IRELAND



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Directorate General
Human Rights and Rule of law

Country factsheet

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I. Main achievements

This chapter presents short summaries of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms, referring however also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation, government regulations, the adoption of new policies or general guidance from superior courts. As a rule, the overview does not cover information on measures providing individual redress to applicants.

The reforms are in principle presented in the order corresponding to the thematic domains used in the specialised database HUDOC-EXEC of the Department for the Execution of Judgments of the European Court of Human Rights.

Many reforms address issues which appear to be on-going challenges in member states. The effects of reforms adopted at one point in time may thus need to be monitored and possibly revisited as conditions change.[1]

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

[1] The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued Recommendation (2004)5 on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

Right to liberty and security

A new Mental Health Act was enacted in July 2001 to grant the right to an independent and automatic review of psychiatric detention.
A statutory framework for the High Court to deal with cases concerning young offenders in need of special care was created in 2011 and a Special Care Unit was set up to provide secure residential service to children and young people in need of specialised targeted intervention.
A person unlawfully deprived of his or her liberty as a result of a judicial act may institute proceedings to recover compensation following amendments to the European Convention on Human Rights Act 2003, as amended in 2014.

Croke (33267/96)
Final Resolution CM/ResDH(2003)8

D.G. (39474/98)
Final Resolution CM/ResDH(2014)234

Functioning of justice

➢ Fairness of proceedings and access to a court

Alongside the existing Criminal Legal Aid Scheme, a Scheme of Civil Legal Aid and Advice was introduced in 1979 and an independent board, the Legal Aid Board, was appointed to administer it. The Courts Bill of 1980 increased the civil jurisdiction of District and Circuit Courts in family law matters, thus providing cheaper, quicker and more convenient access to court in divorce matters.
New jurisprudence on the rules on admission of evidence clarified that a statement obtained as a result of a statutory demand would be inadmissible if it was not given voluntarily.

Airey (6289/73)
Final Resolution CM/ResDH(81)8

Quinn and Heany and McGuinness (36887/97 and 34720/97)
Final Resolution CM/ResDH(2009)129

➢ Excessive length of proceedings

Between 2002 and 2010, several reform steps were taken to reduce length of proceedings, including improved case-management technology, the appointment of additional judges, the amendment of court rules and the increased engagement in alternative dispute resolution processes.

Doran (50389/99+)
Final Resolution CM/ResDH(2011)224

Private and family life

➢ Parental rights

The Adoption Act of 1998 provides a legally protected right to natural fathers to be consulted in matters of adoption of their children.

Keegan (16969/90)
Final Resolution CM/ResDH(99)123

➢ Lawful abortion

According to a constitutional amendment passed in 1992 and the subsequent legislation, it is henceforth allowed/permitted to provide information requested by a woman for the purpose of availing herself of services provided outside the State for the termination of pregnancies. A framework establishing whether individuals qualify for lawful abortion in accordance with the Constitution and setting out criteria and actions to be taken for the assessment of the pregnancy's risks for the mother's life was provided in the Protection of Life during Pregnancy Act 2013, which came into force in January 2014. It provided for a review procedure (including for urgent demands) before a committee of medical practitioners.

Open Door (14234/88)
Final Resolution CM/ResDH(96)368

A., B. and C. (25579/05)
Final Resolution CM/ResDH(2014)273

Protection against discrimination

- on the grounds of sexual orientation

Following the modification of criminal legislation regarding homosexual acts, sexual acts between consenting male adults of more than 17 years of age and capable of valid consent are no longer qualified as offences.

Norris (10581/83)
Final Resolution CM/ResDH(93)62

- with regard to succession rights

The Status of Children Act 1987 equalised the rights of all children, whether born within or outside of marriage, in the areas of guardianship, maintenance and property rights.

Johnston and Others (9697/82)
Final Resolution CM/ResDH(88)11



II. Main issues pending before the Committee of Ministers

This chapter presents the main issues pending in cases/groups of cases currently under the Committee of Ministers' supervision. The relevant supervision procedure is indicated for each case/group of cases.

Detailed information on the status of execution of these cases as well as on the Committee of Ministers' supervision process is available on the specialised database HUDOC-EXEC of the website of the Department for the Execution of Judgments of the European Court of Human Rights.

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

Protection against ill-treatment – specific situations

State's failure to protect children from the consequences of sexual abuse committed by teachers in a National School owned and managed by the Catholic Church; absence of a mechanism of effective State control against the risks of such abuse; lack of effective remedy to complain about the State's failure to protect against sexual abuse.

O'Keeffe (35810/09)
Judgment final on 28/01/2014

Standard supervision
Status of execution

Length of judicial proceedings

Excessive length of criminal and civil proceedings and lack of effective remedies.

McFarlane **group**
(31333/06+)
Judgment final on 10/09/2010

Enhanced supervision
Status of execution



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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. The Committee of Ministers is the Council of Europe's decision-making body, composed by the foreign ministers of all 46 member states. It is a forum where national approaches to European problems and challenges are discussed, in order to find collective responses. The Committee of Ministers participates in the implementation of the European Convention on Human Rights through the supervision of the execution of judgments of the European Court of Human Rights.

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