coordinated by Irish Council for Civil Liberties. Civil society organisations are an indispensable element in the system of checks and balances in a healthy democracy."

Laurent Pech, Dean of the UCD Sutherland School of Law echoed the comments made by the Minister and Barbara Nolan.

"Too often we have seen the EU acting in a too little too late fashion in the face of systemic violations of rule of law issues in member states. Due to the Commission and the Council's continuing failure to decisively and promptly act, the EU is now facing an autocracy crisis with Hungary no longer a democracy and Poland about to follow suit. This does not mean that the EU can be blind to issues in other member states, including Ireland although it is important to distinguish between autocratising countries and countries experiencing rule of law issues outside

of a backsliding pattern. The rule of law reporting mechanism is another tool to help identify these issues, but it is by no means a silver bullet. The Irish chapter has for instance highlighted as problematic the proposed composition of the envisaged Judicial Appointments Commission. Irish authorities should therefore aim to ensure that any reform in this respect fully complies with relevant European standards.”

Daniel McConnell, Political Editor for the Irish Examiner said:

“The media in Ireland operates and has operated for far too long with the boot of defamation at our neck. The role of the media in the defending the rule of law is very clear, we need to be able to report on the actions of government and others without restrictions and keep people informed. The obvious barrier to this at the moment is the use of defamation law to prevent accurate and fair reporting. This creates a 'chilling effect' that not only creates editorial hesitancy but also suspicion about why some stories are or aren't being covered. We welcome news from Justice Minister Helen McEntee that the new bill will be published this year. The need for drastic changes to not only the 2009 Defamation Act but also Freedom of Information legislation are long overdue,”

Doireann Ansbro, Head of Legal and Policy for ICCL and chair of the panel said:

“The event this morning has really highlighted the critical role that civil society plays in both the reporting process, and in ensuring the rule of law is respected. The report is a powerful advocacy tool for civil society and an important pressure point on government to ensure the rights and freedoms guaranteed under EU law are properly vindicated in Ireland and we’re meeting best practice standards. When the European Commission highlights issues of concern, the onus is then on the government to act to address the issue or expediate legislative or other remedies to ensure that our fundamental rights are protected.”

ICCL was the coordinating body for a joint submission to the Commission’s reporting mechanism in 2022. The Commission’s report closely reflects the issues highlighted in that submission. ICCL will again be coordinating a submission in early 2023 and any organisations involved in this area are encouraged to get in touch.

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Read the Commission’s country report on Ireland here:

Minister Thomas Byrne holds an LL.B. Law degree from Trinity College, Dublin and qualified as a

Solicitor in 2001. He was first elected to Dáil Éireann to represent Meath East in 2007 and until 2011 he was a member of the Oireachtas Committees on Justice, Equality and Defence, Social Protection and on Finance and the Public Service. In 2011 Thomas was elected to the Seanad for the Cultural and Educational panel. He served as a Senator from 2011 to 2016, during which time he was the Party Spokesperson on Public Expenditure and Reform. In 2016 Thomas was again elected to Dáil Éireann and in 2020 he was appointed as Minister of State for European Affairs by An Taoiseach Micheál Martin.

Barbara Nolan is Head of the European Commission Representation in Ireland since 16 May 2021. She previously served in this position from 2010-2016. Prior to this, she was in charge of Fundamental Rights Policy in the Justice and Consumers Directorate General, European Commission. Barbara has spent most of her career in the Commission in Brussels, where she has held a number of management positions, including the coordination of Erasmus+ programme, the reform and modernisation of Higher Education, Anti-Discrimination Policy, Communications and Media. She was the European Commission's Spokesperson for Employment, Social Affairs and Health matters as well as for Justice and Home Affairs from 1993- 1999. Barbara is a graduate of University College Dublin and the College of Europe, Bruges, Belgium.

Laurent Pech is Full Professor of Law, Dean of Law and Head of the Sutherland School of Law. He is also a Visiting Professor of Law at Bordeaux University, a Senior Research Fellow at the CEU Democracy Institute in Budapest, and the co-director of The Good Lobby Profs which he co-founded in 2021. He is currently a member of the editorial board of the Hague Journal on the Rule of Law, a member of the advisory board of RECLAIM (Human Rights NGO based in Brussels) and the international advisory boards of GEM-DIAMON (EU Horizon funded research project) and RESILIO (Resilience observatory on the rule of law in Europe funded by Stiftung Mercator). He has worked as a legal consultant in many post-conflict or EU candidate countries such as Bosnia-Herzegovina, Bulgaria, Latvia and Montenegro. He has an extensive publication record on such subjects as rule of law backsliding in Europe, the right to an independent tribunal established by law and the right to free speech in comparative law. He also regularly provides expert advice on rule of law matters, including in the context of judicial proceedings either before national or European courts.

Daniel McConnell is the Political Editor of the Irish Examiner, a role he has held since 2015. Before then he worked at Independent Newspapers for nine years where he was a Group Political Correspondent, Chief Reporter and comment editor. He previously worked at the Irish Times and Sunday Times.

A multi-award winning journalist, he is a published author of two books. His 2016 best-seller 'Hell at the Gates' charted the demise of the Brian Cowen government in 2011. A frequent contributor

to national and international radio and TV, he has acted as a stand-in presenter on Matt Cooper's Last Word on Today FM.

Doireann Ansbro is head of Legal and Policy for the Irish Council for Civil Liberties. She is called to the Bar of Ireland and to the Bar of England and Wales where she worked in criminal law and asylum and immigration law. She has previously worked as associate legal adviser to the International Commission of Jurists, consultant to the UN Special Rapporteur on truth, justice, reparations and guarantees of non-recurrence and human rights attaché to the Permanent Mission of Ireland to the UN in Geneva. She holds an LLM in Human Rights Law from the University of Nottingham, an LLB (Graduate) from Nottingham Law School and a BA from Trinity College Dublin.

The Irish Council for Civil Liberties (ICCL) is Ireland's oldest independent human rights campaigning organisation. We monitor, educate and campaign to secure human rights for everyone in Ireland.

For comment:

For media queries: grace.tierney@iccl.ie