

## Ireland 2025

### Information from: Irish Human Rights and Equality Commission

## Independence, effectiveness and establishment of NHRIs

---

### International accreditation status and SCA recommendations

International accreditation status and SCA recommendations

The Irish Human Rights and Equality Commission was [re-accredited as an “A” status NHRI by GANHRI’s Sub-Committee on Accreditation at its June 2021 session](#). The SCA commended the efforts of the Commission to promote and protect human rights in the Republic of Ireland and encouraged the Commission to continue these efforts. The SCA made a number of recommendations in relation to the Commission’s human rights mandate; the process for the selection and appointment of members of the Commission; the provision of adequate funding; and term of appointment of members of the Commission.

The SCA encouraged the Commission to continue to advocate for changes to its enabling law to ensure that all the full range of civil, political, economic, social and cultural rights are covered by the Commission’s mandate. At the same time, the SCA has acknowledged that the Commission has argued that a wider definition of human rights should apply to all of its powers but that the government has argued that a wider definition would attract constitutional difficulties and legal challenge.

Further, the SCA noted that the Commission does not have the explicit mandate to encourage ratification or accession to international human rights instruments; however, it acknowledged that the Commission interprets its mandate broadly to include actions in this regard. The SCA encouraged the Commission to advocate for changes to its enabling law to mandate it with the explicit responsibility to encourage ratification and accession to international instruments.

Acknowledging that the Commission has engaged with policy-makers, society, and government departments on the ratification of the UN OPCAT and provided views on 3 the establishments of an NPM in the country, the SCA noted that the Commission does not have the explicit mandate to monitor places of deprivation of liberty. Therefore, the SCA encouraged the Commission to continue advocating for an explicit mandate to conduct unannounced visits to

all places of deprivation of liberty.

The SCA noted that while Section 13 of the enabling law provides certain requirements for the selection and appointment process, including on diversity, pluralism, and publicising of vacancies, the law is silent on a permanent selection criteria and process. The SCA encouraged the Commission to advocate for the formalisation and application of a uniform process that ensures the broad participation of civil society in the selection and appointment process, and the assessment of applicants on the basis of predetermined and objective criteria.

Additionally, the Commission reported that its mandate has expanded, that its responsibilities are increasing and that it would benefit from additional funding for its existing mandate as well as all expanded powers. The SCA encouraged the Commission to continue to advocate for additional funding to ensure that it can effectively carry out the full breadth of its mandate.

Finally, while acknowledging that in practice, all members of the Commission appointed after its establishment were appointed for five-year terms, the SCA encouraged the Commission to advocate for amendment to its enabling law to provide for a fixed minimum term of appointment for members of the Commission.

## Regulatory framework

### Regulatory framework

The Commission has been [designated an Article 77 body under the EU Artificial Intelligence \(AI\) Act](#) by the Irish State. With regard to this designation, the Irish State provided that the Commission is not a competent authority for the Act, nor are any obligations, responsibilities or tasks assigned to them under the AI Act. Rather, the Commission will get additional powers to facilitate them in carrying out their current mandates in circumstances involving the use of AI systems. These powers will apply from 2 August 2026.

The Irish Government published the General Scheme of the Inspection of Places of Detention Bill in June 2022. The purpose of this legislation is to ratify the Optional Protocol to the UN Convention against Torture (OPCAT) and to designate National Preventative Mechanisms (NPMs) that will act as national inspecting bodies for places of detention within Ireland. Under the proposed legislation, the Commission will be mandated as the coordinating National Preventative Mechanism. However, the Bill has not yet been published, although the Government Legislation Programme Autumn 2024 listed the legislation as tabled for 'Priority Drafting' in the autumn session 2024. The Commission previously issued [legislative observations](#) in relation to the General Scheme calling for, inter alia, amendments to the legislation to

strengthen the Commission's role as the co-ordinating NPM. In preparation for this new mandate, the Commission has established a new Monitoring and Compliance Team that will have responsibility for this area of work.

The EU Directives on Standards for Equality Bodies entered into force in June 2024 and must be transposed into national law by 19 June 2026. The Directives establish the minimum standards and requirements for equality bodies in terms of their mandates, resources, powers and independence. In anticipation of the widened mandate and increased responsibilities that it will have under these Directives, the Commission [wrote to the Minister for Finance](#) in June 2024 highlighting that if the Commission, as Ireland's National Equality Body, is to carry out its mandate with the resources and independence that is required under the new Directives, it is essential that it receive adequate funding to do so, without impacting its ability to carry out its existing statutory functions.

The Commission continues to hold its roles as:

- Ireland's Independent National Rapporteur on the Trafficking of Human Beings (as per [Article 19 of the European Union \(EU\) Anti-Trafficking Directive](#) which legally requires all EU Member States to have National Rapporteurs or equivalent mechanisms).
- The Independent Monitoring Mechanism for Ireland under the Convention on the Rights of Persons with Disabilities (as per [Article 33 of the UNCRPD](#)).

## **Mandate strengthened to contribute to access to justice**

### *Strategic litigation before the courts*

The Commission brought proceedings before the High Court in its own name for the first time under the legal power set out in section 41 of the [Irish Human Rights and Equality Commission Act 2014](#). The judgment of the High Court contained a helpful analysis of the section 41 power providing clarity on the nature and scope of the power.

In the proceedings, the Commission sought to address the State's failure to provide for the basic needs, including shelter, of people recently arrived in Ireland and seeking asylum in circumstances where, since 04 December 2023, not all applicants for international protection arriving in Ireland have been offered State accommodation despite being entitled to receive material reception conditions under EU and Irish law.

Section 41 of the 2014 Act provides:

- The Commission may institute proceedings in any court of competent jurisdiction for the purpose of obtaining relief of a declaratory or other nature in respect of any matter concerning the human rights of any

- person or class of persons.
- The declaratory relief the Commission may seek to obtain in such proceedings includes relief by way of a declaration that an enactment or a provision thereof is invalid having regard to the provisions of the Constitution or was not continued in force by Article 50 of the Constitution.

The High Court considered the scope and meaning of the Commission's power under section 41 and in its judgment found, inter alia, that the Commission has an express statutory entitlement to commence proceedings in its own name to seek relief relating to the human rights of a class of persons. It held that there was no requirement to identify the individual members of the class of persons so long as the class is capable of precise description. It held that it is not a prerequisite to obtain the consent of the individuals of the class of persons to bring the proceedings. The State has appealed the decision of the High Court to the Court of Appeal. The appeal was heard on 6 and 7 March 2025 and the decision of the Court of Appeal is awaited. It is expected that the Court of Appeal decision will also contain detailed analysis of the Commission's power under section 41.

### **NHRI regulatory framework should be strengthened**

As mentioned previously, the Irish Government published the General Scheme of the Inspection of Places of Detention Bill in June 2022. The purpose of this legislation is to ratify the Optional Protocol to the UN Convention against Torture (OPCAT) and to designate National Preventative Mechanisms (NPMs) that will act as national inspecting bodies for places of detention within Ireland. Under the proposed legislation, the Commission will be mandated as the coordinating National Preventative Mechanism. The Commission made a [submission to the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#) ('CPT') on their eighth visit to Ireland. In this submission, the Commission highlighted again that the Inspection of Places of Detention Bill has been subject to repeated delays and that in its current form, the General Scheme will not satisfy the requirements for OPCAT, adding further delays to ratification. The Commission also recommended that the State provide the NPMs and the co-ordinating body with adequate, multiannual and costed funding to discharge their functions effectively, including to enable long-term planning and specialist staff recruitment and training (see pps. 6-7). The Commission has consistently called for this legislation to be progressed as a matter of urgency.

## **NHRI enabling and safe space**

NHRI enabling and safe space

**NHRI's mandate, independence and role**

Relevant state authorities do not have good awareness of the NHRI's mandate, independence and role.

The Commission wishes to highlight that it has had a significantly expanded mandate since 2014, which has not been matched by annual budgetary increases from the State. The EU Directives on Standards for Equality Bodies provide that multi-mandate bodies must be given the necessary human, technical and financial resources to perform their tasks effectively. Where new mandates are given to equality bodies, it is the view of the Commission that the State should provide the financial and other resources required to effectively exercise its mandates. Such budgetary allocation should be stable and multi-annual, to facilitate covering unanticipated costs; linked to the rising costs of inflation; account for public sector pay agreements and salary increments; and allow a margin of budgetary contingency for responding to emerging human rights issues. (See, [Mid-Term Report to the UN Human Rights Council for the Third Cycle of the Universal Periodic Review of Ireland \(September 2024\)](#), p. 2)

### **Access to information and involvement in law- and policy-making and state's follow-up to NHRI recommendations**

The Commission, as both the National Human Rights Institution and the National Equality Body for Ireland, plays an important role in promoting and protecting human rights and equality at a national level, including having a statutory mandate to keep under review the adequacy and effectiveness of law and practice in the State ([Section 10\(2\)\(c\) of the Irish Human Rights and Equality Commission Act 2014](#)). As part of this mandate, the Commission engages with the Oireachtas' legislative process. The Commission does this by making 'Legislative Observations' on draft legislation and submitting them to the relevant Oireachtas Committee and/or relevant Minister for consideration.

There are a number of examples in which recommendations have not been implemented and there has been little engagement from the State with the Commission during the legislative process. In addition, the Commission has raised a number of concerns with the State's approach to the legislative process in the context of its status as Ireland's NHRI being recognised as "an indispensable element in the system of checks and balances in a healthy democracy" ([European Commission, 2022 Rule of Law Report, COM \(2022\) 500 final, para 2.4](#)).

#### *Criminal Justice (Hate Offences) Act 2024*

The Criminal Justice (Hate Offences) Act was signed into law in October 2024. This is an area the Commission has been regularly engaged with the State on and has previously flagged a number of human rights and equality issues arising in connection with the legislative and policy responses to incitement to hatred and hate crime. In February 2022, the Commission published its

[Legislative Observations to the Oireachtas Joint Committee on Justice on the General Scheme of the Criminal Justice \(Hate Crime\) Bill](#). In this submission, the Commission welcomed the legislation but made a range of recommendations on the proposed offences of incitement to hatred and hate-aggravated offences, to better align the legislation with human rights and equality standards.

When the renamed Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022 was published, the Commission conducted an analysis of the Bill to determine how its recommendations had been reflected. In November 2023, [the Commission wrote to the then Minister for Justice setting out the substantive issues which remained outstanding in the legislation which should be addressed through amendments to the Bill](#). In September 2024, [the Commission wrote again to the then Minister for Justice regarding comments made by the Taoiseach on the progress of this legislation](#). In this correspondence, the NHRI noted that its recommendations and submissions had been brought to the attention of senior legislative officials within the Department for consideration and asked for confirmation that these recommendations had been incorporated.

The legislation has since progressed and as stated above, was signed into law in October 2024. The Commission received no substantive response to its recommendations and correspondence.

#### *Garda Síochána (Recording Devices) Bill*

The [Garda Síochána \(Recording Devices\) Act](#) was signed into Irish law in December 2023.

Prior to its enactment, the Commission published its [Legislative Observations to the Minister for Justice on the General Scheme of the Garda Síochána \(Digital Recording\) Bill](#) in April 2022. In this submission, the Commission highlighted a number of specific concerns with the proposals to provide a legislative basis for the deployment and use of body-worn cameras and other recording devices and the extension of the circumstances in which CCTV and Automatic Number Plate Recognition devices may be used.

The renamed [Garda Síochána \(Recording Devices\) Bill](#) was published on 4 August 2022. The Commission conducted an analysis of the Bill and identified that a number of new provisions were introduced to the legislation (that had not been set out in the General Scheme) and noted that recommendations made in its legislative observations had not been adopted. The Commission continued to monitor the legislation as it advanced through the legislative process to analyse the extent to which our recommendations to improve the compliance of the legislation with human rights and equality standards were addressed, up to its passing in December 2023.



In February 2024, the Commission wrote official correspondence to the Minister for Justice and, separately, to the Chair of the Joint Committee on Justice outlining a number of substantive issues that raise human rights and equality concerns, which the Commission considers remain outstanding in the legislation. The Commission outlined a number of concerns in the correspondence including, inter alia: Safeguards in the use of technology; Proportionality assessments; Powers provided to members of An Garda Síochána; Covert recording; Notification of recording in a public setting; Recording in a private dwelling; Recording of victims of domestic violence; Access and retention of data; The rights of data subjects; Guarantee of a fair trial and procedural fairness; Transparency; Judicial authorisation; Independent oversight.

The Commission received no substantive response to its recommendations and correspondence.

### **Concerns with the Legislative Process**

The Commission was highly critical of the Government's plans to amend legislation to revoke Irish citizenship via the Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Bill 2024 without proper scrutiny. In July 2024, the Commission [wrote](#) to the then Minister for Justice Helen McEntee on three occasions to express our significant concerns with the unacceptable haste, right before the summer recess, with which it was proposed to enact the legislation, including the severe limit on the time available for appropriate pre-legislative scrutiny of the proposed amending legislation to ensure that constitutionally compliant safeguards are built into it.

In September 2024, the Commission wrote to the then Minister for Justice Helen McEntee to seek clarity on comments made by An Taoiseach Simon Harris during a press briefing on the advancement of the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill. An Taoiseach stated that he wanted to [“see hate crime legislation passed in the lifetime of this Government”](#), adding that the Minister for Justice would be bringing forward amendments to the legislation in the autumn term. Given the uncertainty regarding the date of the forthcoming election, the Commission expressed its concern that that this important legislation may be rushed through the Oireachtas during the autumn term and emphasised to the Minister for Justice that, although the NHRI is eager for this legislation to be passed by the Oireachtas, there must be regard for rule of law requirements and the Government must ensure adequate time and opportunity for appropriate scrutiny of the legislation.

The Commission wrote to the Minister for Health Stephen Donnelly on two occasions in January and April 2024 regarding the Committee Stage Amendments to the Health (Assisted Human Reproduction) Bill 2022 (See

[‘Letter to the Minister for Health, regarding the proposal to regulate international surrogacy amid EU-wide concerns for reproductive exploitation and trafficking’](#) (January 2024) and [‘Letter to the Minister for Health, regarding revised EU Anti-Trafficking Directive obligations to prevent and combat exploitation of surrogacy and Part 8 of the \(Amended\) Assisted Human Reproduction Bill – International Surrogacy’](#) (April 2024)). In these correspondences, the Commission commented on the substantial amendments being proposed at Committee Stage, which it noted had the scale and complexity of a stand-alone Bill. The Commission expressed concern that tabling amendments of this scale and complexity at this stage of the legislative process left limited time for adequate analysis and scrutiny of the amendments and the Bill. The Commission also made reference to this in its recently published [Third Evaluation of the Implementation of the EU Anti-Trafficking Directive](#).

### **Adequate resources**

The NHRI does not have adequate resources to carry out the full breadth of its mandate.

### **Budgetary Needs - 2025 Onwards**

Despite receiving an overall increase of 13% in our Budget for 2025, IHREC still does not have the level of funding required to meet its mandate in full on behalf of the State. While it is normal for a budgetary negotiation process to result in an allocation of a lower amount than requested, IHREC received significantly less budget than was sought to adequately carry out the full breadth of its mandate. For 2026, IHREC will be making the case again that IHREC is not adequately funded, with potential implications on the future delivery of mandates. IHREC does not want to be in a position whereby it has to refuse taking on new mandates, but this risk is growing as it becomes increasingly unfeasible to continue to deliver its work in the context of lack of funding. There is a reputational risk to IHREC, Government and the State if IHREC cannot accept new mandates or deliver to the necessary standards on its current mandates.

## **NHRI’s recommendations to national authorities**

NHRI’s recommendations to national authorities

1. The Commission recommends that the State proceed with the immediate ratification of the OPCAT and that it progresses without further delay the Inspection of Places of Detention Bill which is intended to deliver ratification of the OPCAT in Ireland and make its requirements binding in this jurisdiction. In particular, given the gaps in domestic



inspection arrangements, the delay in ratifying OPCAT impacts on the effective, independent oversight of police custody, prison transit, court detention, military detention, and for certain types of de facto detention in voluntary settings, such as mental health establishments, and healthcare and residential settings. The Commission further recommends that the State provide the NPMs and the co-ordinating body with adequate, multiannual and costed funding to discharge their functions effectively, including to enable long-term planning and specialist staff recruitment and training.

2. The Commission recommends that the State establish a dedicated Oireachtas Committee on human rights, equality and diversity. A dedicated Oireachtas Committee would have a mandate to examine closely the human rights and equality implications of legislation and policies.
3. The Commission has a significantly expanded mandate since 2014, which has not been matched by annual budgetary increases. Where new mandates are given to equality and human rights bodies, they should receive the financial and other resources to effectively exercise their mandates. Such budgetary allocation should be stable and multi-annual, to facilitate covering unanticipated costs; linked to the rising costs of inflation; account for public sector pay agreements and salary increments; and, allow a margin of budgetary contingency for responding to emerging human rights issues (See, [Mid-Term Report to the UN Human Rights Council for the Third Cycle of the Universal Periodic Review of Ireland \(September 2024\)](#), p. 2)

## Ireland 2025

### Information from: Irish Human Rights and Equality Commission

## Human rights defenders and civil society space

---

### Laws and measures negatively impacting civil society and Human Rights Defenders

Laws and measures negatively impacting civil society and Human Rights Defenders

The institution's human rights monitoring and reporting has found evidence of state measures that limit access to funding. The Commission has raised concerns in terms of civil society funding.

## Civil Society Funding

In its [submission to the Committee on Economic, Social and Cultural Rights as part of Ireland's fourth periodic report](#), the Commission highlighted concerns with State withdrawing funding support for Irish civil society organisations to attend UN State reviews .

NHRIs providing specific support to women human rights defenders (WHRDs) or LGBTQ+ human rights defenders:

As part of the [Human Rights and Equality Grant Scheme](#), the following relevant project was awarded a grant:

*National LGBT Federation - NXF Activist Academy*

The aim of this project is to deliver training to empower a new generation of LGBT+ activists by learning from the experiences of those who have fought for LGBT+ rights in recent decades. Through this intergenerational training programme, participants will gain advocacy skills, increase their understanding of human rights and equality legislation and develop plans for future activism. This will ultimately culminate in the development of strong, supportive networks among activists to advocate for their rights.

## Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders  
To promote civil society space and human rights defenders, the Commission took the initiative of organising promotion campaigns, joint meetings and/or roundtables and the HREC Grants Scheme; Provision of Event Space for Civil Society; Consultations; Disability Advisory Committee.

The Commission has a strong and consistent level of engagement with civil society including rights-holder groups. These are as follows:

- [Human Rights and Equality Grants Scheme](#)

The Commission continued to give support to civil society under its Human Rights and Equality Grants Scheme (established in 2016) with a fund of €350,000. This funding supported capacity building, carrying out research, campaigns and actions to advocate for change. In 2024, the themes of funding were: Advancing Economic Equality; Promoting Access to Rights and Access to Justice; and, Promoting Climate Justice, Environmental Justice and a Just Transition. 24 projects were funded.

- [Consultation on the Commission's new Strategy Statement 2025-2027 -](#)

## [Invitation for Submissions](#)

The Commission invited civil society organisations to make submissions to its consultation to inform its new Strategy Statement 2025-27. Of the 64 submissions received, 33 were from a diversity of civil society and rights-holder groups.

## **Thought Forums**

The Commission organised three Thought Forums (half-day seminars) on areas of strategic interest. These Thought Forums were on the themes of 'Keeping Hate out of Communities' in response to rising extremism; 'AI and Digital Transformation' and Climate Justice, Environmental Justice and Just Transition'. These events brought together expertise from civil society (including at a European level), academia and other NHRIs on panel. The civil society participants (40-50 at each event) indicated what they felt the Commission and the State needed to achieve in support of civil society. These events also informed civil society's work and encouraged greater co-operation between organisations across civil society.

## **Conversations with Specific Groups**

The Commission organised two online conversations with specific groups to inform the strategy statement. The first was with the National Roma Network and the second was with a diverse group of young people supported by their youth organisations/youth workers.

- [Conference on Equality at Work: Promoting Socio-Economic Equality in Employment](#)

The Commission held a major conference in May 2024, targeting public and private sector employers regarding socio-economic equality in employment. Two-thirds of the 50 plus speakers were rights-holders and representatives of civil society organisations who had the opportunity via panels and to pass on expertise and insights to employers.

- [IHREC at 10 – Marking a Milestone](#)

The Commission marked its 10th Anniversary in December 2024. The programme included panels of diverse rights holders and civil society organisations that the Commission had worked with over the 10 years to advance their human rights and equality. The three cultural moments showcased human rights messages through music, song and theatre from civil society groups representing the Roma Community, young people of African descent and women who had experience of addiction.

- [Civil Society Events Space](#)

The Commission has a multi-purpose events space in its building that facilitates in-person and hybrid events. The space is free of charge to civil society organisations promoting human rights and equality to use for building capacity events, seminars or launches of publications. The Commission encourages its grantees to use the space. There were 45 civil society events held in this space in 2024, as well as a range of other joint Commission and Civil Society events.

### **NHRI actions to protect civil society space and human rights defenders (HRDs)**

The NHRI has organised consultations, participated in reporting, participated in advisory Committees and was active in public sector duty.

*The most important needs for the NHRI to advance the protection of HRDs nationally*

- [Letter to the Minister of Justice on provisions relating to Strategic Litigation Against Public Participation in the General Scheme of the Defamation \(Amendment\) Bill 2023 - IHREC - Irish Human Rights and Equality Commission](#)

In February 2024, the Commission [wrote](#) to the Minister for Justice regarding provisions relating to Strategic Litigation Against Public Participation in the [General Scheme of the Defamation \(Amendment\) Bill 2023](#). In this correspondence, the Commission highlighted that robust measures on a legislative, regulatory and policy basis are required at a national level to counter the threat of SLAPPs in order to protect human rights defenders. The Commission recommended that national legislation on SLAPPs should incorporate the measures contained in the EU anti-SLAPP directive, as proposed by the European Commission, going beyond the minimum requirements of the Directive where possible and appropriate in order to provide stronger safeguards against SLAPPs and protect human rights defenders. The Commission further recommended that national legislation incorporate the Council of Europe Draft Recommendation on countering the use of SLAPPs as proposed by the Committee of Experts on Strategic Lawsuits against Public Participation.

- [Submission to the Minister for Justice on the General Scheme of the Garda Síochána \(Recording Devices\) \(Amendment\) Bill](#)

In May 2024, the Commission made a submission to the Minister for Justice on the General Scheme of the Garda Síochána (Recording Devices) (Amendment) Bill. This draft legislation proposes the use of facial recognition technologies for use by An Garda Síochána. In this submission, the Commission highlighted that this new type of technology would impact on privacy rights, freedom of peaceful assembly and association, freedom of expression and freedom of movement. The Commission recommended that the Government note the

European Data Protection Board and the European Data Protection Supervisor calls for a ban on any use of artificial intelligence for automated recognition of human features, such as faces, in publicly accessible spaces, and a ban on artificial intelligence systems using biometrics to categorize individuals into clusters based on ethnicity, gender, political or sexual orientation, or other grounds on which discrimination is prohibited under Article 21 of the Charter of Fundamental Rights. The Commission also highlighted the High Commissioner for Human Rights' recommendation that states impose a moratorium on the use of remote biometric recognition technologies in public spaces, at least until the authorities responsible can demonstrate compliance with privacy and data protection standards and the absence of significant accuracy issues and discriminatory impacts, and until certain stated recommendations are implemented.

The Commission further highlighted that there is inevitably a tension between meaningfully vindicating individual rights and permitting law enforcement authorities to use and access technology to address the commission of serious crime. Therefore, any interference with the rights engaged under this legislation must comply with the principles of legality, necessity and proportionality.

- Anti-Human Trafficking Civil Society Consultations

The Commission as the independent National Rapporteur on Human Trafficking convened three consultations with Anti-Trafficking specialist civil society organisations in 2024 to share knowledge and discuss key issues in the sector. Civil Society Organisations also inform the Commission's Evaluation Reports of the Implementation of the EU Anti-Trafficking Directive.

The involvement of survivors of human trafficking is a cornerstone to the NHRI's work and it engaged extensively with victim-survivors through a series of survivor consultations. Survivors inform its Evaluation Reports of the Implementation of the EU Anti-Trafficking Directive, including in 2024, and in the high-level launch of the reports as expert speakers.

With the support of key civil society organisations that provide direct assistance to victims of human trafficking, the Anti-Human Trafficking team engages and consults with Survivors who have received assistance, support and protection in Ireland, for the development of the annual evaluation reports. The information obtained is anonymised and incorporated to the reports in the form of direct quotes and informing the analysis.

Consultant-Survivors are also invited to participate as speakers in the conferences to launch the evaluation reports, which aim to increase understanding of the lived experiences of victims of human trafficking in Ireland- and key issues. They are free to participate in the launch anonymously or named via recording, online or live, and are accompanied by CSO

caseworkers during the occasion. Survivors can at any time of the consultation process withdraw their consent to participate. Survivor engagement and survivor-informed research remains a central tenet of the Commission's work as National Rapporteur on Trafficking in Human Beings.

- National Rapporteur on Combating Trafficking in Human Beings

In September 2024, the Commission published its report [‘Trafficking of Human Beings in Ireland: Third Evaluation of the Implementation of the EU Anti-Trafficking Directive in Ireland’](#). The Commission engages with civil society organisations working in this space to inform its work on a regular basis and seeks its insights when reporting and making recommendations to the State. In this report the Commission made a number of recommendations regarding the protection of civil society space who provide services in the area trafficking of human beings. These are as follows: The Commission recommends that the State provides sustainable funding to specialist Civil Society Organisations providing services for victims of trafficking and that that dedicated multiannual funding is made available to Civil Society Organisations to develop awareness raising campaigns in their areas of expertise that highlight the specificities of each form of exploitation and/or encourage the utilisation of their expertise in the development of such campaigns.

- The International Covenant on Economic, Social and Cultural Rights

In January 2024, the Commission published its [submission to the Committee on Economic, Social and Cultural Rights as part of Ireland's fourth periodic report](#). In this submission, the Commission made a number of recommendations regarding civil society participation.

- Advisory Committees

The Worker and Employer Advisory Committee (‘WEAC’) and the Disability Advisory Committee (‘DAC’) have been established in line with [Section 18 of the Irish Human Rights and Equality Act 2014](#), which provides that the Commission shall establish advisory committees “for the purpose of establishing and maintaining effective co-operation with representatives of relevant agencies and civil society”.

WEAC: The WEAC was established to advise the Commission on issues in relation to human rights and equality in the workplace and in service provision. The Advisory Committee is made up of worker and employer representatives nominated by the Irish Congress of Trade Unions (ICTU) and by the Irish Business and Employers’ Confederation (IBEC) advise the Commission on fighting discrimination and vindicating rights and establishing a strong collaboration with workers and employers groups to drive equality and human rights.



DAC: The Commission established the DAC to support its statutory function of monitoring Ireland's implementation of the UN Convention on the Rights of Persons with Disabilities. DAC is made up of disabled people who have significant personal and professional experience, and wide expertise in relation to the rights of disabled people in Ireland. The DAC advises the Commission on its work and on how the Commission is fulfilling its mandate to hold the State to account on the rights of disabled people.

## NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

1. The Commission recommends that the State ensure that no barrier under the framework of the Charities Act 2009 (as amended) would prevent charities from conducting relevant political advocacy as part of their work. (See: Ireland and the International Covenant on Economic, Social and Cultural Rights, [Submission to the Committee on Economic, Social and Cultural Rights on Ireland's fourth periodic report](#), Irish Human Rights and Equality Commission, January 2024, p. 17.
2. As the Independent Monitoring Mechanism for the UNCRPD, the NHRI note that the State has specific obligations under Article 4.3 on the participation of disabled people, including through their representative organisations, in the implementation and monitoring of their rights. (See: United Nations Convention on the Rights of Persons with Disabilities, General comment no. 7 on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention (2018)). The Commission recommends that the State support the establishment and work of local and national DPOs, including through increasing and reorienting funding to allow for the genuine inclusion of disabled people. (See: Ireland and the International Covenant on Economic, Social and Cultural Rights, [Submission to the Committee on Economic, Social and Cultural Rights on Ireland's fourth periodic report](#), Irish Human Rights and Equality Commission, January 2024, p. 17.
3. As Ireland's National Rapporteur, the Commission recommends that the State ensure that specialist civil society organisations with expertise of trafficking are fully supported, and their role formalised within the reformed National Referral Mechanism. This includes the State providing sustainable funding to specialist civil society organisations providing services and support to victims of trafficking. (See: [Trafficking in Human Beings in Ireland – Third Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), Irish Human Rights and Equality

Commission, September 2024, p. 27).

## Ireland 2025

### Information from: Irish Human Rights and Equality Commission

## Functioning of justice systems

Access to legal aid and timely and effective execution of national courts' judgments are reported to be significant challenges affecting access to justice and/or effective judicial protection.

### Delays in court proceedings

The Commission has experience from its casework of delays before the equality tribunals (Workplace Relations Commission, Labour Court, etc) – some cases obtain hearing dates quite quickly while in other cases it can take a long time to be allocated a hearing date. Also, these bodies do not tend to schedule cases for a number of days (e.g., a three-day hearing will usually not take place across the three consecutive days and instead further days need new scheduling dates resulting in cases taking a year or more to be heard).

### Access to legal aid

The Commission is concerned that the blanket exclusion of some areas of law, and the preclusion of legal representation before quasi-judicial tribunals, from the remit of the Scheme will deny some individuals their right of access to justice. The Commission has also noted issues with delays in being granted legal aid where this is available and raised concerns regarding the financial eligibility and merits tests associated with the Civil Legal Aid Scheme which could result in people of insufficient means being unfairly excluded from the Scheme and from accessing justice. (See [Submission to the Independent Review of Civil Legal Aid Scheme](#) at pp. 17, 33, 62.)

In its [submission to the International Covenant on Economic, Social and Cultural Rights](#) the Commission highlighted that the operation of the *Intoxicating Liquor Act 2003* has significant implications for the Traveller community as they are frequently refused admission to licenced premises, including for family events, and are more likely to require redress. Section 19 of the 2023 Act requires people claiming discrimination against licensed premises to apply to the District Court rather than the informal, more accessible Workplace Relations Commission. The transfer of jurisdiction to the District

Court creates more adversarial conditions and imposes onerous obligations on claimants. In particular, formal rules, burden of proof requirements and technical documentation create a procedurally complex system which is more costly than the Workplace Relations Commission, with negative impacts for access to justice. The Commission recommended that jurisdiction for discrimination cases against licensed premises is returned to the Workplace Relations Commission by repealing section 19 of the Intoxicating Liquor Act 2003. At p.46.

- Irish government breaches Article 1 of the CFREU by failing to provide accommodation to International Protection applicants.

On 1 August 2024 the Irish High Court ruled that the Irish government had failed in its duty to provide for basic needs of international protection applicants (“IPAs”), breaching their right to dignity under the EU Charter of Fundamental Rights.

These judicial review proceedings were brought by the Commission, in its own name, against the State. They were brought in respect of a class of persons, in this case IPAs who were not offered accommodation when they made their asylum claim. When the Commission began these proceedings, in December 2023, 259 IPAs were unaccommodated by the State. The hearing took place in May 2024. At that stage, between December 2023 and 10 May 2024, 2,807 IPAs had not received an offer of accommodation and 1,715 IPAs remained unaccommodated by the State.

The Commission sought declarations from the High Court that the failure to provide for the basic needs of IPAs breached their human rights. The Commission also sought mandatory orders from the High Court to compel the State to fulfil its legal obligations to provide for the basic needs of IPAs. This includes the provision of accommodation, food and access to basic hygiene facilities.

The High Court ruled that the State’s response to the needs of IPAs who were acknowledged to be without accommodation was inadequate to the point that the rights of the class of person concerned in the proceedings under Article 1 of the EU Charter of Fundamental Rights (the right to human dignity) had been breached by the State.

The High Court accepted that the evidence provided to it from a sample of unaccommodated IPAs, taken with the general evidence from the Commission and NGO witnesses, established that the consequences of an inability to access basic needs, particularly housing and hygiene services, was that those persons were left in a deeply vulnerable and frightening position that undermined their human dignity.

The High Court was satisfied by the grant of the declaration was sufficient to

remedy the human rights breaches and considered that it was not necessary to grant the mandatory order.

The State has appealed this judgment to the Court of Appeal and the appeal is scheduled for early March 2025. As of 14 January 2025, 3220 IPAs are awaiting an offer of accommodation from the State.

### **Impact on women and marginalised groups**

In its [submission to the International Covenant on Economic, Social and Cultural Rights](#) the Commission also highlighted that at present, victims and survivors of domestic, sexual and gender based violence ('DSGBV') who require legal assistance in areas such as housing, eviction, social welfare and workplace sexual harassment are not entitled to legal aid under the Civil Legal Aid Scheme. Similarly, the current Scheme does not extend to facilitate participation of victims in all relevant criminal proceedings. For proceedings within the scope of the Scheme, there is an inconsistent approach to contribution charges, with contributions of between €30 and €150 payable in some cases. There are also issues with delays due to under-resourcing of legal aid boards throughout Ireland, which have a particularly negative impact on those involved in family law proceedings. The Commission recommended that review of the Civil Legal Aid Scheme is progressed as a matter of priority, to address pressing issues relating to scope, affordability and delay for victims and survivors of DSGBV. At p.100

### **Implementation by state authorities of European Courts' judgments**

The Commission has continued its work on Ireland's failure to implement the ECtHR judgment in *O'Keeffe v. Ireland* [GC 35810/09], which was handed down by the Grand Chamber 11 years ago. The case relates to the State's failure to protect Louise O'Keeffe from sexual abuse by her teacher, while she was a pupil in a State-funded national school in the 1970s. The Irish government had successfully denied responsibility in the Irish courts, on the basis that it was not the employer of the teacher/abuser, even though it paid his salary, set the national curriculum and inspected his work.

The ECtHR ruled that Ireland violated Article 3 of the ECHR as regards the State's failure to fulfil its obligation to protect Ms O'Keeffe. It further ruled that there was a violation of Article 13, taken together with the substantive aspect of Article 3 of the Convention, on account of the lack of an effective remedy as regards the State's failure to fulfil its obligation to protect her.

In the intervening 11 years, the State has persistently failed to implement this judgment, due to its failure to introduce a fair and accessible redress scheme for survivors of historical sexual abuse in schools.

The Commission continues to call on the State to introduce, without any further

delay, a fair and accessible scheme that provides redress to survivors in accordance with the Grand Chamber judgment, that is to say: a new redress scheme that:

1. Respects the O’Keeffe v. Ireland Grand Chamber judgment;
2. Does not include unreasonable or arbitrary conditions to admission;
3. Avoids further re-traumatising of survivors;
4. Is made available immediately; and
5. Recognises the stand-alone responsibility of the State to survivors.

The Commission has now made eight rule 9 submissions on this case to the Committee of Ministers, including two such submissions in 2024.

Furthermore, representatives from the Commission, together with Louise O’Keeffe, made a presentation to the Member States’ Permanent Representations to the Council of Europe in May 2024, requesting their support to have this case transferred from ordinary to enhanced supervision, due to Ireland’s ongoing failure to implement the ECtHR judgment. This meeting was facilitated by the European Implementation Network. The Commission representatives also met with the European Commission on Human Rights and Council of Europe’s Department for Execution of Judgments.

In April 2024, the Commission was also granted leave by the High Court to intervene as *amicus curiae* in litigation taken by a survivor of historical sexual abuse, who challenged his exclusion from State redress. This was a lead case, with a further 9 cases pending before the High Court. In June 2024, the State conceded all ten cases and paid a total of €840,000 to the ten survivors, which is the equivalent of the total of the sum that each would have received had they been admitted to the State redress scheme.

Separately, the Commission is currently providing legal representation to approximately two dozen survivors of historical sexual abuse in schools, who have not been able to access redress from the State (including some survivors who attended the same school as Louise O’Keeffe).

## **NHRI actions to support implementation of the European Courts’ judgments**

### *Rule 9 Submissions*

Between 2022 - 2024, the Commission has prepared four Rule 9 submissions. On 31 May 2024, the Commission, represented by Commissioner Noeline Blackwell, presented a briefing at the Council of Europe on the ongoing failure by Ireland to fully implement the *O’Keeffe v. Ireland* judgment, which was delivered by the European Court of Human Rights (ECtHR) 10 years ago.

This briefing was hosted by the European Implementation Network (‘EIN’),

based in Strasbourg, who also arranged for Louise O’Keeffe to attend and speak to delegates. EIR advocates for the full and timely implementation of judgments of the European Court of Human Rights and facilitates engagement with the Council of Europe’s structures. At this exceptional hearing, consisting of Permanent Representatives of the Council of Europe, Commissioner Noeline Blackwell briefed delegates on the State’s failure to implement this judgment. She advocated again for the Committee of Ministers to increase its supervision of the implementation of the *O’Keeffe* judgment (to what is known as the ‘enhanced’ supervision procedure).

### *Engagement with a national coordinator of the execution of judgments*

The Commission met with the national coordinator of the execution of judgments of the European Court of Human Rights in May 2024. The Commission also briefed the Permanent Representative to the Council of Europe in 2024 regarding the continued failure of State to implement the *O’Keeffe v. Ireland* judgment.

### *Awareness raising of the general public*

In December 2024, the Commission hosted a public webinar on the *O’Keeffe v. Ireland* judgment.

## **NHRI’s recommendations to national and regional authorities**

NHRI’s recommendations to national and regional authorities

1. The Commission recommends that the Irish State commit to a clear time bound implementation plan for the *O’Keeffe* judgement to ensure the provisions of an adequate and effective redress scheme. The Commission further requests the Committee of Ministers to transfer the *O’Keeffe* case to enhanced supervision so that that the process of execution may be more closely followed by the Committee of Ministers, with such supportive interventions for domestic execution process as may be deemed appropriate.
2. Civil Legal Aid: In June 2022 the Minister for Justice established an Independent Review Group to review the Civil Legal Aid Scheme. The Commission made a submission to the review in 2023. The Commission’s 2022-2024 Strategy Statement specifically highlights the need to broaden access to Legal Aid in order to fulfil our human rights obligations and this submission reiterated that equal access to justice is a cornerstone of a fair democracy. The Commission outlined key recommendations required to bring the current system into line with best human rights and equality policy. However, the report of the



Independent Review Group has not yet been published. The Commission recommends that review of the Civil Legal Aid Scheme is progressed as a matter of priority.

3. The Commission recommends that jurisdiction for discrimination cases against licensed premises is returned to the Workplace Relations Commission by repealing section 19 of the Intoxicating Liquor Act 2003.

## **Ireland 2025**

### **Information from: Irish Human Rights and Equality Commission**

## **Media freedom, pluralism and safety of journalists**

The NHRI reports misinformation and/or disinformation as the significant challenges affecting media freedom in Ireland.

The Commission made [a submission to the European Commission against Racism and Intolerance as part of Ireland's 6th Monitoring Cycle](#). In this submission, the Commission highlighted the rise in racism, discrimination and intolerance, unfolding both online and in communities. The growth of far-right ideology, leading to events like the Dublin riots, has been facilitated by systemic gaps in the protection against racism and intolerance in Ireland, including due to the absence of adequate regulation, online misinformation and disinformation driven by far-right groups (see p. 7).

In addition, the Commission highlighted that countering hateful narratives and misinformation is especially vital in times of political uncertainty and that public and private sector regulation of election-related misinformation, disinformation and conspiracy, as well as strict enforcement of community guidelines on political and other fundraising, will be critical safeguards to limit the spread of hateful ideas (see pps. 9-10).

## **NHRI's recommendations to national and regional authorities**

NHRI's recommendations to national and regional authorities

The Commission recommends that the Department of the Taoiseach develops

and implements an action plan to prevent the spread of hate and intolerance in election campaigns, which recognises the role of the Electoral Commission, Coimisiún na Meán, the Standards in Public Office Commission, mainstream political parties, digital platforms and community development organisations.

## **Ireland 2025**

### **Information from: Irish Human Rights and Equality Commission**

## **Other challenges to the rule of law and human rights**

The Commission would like to reiterate its concerns with the Government's approach to the legislative process. The European Commission has stated that "the rule of law is an essential safeguard for the well-functioning of our democracies, the protection of individual rights, and hence for the vitality and prosperity of our societies and economies" (see, European Commission, [2024 Rule of Law Report](#), p.1). It is in this context that the Commission echoes the European Commission's statement that "an open legislative process and attention to the quality of law-making has a long-term effect on the ability to ensure the rule of law." (see, European Commission, [2024 Rule of Law Report](#), p. 30).

The Commission has [repeatedly highlighted](#) the shortfalls in equality data in Ireland, including the difficulties in measuring outcomes for minority ethnic groups, the impact of State policies and schemes, and the overall extent to which the State is meeting its human rights commitments. The Commission welcomes the State's work to develop an Equality Data Strategy, which would be the first in Europe. However, it is concerned about the failure to complete, publish and implement the Equality Data Strategy.

## **NHRI's recommendations to national and regional authorities**

NHRI's recommendations to national and regional authorities

The Commission recommends that the State prioritise the immediate publication, promotion and implementation of the National Equality Data Strategy, including through the adequate resourcing of Government Departments and public bodies to deliver on its strategic approach and

actions.

The Commission recommends that the State proceed with the immediate ratification of the OPCAT and that it progresses without further delay the Inspection of Places of Detention Bill which is intended to deliver ratification of the OPCAT in Ireland and make its requirements binding in this jurisdiction.

The Commission reiterates that equal access to justice is a cornerstone of a fair democracy and recommends that review of the Civil Legal Aid Scheme is progressed as a matter of priority.

Co-funded by  
the European Union

