Ireland 2026

Information from: Irish Human Rights and Equality Commission (IHREC)

Executive summary

There has been further undermining of the legislative process, including a lack of opportunity for meaningful consultation with civil society and other key stakeholders, a lack of democratic scrutiny by parliamentarians, and rushed processes. Civil society's advocacy work is taking place in the context of anti-rights discourse with poorly regulated misinformation, disinformation and hate leading to a silencing of critical civil society voices and undermining the safety of human rights defenders (HRDs).

IHREC's role in the policy and legislative process has been undermined. This includes a lack of meaningful engagement by the State with its expert advice and follow-up to its recommendations. Such an approach to the legislative process impacts IHREC's ability to engage in the development of legislation, including those transposing the European Union (EU) law. The State's non-implementation of court judgments and international treaty mechanisms' recommendations also has profound human rights and equality implications. The State's position on the European Convention on Human Rights (ECHR) has no basis in the Programme for Government and is contrary to Ireland's longstanding commitment to human rights and multilateralism.

The State should ensure appropriate resourcing of civil society and that IHREC is adequately funded for all its mandates. Ireland should take a leadership role in Europe in defending civil society's independence and capacity during its Presidency and in ensuring there is no weakening of ECHR rights.

Ireland 2026

Information from: Irish Human Rights and Equality Commission (IHREC)

NHRIs' establishment, independence, effectiveness and resilience

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 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.

The re-accreditation of the Commission will be considered by the SCA in April 2026.

Regulatory framework and mandates

The national regulatory framework applicable to the NHRI has not changed since January 2025. The Commission carries out multiple mandates, including the NPM, Equality Body, CRPD national monitoring mechanism, EU Artificial Intelligence Act Article 77 Body, Independent National Rapporteur on Trafficking in Human Beings according to the Council of Europe Convention Against Trafficking and EU Anti-Trafficking Directive, and Monitoring Body on EU funds compliance with fundamental rights.

In addition, the Commission is part of the Joint Committee of Human Rights Commissions on the island of Ireland, provided for under the Belfast / Good Friday Agreement. This sees the NHRI working with the Northern Ireland Human Rights Commission to consider human rights issues on the island of Ireland. In addition, as part of the Joint Committee, the NHRI is tasked to work with the Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission to monitor implementation of the UK Government's commitment to there being no diminution of rights in Northern Ireland as a result of UK withdrawal from the EU. This role is provided for in the Windsor Framework (formerly protocol on Ireland/Northern Ireland) to the UK-EU Withdrawal Agreement.

Moreover, the Commission also carries out an enforcement role in relation to Ireland's gender pay transparency reporting framework. Arising out of the operation of the provisions relating to gender pay gap reporting in section 20A of the Employment Equality Act 1998, the Minister may request the Commission to consider exercising its powers in relation to equality reviews and equality action plans under section 32 of the Irish Human Rights and Equality Commission Act 2014 in relation to a particular undertaking, group of undertakings or the undertakings making up a particular industry or sector thereof and the Commission shall comply with such request. In addition, the Commission has the power to apply to the Circuit Court or High Court for an

enforcement order against organisations that do not comply with their reporting obligations pursuant to the Gender Pay Gap Information Act 2021.

In relation to the EU Directives on Standards for Equality Bodies, which will take effect in June 2026, the Commission will have to meet additional binding requirements in its capacity as a National Equality Body in areas such as accessibility, reasonable accommodation, litigation, data, and reporting.

Challenges and the needs to implement the wide mandate of the NHRI

The Commission is of the view that its current funding allocation is insufficient for the purpose of giving full effect to the breadth of its mandates. Notwithstanding incremental increases in funding each year across 2021-2025, in the same period the Commission's statutory mandates have expanded considerably arising from the State's International Treaty commitments, developments in EU law, and the domestic legislative agenda with respect to human rights and equality matters.

According to the Commission, at the national level, appropriate budget increases are needed to enable it to fulfil this wide range of mandates. Going forward, advance consultation and engagement with the State on potential further mandates for IHREC is also required.

At the regional level, the Commission is of the opinion that continued facilitation of connecting to colleagues, peer-learning, and capacity building would be very helpful. For example, ENNHRI's participation in the IHREC national annual conference in 2025 was extremely helpful in bringing a wider European perspective to national issues.

NHRI structural challenges, threats and resilience

Structural challenges faced by the Commission

In 2025, the Commission faced structural challenges in the form of insufficient or inadequate resources, lack of adequate follow up to NHRI recommendations as well as challenges in the selection and appointment of the decision-making body.

As regards the inadequate resources, the Commission is of the view that its current funding allocation is insufficient for the purpose of giving full effect to the breadth of its mandates.

Regarding the lack of adequate follow-up to its recommendations, the Commission notes that there is no legal requirement for Government to respond to or follow up on them. As a result, there is often poor engagement by duty bearers with the Commission's recommendations.

Threats faced by the Commission

The Commission has also faced threats in the form of online commentary on a prominent far-right news website. This is commentary that misrepresents the status of the institution (characterising the Commission as a 'State-funded NGO') and promotes misinformation about how the Commission uses its funding and the independence of Commission members.

Response of the Commission to threats and actions to strengthen its resilience

In relation to the threats experienced by the Commission, it intends to develop its emergency planning and crisis preparedness in 2026 including in respect of threats seeking to undermine independence and effectiveness. For example, the Commission intends for its staff to take part in the NHRI Academy, an annual flagship event organised by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the European Network of National Human Rights Institutions (ENNHRI). Every year, the Academy brings together NHRIs for practical training on how to address challenges that NHRIs face in their work. This year, it will focus on "Empowering human rights narratives in a shifting landscape: the role of NHRIs". This will assist the Commission to develop its expertise in responding to misinformation; the misuse of human rights language for anti-human rights purposes; polarised discourse, including anti-migrant narratives; the relationship between disinformation, discrimination, and hate crimes; the impact of artificial intelligence on human rights-related information and narratives; and strategies to reframe and counter anti-human rights narratives.

NHRI's recommendations to national authorities and regional authorities

IHREC recommends to national authorities:

1. To ensure there is advance communication and meaningful consultation and engagement with IHREC on any potential new mandates.
2. To ensure IHREC's funding allocation is sufficient for the purpose of giving full effect to the breadth of its mandates.
3. To counter misinformation and disinformation about the work of IHREC as NHRI and NEB.

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Information from: Irish Human Rights and Equality Commission (IHREC)

Human rights defenders and civil society space

Challenges for human rights defenders and restrictions to civil society space

In its submission on the International Convention on the Elimination of All Forms of Discrimination against Women, the Commission noted that the advocacy work of civil society is taking place in the context of anti-gender and anti-rights discourse and the hate directed at civil society advocating on gender equality. This is leading to a silencing of critical civil society voices. In line with the CEDAW Committee's General Recommendation No. 40, there is a need for a more inclusive and enabling environment for civil society actors to participate in the design, implementation and monitoring of legislation and policy; and to ensure participation is an ongoing rather than a once-off process. The State must adopt models of collaborative governance wherein formal roles exist for civil society to have influence over policy and legislation. Civil society organisations should be resourced and supported in a way that promotes and values active and sustained engagement in participatory mechanisms.

The Commission has also identified **structural challenges for CSOs and HRDs**, mainly in the form of lack of adequate funding for CSOs and HRDs, barriers in access to law/ policy making and meaningful public consultation, excessive administrative controls or audits and laws and/or policies which negatively impact on right to association or assembly and to protest.

Lack of adequate funding for CSOs working on women's and girls' rights

In its submission on the International Convention on the Elimination of All Forms of Discrimination against Women, IHREC noted its concerns around the persistent underfunding of civil society organisations working on women's and girls' rights and equality; and the conditionality of funding. Insufficient pay and conditions impact on the ability of civil society to recruit and retain staff. The underfunding and insecure conditions have a particular gendered impact, as women represent 75% of the staff in the community, voluntary and charities sector. Participants at IHREC's CEDAW Civil Society Forum raised concerns that funding programmes and models lead to competition for limited resources between civil society which is contrary to their collaborative approach to advocacy. Further, civil society's work is limited by funding conditions to deliver State-specified programmes and services rather than the provision of flexible resources that address women's and girls' priorities. Without increased funding and changes in funding arrangements, civil society organisations will have to limit their advocacy, reduce the level of service and may be forced to close. Participants at IHREC's CEDAW Civil Society Forum suggested that the receipt of State funding can have a chilling effect on civil society organisations'

advocacy and campaigning.

Inadequate engagement with CSOs working on women's and girls' rights in political decision-making and policy making

The Commission also noted that women and girls' civil society organisations remain committed to advocacy work and influencing public policy. However, despite the wealth of expertise in the sector and close contact with structurally vulnerable groups, consultations between civil society and the State are irregular, unpaid, inaccessible and do not effectively inform long-term change. The work of women's and girls' civil society organisations and their sources of funding should continue to be clearly regulated and subject to high standards of scrutiny, transparency and accountability. Such regulatory measures should avoid placing undue restrictions on wider civil society activity engaging in advocacy aiming to influence political decision-making and policy making, including with regard to human rights and equality issues**.**

Concern that proposed amendment of the Criminal Justice (Public Order) Act could negatively affect free speech and freedom of expression

In its submissions on the General Scheme of the Criminal Law and Civil Law (Miscellaneous Provisions) Bill 2025 the Commission noted that Head 26 proposes to give An Garda Síochána the power to direct a person to remove a face covering in a public place which could have a chilling effect on free speech and the freedom of expression, and may dissuade individuals from enjoying their fundamental right to protest. People wear face coverings for many legitimate reasons, including for health, religious, or cultural purposes. This new power risks being applied in a discriminatory way and would place Gardaí in an impossible position of having to discern the intention behind the wearing of face coverings. The Commission recommended that this provision be subject to extensive human rights scrutiny.

Activities of NHRIs to support civil society space and human rights defenders

In 2025, the Commission has taken a number of initiatives to **promote** civil society space and HRDs, such as the organization of joint meetings and/or roundtables, training for national authorities, or capacity building.

Public Sector Duty and the complementary Civil Society Guidance

The Public Sector Equality and Human Rights Duty (the Duty) under Section 42 of the Irish Human Rights and Equality Commission Act 2014 places a statutory obligation on public bodies to have regard to human rights and equality considerations in the performance of their functions. The Commission has a

mandate under Section 42 to provide guidance to public bodies and encourage them to develop policies and good practice in relation to human rights and equality. In 2024 the Commission developed a second edition of its Public Sector Equality and Human Rights Duty guide, in line with its mandate to support public bodies in understanding and complying with their statutory obligations. Responding to a need expressed by civil society for more information on the Duty and its application in practice, the Commission developed complementary Civil Society Guidance. The Guidance shows how engagement by civil society with public bodies on their implementation of the Duty can directly inform both the way they work and how they develop and deliver policies and services so that discrimination can be eliminated, and equality and human rights are promoted and protected.

Human Rights and Equality Grants Scheme

IHREC's 2025-2026 Grants Scheme is supporting projects that will gather evidence and build capacity to challenge current threats to human rights and equality including misinformation, disinformation, hate, poverty, and the climate crisis. Under the Irish Human Rights and Equality Commission's Human Rights and Equality Grants Scheme 2025-2026, 23 civil society organisations were awarded a total of €350,000 in funding. These projects will actively apply the Public Sector Equality and Human Rights Duty in:

- combatting disinformation, misinformation, and hate
- challenging the structural causes of poverty
- ensuring a human rights and equality led approach to climate and environmental justice and a just transition

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. We encourage our grantees to use the space.

Developing Guidance for CSOs

IHREC developed guidance to support civil society in reporting to and engaging with the Committee on the Elimination of Discrimination against Women during its review process of Ireland.

Moreover, in 2025, the Commission has also taken initiatives to **protect** civil society space and HRDs, including monitoring, and issuing recommendations to national authorities.

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.

IHREC Inaugural Annual Conference on Leadership

IHREC held its inaugural conference on Leadership on Human Rights and Equality in September which saw leaders from leaders from different sectors, including civil society, come together to foster open collaboration and community to tackle their key challenges around human rights and equality. IHREC's nationwide human rights survey providing crucial insights on public perceptions of cost-of-living crisis, increasing racism, and discrimination in Ireland was also released to mark the conference.

Ireland's EU Presidency

In December, IHREC made a Submission to the Public Consultation on the Development of the Priorities and Policy Programme for Ireland's Presidency of the Council of the European Union 2026. IHREC noted that the Irish Presidency will see significant negotiation of the Multiannual Financial Framework (2028-2034). IHREC welcomed proposals to increase funding to civil society through AgoraEU, but noted the absence of explicit safeguards for advocacy, policy-making participation, and protection from political interference and the resulting risk of reflecting Europe's shrinking civic space rather than reversing it. IHREC highlighted the need for a Presidency that defends civil society's independence and capacity and urged Ireland to promote a robust transposition of the Anti-SLAPP Directive and support the use of dissuasive

sanctions and funding conditionality on Member States that do not respect civic freedoms. IHREC and our European partners are deeply concerned by the effects of the cross-cutting simplification agenda on various legislative files, including particularly CSDDD, CSRD, GDPR and the AI Act. While reducing unnecessary administrative burdens is a legitimate aim, the current proposals appear to be driven by corporate lobbying (including from outside the EU) and risk deregulation by the back door, at the expense of fundamental rights, environmental protection, workers' rights and privacy.

IHREC noted that Ireland's Presidency can make a significant positive impact by actively promoting open policy-making processes, defending participatory rights, and ensuring that simplification measures do not come at the expense of transparency or fundamental rights. This is particularly important given rising disinformation, declining trust in institutions, and increasingpolitical polarisation across Member States. IHREC highlighted Ireland's forthcoming campaign for election to the UN Human Rights Council and emphasised that campaign priorities, particularly on civil society and human rights defenders, women's rights and gender equality, and the rights of LGBTIQ+ people should inform Ireland's approach within the EU, particularly at a time when civic space and equality protections are increasingly under attack from populists and hostile foreign influence.

Needs of the NHRI to advance protection of HRDs nationally

According to IHREC, the State should ensure IHREC's funding allocation is sufficient for the purpose of giving full effect to the breadth of its mandates.

NHRI's recommendations to national and regional authorities

IHREC recommends that:

1. The State should ensure that core, multi-annual, ring-fenced and autonomous funding is made available to women's and girls' civil society organisations, including community development, rural and grassroots organisations, which ensures decent work and adequate wages for staff and builds capacity to meet increasing need for advocacy and services.
2. The State should conduct an independent evaluation of civil society space to ensure a more inclusive and enabling environment for the active and informed participation of women's and girls' civil society organisations and directly resource and support their participation in stakeholder mechanisms.
3. Ireland's Presidency of the European Council in 2026 should:
    - defend civil society's independence and capacity
    - promote a robust transposition of the EU Anti-SLAPP Directive

- support the use of dissuasive sanctions and funding conditionality on Member States that do not respect civic freedoms
- actively promote open policy-making processes, defend participatory rights, and ensure that simplification measures do not come at the expense of transparency or fundamental rights.

Ireland 2026

Information from: Irish Human Rights and Equality Commission (IHREC)

Democracy - checks and balances, disinformation, and law-making processes

Disinformation

Based on the NHRI's human rights monitoring and reporting, the right to freedom of expression and the right to participation in public life, including elections, as well as trust in democratic institutions, were significantly impacted by the spread of disinformation.

Initiatives of the Commission to address disinformation

In 2025, the Commission has taken several initiatives to address disinformation, For example, the Commission provided a submission to inform the Committee on the Elimination of Discrimination against Women's review of Ireland's compliance with and implementation of the Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW'). Among other concerns, the Commission highlighted the lack of transparency as to which groups are funding far-right media platforms and a lack of countermeasures by the State to disprove misinformation and disinformation. The Commission also cautioned that there is a pressing need for the State to hold tech companies accountable for their algorithms which feature misinformation and disinformation to further protect vulnerable groups. A paradigm shift is needed based on an equality and human rights model, including through transformative investment by the State to eradicate poverty, combat misinformation, disinformation, and hate; mitigate climate impacts; build up our public service provision; and respond to the needs of structurally vulnerable women and girls.

The Commission also noted research that identified the persistent underrepresentation of women in politics due to structural barriers including

childcare responsibilities; financial constraints; cultural attitudes; and the prevalence of violence and harassment of women in politics, which is exacerbated by the growth of social media platforms and the inadequate regulation of online content. This toxic political atmosphere has a chilling effect on potential women candidates which may cause them to disengage from politics and leads to silencing of new political perspectives. The Commission further noted that gendered online hate-speech and political violence towards women candidates during electoral periods is a significant issue. Irish research on violence against politicians and on minoritised mother politicians evidences the disproportionate harassment and political violence towards women, particularly ethnic and racial minority and migrant women. Such violence has been found to be a catalyst for the decreased retention rate of women in political life in Ireland. This is a threat to women and a threat to democracy and the electoral system, undermining free and open participation. The Commission made recommendations in relation to the implementation of the Task Force on Safe Participation in Political Life's recommendations, and regarding the need for specific obligations on the Electoral Commission to address discriminatory rhetoric and hate speech in political discourse during candidate selection processes, elections and referendums.

Moreover, one of IHREC's strategic priorities in its Strategy Statement 2025-2027 is to develop robust responses to current and emerging threats to human rights and equality. To progress this aim, one of the objectives that IHREC will focus on is to protect and promote human rights and equality in communities by partnering with and supporting civil society to combat misinformation, disinformation, hate and poverty; increase solidarity; and support effective community responses.

Furthermore, IHREC's Chief Commissioner's speech at IHREC's inaugural conference on Leadership on human rights and equality highlighted that whilst far-right groups in Ireland remain small, their influence on politics and in the media is disproportionate and AI-driven recommender systems can radicalise users in weeks with young men disproportionately affected, targeted by extremist, racist and misogynistic content, misinformation, and harmful online communities. The Chief Commissioner highlighted IHREC's new role as one of nine designated fundamental rights regulators under the EU AI Act, and that it will work to ensure that AI systems deployed in Ireland respect fundamental rights, protect users and do not become tools of division or harm.

Lastly, at a hearing before the Oireachtas Joint Committee on Artificial Intelligence IHREC stressed that it must be provided with dedicated, ring-fenced, and multi-annual resourcing, including financial, technical and human capacity in order to fulfil its role under the EU AI Act effectively and in line with UN and EU standards.

Law-making processes

Based on the NHRI's human rights monitoring and reporting, the NHRI identified several significant challenges affecting law-making processes nationally, such as limited time of consultations, lack of mechanisms and processes in place to facilitate both general and targeted participation in the law-making process, as well as limited use of impact assessments, including human rights impact assessments.

Limited time for consultations

In relation to its legislative observations on the General Scheme of the International Protection Bill, which transposes the EU Migration and Asylum Pact into domestic law, the Commission highlighted that the scale, complexity and timeline of the transposition into domestic law emphasises the importance of meaningful consultation, and that stakeholder engagement regarding the development of this legislation remained a concern. Given the likely size of the Bill, the tight timeframe and the importance of the issues arising, the opportunity for meaningful pre-legislative scrutiny is now heavily circumscribed. The Commission noted that there was a real risk that issues that may have been thrashed out in consultation and meaningful Oireachtas scrutiny, would result in imperfect legislation that may ultimately end up in the courts.

Moreover, in its submission to inform the Committee on the Elimination of Discrimination against Women's review of Ireland's compliance with and implementation of CEDAW, the Commission noted that the State report into the March 2024 referendums to tackle gender stereotypes and remove discriminatory and outdated references to women embedded in the Irish Constitution contained no discussion or analysis on why the referendums were not passed by the Irish people. This analysis is critical for understanding the results and identifying the next steps to progress gender equality in Ireland. Some factors preliminarily identified include the short timeframe for holding the referendums, which limited the information campaigns on the proposals and led to a lack of clarity on the proposals; and the inadequate time given to consider the legislation providing for the amendments to the Constitution as pre-legislative scrutiny was waived, which meant that parliamentarians, stakeholders and civil society could not effectively examine the proposals. The Commission noted its view that this approach to the legislative process raises rule of law concerns.

Lack of engagement of the Commission in the law and policy-making processes

The Commission also noted that it has observed a gradual undermining of its role in the policy and legislative process, with a lack of meaningful engagement by the State with its expert advice and recommendations. Given the significant

resources, financial, technical and human, which it has invested to work pro-actively and positively with the State, it is concerning when its advice and recommendations are not responded to or implemented. The Commission has also noted rule of law concerns with the State's approach to the legislative process which impacts on its ability to engage in the development of legislation with profound human rights and equality implications.

The Commission also noted that, in line with the CEDAW Committee's General Recommendation No. 40, there is a need for a more inclusive and enabling environment for civil society actors to participate in the design, implementation and monitoring of legislation and policy; and to ensure participation is an ongoing rather than a once-off process.

Moreover, the Commission noted its grave concerns around the decision of the Minister for Justice to commence legislation that would allow for naturalised Irish citizenship to be revoked. The Commission considered that this legislation has the potential to empower any Minister for Justice to use revocation of naturalised citizenship in inappropriate or disproportionate circumstances. The Commission noted that in July 2024 the Government rushed this legislation through the Houses of the Oireachtas in just 8 days. The Commission had engaged with the then Minister for Justice urging her to delay enactment of the new provisions until the Autumn to allow for proper legislative scrutiny before enactment, and the introduction of appropriate safeguards. In the Commission's view, the Government's approach and this new law raise serious rule of law concerns.

Furthermore, as Ireland's Independent National Rapporteur on the Trafficking of Human Beings the Commission published legal observations in relation to Part 4 and Part 5 of the General Scheme of the Criminal Law (Sexual Offences, Domestic Violence and International Instruments) Bill 2025. However, the Department of Justice did not routinely engage with the National Rapporteur to consult on and seek expert input on significant draft legislative proposals. Related to this, there was then insufficient time and scope to provide meaningful input into legislative proposals going through the legislative process to transpose EU legislation. The Commission noted in its observations that they had been prepared within limited timeframe and relate to complex legislative provisions of EU and domestic law and that it intended to engage in additional analysis as there are further developments in respect of transposition. The Commission also noted that civil society groups active in the area of trafficking do not appear to have been invited to engage in pre-legislative scrutiny of the General Scheme despite having critical perspectives.

The Commission's actions to address challenges identified in the context of law-making processes

IHREC initiated a procurement process to commission research into the Rule of

Law and the Oireachtas (Parliament) to examine the role of the Oireachtas in this regard, issues that have arisen in recent governments, and the actions that can be taken by the Oireachtas and IHREC to protect, advance and monitor the Rule of Law. It is anticipated that this research will be progressed in 2026.

NHRI's recommendations to national and regional authorities

Concerning disinformation

IHREC recommends that:

1. The State should provide IHREC with dedicated, ring-fenced, and multi-annual resourcing, including financial, technical and human capacity in order to fulfil its role under the EU AI Act effectively and in line with UN and EU standards.
2. The Electoral Commission (An Coimisiún Toghcháin) should be mandated with specific obligations to address discriminatory rhetoric and hate speech in political discourse during candidate selection processes, elections and referendums.
3. Codes of conduct for public representatives and election candidates should be developed which clearly prohibit the use or endorsement of misogynistic hate speech.

Concerning law-making processes

The Commission recommends that:

1. The State, as part of its full and ambitious transposition of the EU Directives on Standards for Equality Bodies, should engage with IHREC to ensure procedures are established, on a statutory basis, to facilitate proactive consultation between the Government / public bodies and IHREC on legislation, policies, and practices related to all of NHRI's statutory mandates.
2. The State should ensure, by way of legislative provision, that the Government and public bodies are required to follow the consultation procedures and that IHREC has the power to publish recommendations and to request follow-up to these recommendations in relation to all of our statutory mandates.
3. The State should adopt models of collaborative governance wherein formal roles exist for civil society to have influence over policy and legislation. Civil society organisations should be resourced and supported in a way that promotes and values active and sustained engagement in participatory mechanisms.

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Other challenges to the rule of law and human rights

The Commission has also identified **several persisting challenges or key developments for the rule of law** in 2025, such as potential changes to the European system of human rights protection, and the lack of ratification of the Optional Protocol to the Convention Against Torture.

Proposed changes to the European system of human rights protection could undermine the Convention system

The Commission is deeply concerned about the ongoing discussion on potential changes to the European system of human rights protections and Ireland's decision to become a signatory to the Joint Statement of 27 States delivered to the Conference of Ministers for Justice of the Council of Europe. The Joint Statement sets out a case for changes to the European Convention on Human Rights (ECHR) and how it is interpreted including a specific focus on changes to the interpretation of Articles 3 and 8. The changes proposed could undermine the entire Convention system, including the independence of the European Court of Human Rights (ECtHR). The Commission sent correspondence to the Ministers for Justice, Home Affairs, and Migration, and of the Department of Foreign Affairs and Trade, on 01st December and 12th December outlining its grave concerns on the matter. The Commission notes that Ireland has consistently been among the strongest supporters of the Council of Europe and the independence of the ECtHR and warns that the Convention also acts as a foundational guarantee of rights underpinning the Belfast/Good Friday Agreement. The framing of the proposed position calling for change to the ECHR fundamentally erodes the basis of the Convention and its logic and the Commissions deeply regrets that Ireland has decided to support an effort that seeks to weaken protection of the rights of one group of rights holders, namely migrants.

Lack of ratification of the Optional Protocol to the Convention Against Torture

Ireland remains the only EU Member State yet to ratify the Optional Protocol to the Convention Against Torture (OPCAT). The Commission, in its submission to the Committee on the Rights of Persons with Disabilities, notes that the State's failure to ratify OPCAT creates a significant gap in preventative mechanisms

against torture in places of detention. Ongoing delay impacts on the effective, independent oversight of criminal justice settings, and de facto detention. Further, the State has failed to submit its report to the UN Committee Against Torture thus delaying UN scrutiny. The ongoing failure of the State to ratify OPCAT is of particular concern in the context of the EU Pact on Migration and Asylum which provides for an expansion of immigration detention**.** The Commission again called for the immediate ratification of OPCAT by the Government of Ireland following the publication of a report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to Ireland in May 2024. In it, the CPT expressed serious concern over worsening conditions in the country's prisons, particularly for male inmates. The CPT noted with "deep disappointment" that many recommendations from its 2019 visit remain unaddressed, with some areas deteriorating significantly. The CPT report identifies as areas of specific concern being critically inadequate mental healthcare, widespread inter-prisoner violence and a pattern of preventable deaths in custody (often without critical incident reviews), and allegations of abuse by staff in areas lacking CCTV coverage. The fact that OPCAT ratification continues not to have been effected is now considered by IHREC to be a rule of law issue.

Failure to comply with the ECtHR judgments

In June 2025, the Commission wrote to the Council of Europe's supervisory body for the ninth time in relation to Ireland's ongoing failure to comply with the 2014 judgment of the European Court of Human Rights in *O'Keeffe v Ireland* as it has not yet implemented a fair and effective redress system for abuse survivors. A consequence of the case won by Louise O'Keeffe in 2014 was the legal obligation placed on Ireland to introduce a redress scheme for people who were subjected to sexual abuse in State-funded schools before the State's introduction of child protection measures in the early 1990s. The Commission noted the State's intention to establish a Commission of Investigation into abuse in some schools but expressed grave concerns that this proposal may further delay the provision of redress by the State to survivors. To date, the State's approach to the provision of redress to survivors of sexual abuse in schools has been discriminatory and arbitrary.

NHRI's recommendations to national and regional authorities

The Commission recommends to national authorities that:

1. Ireland should maintain a leadership position in defence of the ECHR system and ensure that there is no weakening of rights protection under the ECHR.
2. Ireland should immediately ratify the Optional Protocol to the

Convention Against Torture (OPCAT).

3. Ireland should immediately implement the judgment of the ECtHR in *O'Keefe v Ireland*.

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