

# Ireland

## EXECUTION OF THE EUROPEAN COURT OF HUMAN RIGHTS' JUDGMENTS

### MAIN ACHIEVEMENTS IN MEMBER STATES

The present survey presents short summaries<sup>1</sup> 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 or government regulations or the adoption of new policies or general guidelines from superior courts. As a rule, the survey does not cover information on measures aiming at providing individual redress to applicants.

The presentation is organised country-by-country and reforms are, in principle, presented in the order corresponding to the thematic domains used in the Council of Europe's specialised database HUDOC EXEC and the Committee of Ministers' Annual Reports on the Supervision of the Execution of the European Court of Human Rights' judgments.

Many reforms address issues which appear to be on-going challenges in the member State. The effects of reforms adopted at one point in time may thus need to be monitored and possibly re-evaluated as conditions change.<sup>2</sup>

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<sup>1</sup> The summaries are the sole responsibility of the Department for the execution of the judgments of the European Court of Human Rights.

<sup>2</sup> 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.

#### ▢ *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.

*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](#)

*Doran (50389/99+)*

[Final Resolution  
CM/ResDH\(2011\)224](#)

### ➤ *Protection of private 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.

#### ▢ *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.

*Keegan (16969/90)*

[Final Resolution  
CM/ResDH\(99\)123](#)

*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 ground 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](#)