

Franet National contribution to the Fundamental Rights Report 2024

Ireland

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1. Impact of the cost-of-living crisis and rising poverty in the EU

1.1. Legal measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

The Energy (Windfall Gains in the Energy Sector) (Cap on Market Revenues) Act 2023 was signed into law on 17 November 2023. The Act gives full effect to Articles 6, 7, 8 and 10 of Council Regulation (EU) 2022/1854 of 6 October 2022, through the introduction of a cap on the revenues of specific electricity generators operating within the State and provide for the redistribution of the collected funds back to consumers.¹ This Act together with the Energy (Windfall Gains in the Energy Sector) (Temporary Solidarity Contribution) Act commenced 2 August 2023 satisfies the amount of proceeds and applicable timeframes as per the Council regulation.² The Electricity Costs (Emergency Measures) Domestic Accounts Act 2023 signed into law on 10 November 2023 provides for three payments of €150 to be made to automatically over 2.2 million domestic electricity accounts between December 2023 and April 2024.³ This is a lower amount than the €600 credit in Budget 2023 set out in the Electricity Costs (Domestic Electricity Accounts) Emergency Measures Act 2022 but now includes household accommodation whose electricity was supplied through 'sub-meters' who were not previously eligible, excluding some of the most vulnerable households.

A Private Members Bill - Electricity Regulation (Amendment) (Protection of Financially Vulnerable Customers) Bill 2023- was introduced on 21 Feb 2023 , and not opposed by the Government. The purpose of the Bill was to update the definition of "vulnerable customers" in primary legislation to include those in receipt of social welfare income supports. The bill reached Second Stage but did not progress further. The Government Energy Poverty Action Plan expanded to include financially vulnerable people for Budget purposes only.⁴

¹ Ireland, [Energy \(Windfall Gains in the Energy Sector\) \(Cap on Market Revenues\) Act 2023](#)

² Ireland, [Energy \(Windfall Gains in the Energy Sector\) \(Temporary Solidarity Contribution\) Act 2023](#)

³ Ireland, [Electricity Costs \(Emergency Measures\) Domestic Accounts Act 2023](#)

⁴ Ireland, Government of Ireland, [Energy Poverty Action Plan](#), 13 December 2022.

Budget 2024 set out particular benefits for the following groups: Pensioners, Families and Children, Lone Parents, Carers, People with Disabilities, and Jobseekers.⁵⁶ Cost of living measures included cost of living lump sums of €300 to all households getting the Fuel Allowance, €200 for pensioners and people with a disability getting the Living Alone Increase, €400 for people getting Carer's Support Grant or Disability Allowance, Blind Pension or Invalidity Pension, €400 to all families getting the Working Family Payment and once-off double payment of Child Benefit to all recipients, €100 per child for people getting an Increase for a Qualified Child, and January cost of living bonus (amount not specified) to most people receiving long-term weekly social welfare payment including all pensioners, carers and people on disability payments. A range of social welfare payments increase by 12 euro or pro rata for all recipients. Income thresholds for the Working Family payment increase by 54 euro. Hot School Meals are extended, as is Parents' Benefit. Carer's Allowance income disregard and Domiciliary Care Allowance is increased. The ceiling for the 2% Universal Social Charge (USC) band is increased, the 4.5% band is reduced to 4% and a reduced rate of USC for medical card holders is extended until 31 December 2025.

Cost of living measures during 2023 included double payment weeks in October and December 2023, payment rate increases from January and a wide range of lump sum payments to primary recipients of qualifying payments - both contributory and non-contributory. This payment was part of a wider Spring package costing €410m,⁷ following a €2.2 Billion Social Protection Budget 2023 Package, the largest in the history of the state.⁸ The Department for Social Protection also brought in measures in 2022 to help households with increasing prices, including Fuel Allowance lump sums and an increase in Back to School Clothing and Footwear Allowance.⁹

Under the Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022¹⁰, 'no fault' tenancy terminations were deferred until after 31 March 2023. This was a reintroduction of the eviction ban brought in during the Covid-19 pandemic, designed as an interim measure in response to the cost-of-living crisis. The ban has not been renewed despite statistics showing high levels of

⁵ Ireland, Government of Ireland (2023), [Budget 2024](#), 10 October 2023.

⁶ Ireland, Government of Ireland (2023), [Draft Budgetary Plan 2024](#), 10 October 2023.

⁷ Ireland, Department of the Taoiseach (2023), [Government announces new cost-of-living measures for families, businesses and the most vulnerable](#), 21 February 2023.

⁸ Ireland, Department of Social Protection (2022), [Minister Humphreys announces Social Protection Budget worth €2.2 billion](#), 27 September 2022.

⁹ Ireland, Department of the Taoiseach (2023), [Government announces new cost-of-living measures for families, businesses and the most vulnerable](#), 21 February 2023.

¹⁰ Ireland, [Residential Tenancies \(Deferment of Termination Dates of Certain Tenancies\) Act 2022](#)

homelessness.¹¹ Budget 2023 introduced a new €500 Rent Tax Credit to support private renters and this was increased to €750 a year from 2024.¹² Families availing of the HAP are not eligible to claim despite HAP tenancies being the most common pathway out of homelessness.¹³

Measures to address cost of living rises were influenced by calls by the Central Bank of Ireland “for cost of living supports to be targeted (at those that need them most), temporary (to avoid adding to medium-term inflationary pressures) and tailored (to the specific challenge facing households and businesses).”¹⁴

The UN Committee on the Rights of the Child expressed serious concern about the large number of children living in poverty, food insecurity and homelessness and children of ethnic minority groups who do not have access to child benefit payments due to the habitual residence condition, despite improvements made in the Social Welfare Bill 2022 and the Road Map for Social Inclusion.¹⁵ It particularly welcomed measures to guarantee the right to education for children, including the free education scheme and increased funding under the 2023 budget.¹⁶ After announcing the 2024 budget, the Government published a report setting out how the budget would specifically address child poverty and child well-being. Specific measures include weekly rate increases for personal and children social welfare rates, extending Child Benefit to 18 year olds in full time education, the extension of Parent’s Benefit by two weeks to nine weeks and expansion of the Hot School Meals programme. There is an increase in all family income thresholds of the Working Family Payment and a lump sum of €100 paid in respect of each child for whom a person receives an Increase for a Qualified Child. There are also a range of cost of living payments.¹⁷

¹¹ Ireland, Department of Housing, Local Government and Heritage (2023), [Homeless Report - September 2023](#), 27 October 2023. The report states that 12,827 individuals were accessing emergency accommodation.

¹² Ireland, Citizens Information (2023), [Rent Tax Credit](#).

¹³ Ireland, Childrens Rights Alliance (2023), [Report Card 2023](#), 27 February 2023, page 178.

¹⁴ Ireland, Committee on Budgetary Oversight (2023), [Stability Programme Update: Discussion](#), 22 March 2023.

¹⁵ United Nations, Committee on the rights of the Child (2023), [‘CRC/C/IRL/CO/5-6 IRELAND: CONCLUDING OBSERVATIONS’](#), 28 February 2023.

¹⁶ United Nations, Committee on the rights of the Child (2023), [‘CRC/C/IRL/CO/5-6 IRELAND: CONCLUDING OBSERVATIONS’](#), 28 February 2023.

¹⁷ Ireland, Department of the Taoiseach (2023), [Breaking the Cycle: New Measures in Budget 2024 to Reduce Child Poverty and Promote Well-being](#), 14 November 2023.

1.2. Policy measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

In March 2023, the Minister for Social Protection stated that from 2024 hot meals will begin to be rolled out on a phased basis to primary schools not currently delivering this option with universal provision achieved by 2030.¹⁸ This was a response to recommendations from an evaluation of the School Meals Programme.¹⁹

The Department of Social Protection announced an 18 month pilot programme providing a case worker service in up to four regions of Ireland by organisations involved in emergency food provision (directly or indirectly). The case worker will assist in identifying the barriers and issues leading to food poverty and provide advice and access to services. The pilot commenced in September 2023,²⁰ and recruitment of case workers is still under way at December 2023.²¹

In recognition of the scale of the housing crisis in Ireland, Budget 2024 committed over €5 billion to capital housing funding; €242 million to support homelessness services and €35 million investment in the Housing First initiative, as well as €1.9 billion in capital funding in 2024 to deliver 9,300 new build social homes, €90 million to retrofitting of social housing in 2024 to reduce energy bills and €207 million to bring back into supply vacant and derelict units and to support regeneration of towns through the Urban Regeneration Development Fund (URDF).²² The Committee on Budgetary Oversight in its Pre-Budget 2024 Report noted its particular concerns around the potential impact the housing shortage may be contributing to capacity issues in the economy and recognised the impact of inflation on those in the lower income deciles, highlighting the need for measures in the Budget to specifically target supports at those most in need.²³

¹⁸ Ireland, Department of Social Protection (2023), Minister Humphreys announces plans for roll-out of Hot School Meals to all Primary Schools, 30 March 2023.

¹⁹ Ireland, RSM Ireland and Department of Social Protection (2022), Evaluation of the School Meals Programme, December 2022.

²⁰ Ireland, Houses of the Oireachtas (2023), Food Poverty, Dáil Éireann Debate, 7 December 2023.

²¹ Ireland, Department of Social Protection, RFT for the provision of case worker services by organisations involved in emergency food provision, 11 May 2023.

²² Ireland, Department of Public Expenditure (2023), Statement by Minister Donohoe on Budget 2024, 10 October 2023.

²³ Ireland, Houses of the Oireachtas (2023), Committee on Budgetary Oversight Pre Budget Report 2024, 5 October 2023.

A new funding strand, the Equal Participation Model, will provide a mix of universal and targeted supports through services accessed by children and families experiencing disadvantage. Traveller and Roma children are key cohorts in this model. Complementary to this a pilot scheme to provide hot meals in early learning services was announced in November 2022, and was under review in October 2023 with no confirmation about whether it would be extended.²⁴ A policy on the provision of meals in Early Learning and Care (ELC) and School Age Childcare (SAC) is to be developed but is not yet published. The Department of Children have also conducted a review of the Early Childhood Care and Education (ECCE) Programme with particular attention to harder to reach groups, including Traveller and Roma families to understand why the uptake is lower amongst these groups and to identify barriers which can be addressed through policy. The report is due for completion in Q4 2023.²⁵ Research in early 2023 showed that families dependent on social welfare with two children were short €93 per week. The Childrens' Rights Alliance called for a substantial action plan to tackle child poverty, including food poverty.²⁶ 15.2 percent of children were at risk of poverty in 2022 based on official data.²⁷

The Government established a Child Poverty and Wellbeing Programme Office in the Department of the Taoiseach in Spring 2023 to address income supports and joblessness; early learning and childcare; reducing the cost of education; family homelessness; consolidating and integrating family and parental support, health and well-being; and enhancing participation in culture, arts and sport for children and young people affected by poverty.²⁸ A free schoolbooks scheme for primary school pupils commenced in March 2023²⁹ was extended in Budget 2024 to include the first 3 years of state post-primary schools from September 2024.³⁰ A new policy framework for children and young people (0-24) covering the period 2023-2028 was published in August,³¹ informed by an externally commissioned report funded by the European Commission (DG REFORM) under the Technical Support Instrument (TSI).

²⁴ Ireland, Houses of the Oireachtas (2023), [School Meals Programme](#), Dáil Éireann Debate, 11 October 2023.

²⁵ Ireland, Childrens Rights Alliance (2023), [Report Card 2023](#), 27 February 2023, page 32, fn 75.

²⁶ Ireland, Children's Rights Alliance (2023) [Child Poverty Monitor 2023](#), 8 June 2023.

²⁷ Ireland, Social Justice Ireland (2023), [Poverty Focus 2023](#), 6 November 2023.

²⁸ Ireland, Government of Ireland (2023), [Child Poverty and Well-Being Programme Office](#), 1 September 2023.

²⁹ Ireland, Government of Ireland (2023), [Free Primary Schoolbooks Scheme](#), 22 March 2023.

³⁰ Ireland, Department of Education (2023), [Main Features of Budget 2024](#), October 2023.

³¹ Ireland, Department of the Taoiseach (2023), [Child Poverty and Well-being Programme Office: Programme Plan](#), 16 October 2023.

Table 1 – Promising practice

Promising practice	
Title (original language)	Child Poverty and Well-Being Programme Office
Title (EN)	Child Poverty and Well-Being Programme Office
Organisation (original language)	Government of Ireland Department of An Taoiseach
Organisation (EN)	Government of Ireland Department of An Taoiseach
Government / Civil society	Government
Funding body	Government
Reference (incl. URL, where available)	
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	September 2023
Type of initiative	Policy
Main target group	Children
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The initial 2.5 year Programme focuses on six areas including Income support and joblessness, Early learning and childcare, the cost of education and family homelessness.
Highlight any element of the actions that is transferable (max. 500 chars)	It is too early to say at this stage.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	This Office is intended to support the development of fiscal policy and supports which will directly target child poverty. The potential impact of this is visible in the 2024 Budget measures which address child poverty through a wide range of connected measures across different areas of government.

Promising practice	
Give reasons why you consider the practice as having concrete measurable impact	The Office has already influenced the nature of fiscal policy to address child poverty in Budget 2024 and will be responsible for publishing a new policy framework for 2023-2028.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The initiative marks a national commitment to addressing child poverty through cross-government cooperation, high-level leadership from the Taoiseach's office, direct policy impact and monitoring of outcomes, and can be replicated in other Member State governments.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice	A Cross-Government Network on Child Poverty and Well-being has been established to support the activities of the Office. ³² The purpose of the cross-government network is to bring together the very wide range of actors across government departments, their agencies and local authorities who are responsible for implementing actions and policies which impact on the objective to end child poverty and enhance child well-being.
Explain, if applicable, how the practice provides for review and assessment	The Cross-Government Network and other stakeholders will feed into the Office's development of an annual child poverty summit and annual update report.

³² Ireland, Department of the Taoiseach (2023), First Meeting of the Cross-Government Network on Child Poverty and Well-being, 19 October 2023.

2. Threats to democratic values - Protecting civic space, strengthening meaningful participation and the rights to freedom of association, peaceful assembly and expression

2.1. Major threats to democracy as reflected in national legal and political developments and the discourse at national level.

Table 2 – Challenges

Based on a scan of legislative and policy and other developments and the public discourse please identify **three major challenges** to democracy emerged in the course of 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Attacks and threats to the safety of civil society organisations, human rights defenders and journalists	There has been a significant spike in anti-immigrant protests in Dublin and across Ireland, ³³ although the number of participants and the frequency of anti-migrant demonstrations waned across the year. Threats against refugee and migrant support groups increased. ³⁴ In May 2023, suspected far-right supporters carried out an arson attack on a makeshift migrant camp in Dublin while police monitored a counter-protest led by

³³ Ireland, Houses of the Oireachtas (2023), Simon Harris TD, Answers: An Garda Síochána, Dáil Éireann Debate, 25 May 2023.

³⁴ Ireland, Hope and Courage Collective (2023), An Analysis Of The Main Organised Hate Activity in Ireland 2023, 29 September 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>civil society organisations and human rights defenders nearby.³⁵ The behaviour of far right groups since 2022 has become increasingly hard-line, with politicians, public servants, and community leaders being personally targeted in their homes and workplaces. Protests have involved children as protestors as well as adults, and have taken place at state accommodation for asylum seekers, private family homes, workplaces, and graveyards.³⁶ Nine buildings designated for use as state accommodation for asylum seekers were subject to suspected arson in 2023, including one in use.³⁷</p> <p>Intimidation of journalists: Dublin City University published a new study ‘Social media and online hostility: Experiences of women in Irish journalism’ which highlighted the particular risks created by social media, including outright threats and concerns for physical safety when online harassment crosses into “real life”, as well as the impact of a spectrum of negative, hostile encounters including name-calling, unwanted sexual advances, stalking and obsessive behaviour, intimidation and threatening images.³⁸</p>
<p>Legal and administrative constraints, harassment, intimidation, and reprisals against civil society organisations, human rights defenders (including SLAPPs - strategic</p>	<p>Ireland’s existing defamation laws facilitate SLAPPs against NGOs, activists, journalists, and others. There have been long-standing demands for reform of Irish defamation laws from both domestic and international actors. A long-overdue review of Ireland’s Defamation Act 2009 was published in 2022, recommending providing clearer protection for public interest journalism and introducing anti-SLAPP (Strategic Lawsuit Against Public Participation) mechanisms. This was largely welcomed though there were some concerns around the abolition of juries in defamation cases.³⁹ Rights afforded to Irish citizens by the Constitution include both the right to a good</p>

³⁵ Ireland, Counter Extremism Project (2023), Ireland: Extremism and Terrorism, August 2023.

³⁶ Ireland, Hope and Courage Collective(2023), Greater Than Fear: A community based response to tackling hate and fear, 9 September 2023.

³⁷ The Journal (2023), How arson attacks on properties linked to asylum seekers have escalated over the last six years, 19 December 2023.

³⁸ Wheatley, D. (2023), Social media and online hostility: Experiences of women in Irish journalism, 16 May 2023.

³⁹ Ireland, Irish Council for Civil Liberties (2023), Submission to the Justice Committee on Defamation Amendment Bill, 4 May 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
lawsuits against public participation)	<p>name and the right to freedom of expression, therefore, any reform to defamation laws are significant. The current draft Defamation (Amendment) Bill 2023 contains provisions related to SLAPPs, including the insertion of a new Part into the Act to deal with strategic lawsuits against public participation (SLAPPS) and amendments to the defence of ‘fair and reasonable publication’ on a matter of public interest to make it simpler and clearer.⁴⁰ On 28 March 2023, Government approved publication of the General Scheme of the Defamation (Amendment) Bill to reform our defamation legislation. The Justice Plan 2023 provided for the publication of the Defamation (Amendment) Bill in Quarter 4 2023, but this has not yet been published.⁴¹ The draft Bill has undergone Pre-Legislative Scrutiny in 2023.⁴² The General Scheme of the Bill describes SLAPPs as: “Strategic and abusive use of vexatious litigation, by a powerful entity or individual to weaken and deter public interest discussion (and in particular, investigative journalism).” The General Scheme proposes to allow a complainant to apply to court for summary dismissal of defamation proceedings that they believe are a SLAPP.</p> <p>The Bar Council of Ireland describes this insertion as a “far-reaching proposal”. While supportive of this new measure, the Council has warned that the wording relating to SLAPPs has the potential to have a much broader application, scope and effect than might be intended. However the wording of this section only captures journalists and does not take into account non-media defendants.⁴³</p> <p>The Irish Anti-SLAPPS Network has proposed that the legislation must make it possible for all public watchdogs to quickly and cheaply get rid of any abusive legal action. To that end, it is important that the legislation takes account of any case that can reasonably be determined to have been filed with an improper purpose. The threshold of “manifestly unfounded” as currently proposed is high and may preclude some SLAPP cases from</p>

⁴⁰ Ireland, Houses of the Oireachtas (2023), Proposed Legislation – Tuesday, 18 Apr 2023 – Parliamentary Questions – Minister for Justice, 18 April 2023.

⁴¹ Ireland, Department of Justice (2023), Minister Harris publishes draft legislation to reform Ireland’s defamation laws, 28 March 2023.

⁴² Ireland, Houses of the Oireachtas (2023), Report on Pre-Legislative Scrutiny of the General Scheme of the Defamation (Amendment) Bill, 27 September 2023.

⁴³ Ireland, The Bar of Ireland (2023), Submission to Joint Committee on Justice on the General Scheme of the Defamation (Amendment) Bill, May 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>being struck out. The definition of a SLAPP should also be made more inclusive and include - rather than be limited to - the “features of concern”. Finally, the scope of the bill should be widened to include anyone who is already facing a SLAPP.⁴⁴</p> <p>Whistleblowing: New legislation to strengthen protection for whistleblowers came into effect on 1 January 2023. The Protected Disclosures (Amendment) Act 2022 requires private-sector employers with 250 or more employees to set up formal channels for workers to report concerns about wrongdoing in the workplace. In addition, all public bodies will be required to overhaul their protected-disclosures procedures to comply with the act by the commencement date. A new Office of the Protected Disclosures Commissioner also began operations, under the auspices of the Ombudsman.⁴⁵ A derogation is in place for employers with between 50 and 249 employees, who will not be required to establish reporting channels until 17 December 2023. Ireland had been facing infringement procedures from the European Commission after missing a 2021 deadline for transposing an EU directive on the issue into national law.⁴⁶</p>
Lack of media freedom a/o media pluralism; disinformation (incl. online)	<p>In March 2023, the Government formally established Coimisiún na Meán, a new authority responsible for overseeing the regulation of broadcasting and video-on-demand services and for introducing the new regulatory framework for online safety. This implements part of the Online Safety and Media Regulation Act 2022. Coimisiún na Meán’s work will include setting up a new regulatory regime for online safety, regulating broadcasting and on-demand services, and supporting the development of the wider media sector with funding schemes, together with initiatives to promote the Irish language, media literacy, as well as equality, diversity and inclusion in the media sector.⁴⁷</p>

⁴⁴ Ireland, Anti-SLAPPS Network Ireland (2023), Opening Statement on behalf of the Ireland Anti-SLAPPS Network Ireland Oireachtas Joint Committee on Justice, 4 July 2023.

⁴⁵ Ireland, Protected Disclosures (Amendment) Act 2022

⁴⁶ Ireland, Law Society Gazette (2022), EU acts against Ireland over whistleblowing, 15 July 2022.

⁴⁷ Ireland, Coimisiún na Meán (2023), Work Programme, 20 June 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>A new National Counter Disinformation Strategy Working Group was established by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media on the recommendations of the Future of Media Commission. The Strategy will be informed by Ireland’s existing media literacy initiatives, domestic legislation such as the Online Safety and Media Regulation Act and European regulatory measures including the Digital Services Act. The working group is composed of representatives from industry, academia, civil society, and government departments. It is expected to complete its work by December 2023.⁴⁸</p> <p>Ireland ranked in 6th place in the Media Literacy Index 2023⁴⁹ and the level of trust in news in Ireland (47%) compares favourably to the UK (32%), the US (31%) and Europe (40%).⁵⁰</p> <p>Right-wing and far-right extremists have utilised disinformation as a tactic in their attempts to capitalise on national crises relating to housing, rent, homelessness, and the lack of accommodation for asylum seekers and refugees. They also use disinformation to oppose the advance of diversity and inclusion.⁵¹ Most recently this has been targeted at pending hate crime legislation.⁵²</p> <p>The 2022 Electoral Reform Act led to the establishment of an Electoral Commission (An Coimisiún Toghcháin) in February 2023. It includes provisions to tackle online disinformation during elections and referenda including the power to issue take-down and correction notices. There are additional provisions on the regulation of online advertising.⁵³</p>
Foreign interference	Nothing to report in 2023.

⁴⁸ Ireland, Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (2023), National Counter Disinformation Strategy Working Group, 16 October 2023.

⁴⁹ Open Society Institute (2023), European Media Literacy Index Report 2023, June 2023.

⁵⁰ Reuters (2023), Digital News Report 2023, 25 July 2023.

⁵¹ Culloty, E. (2023), The Disinformation Landscape in Ireland, 5 May 2023.

⁵² Ireland, Houses of the Oireachtas (2023), Minister McEntee, Dail Speech - Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022: Second Stage, 13 June 2023.

⁵³ Culloty, E. (2023), The Disinformation Landscape in Ireland, 5 May 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Lack of (processes for) transparent, accountable, democratic and pluralistic participation in law and policymaking; incl. access to information	Nothing to report in 2023.
Lack of election integrity (incl. electoral process, political campaigning and party financing)	Nothing to report in 2023.
Disproportionate use of law enforcement measures (surveillance, police violence, unlawful arrest etc.)	Nothing to report in 2023.
Corruption, including misuse of EU funds	<p>New legislation on whistleblowing, lobbying regulation and anti-corruption has resulted in few reports of corruption in 2023. Transparency International have expressed concern about Ireland’s facilitation of corruption overseas, particularly in respect of the use of Irish limited partnerships by entities in secrecy jurisdictions, and the changes to accessing the Register of Beneficial Ownership of corporate entities.⁵⁴</p> <p>In October, the Government launched a public consultation on the development of strategies to combat Economic Crime and Corruption.⁵⁵</p>
Lack of (effective judicial protection by) independent and impartial courts	The Courts and Civil Law (Miscellaneous Provisions) Act 2023 was passed in July 2023, providing for the appointment of 24 additional judges this year and a further 20 judges, to address inefficiencies in access to courts, and facilitate policy initiatives

⁵⁴ Transparency International (2023), Corruption Perceptions Index (CPI), 31 January 2023.

⁵⁵ Ireland, Advisory Council against Economic Crime and Corruption (2023), Public Consultation on the development of strategies to combat Economic Crime and Corruption, 13 October 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>under the programme for government such as the establishment of a dedicated Planning and Environmental Court and for the provisions under the Family Law Bill. A centralised office is established to administer the summoning of juries. The Act also allows for the first time partnerships between solicitors and barristers or between barristers and other barristers.⁵⁶ The European Network of Councils for the Judiciary identified funding of the judiciary as the key weakness in respect of independence.⁵⁷</p>
<p>Threats to (the independence of) the fundamental rights institutional landscape (NHRIs, equality bodies, data protection authorities and similar bodies), incl. closure of fundamental rights bodies, legal changes, budget cuts and harassment</p>	<p>The Government Budget 2022 outlined an increased allocation for IHREC to enable it to continue to meet its statutory obligation to protect and promote human rights and equality.⁵⁸ The significant expansion of the role of the Irish Human Rights and Equality Commission during 2022-23 in respect of rapporteur roles in both human trafficking and disability has not been matched by additional funding by Government in 2023.</p>
<p>Institutional issues linked to checks and balances (lack of parliamentary oversight, lack of implementation of final court decisions by executive, etc.)</p>	<p>Nothing to report.</p>
<p>Other major developments</p>	<p>Thirteen people were arrested and charged after an intimidatory far-right protest outside the national parliament in</p>

⁵⁶ Ireland, Courts and Civil Law (Miscellaneous Provisions) Act 2023, 22 July 2023.

⁵⁷ European Network of Councils for the Judiciary (2023), Indicators Independence, Accountability and Quality of the Judiciary: Reenforcing judicial protection, ENCJ Report 2022-2023, 9 June 2023.

⁵⁸ Ireland, Houses of the Oireachtas (2023), Joint Committee on Disability Matters, Aligning Disability Funding with the United Nations Convention on the Rights of Persons with Disabilities Budget 2023 Pre-Budget Submission, 33/DM/06, July 2022.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
threatening democratic values	<p>September when politicians and staff were threatened, jostled and harassed, and a mock gallows was erected. Photographs of prominent politicians were attached to the frame around an effigy hanging from a noose. Most of those arrested were detained as they attempted to block staff from leaving the building. Increased protests and threats against politicians led Gardaí to adapt their approach to policing protests.⁵⁹</p> <p>Far-right protests at public libraries between March and August included tearing up of LGBTQI-related books and harassment of library staff, condemned by a formal motion by Fingal County Council⁶⁰ and the subject of complaint to Cork County Council by Fórsa Trade Union regarding harassment of library staff as well as raised by TDs.^{61,62} There is ongoing concern about statements by An Garda Síochána that they will not ‘over-respond’ to far-right protests, despite increased assaults on police by far-right protestors⁶³ and on counter-protestors.</p> <p>Ongoing protests at healthcare services providing terminations of pregnancy were discussed frequently throughout debates on the creation of safe access zones. The debates drew on expert evidence and considered “narrow and necessary limits” on the right to protest to protect the rights to privacy, dignity, bodily integrity and access to healthcare, and the right of medical providers to access their place of work safely, override the right to protest.⁶⁴</p> <p>The Houses of the Oireachtas (Parliament) established a Task Force on Safe Participation in Political Life in response to increased exposure of the significant threats made to women and minority political representatives and candidates.⁶⁵</p>

⁵⁹ Ireland, Policing Authority (2023), [September 2023 Policing Authority meeting with the Garda Commissioner](#), 28 September 2023.

⁶⁰ Ireland, Fingal County Council (2023), [Minutes of meeting](#), 11 April 2023.

⁶¹ Ireland, Houses of the Oireachtas (2023), Mick Barry TD, [Dail Questions](#), Dáil Éireann debate, 5 July 2023.

⁶² Ireland, Houses of the Oireachtas (2023), [Public Sector Staff](#), Dáil Éireann Debate, 11 October 2023.

⁶³ Ireland, An Garda Síochána (2023), [Statement from Garda Commissioner Drew Harris regarding assaults on Gardaí and Garda recruitment](#), 23rd January 2023.

⁶⁴ Ireland, Houses of the Oireachtas (2023), [Health \(Termination of Pregnancy Services\) \(Safe Access Zones\) Bill 2023: Second Stage \(Resumed\)](#), Dáil Éireann debate, 11 July 2023.

⁶⁵ Ireland, Houses of the Oireachtas (2023), [Task Force on Safe Participation in Political Life](#), 25 May 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.

2.2. Legislative and policy measures having an impact on the freedom of assembly/association/expression of civil society actors.

In March 2023, the new Coimisiún na Meán (Media Commission) came into operation in pursuance of the Online Safety and Media Regulation Act 2022, including a new Online Safety Commissioner (OSC) who will regulate online services and will have enforcement powers to deal with disputes. It is currently developing Ireland’s first Online Safety Code⁶⁶, which will focus on the spread and amplification of harmful online content, including harmful content that meets a certain risk threshold (which is to be determined on the balance of probabilities) and will establish regulations for online platforms.⁶⁷

The Health (Termination of Pregnancy Services) (Safe Access Zones) Bill 2023⁶⁸ was passed in November 2023, which protects users of pregnancy services from direct contact with anti-abortion protestors through the creation of specialised criminal offences relating to conduct in “safe access zones” at healthcare facilities.

During 2023, the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022: Report and Final Stages⁶⁹ continued through the Oireachtas procedures and reached the second stage in Seanad Eireann, having been passed by the Dail in April 2023. The legislation remains awaiting final amendments and approval. The Bill amends the law relating to the prohibition of incitement to violence or hatred against a person or a group of persons on account of protected

⁶⁶ Ireland, Oireachtas Joint Committee On Tourism, Culture, Arts, Sport And Media (2023), [Engagement with Coimisiún na Meán on the 2023 Work Programme](#), 27 September 2023.

⁶⁷ Ireland, Coimisiún na Meán (2023), [Online safety](#).

⁶⁸ Ireland, [Health \(Termination of Pregnancy Services\) \(Safe Access Zones\) Bill 2023](#)

⁶⁹ Ireland, Houses of the Oireachtas (2023), [Criminal Justice \(Incitement to Violence or Hatred and Hate Offences\) Bill 2022: Report and Final Stages](#), 26 April 2023.

characteristics and to provide for an offence of condoning, denying or grossly trivialising genocide, war crimes, crimes against humanity and crimes against peace and, in doing so, to give effect to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law as well as to provide for certain criminal offences aggravated by hatred.

In March 2023, the Government published the National Action Plan Against Racism which includes actions for Coimisiún na Meán and others to take steps to ensure that measures to eliminate the dissemination of hate speech online are effective and have regard to the local context in Ireland.

The Garda Síochána (Recording Devices) Bill, which has not yet been finalised, will govern police use of bodyworn cameras for the first time and codes of conduct to accompany the legislation are to be developed. In anticipation of this legislation, An Garda Síochána confirmed that it intends to pilot the use of bodyworn cameras before moving to a national roll-out.⁷⁰

Table 3 – Case law

Case law	
Deciding body (in original language)	Supreme Court of Ireland
Deciding body (in English)	
Case number (also European Case Law Identifier ECLI , where applicable)	[2023] IESC 15
Parties	Emmett Corcoran and Oncor Ventures Ltd t/a The Democrat -V- The Commissioner of An Garda Síochána and the Director of Public Prosecutions
Decision date	June 22, 2023
Web link to the decision (if available)	

⁷⁰ Ireland, Irish Council of Civil Liberties (2023), [Bodyworn cameras pilot must ensure fundamental rights are protected – ICCL](#), 12 September 2023.

Case law	
Which fundamental freedoms of (peaceful assembly, association and/or expression) were referred to in the case?	Freedom of expression
Key facts of the case (max. 250 words)	<p>Note that this executive summary needs to be sufficiently comprehensive for the reader to understand:</p> <ol style="list-style-type: none"> 1. the facts of the case (so the “real life story”) presented in a chronological, short, and concise way 2. the legal background against which the case unfolded (what are the relevant legal norms that are applied) <p>A journalist objected to handing his phone over to gardaí investigating violence following a home repossession on grounds it would disclose journalistic sources and issuing of warrant was 'plainly unlawful'.</p> <p>The High Court found in a September 2020 judgment that there was no right to rely on a claim of journalistic privilege in the case. It ruled a limited examination of the phone was justified by the public interest in the proper investigation and prosecution of criminal offences. It ordered that a report accessible to investigating gardaí must not include contact details saved on the phone.</p> <p>This is an appeal made by the Garda Commissioner against a costs order, as well as the limiting of information to exclude contact details, and the journalist issued a cross-appeal, seeking a review of the lower court’s findings.</p>
The key legal question raised by the Court	<p>Is Section 10 of the 1997 Act sufficient to make the search warrant valid? The applicants did not challenge the constitutionality of s. 10 of the 1997 Act or seek a declaration as to its compatibility with the ECHR under s. 5(1) of the 2003 Act.</p> <p>Mr Justice Gerard Hogan in setting out the unanimous judgement said the case identified the “lack of safeguards designed to protect journalistic privilege”.</p> <p>Without some constitutional protection of the media’s right to protect sources, journalists “cannot be reasonably be expected to discharge their functions of educating public opinion and holding government to account in the manner expressly provided for in article 40.6.1 of the Constitution”,</p>

Case law	
	<p>he said. Although he accepted the constitutional issue of journalist privilege was “not fully argued in the appeal”, he commented that “without a free press there is no democracy in the manner required as part of the State’s constitutional identity as provided for in article five of the Constitution”.</p>
<p>Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised</p>	<p>The Supreme Court ruled that while in certain circumstances a journalist may have an implied or derived right to protect the identity of their confidential sources as a corollary of the right to freedom of expression, that such is not an inviolable or absolute right, and that it may be outweighed by the obligation to give relevant testimony with respect for criminal conduct. Despite this, it quashed the search warrants in the particular case, ruling that ‘journalistic privilege’ can exist in respect of a mobile telephone.</p> <p>Mr Justice Hogan said the case “exposed serious shortcomings” in the laws governing search warrants and may warrant attention by parliament.</p>