

# LIBERTIES

# RULE OF LAW

# REPORT

# 2026



#roi-report2026

# IRELAND



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## FOREWORD

The Liberties Rule of Law Report 2026 is the seventh annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental civil society organisation promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties groups from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Denmark, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

Drafted by Liberties and its member and partner organisations, the 2026 report covers the situation during 2025 with the purpose of providing the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right. Liberties' report represents the most in-depth reporting exercise carried out to date by a civil society network to map developments in a wide range of areas connected to the rule of law in the EU.

The 2026 report includes EU-wide trend analysis in the justice system, anti-corruption framework, media freedom, checks and balances, based on 22 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Nearly 40 organisations contributed to the compilation of these country reports. The 2026 report places particular emphasis on the recommendations made by the European Commission and how, in the assessment of Liberties' members, they have been implemented. Specific gaps were identified alongside new issues that arose in 2025.

**[Download the full Liberties Rule of Law Report 2026 here.](#)**

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# IRELAND

## ABOUT THE CONTRIBUTING ORGANISATIONS

### The Irish Council for Civil Liberties



The Irish Council for Civil Liberties (ICCL) is Ireland’s oldest independent human rights organisation. It has been at the forefront of every major rights advance in Irish society for 50 years, since 1976. ICCL helped decriminalise homosexuality, divorce and contraception. We have fought censorship and driven police reform, defending suspects’ rights in dark times. In recent years, ICCL has led successful campaigns for marriage equality, data protection and reproductive rights.

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## OVERALL ASSESSMENT: STAGNATOR

2025 saw the formation of a new government<sup>1</sup> and a presidential election.<sup>2</sup> While the year was marked by political stability, existing rule of law issues persisted. Legislative stagnation and structural weaknesses across the pillars of justice; anti-corruption; media environment and media freedom; and checks and balances remained unaddressed. Domestically, the government faced high levels of public dissatisfaction on issues such as housing,<sup>3</sup> and access to public services.<sup>4</sup> These pressures, coupled with short-term political considerations, limited the new government's capacity and willingness to prioritise long-overdue rule of law reforms.

Several long-awaited reviews and reports, including a review of the Civil Legal Aid Scheme,<sup>5</sup> were published during the year, but the conversion of analysis into legislation remained limited, contributing to ongoing stagnation. Courts and independent oversight bodies continued to serve as important independent mechanisms, but they remain significantly under-resourced, with delays, capacity deficits and outdated infrastructure undermining their effectiveness.<sup>6</sup> Civil society organisations (CSOs) continued to face constraints in the form of the Electoral Act 1997,<sup>7</sup> Section 22 of which effectively prohibits the acceptance of overseas funds for advocacy work.

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- 1 *RTÉ News*, New government deal sees two Independents at Cabinet, 14 January 2025, <https://www.rte.ie/news/politics/2025/0114/1490626-ireland-politics/>
  - 2 *Rory Carroll*, Leftwinger Catherine Connolly wins Ireland presidential election by landslide, *The Guardian*, 25 October 2025, <https://www.theguardian.com/world/2025/oct/25/catherine-connolly-ireland-presidential-election-left-wing>
  - 3 *Ella Sloane*, Our cities are dying: Large turnout at Dublin housing demonstration, *The Irish Times*, 5 July 2025, <https://www.irishtimes.com/ireland/social-affairs/2025/07/05/our-cities-are-dying-large-turnout-at-dublin-housing-demonstration/>
  - 4 *Social Justice Ireland*: Budget leaves Ireland's more vulnerable households condemned to prolonged hardship, 8 October 2025, <https://www.socialjustice.ie/article/budget-leaves-irelands-more-vulnerable-households-condemned-prolonged-hardship-0>
  - 5 *Department of Justice, Home Affairs and Migration*: Minister Jim O'Callaghan publishes historic review of Civil Legal Aid Scheme, *Government of Ireland*, 24 July 2025, <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-jim-ocallaghan-publishes-historic-review-of-civil-legal-aid-scheme/>
  - 6 *Irish Legal News*: Law Society of Ireland urges investment in underfunded and overstretched justice system, 5 September 2025 <https://www.irishlegal.com/articles/law-society-of-ireland-urges-investment-in-underfunded-and-overstretched-justice-system>
  - 7 Houses of the Oireachtas (Ireland) Electoral Act 1997 <https://www.irishstatutebook.ie/eli/1997/act/25/enacted/en/html>

European Union (EU) regulations that shifted oversight from government departments to independent statutory bodies are also of note. Preparation for the implementation of the European Media Freedom Act and the Digital Services Act empowered Coimisiún na Meán (Ireland’s independent media regulator) to take over media merger assessments<sup>8</sup> and platform supervision,<sup>9</sup> which has changed the regulatory landscape. Simultaneously, the designation of 15 national competent authorities<sup>10</sup> to enforce the EU’s AI Act sparked debate regarding the “distributed model” of oversight and the urgent need for technical resources within bodies like the Data Protection Commission (DPC).<sup>11</sup> These developments, coupled with debates on the shortcomings of the European Democracy Shield<sup>12</sup> and the Civil Society Strategy<sup>13</sup> meant that the issues of effective regulation and the need to protect democratic norms were at the forefront of discussions in 2025. Ireland remained at the centre of European debate on data protection enforcement,<sup>14</sup> which further highlighted concerns regarding the DPC’s performance.

Geopolitical tensions, international migration trends and rising extremist rhetoric across Europe and globally also influenced the domestic environment. Ireland experienced a rise in mis- and disinformation targeting migrants and minority communities.<sup>15</sup> Overall, the interplay of short-term political considerations, administrative capacity constraints, delayed reforms and external EU obligations shaped the Irish rule of law landscape in 2025, resulting in incremental movement in some areas, but limited substantive progress and outright backsliding in others.

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8 *Law Society Gazette: Landmark EU Media Freedom Act in force, 8 August 2025, <https://www.lawsociety.ie/gazette/top-stories/2025/august/landmark-eu-media-freedom-act-in-force/>*

9 *Subasini Srinivasaragavan, X faces DSA probe in Ireland over its content moderation system, Silicon Republic, 13 November 2025, <https://www.siliconrepublic.com/business/x-ireland-europe-digital-services-act-investigation-coimisiun-na-mean>*

10 *Department of Enterprise, Tourism and Employment, Ireland leads the way in EU AI regulation, 16 September 2025 <https://enterprise.gov.ie/en/news-and-events/department-news/2025/september/20250916.html>*

11 *ICCL, Ireland Unprepared for AI Act Implementation, 17 July 2025 <https://www.iccl.ie/news/ireland-unprepared-for-ai-act-implementation/>*

12 *ICCL, Irish groups say EU “Democracy Shield” fails people, democracy and lets Big Tech off the hook, 12 November 2025 <https://www.iccl.ie/digital-data/eu-democracy-shield-fails-people-democracy/>*

13 *ICCL, Democracy is under increasing pressure in Ireland, conference will hear, 27 November 2025 <https://www.iccl.ie/news/democracy-is-under-increasing-pressure-in-ireland-conference-will-hear/>*

14 *Arthur Cox, Data protection enforcement in Ireland: Recent DPC decisions, Arthur Cox Knowledge, 13 August 2025, <https://www.arthurcox.com/knowledge/data-protection-enforcement-in-ireland-recent-dpc-decisions/>*

15 *Conor Hunt, Irish anti-migrant mobilisation enters ‘more organised phase’ -, RTÉ News, 9 July 2025, <https://www.rte.ie/news/2025/0709/1522655-irish-anti-migrant-mobilisation/>*

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## Assessment of the trajectory

In 2025, Ireland's designation as a 'stagnator' is unchanged. This is due to the absence of substantial legislative or institutional reforms across the four rule of law pillars—justice, anti-corruption, media, and checks and balances. Despite acknowledging the European Commission's recommendations, Ireland has failed to implement the necessary institutional changes, with many recommendations being carried forward for three or four consecutive years.

In December 2025, ICCL worked with a member of parliament (Teachta Dála, or TD) to table parliamentary questions on each of the five recommendations from the 2025 report to relevant government ministers. The answers to these questions are included in the relevant sections below. It is worth noting that the responses to these questions, which are generally obfuscatory and vague, often mirror the language used in the State's country submission to the rule of law process.

Continued delays in the publication, passage or enactment of major reform bills including on legal aid, ethics in public office, media funding and defamation reform mean that critical rule of law issues are not being addressed. There is also evidence of structural underfunding of public bodies tasked with oversight and regulation, including the Standards in Public Office Commission (SIPO),<sup>16</sup> Coimisiún na Meán<sup>17</sup> and the DPC.<sup>18</sup> Additionally, restrictive rules on advocacy and political donations remain,<sup>19</sup> and concerns have been raised regarding the absence of comprehensive State action to tackle strategic lawsuits against public participation (SLAPPs), despite the EU's Anti-SLAPP Directive (2024/1069).<sup>20</sup>

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16 Frank Connolly, SIPO's investigation of Tommy Reilly and Liscarton: A case study in money deflection, silence and the collapse of national ethics gatekeepers, *Village Magazine*, 19 June 2025, <https://villagemagazine.ie/sipos-investigation-of-tommy-reilly-and-liscarton-a-case-study-in-money-deflection-silence-and-the-collapse-of-national-ethics-gatekeepers/>

17 *Irish Legal News*, No additional funding provided to bodies gaining AI regulation powers, 17 July 2025, <https://www.irishlegal.com/articles/no-additional-funding-provided-to-bodies-gaining-ai-regulation-powers>

18 Ken Foxe, Data Protection Commission sought funding hike to tackle 'soft on tech' perception, *Irish Independent*, 2 December 2025 <https://www.independent.ie/business/technology/data-protection-commission-sought-funding-hike-to-tackle-soft-on-tech-perception/a601261436.html>

19 *Dáil Éireann Debate*, Parliamentary Questions on Departmental Data, PQ 508, *Houses of the Oireachtas*, 9 December 2025, [https://www.oireachtas.ie/en/debates/question/2025-12-09/508/#pq\\_508](https://www.oireachtas.ie/en/debates/question/2025-12-09/508/#pq_508)

20 *Irish Legal News*, Irish bill on SLAPPs will be impotent in practice, 9 July 2025 <https://www.irishlegal.com/articles/irish-bill-on-slapps-will-be-impotent-in-practice>

Growing pressures on judicial capacity<sup>21</sup> and the affordability and accessibility of justice<sup>22</sup> further exacerbate these issues.

At the same time, there are some positive developments that should be highlighted. Additional budgetary allocations have been made for some regulatory bodies<sup>23</sup> and there are legislative commitments to modernise the civil legal aid system,<sup>24</sup> though progress is still pending.<sup>25</sup>

While the categorisation of ‘stagnator’ remains in place for 2025, government proposals to limit judicial review processes and weaken journalistic privilege mean that Ireland risks slipping into the “slider” category in next year’s submission.

## ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

While the repeated failure to address year-on-year recommendations is frustrating, it most likely does not meet the criteria for further action within the framework of the existing EU rule of law toolbox. This, however, presents a serious challenge to the rule of law process whereby the issues that are consistently raised can become entrenched and the reporting process itself is undermined as the Commission accepts minimal progress (or, in reality, often no progress on recommendations) as genuine effort. This in turn makes it difficult to retain the interest of CSOs in the reporting process as there are few tangible outcomes.

For repeated recommendations, the Commission should sharpen its report language, note the lack of implementation progress over several years, and outline the consequences of persistent disregard for

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21 *Law Society Gazette*, Law Society calls for targeted justice investment, 5 September 2025, <https://www.lawsociety.ie/gazette/top-stories/2025/september/law-society-calls-for-targeted-justice-investment/>

22 *Law Society Gazette*, Data on litigation costs inadequate – OECD, 13 February 2025, <https://www.lawsociety.ie/gazette/top-stories/2025/february/data-on-litigation-costs-inadequate--oecd/>

23 *Department of Justice, Home Affairs and Migration*, Record €6.17 billion for justice sector in budget 2026, *Government of Ireland*, 9 October 2025, <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/news/record-6-17-billion-for-justice-sector-in-budget-2026/>

24 *Department of Justice, Home Affairs and Migration*, National Development Plan Review 2025, *Government of Ireland*, 4 December 2025, [https://assets.gov.ie/static/documents/72c5df9c/NDP\\_Sectoral\\_Investment\\_Plan-JusticeSector.pdf](https://assets.gov.ie/static/documents/72c5df9c/NDP_Sectoral_Investment_Plan-JusticeSector.pdf)

25 *In all areas except Media our assessment is based on the overall situation in the country rather than the report recommendations on their own. Given our lack of specialised expertise in the area of media freedoms, we base our assessment solely on the progress of the recommendation on defamation reform which has progressed.*

rule of law issues, citing relevant Court of Justice of the European Union (CJEU) cases where applicable. For instance, the Commission should connect deficiencies to the European Semester.<sup>26</sup> Continued inaction on issues such as anticorruption and ethics could be flagged as macroeconomic concerns in Semester country reports.<sup>27</sup> Cross-referencing relevant judgments to recommendations may also be of use, such as CJEU judgment C78/-18.<sup>28</sup> This suggests that Ireland, like Hungary, may have breached the Treaty on the Functioning of the European Union regulations on the free movement of capital due to restrictions on civil society funding.

Recent discussions on a ‘cash-for-reform’ approach<sup>29</sup> to address judicial issues – whereby Commission funds could be withheld or limited – could be extended to states where repeated recommendations are ignored and possibly to thematic areas beyond judicial reform such as anti-corruption measures or restrictions on civil society. This would allow for some leverage against states such as Ireland which nominally have high rule of law standards but are unwilling to take corrective action to address systemic issues.

#### State of play (versus 2025)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances

#### Legend

- |   |   |   |
|---|---|---|
| <b>Regression</b>   | <b>No progress</b>  | <b>Progress</b>   |
|  |  |  |

26 *Franco Peirone*, Another Brick in the Building of the EU Rule of Law: Anti-Corruption, *The Italian Review of International and Comparative Law*, 3(2), 515-540, 2023, <https://doi.org/10.1163/27725650-03020002>

27 *The European Semester explained* <https://www.consilium.europa.eu/en/policies/european-semester/>

28 *Philanthropy Europe Association*, European Court declares that Hungary’s foreign-funding restrictions violate EU law, 19 June 2020, <https://philea.eu/european-court-declares-that-hungarys-foreign-funding-restrictions-violate-eu-law-3/>

29 *Magnus Lund Nielsen, Nicoletta Ionta*, Commission looks to expand ‘cash-for-reform’ scheme on rule of law issues, *Euractiv*, 8 July 2025 <https://www.euractiv.com/news/commission-looks-to-expand-cash-for-reform-scheme-on-rule-of-law-issues/>

## JUSTICE SYSTEM

### General assessment

While there have been some positive developments with respect to the justice system in Ireland over the past 12 months (e.g., the publication of the review of the Civil Legal Aid Scheme), the categorisation of ‘regression’ remains in 2025 due to significant negative developments, as outlined below.

While the new National Development Plan<sup>30</sup> sets out a welcome and much-needed multi-annual investment plan for the justice system, Ireland’s spending on justice remains extremely low per capita. Similarly, while the appointment of new judges is welcome, the number of judges per head of population remains the lowest in the EU at 3.3 per 100,000 inhabitants and results in crippling case delays.<sup>31</sup> There has been a significant increase in legal aid spending in 2025, however, this is a response to an increase in demand rather than an expansion of the scheme or a move to better compensate legal practitioners who take on legal aid work.<sup>32</sup> In short, while welcome, these investments represent a minimalist response to identified issues rather than the larger, more difficult and politically unpopular changes needed to address systemic challenges.

A significant and troubling development has also emerged with the publication of the Accelerating Infrastructure Report and Action Plan<sup>33</sup> and the related General Scheme of the Civil Reform Bill.<sup>34</sup> This legislation proposes curtailing access to judicial review, which the government presents as a

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30 Department of Justice, Home Affairs and Migration, National Development Plan Review 2025, Government of Ireland, 4 December 2025, [https://assets.gov.ie/static/documents/72c5df9c/NDP\\_Sectoral\\_Investment\\_Plan-JusticeSector.pdf](https://assets.gov.ie/static/documents/72c5df9c/NDP_Sectoral_Investment_Plan-JusticeSector.pdf)

31 European Commission, The 2025 EU Justice Scoreboard, 30 June 2025, [https://commission.europa.eu/document/download/51b21eff-a4b0-4e73-b461-06bd23b43d4e\\_en?filename=2025%20EU%20Justice%20Scoreboard\\_template.pdf](https://commission.europa.eu/document/download/51b21eff-a4b0-4e73-b461-06bd23b43d4e_en?filename=2025%20EU%20Justice%20Scoreboard_template.pdf)

32 The Irish Times, Criminal legal aid scheme spend to increase by a third to €120m this year, 4 December 2025, <https://www.irishtimes.com/crime-law/2025/12/04/criminal-legal-aid-scheme-spend-to-increase-by-a-third-to-120m-this-year/>

33 Department of the Taoiseach, Accelerating Infrastructure – Report and Action Plan, Government of Ireland, 3 December 2025, <https://www.gov.ie/en/department-of-the-taoiseach/press-releases/government-publishes-accelerating-infrastructure-report-and-action-plan/>

34 Department of Justice, Home Affairs and Migration, Minister Jim O’Callaghan publishes Civil Reform Bill to overhaul Judicial Review and streamline courts processes, Government of Ireland, 6 January 2026, <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-jim-ocallaghan-publishes-civil-reform-bill-to-overhaul-judicial-review-and-streamline-courts-processes/>

measure to address delays in the delivery of housing and infrastructure.<sup>35</sup> Judicial review is a process whereby the High Court can review the decisions of lower courts, tribunals and other administrative bodies to ensure the lawfulness – including the fairness – of the decision-making process. Curtailing this essential function will have a significant negative impact on the functioning of the rule of law and access to justice in Ireland.

## Implementation of 2025 Commission recommendations

**Recommendation: Take forward the legislative work aimed at reducing litigation costs to ensure effective access to justice, taking into account European standards on the disproportionate costs of litigation and their impact on access to courts (first made in 2022)**

A long-delayed review of the Civil Legal Aid scheme was published in July 2025. According to a November 2025 parliamentary question, the Minister for Justice, Home Affairs and Migration has instructed officials to “examine the recommendations”<sup>36</sup> contained in the review. One of the options being considered is a ‘scale of fees’ approach to legal costs. This would introduce ceilings of maximum legal fees for environmental judicial reviews based on a scale of complexity.<sup>37</sup> The Department of Justice, Home Affairs and Migration should move to publish the Indecon report on options to address legal costs, as mentioned in a response to PQ69986/25, and immediately set out plans to reduce legal costs in a comprehensive and transparent manner that is open to public input and scrutiny.

Although there has been some progress, this recommendation is too broad and vague. There is no mention of specific legislation needed to address the recommendation or detail on the “European standards” that the State is expected to uphold. Instead, a stronger recommendation would be:

***Immediately progress the long-overdue reform of the Civil Legal Aid Scheme and on that basis develop and enact legislation to guarantee access to justice.***

**Commission’s 2025 assessment: Some further progress**

**ICCL’s current assessment: Some progress**

35 Juliette Gash Joe Mag Raollaigh David Murphy, *RTE News*, Government plan to speed up delivery of housing and infrastructure, 3 December 2025 <https://www.rte.ie/news/2025/1203/1546972-government-housing-plan/>

36 *Dáil Éireann Debate, Parliamentary Questions on EU Data, PQ 34, Houses of the Oireachtas, 25 November 2025*, <https://www.oireachtas.ie/en/debates/question/2025-11-25/667/>

37 *Department of Climate, Energy and the Environment Consultation on Scale of Fees Under the Planning and Development Act 2024 opens Government of Ireland, 3 December 2025* <https://www.gov.ie/en/department-of-climate-energy-and-the-environment/press-releases/consultation-on-scale-of-fees-under-the-planning-and-development-act-2024-opens/>

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## Gaps in the Commission's Report

### **The continuation of the use of the non-jury Special Criminal Court**

In May 2025 the government announced a plan<sup>38</sup> to replace the Special Criminal Court with a new permanent non-jury court. Minister for Justice, Home Affairs and Migration Jim O'Callaghan indicated that he supports in principle the recommendations of the Majority Report of the Independent Review Group<sup>39</sup> tasked with examining the provisions of the Offences Against the State Acts, and that he intends to establish a permanent non-jury court. This came over two years after the publication of Majority and Minority Reports<sup>40</sup> by the Review Group in June 2023 and is the first substantive response from the government to those reports.

ICCL has warned that any plan to introduce a new non-jury court may require a referendum<sup>41</sup> and has called on the Minister to clarify whether he plans to hold a referendum to amend the Constitution before proposing legislation creating a permanent non-jury court. ICCL's longstanding position is that the Special Criminal Court should be abolished in the absence of a state of emergency because of its incompatibility with Ireland's international and constitutional human rights obligations and the serious risks it poses to people's right to a fair trial and to equality before the law. Whether it is possible to create a permanent non-jury court without amending the Constitution remains unclear according to the Minority Report which described doing so as being "constitutionally inappropriate".<sup>42</sup>

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38 *Department of Justice, Home Affairs and Migration, Minister for Justice accepts proposals for reform of terrorist legislation, Government of Ireland, 29 May 2025, <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-for-justice-jim-ocallaghan-accepts-proposals-for-reform-of-terrorist-legislation/>*

39 *OASA Review, Offences Against the State Act Review official site, 21 June 2023, <https://www.oasareview.ie/>*

40 *Independent Review Group, Offences Against the State Act Review – Minority and Majority Reports, 21 June 2023 <https://www.oasareview.ie/final-reports/>*

41 *Irish Council for Civil Liberties, Government permanent non-jury court referendum, warns ICCL, 25 June 2025, <https://www.iccl.ie/press-release/government-permanent-non-jury-court-referendum/>*

42 *Independent Review Group, Offences Against the State Act Review - Minority Report, 21 June 2023, <https://www.oasareview.ie/wp-content/uploads/2023/06/OASA-Review-Minority-Report.pdf>*

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## New Issues that Emerged in 2025

### **New plans to curtail access to judicial review**

The government’s Accelerating Infrastructure Report and Action Plan<sup>43</sup> propose sweeping changes to judicial reviews for planning, housing and infrastructure projects. Judicial review is a process whereby the High Court can review the decisions of lower courts, tribunals and other administrative bodies to ensure the lawfulness – including the fairness – of the decision-making process. Under the plan, judicial reviews would be “rebalanced” to protect what the government describes as the “public interest”. Reforms include tightening the criteria for who may bring a challenge; requiring a realistic prospect of success before a judicial review is permitted to proceed; removing certain appeals rights (e.g., further appeals to the Court of Appeal); and fast-tracking judicial review for “critical infrastructure” projects.<sup>44</sup>

In addition, the government intends to codify what was previously case law into statutory law, limiting the number of consents, licences or planning conditions that can separately be subject to judicial review. Interim reforms already carried out include changes to how planning permissions are extended if they are delayed by judicial review proceedings. Time spent in judicial review will no longer count against the valid duration of the planning permission.<sup>45</sup>

While the government argues that these changes will speed up housing and infrastructure delivery, reduce “frivolous” or “spurious” challenges, and relieve pressure on the courts,<sup>46</sup> in reality, the reforms amount to an attack on the rule of law. By limiting who can challenge State or planning decisions, and raising the threshold before a judicial review can proceed, the changes risk denying meaningful access to justice. This undermines the vital constitutional and statutory safeguard that allows citizens to hold

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43 *Department of the Taoiseach*, Government publishes Accelerating Infrastructure – Report and Action Plan, Government of Ireland, 3 December 2025, <https://www.gov.ie/en/department-of-the-taoiseach/press-releases/government-publishes-accelerating-infrastructure-report-and-action-plan/>

44 *McCann FitzGerald*: Changing Times: a new infrastructure plan to fundamentally reshape the delivery of infrastructure in Ireland, 2 December 2025, <https://www.mccannfitzgerald.com/knowledge/projects-and-infrastructure/changing-times-a-new-infrastructure-plan-to-fundamentally-reshape-the-delivery-of-infrastructure-in-ireland>

45 *In other words, the time a case spends in judicial review proceedings will not count against the temporal validity of the planning permission. As it stands, time spend in judicial review runs concurrent with the permission validity.*

46 *Attracta Uí Bhroin*, Judicial review plans are an attack on justice, *Irish Examiner*, 5 December 2025, <https://www.irishexaminer.com/opinion/commentanalysis/arid-41754423.html>

the State and powerful interests to account, particularly where environmental protections, community rights and procedural fairness might be at stake.<sup>47</sup>

Through fast-tracking major projects and concentrating more power in ministerial and administrative hands, these reforms will weaken independent judicial oversight. While it may lead to faster infrastructure development, the reforms risk creating a legal system where access to courts is curtailed, challenges are discouraged, and the ability of citizens to check abuses of power is substantially weakened.<sup>48</sup> In practice there is a risk that decisions will increasingly favour expediency and economic or political goals over fairness, procedural integrity and transparency core pillars of the rule of law.

On 6 January 2026 the Civil Reform Bill 2025<sup>49</sup> was published, which seeks to give effect to the above proposed changes to judicial review.

## **Implications and Recommendations for 2026**

In omitting the issue of the continuation of the non-jury Special Criminal Court from consideration, the Commission's 2025 report fails to address a critical and ongoing access to justice issue in Ireland.

It is ICCL's long-standing position that the Offences Against the State Acts should be repealed in the absence of a state of emergency in Ireland and that the Special Criminal Court should be abolished.<sup>50</sup> To this end, we recommend the withdrawal of plans to establish a new permanent non-jury court.

**Suggested recommendation:** Withdraw plans to establish a new permanent non-jury court.

47 Fred Logue, Judicial reviews are not the enemy of progress — they are a vital safeguard, *Irish Independent*, 5 December 2025, <https://www.independent.ie/opinion/comment/fred-logue-judicial-reviews-are-not-the-enemy-of-progress-they-are-a-vital-safeguard/a1104610161.html>

48 Tabitha Monahan, Public interest test set to be introduced for judicial reviews under plans before Cabinet, *Irish Independent*, 16 December 2025. <https://m.independent.ie/irish-news/public-interest-test-set-to-be-introduced-for-judicial-reviews-under-plans-before-cabinet/a193906817.html>

49 Department of Justice, Home Affairs and Migration, Minister Jim O'Callaghan publishes Civil Reform Bill to overhaul Judicial Review and streamline courts processes, *Government of Ireland*, <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-jim-ocallaghan-publishes-civil-reform-bill-to-overhaul-judicial-review-and-streamline-courts-processes/>

50 *Irish Council for Civil Liberties*, State of Emergency? 52 years of the Special Criminal Court, 24 June 2024, <https://www.iccl.ie/police-justice-reform/special-criminal-court-state-of-emergency/>

As stated, planned reforms to judicial review amount to an attack on the rule of law and risk denying meaningful access to justice, and the Commission should address this issue in its upcoming report.

**Suggested recommendation:** The Department of Justice, Home Affairs and Migration and the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation should revise the Accelerating Infrastructure Report and Action Plan and the Civil Reform Bill 2025 to ensure that access to justice, particularly in the form of judicial review, is guaranteed and that the rule of law is upheld.

## Implementation of Judgments

There are outstanding implementation issues related to two judgments against Ireland from the European Court of Human Rights. These are:

- *McFarlane v. Ireland* (on length of proceedings/access to an effective remedy); and
- *O’Keeffe v. Ireland* (on State responsibility for sexual abuse in schools/systemic measures).

With respect to *McFarlane v. Ireland* the Court found a violation of Article 6 (right to a fair trial within a reasonable time) and Article 13 (right to an effective remedy) of the European Convention on Human Rights due to extreme delays with respect to the excessive length of civil and criminal proceedings and lack of an effective domestic remedy.<sup>51</sup> The Council of Europe welcomed the enactment of the Court Proceedings (Delays) Act 2024 as a major step in addressing the Judgment, but the Committee of Ministers explicitly asked that the new assessment mechanism become fully operational. As a result, supervision remains open.<sup>52</sup>

Despite numerous apologies to victims, successive governments have failed to introduce a redress scheme to implement the *O’Keeffe v. Ireland* judgment. The Irish Human Rights and Equality Commission (IHREC) has described the State’s approach to the provision of redress to survivors of sexual

51 *European Court of Human Rights, McFarlane v. Ireland, Judgment of 10 September 2010, HUDOC database, <https://hudoc.echr.coe.int/eng?i=001-100413>*

52 *Committee of Ministers, Interim Resolution CM/Res DH (2020)202 — Execution of the European Court of Human Rights judgment in McFarlane v. Ireland, Council of Europe, 1 October 2020, <https://rm.coe.int/09000016809fc5b1>*

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abuse in schools as “discriminatory and arbitrary”.<sup>53</sup> In June 2025 it wrote to the Council of Europe’s supervisory body for the ninth time in relation to the State’s ongoing failure to comply with the judgment<sup>54</sup> and called on the State to implement a redress scheme which;

- Complies fully with the *O’Keeffe v. Ireland* judgment;
- Does not include unreasonable or arbitrary conditions for admission to redress;
- Avoids further re-traumatising of survivors;
- Is made available immediately – i.e., through a Commission of Investigation or other mechanism(s)/investigation(s); and
- Recognises the stand-alone responsibility of the State to survivors.

On 8 July 2025 the government announced its intention to establish a Commission of Investigation into the Handling of Historical Child Sexual Abuse in Day and Boarding Schools, under the Commissions of Investigation Act 2004.<sup>55</sup> It is expected that the work of the Commission will commence in 2026 and conclude by 2030.

With respect to judgments against Ireland from the CJEU, case judgments and referrals mostly involve environmental issues that the State has failed to address. For example, in *Commission v Ireland* — Case C-444/21 The Habitats Directive (Council Directive 92/43/EEC) / “Measures”,<sup>56</sup> the

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53 *Irish Human Rights and Equality Commission*, Commission reports to the Council of Europe that Ireland continues to fail to deliver justice to victims of historical sexual abuse in Irish schools, 8 October 2025, <https://www.ihrec.ie/news-press/commission-reports-to-the-council-of-europe-that-ireland-continues-to-fail-to-deliver-justice-to-victims-of-historical-sexual-abuse-in-irish-schools>

54 *Irish Human Rights and Equality Commission*, Commission reports to the Council of Europe that Ireland continues to fail to deliver justice to victims of historical sexual abuse in Irish schools, 8 October 2025, <https://www.ihrec.ie/news-press/commission-reports-to-the-council-of-europe-that-ireland-continues-to-fail-to-deliver-justice-to-victims-of-historical-sexual-abuse-in-irish-schools>

55 *Government of Ireland*, Commission of Investigation into the Handling of Historical Child Sexual Abuse in Schools — Publications, 8 July 2025, <https://www.gov.ie/en/commission-of-investigation-into-the-handling-of-historical-child-sexual-abuse-in-schools/publications/commission-of-investigation-into-the-handling-of-historical-child-sexual-abuse-in-schools/>

56 *Court of Justice of the European Union*, Judgment of the Court in Case C-444/21 (European Commission v Ireland) — Failure to fulfil obligations in relation to the Habitats Directive, 29 June 2023, <https://op.europa.eu/en/publication-detail/-/publication/90cd99f9-3a42-11ee-bbad-01aa75ed71a1>

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CJEU found that Ireland had failed to fulfil obligations under Article 4(4) and Article 6(1) of the Habitats Directive. Implementation of a remedy (which requires the designation of hundreds of sites, a determination of site objectives and the introduction of conservation measures) is ongoing but has been significantly delayed. This is partially owing to opposition from agri-businesses and related political influence.<sup>57</sup>

Additionally, there is at least one judgment<sup>58</sup> and one referral<sup>59</sup> against the Irish State for failure to fulfil obligations with respect to wastewater management.

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57 *Irish Farmers' Association*, Budget 2025 Submission - Supporting the Sustainable Development of the Food & Farming Sector, July 2024, <https://www.ifa.ie/wp-content/uploads/2024/07/IFA-PreBudget-Submission-2025-A4-Jul24-v10WEB.pdf>

58 *Court of Justice of the European Union, Judgment of the Court, European Commission v Ireland (Case C-204/24) — Failure to fulfil obligations under Directive EU 2000/60/EC, 20 November 2025*, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A62024CJ0204>

59 *European Commission*, Commission decides to refer Ireland to the Court of Justice of the European Union for failing to comply with EU rules for treating urban waste water, 11 December 2025 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_25\\_2957](https://ec.europa.eu/commission/presscorner/detail/en/ip_25_2957)

## ANTI-CORRUPTION FRAMEWORK -

### General assessment

Despite repeated recommendations on the need for updated and fit-for-purpose public ethics legislation in the rule of law recommendations since 2022, yet again there has been no progress on this matter in 2025. Responses to parliamentary questions seem to suggest a weakening of government resolve to take forward recommended reforms. New issues have also emerged with respect to non-compliance in health service procurement and conflict of interest declarations in Ireland's Health Service Executive (HSE).

### Implementation of 2025 Commission recommendations

**Recommendation: Continue efforts to strengthen the existing ethics framework, including the monitoring and enforcement capacity of the Standards in Public Office Commission, and to strengthen and digitalise the asset declarations system (first made in 2022)**

In response to a parliamentary question in November 2023, the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation with responsibility for bringing forward reforms indicated that “[he] will engage with [his] officials over the coming months to determine the most appropriate way to deliver on this Programme for Government commitment”.<sup>60</sup> In response to a specific parliamentary question on the rule of law recommendation in December 2025, the Minister stated that there has been no progress on the recommendation since 2023.<sup>61</sup>

It is quite obvious, given the issue has been raised repeatedly by the Commission since 2022, that there is no political appetite to bring forward legislative reform in this area.

The recommendation itself is too vague and repeats previously made recommendations. It should include specific measures to improve capacity in SIPO and a timeline for the completion of the review of the ethics framework:

60 *Dáil Éireann Debate, Parliamentary Questions on EU Data, PQ 34, Houses of the Oireachtas, 5 November 2025, [https://www.oireachtas.ie/en/debates/question/2025-12-09/338/#pq\\_338](https://www.oireachtas.ie/en/debates/question/2025-12-09/338/#pq_338)*

61 *Dáil Éireann Debate, Parliamentary Questions on EU Data, PQ 34, Houses of the Oireachtas, 5 November 2025, [https://www.oireachtas.ie/en/debates/question/2025-12-09/338/#pq\\_338](https://www.oireachtas.ie/en/debates/question/2025-12-09/338/#pq_338)*

The Department of Public Expenditure , Infrastructure, Public Service Reform and Digitalisation should publish and swiftly enact legislation to reform and consolidate the statutory framework governing public ethics which has been outstanding for five years and ensure that SIPO is fully resourced and equipped to deliver on its remit to detect, prevent and punish corruption.

**Commission's 2025 assessment: Some further progress ICCL's current assessment: No progress**

## Gaps in the Commission's Report

There were no important issues upon which the Commission should have made a recommendation but did not.

## New Issues that Emerged in 2025

### **Non-compliance in procurement and conflict of interest frameworks within the Health Service Executive (HSE)**

At a meeting of the Oireachtas (parliamentary) Committee of Public Accounts in October 2025, it was revealed that there is a high level of non-compliance with frameworks for the procurement of goods and services within the HSE (Ireland's public health and social care service). In a review of 28% of the HSE's 2024 spending on procurement of goods and services (worth some €1.5 billion), 9% was found to have been procured in a manner that was not compliant.<sup>62</sup> An audit report highlighted concerns around the procurement of clinical services by University Hospital Limerick and apparent insourcing arrangements involving companies owned or part-owned by HSE employees. Staff working in senior roles in procurement within the public service are obliged to make annual declarations to SIPO on conflicts of interest, however, the HSE has acknowledged that compliance with this rule is insufficient. Across the HSE approximately a third of people with SIPO obligations were not declaring their interests as of October 2025.<sup>63</sup>

62 *Houses of the Oireachtas, Committee of Public Accounts Debate - Financial Statements 2024: Health Service Executive, Houses of the Oireachtas, 16 October 2025, [https://www.oireachtas.ie/en/debates/debate/committee\\_of\\_public\\_accounts/2025-10-16/3/](https://www.oireachtas.ie/en/debates/debate/committee_of_public_accounts/2025-10-16/3/)*

63 *Houses of the Oireachtas, Committee of Public Accounts Debate - Financial Statements 2024: Health Service Executive, Houses of the Oireachtas, 16 October 2025, [https://www.oireachtas.ie/en/debates/debate/committee\\_of\\_public\\_accounts/2025-10-16/3/](https://www.oireachtas.ie/en/debates/debate/committee_of_public_accounts/2025-10-16/3/)*

## **Recommendation for 2026**

**Suggested recommendation:** That a full audit is conducted of the HSE to ensure that compliance frameworks are enforced with respect to procurement and conflict of interest declarations, and that concrete and time-bound steps are taken to address deficiencies in same. This necessitates the introduction of a zero-tolerance culture and approach to tackling corruption, a heightened focus on transparency and accountability, and the proper resourcing of SIPO to carry out its mandate.

## MEDIA ENVIRONMENT AND MEDIA FREEDOM

### General assessment

ICCL's work on the media environment and media freedoms is limited to specific issues (e.g., defamation, SLAPPs) as outlined below. Our assessment is therefore not comprehensive; it is limited to these areas.

The long-delayed Defamation (Amendment) Bill 2024 is not yet complete. Once enacted, it will enhance protections for journalists in the area of defamation-related SLAPPs, but the protections are inadequate<sup>64</sup> and the full EU Anti-SLAPP Directive is yet to be transposed. No plans have been announced for same.

Similarly, there has been deliberate obfuscation from both government<sup>65</sup> and An Garda Síochána (the police service)<sup>66</sup> on the possible purchase and use of spyware. A potential serious issue emerged in late 2025 with the publication of the Garda Síochána (Powers) Bill 2025, which will allow for the seizure of journalists' electronic devices by police. This proposal has been widely condemned<sup>67</sup> and will be challenged as the legislation progresses.

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64 *Irish Legal News*, Irish bill on SLAPPs will be impotent in practice, 9 July 2025 <https://www.irishlegal.com/articles/irish-bill-on-slapps-will-be-impotent-in-practice>

65 *Dáil Éireann Debate, Parliamentary Questions on Departmental Data, Thursday - 18 September 2025* <https://www.oireachtas.ie/en/debates/question/2025-09-18/301/>

66 *Conor Gallagher, Irish Times, Garda Síochána paid substantial sums to Israeli spyware firm, 4 September 2025* <https://www.irishtimes.com/crime-law/2025/09/04/garda-siochana-paid-substantial-sums-to-israeli-spyware-firm/>

67 *The Journal*, 'Sinister': Serious concerns raised about Bill allowing gardaí to seize journalists' phones 7 January 2026 <https://www.thejournal.ie/gardai-seize-journalists-phones-6920598-Jan2026/>

## Implementation of 2025 Commission recommendations

### Recommendation: Complete the reform to provide funding for public service media that is appropriate for the realisation of its public service remit while guaranteeing its independence (first made in 2024)

The government is moving forward with legislation which is intended to address this recommendation. The primary instrument for reform is the revised General Scheme of the Broadcasting (Amendment) Bill 2025, published in April 2025.<sup>68</sup> It gives effect to recommendations of the Future of Media Commission, the Expert Advisory Committee on Governance and Culture in RTÉ and Article 5 of the European Media Freedom Act.

The revised General Scheme was submitted to the Joint Oireachtas Committee (parliamentary committee) on Arts, Media, Communications, Culture and Sport for pre-legislative scrutiny and the Committee published its report with 85 recommendations on 17 September 2025.<sup>69</sup> In response to a parliamentary question, the Minister for Culture, Communications and Sport noted that the recommendations are currently being considered; the next steps will be to finalise the drafting of legislation and bring the Bill to government for approval and subsequent publication.<sup>70</sup>

The Commission's recommendation is relatively clear, but could still be improved:

***The Minister for Arts, Media, Communications, Culture and Sport should swiftly publish and enact legislation to complete the reform to provide funding for public service media that is appropriate for the full realisation of its public service remit while guaranteeing its independence.***

**Commission's 2025 assessment: Some progress**

**ICCL's current assessment: In progress**

68 Department of Culture, Communications and Sport Broadcasting (Amendment) Bill, 17 October 2026 <https://www.gov.ie/en/department-of-culture-communications-and-sport/publications/broadcasting-amendment-bill/>

69 Joint Committee on Arts, Media, Communications, Culture and Sport Report on Pre-Legislative Scrutiny of the revised General Scheme of the Broadcasting (Amendment) Bill 17 September 2025 [https://data.oireachtas.ie/ie/oireachtas/committee/dail/34/joint\\_committee\\_on\\_arts\\_media\\_communications\\_culture\\_and\\_sport/reports/2025/2025-09-17\\_report-on-pre-legislative-scrutiny-of-the-revised-general-scheme-of-the-broadcasting-amendment-bill\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/34/joint_committee_on_arts_media_communications_culture_and_sport/reports/2025/2025-09-17_report-on-pre-legislative-scrutiny-of-the-revised-general-scheme-of-the-broadcasting-amendment-bill_en.pdf)

70 Dáil Éireann Debate, Parliamentary Questions on the Media Sector, PQ 368, Houses of the Oireachtas, 15 January 2026 <https://www.oireachtas.ie/en/debates/question/2026-01-15/368/>

**Recommendation: Finalise the reform of the Defamation Act to improve the professional environment for journalists taking into account European standards on the protection of journalists (first made in 2022)**

The Defamation (Amendment) Bill 2024 continues to progress through parliament, but very slowly.<sup>71</sup> The provisions on the removal of juries in defamation cases remain despite objections from a large cohort of experts regarding the erosion of the role of the public in the administration of justice,<sup>72</sup> as do inadequate anti-SLAPP provisions.<sup>73</sup>

Following a general election in November 2024, the Bill was reintroduced to the order paper in 2025. The Minister for Justice, Home Affairs and Migration has not accepted opposition amendments which would serve to retain juries<sup>74</sup> and strengthen anti-SLAPP provisions to focus on the full range of potential SLAPPs, beyond those related to defamation.<sup>75</sup>

This recommendation is repeated year on year with no recognition of the slow pace of reform. A stronger recommendation would be:

*Complete the passage of the Defamation (Amendment) Bill 2024 in the Oireachtas but abandon plans to remove juries from the process and include measures to enhance the anti-SLAPP provisions of the Bill to fully transpose the EU Anti-SLAPP Directive.*

**Commission's 2025 assessment: Some further progress ICCL's current assessment: In progress**

## Gaps in the Commission's Report

ICCL observed no important issues on which the Commission should have made a recommendation but did not, but reiterates that our work on the media environment and media freedoms is limited to specific issues as previously stated.

71 *Defamation (Amendment) Bill 2024, Houses of the Oireachtas*, <https://www.oireachtas.ie/en/bills/bill/2024/67/>

72 *Law Society Gazette, Keep defamation juries – Law Society DG, 9 January 2024* <https://www.lawsociety.ie/gazette/top-stories/2024/january/keep-defamation-juries--law-society-dg/>

73 *Law Society Gazette, Jury service, February 2025*, <https://www.lawsociety.ie/gazette/in-depth/2025/jan-feb/jury-service/>

74 *Dáil Éireann debate, Defamation (Amendment) Bill 2024: Committee Stage, Vol. 1066 No. 3, Houses of the Oireachtas, 30 April 2025*, <https://www.oireachtas.ie/en/debates/debate/dail/2025-04-30/17/>

75 *National Union of Journalists, NUJ expresses concern over Ireland's Defamation Amendment Bill, 9 July 2025* <https://www.nuj.org.uk/resource/nuj-expresses-concern-over-ireland-s-defamation-amendment-bill.html>

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## New Issues that Emerged in 2025

### **Proposals contained in the Garda Síochána (Powers) Bill 2025 allow for the seizure of journalists' phones**

The Garda Síochána (Powers) Bill 2025,<sup>76</sup> published on 27 December 2025,<sup>77</sup> has drawn serious criticism over fears it will have a chilling effect on press freedoms and force journalists to reveal their sources. The proposal also works against one of the stated objectives of the European Media Freedom Act, namely the protection of journalistic sources,<sup>78</sup> which is in the process of being transposed in the Media Regulation Bill 2025.<sup>79</sup> Ann Marie Lenihan, CEO of NewsBrands Ireland (the representative group for news publishers in Ireland), said: “The bill needs to explicitly recognise journalistic protection of sources to bring the law into line with recent decisions of the Court of Justice of the European Union and the Irish Supreme Court.”<sup>80</sup> The National Union of Journalists has also voiced its opposition, saying, “There is a Supreme Court ruling and case law in the European Courts in relation to the protection of sources, so that would have to be taken into account. We would be concerned that [it] would run the risk of not protecting journalists’ sources. Journalists aren’t entitled to absolute privilege, but we would be looking for detailed clarification as to what the Bill will actually do in practice.”<sup>81</sup>

The proposals have been criticised by parties from across the political spectrum with Independent Ireland calling for an immediate Oireachtas review of the draft bill and for the inclusion of press

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76 Draft Garda Síochána (Powers) Bill 2025, [https://assets.gov.ie/static/documents/21e20094/SD\\_AGS\\_PB\\_2025.pdf](https://assets.gov.ie/static/documents/21e20094/SD_AGS_PB_2025.pdf)

77 Department of Justice, Home Affairs and Migration, Minister Jim O’Callaghan to publish new legislation to consolidate Garda powers of search, seizure and detention, Government of Ireland, 27 December 2025 <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-jim-ocallaghan-to-publish-new-legislation-to-consolidate-garda-powers-of-search-seizure-and-detention/>

78 European Commission, European Media Freedom Act, [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/protecting-democracy/european-media-freedom-act\\_en](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/protecting-democracy/european-media-freedom-act_en)

79 Department of Culture, Communications and Sport, Minister O’Donovan secures government approval of the General Scheme of the Media Regulation Bill, Government of Ireland, 3 July 2025 <https://www.gov.ie/en/department-of-culture-communications-and-sport/press-releases/minister-odonovan-secures-government-approval-of-the-general-scheme-of-the-media-regulation-bill/>

80 NewsBrands Ireland, NewsBrands Ireland seeks stronger protection of journalists’ sources in Garda Síochána (Powers) Bill, 6 January 2026 <https://newsbrandsireland.ie/newsbrands-ireland-seeks-stronger-protection-of-journalists-sources-in-garda-siobhana-powers-bill/>

81 Brain Mahon, New powers would allow gardaí to seize journalists’ phones, Extra.ie, 6 January 2026 <https://extra.ie/2026/01/06/news/new-powers-journalists-phones>

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and civil society stakeholders in any legislative process affecting journalistic freedom. The party also confirmed that it will table a Private Member’s Bill which would elevate journalistic source protection to the status of a “protected privilege”, with access only in cases of an imminent and specific threat to life, property or critical infrastructure, and only under tightly controlled judicial orders.<sup>82</sup> The Social Democrats, Sinn Féin and Labour also expressed their opposition to the proposals.<sup>83</sup>

## **Recommendations for 2026**

**Suggested recommendation:** The Minister for Justice, Home Affairs and Migration should amend the Garda Síochána (Powers) Bill 2025 to ensure that any proposals relating to the seizure of digital devices and journalistic privileges comply with both domestic and international court rulings and guarantee that press freedoms and the protection of journalistic sources are upheld.

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82 *Roscommon People*, Independent Ireland condemns “deeply dangerous assault on press freedom”, 7 January 2026 <https://roscommonpeople.ie/independent-ireland-condemns-deeply-dangerous-assault-on-press-freedom/>.

83 *Jane Matthews*, ‘Sinister’: Serious concerns raised about Bill allowing gardaí to seize journalists’ phones, *The Journal*, 7 January 2026 <https://www.thejournal.ie/gardai-seize-journalists-phones-6920598-Jan2026/>.

## CHECKS AND BALANCES

### General assessment

There have been no public updates on progress related to the recommendation on access to civil society funding. Following the November 2024 general election, changes in parliamentary rules have undermined the role of the opposition in holding the government to account. Furthermore, politicians and civil society have raised concerns about the application of the EU Whistleblowing Directive (2019/1937)<sup>84</sup> in practice as it pertains to the roles of government ministers and poor involvement of CSOs in the development of primary legislation.

### Implementation of 2025 Commission recommendations

#### **Recommendation: Continue ongoing efforts to address legal obstacles related to access to funding for civil society organisations, as part of the reform of the 1997 Electoral Act (first made in 2022)**

The Electoral Commission is privately consulting with stakeholders as part of a review of the Electoral Act 1997, to include consideration of issues around access to non-domestic advocacy funding for civil society organisations. Section 22(2)(aa) of the Act effectively prohibits any person or organisation based in

Ireland from accepting any international donations to assist them in influencing public policy.<sup>85</sup> No progress has been announced but a report with recommendations is expected in 2026, as outlined in a response to a parliamentary question in December 2025.<sup>86</sup>

The Commission's recommendation is too broad and vague. The recommendation should call on the Department of Housing, Local Government and Heritage to legislate swiftly to address the issues related to civil society funding which have been repeatedly highlighted by the Commission:

84 *Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law* <https://eur-lex.europa.eu/eli/dir/2019/1937/oj/eng>

85 *Electoral Act, 1997 (As Amended), Part 4, Section 22(2)(aa)* <https://www.iccl.ie/wp-content/uploads/2018/09/Electoral-Act-1997-Consolidated.pdf>

86 *Dáil Éireann Debate, Parliamentary Questions on Departmental Data, PQ 508, Houses of the Oireachtas, 9 December 2025*, [https://www.oireachtas.ie/en/debates/question/2025-12-09/508/#pq\\_508](https://www.oireachtas.ie/en/debates/question/2025-12-09/508/#pq_508)

The Department of Housing, Local Government and Heritage should amend the Electoral Act 1997 to remove funding restrictions placed on civil society to ensure freedom of association is guaranteed and in compliance with the judgment of the CJEU in case C-78/18 on the free movement of capital.<sup>87</sup>

**Commission's 2025 assessment: Some further progress ICCL's current assessment: No visible progress**

## Gaps in the Commission's Report

There were no important issues upon which the Commission should have made a recommendation but did not.

## New Issues that Emerged in 2025

### **Politicisation of the speaker of parliament role and undermining of the function of the opposition following 2024 general election**

Ireland held a general election on 29 November 2024; in December the newly-elected members of Dáil Éireann (the lower house of the Irish Parliament) elected a new Ceann Comhairle (speaker) of the Dáil.<sup>88</sup> Her nomination and election were part of a coalition deal between the governing coalition parties (Fianna Fáil and Fine Gael) and a bloc of independent TDs (elected members of Dáil Éireann) known as the Regional Independent Group (RIG). As part of this deal, in return for supporting the coalition government, the RIG was granted a number of junior ministerial positions and the Ceann Comhairle role.<sup>89</sup> This generated disquiet among opposition TDs and some observers, who raised concerns about the impact of the deal on the role's impartiality.<sup>90</sup>

87 *Court of Justice of European Union, Judgment of the Court, C-78/18 - Commission v Hungary (Transparency of associations), 18 June 2020* <https://curia.europa.eu/juris/document/document.jsf?jsessionid=F68FE797C7CE2248CD46A9F-7C6FA8663?text=&docid=227569&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=2630599>

88 *Marie O'Halloran, Verona Murphy makes Dáil history as first woman Ceann Comhairle, The Irish Times, 18 December 2024, https://www.irishtimes.com/politics/oireachtas/2024/12/18/verona-murphy-makes-dail-history-as-first-woman-ceann-comhairle/*

89 *Justine McCarthy, How 'stroke' politics saddled Ireland's new government with a fox in the hen house, The Guardian, 25 January 2025 https://www.theguardian.com/commentisfree/2025/jan/25/how-stroke-politics-saddled-irelands-new-government-with-a-fox-in-the-hen-house*

90 *Chloe O'Keefe, 'You need to go' — Opposition leaders voice no confidence in Ceann Comhairle, Extra.ie 26 March 2025 https://extra.ie/2025/03/26/news/politics/ceann-comhairle-no-confidence*

Concerns deepened in early 2025 when members of the RIG sought to form a “technical group” to secure opposition-style speaking rights, despite being aligned with the government.<sup>91</sup> In February, the Ceann Comhairle ruled that the group did not meet the criteria under the standing orders, a decision welcomed by opposition parties and seen as upholding parliamentary norms.<sup>92</sup>

However, in March, Dáil Éireann passed a government motion amending the standing orders to create a new “Other Members” category for speaking rights.<sup>93</sup> This new designation provided government-aligned independents and backbench TDs with dedicated speaking time that was formally distinct from both government and opposition benches.<sup>94</sup> During the session, there were heated objections and chaotic scenes; opposition TDs shouted protests and the House was suspended.<sup>95</sup>

Opposition parties responded by tabling, for the first time in the history of the State, a motion of no confidence in a sitting Ceann Comhairle. The motion was defeated (96 votes to 71, with two abstentions) and the Ceann Comhairle retained her position.<sup>96</sup>

The events outlined above have weakened the internal accountability architecture within the Oireachtas (national parliament) and reduced the ability of opposition TDs to challenge and scrutinise executive power. A neutral, apolitical office has been re-cast in perception, as a political instrument. The episode also delayed the legislative functioning of the Oireachtas.<sup>97</sup>

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91 *Eva Osborne*, Explained: Who are the eight Independent TDs joining government, *BreakingNews.ie*, 16 January 2025, <https://www.breakingnews.ie/ireland/explained-who-are-the-eight-independent-tds-joining-government-1718485.html>

92 *David MacRedmond*, Verona Murphy explains decision to deny regional independents opposition technical group, *The Journal*, 4 February 2025, <https://www.thejournal.ie/verona-murphy-explains-decision-to-deny-regional-independents-opposition-technical-group-6612983-Feb2025/>

93 *Dáil debate record*, *Houses of the Oireachtas*, 25 March 2025, pg738 <https://data.oireachtas.ie/ie/oireachtas/debateRecord/dail/2025-03-25/debate/mul@/main.pdf>

94 *Jack McCarron*, *Joe Mag Raollaigh*, Reigniting: All you need to know about the Dáil speaking rights row, *RTE News*, 24 March 2025, <https://www.rte.ie/news/primetime/2025/0324/1503633-reigniting-all-you-need-to-know-about-the-dail-speaking-time-row/>

95 *RTE News YouTube*, The Dáil was suspended amid chaotic scenes as the speaking rights row boiled over again, 25 March 2025, <https://www.youtube.com/watch?v=4sFmy95DRRE>

96 *Cillian Sherlock*, *Gráinne Ní Aodha*, Ceann Comhairle wins no confidence vote in divided Dáil, *BreakingNews.ie*, 1 April 2025 <https://www.breakingnews.ie/ireland/speaker-wins-confidence-vote-in-divided-irish-parliament-1747207.html>

97 *Jane Matthews*, *Oireachtas committees won't be running properly until after Easter due to speaking rights row*, *TheJournal.ie*, 4 March 2025 <https://www.thejournal.ie/speaking-rights-row-committees-dail-6638651-Mar2025/>

It should be noted, however, that notwithstanding the controversy, one year on the new Ceann Comhairle is largely seen by members of the opposition as being effective in her role.<sup>98</sup>

### **Incorrect interpretation of Protected Disclosures Act 2014**

Recent statements made on the record of Dáil Éireann raise serious concerns regarding the interpretation and operation of Ireland's protected disclosures framework. During Leaders' Questions on 12 November 2025<sup>99</sup> and 25 November 2025,<sup>100</sup> the Taoiseach (Prime Minister) and the Minister for Climate, Energy and the Environment stated that ministers are legally prohibited from reading protected disclosures submitted via the ministerial reporting channel, asserting that such disclosures must be transmitted to the Office of the Protected Disclosures Commissioner "sight unseen" and that Ministers "do not engage with" their contents. This interpretation is not expressly supported by the Protected Disclosures Act 2014,<sup>101</sup> as amended in 2022.<sup>102</sup>

The Act defines ministers as "relevant persons", imposes statutory duties on them to receive and transmit disclosures, and restricts the disclosure of a reporting person's identity rather than access to the substance of allegations. Statutory guidance issued under Section 21 of the Act envisages engagement by senior office-holders where disclosures concern serious or systemic wrongdoing.<sup>103</sup> The asserted prohibition risks structurally insulating ministers from knowledge of wrongdoing within their remit, thereby weakening ministerial accountability under the Ministers and Secretaries Acts 1924-2022?<sup>104</sup> and undermining the effectiveness of the EU Whistleblowing Directive, which requires competent authorities to assess and act upon reports at appropriate senior levels.<sup>105</sup> Civil society and politicians

98 Jane Matthews, They won't shout about it, but Verona Murphy has quietly won over the Opposition, *The Journal*, 4 January 2026 <https://www.thejournal.ie/verona-murphy-ceann-comhairle-2-6916227-Jan2026/>

99 Dáil Éireann Debates, Leaders' Questions, Vol. 1075 No. 3, Houses of the Oireachtas, 12 November 2025, <https://www.oireachtas.ie/en/debates/debate/dail/2025-11-12/2/>

100 Dáil Éireann Debates, Leaders' Questions, Vol. 1076 No. 2, Houses of the Oireachtas, 25 Nov 2025 <https://www.oireachtas.ie/en/debates/debate/dail/2025-11-25/3/>

101 Protected Disclosures Act 2014, Acts of the Oireachtas, <https://www.irishstatutebook.ie/eli/2014/act/14/enacted/en/html>

102 Protected Disclosures (Amendment) Act 2022, Acts of the Oireachtas, <https://www.irishstatutebook.ie/eli/2022/act/27/enacted/en/html>

103 Department of Public Expenditure, NDP Delivery and Reform, Protected Disclosures Act: Statutory guidance for public bodies and prescribed persons, Government of Ireland, July 2023 <https://assets.opdc.ie/media/285139/e9c29575-0f06-4c55-9693-401a47d96ca8.pdf>

104 Law Reform Commission, Ministers and Secretaries Act 1924, <https://revisedacts.lawreform.ie/eli/1924/act/16/revised/en/html>

105 Directive EU 2019/1937, Articles 5, 6, 20.

have voiced concerns regarding the way in which ministers seem to be interpreting their duties under the Act based on the above statements in parliamentary debates.

### **Barriers to civil society participation in policy- and lawmaking**

Concerns regarding participatory law-making and civic space in Ireland have been raised in Dáil Éireann, in the media<sup>106</sup> and in a letter signed by 113 CSOs to the Houses of the Oireachtas Commission (the governing body responsible for the administration of the Oireachtas).

During a committee debate on 11 December 2025,<sup>107</sup> opposition TD Pádraig Rice referred to the letter which expressed civil society's dissatisfaction at being routinely ill-informed of legislative and policy developments, inadequately notified of consultations, and excluded from meaningful engagement until late stages of the legislative process. He characterised these issues as systemic rather than isolated, echoing findings in ICCL's *That's Not Your Role* report from 2024, which documents structural barriers to civil society participation in policy-making and a culture of defensiveness within public decision-making.<sup>108</sup>

In response, the Taoiseach reaffirmed the government's commitment to consultation and cited existing engagement structures and legislative constraints, without directly addressing concerns relating to advance notice, transparency of legislative planning and consistency of consultation practices.<sup>109</sup> These issues align with data from the Organisation for Economic Co-operation and Development (OECD) showing limited stakeholder engagement during early stages of primary law development in Ireland, raising broader rule of law concerns regarding transparency, accountability and inclusive governance.<sup>110</sup>

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106 Pádraig Rice TD, We have a go-slow government and a dysfunctional Dáil, *The Journal*, 6 January 2026 <https://www.thejournal.ie/readme/opinion-we-have-a-go-slow-government-and-a-dysfunctional-dail-6915053-Jan2026/>

107 Working Group of Committee Cathaoirligh, Engagement with An Taoiseach, *Oireachtas Joint and Select Committees*, Kildare Street, 11 December 2025 <https://www.kildarestreet.com/committees/?id=2025-12-11a.4#g33>

108 Irish Council for Civil Liberties, Community and voluntary organisations afraid to criticise the State for fear of financial implications, 1 May 2024 <https://www.iccl.ie/news/thats-not-your-role/>

109 Working Group of Committee Cathaoirligh, Engagement with An Taoiseach, *Oireachtas Joint and Select Committees*, Kildare Street, 11 December 2025, <https://www.kildarestreet.com/committees/?id=2025-12-11a.4#g35>

110 Organisation for Economic Co-operation and Development, OECD Regulatory Policy Outlook 2025, 9 April 2025, [https://www.oecd.org/en/publications/oecd-regulatory-policy-outlook-2025\\_56b60e39-en/full-report/regulating-for-people\\_6d2fc8d4.html#chapter-d1e2044-036752c453](https://www.oecd.org/en/publications/oecd-regulatory-policy-outlook-2025_56b60e39-en/full-report/regulating-for-people_6d2fc8d4.html#chapter-d1e2044-036752c453)

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## Recommendations for 2026

To address the aforementioned developments in 2025, we would like to see the Commission's upcoming report include the following recommendations.

**Suggested recommendation:** The practice of allocating 'Other Members' speaking time in parliament to be discontinued and procedures put in place to ensure the neutrality of the office and election process of the Ceann Comhairle.

**Suggested recommendation:** The Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation to ensure the EU Whistleblowing Directive is implemented in a manner that requires ministers to fulfil their duties with respect to protected disclosures.

**Suggested recommendation:** The Houses of the Oireachtas Commission to adopt binding minimum standards for civil society participation in the legislative process, in line with Article 25 of the International Covenant on Civil and Political Rights and the obligation to ensure effective participation in public affairs.<sup>111</sup> These standards should give effect to existing commitments, including guidance issued by the Department of Rural and Community Development,<sup>112</sup> by requiring advance publication of legislative plans, minimum consultation periods at early stages of primary legislation, and transparent reporting on how submissions are considered. These standards should be embedded within the Public Sector Equality and Human Rights Duty<sup>113</sup> and subject to oversight to ensure consistent application across departments.

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111 *United Nations*, International Covenant on Civil and Political Rights, *General Assembly resolution 2200A (XXI)*, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

112 *Department of Rural and Community Development*, Values and Principles for Collaboration and Partnership Working with the Community and Voluntary Sector, *Government of Ireland*, 2022, <https://assets.gov.ie/static/documents/values-and-principles.pdf>

113 *Irish Human Rights and Equality Commission*, What is the Public Sector Equality and Human Rights Duty? 2025 <https://www.ihrec.ie/public-sector-duty>

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### **Irish Council for Civil Liberties (ICCL)**

The Irish Council for Civil Liberties (ICCL) is Ireland's oldest independent human rights organisation. It has been at the forefront of every major rights advance in Irish society for 50 years, since 1976. ICCL helped decriminalise homosexuality, divorce, and contraception. It has fought censorship and driven police reform, defending suspects' rights in dark times. In recent years, ICCL has led successful campaigns for marriage equality, data protection, and reproductive rights.

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### **The Civil Liberties Union for Europe**

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 24 national civil liberties NGOs from across the EU.

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**Co-funded by  
the European Union**

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