



Ireland

Ratified the European Convention on Human Rights in 1953

National Judge: Síofra O'Leary

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Ann Power-Forde (2008-2014), John Hedigan (1998-2007), Brian Walsh (1980-1998), Philip O'Donoghue (1971-1980), Conor Alexander Maguire (1965-1971), Richard McGonigal (1959-1964)

[List of judges of the Court since 1959](#)

The Court dealt with 28 applications concerning Ireland in 2018, of which 26 were declared inadmissible or struck out. It delivered 2 judgments (concerning 2 applications), one of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2017	2018	2019*
Applications allocated to a judicial formation	54	30	18
Communicated to the respondent Government	1	5	4
Applications decided:	47	28	18
- Declared inadmissible or struck out (Single Judge)	39	23	15
- Declared inadmissible or struck out (Committee)	6	3	1
- Declared inadmissible or struck out (Chamber)	0	0	0
- Decided by judgment	2	2	2

* January to July 2019

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).

Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/07/2019	
Total pending applications*	32
Applications pending before a judicial formation:	21
Single Judge	2
Committee (3 Judges)	3
Chamber (7 Judges)	16
Grand Chamber (17 Judges)	0

*including applications for which completed application forms have not yet been received

Ireland and ...

The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **643** Registry staff members.

Noteworthy cases, judgments and decisions

Plenary

Open Door and Dublin Well Woman v. Ireland

29.10.1992

Applicant companies, who provided information about abortion facilities, complained about an injunction preventing them from assisting pregnant women to travel abroad for an abortion.

Violation of Article 10 (freedom of expression - right to receive/impart information)

Norris v. Ireland

26.10.1988

Applicant's complaint about certain homosexual practices between consenting adult men being criminal offences under Irish law

Violation of Article 8 (right to respect for private life)

Grand Chamber

O'Keefe v. Ireland

28.01.2014

The case concerned the question of the responsibility of the State for the sexual abuse of a schoolgirl, aged nine, by a lay teacher in an Irish National School in 1973.

Violation of Article 3 (prohibition of inhuman and degrading treatment) and of Article 13 (right to an effective remedy) concerning the Irish State's failure to protect Ms O'Keefe from sexual abuse and her inability to obtain recognition at national level of that failure

No violation of Article 3 as regards the investigation into the complaints of sexual abuse at Ms O'Keefe's school

A, B and C v. Ireland

16.12.2010

The applicants, all three of whom live in Ireland, travelled to the UK to have an abortion. Concerned their complaint about restrictions on the possibility of abortion in Ireland

No violation of Article 8 (right to private and family life) in respect of the first and the second applicants (the Court found that the existing prohibition on abortion in Ireland struck a fair balance between the right of the first and second applicants to respect of their private lives and the rights invoked on behalf of the unborn)

Violation of Article 8 in respect of the third applicant (on account of the failure to implement the existing Constitutional right to a lawful abortion in Ireland)

McFarlane v. Ireland

10.09.2010

Concerned unjustified delays in criminal proceedings brought against the applicant for offences (false imprisonment and unlawful possession of firearms) allegedly committed in 1983, of which he was acquitted in 2008. The Court found in particular that Irish law provided no effective remedy for unjustified delays in criminal proceedings.

Violation of Article 6 (right to a fair trial within a reasonable time) and 13 (right to an effective remedy)

Bosphorus Airways v. Ireland

30.06.2005

Applicant company's complaint about impoundment of its aircraft, leased from Yugoslav Airlines, under the United Nations sanctions regime against the Federal Republic of Yugoslavia (Serbia and Montenegro)

No violation of Article 1 of Protocol No. 1 (protection of property)

Noteworthy cases, judgments delivered

Chamber

Cases dealing with Article 3 (prohibition of inhuman or degrading treatment)

Ireland v. the United Kingdom

18.01.1978

UK authorities' interrogation techniques in Northern Ireland from 1971 to 1975.

Violation of Article 3

No violation of Articles 5 (right to liberty and security), 14 (prohibition of discrimination) and 15 (derogation in time of emergency)

In December 2014 Ireland requested a revision of the Court's judgment of 18 January 1978 on the grounds that new evidence had emerged. Ireland argued that declassified UK documents showed, firstly, that the effects of the ill-treatment had been long-term and severe and, secondly, demonstrated the extent to which the British Government had adopted and implemented a policy of non-disclosure about key facts concerning the interrogation techniques at the time of the original proceedings.

On 20 March 2018, the Court found that the Government of Ireland had not provided sufficient prima facie evidence for the first alleged new fact or demonstrated the existence of facts that were unknown to the Court at the time. It also found that even if Ireland had demonstrated the first alleged fact, that would not have had a decisive influence on the original judgment. There was therefore no justification for a revision decision. The revision request was dismissed by six votes to one by a Chamber.

Cases dealing with Article 6

Right to a fair trial

[Donohoe v. Ireland](#)

12.12.2013

The case concerned the fairness of Mr Donohoe's trial and conviction before the Special Criminal Court ('SCC') in Ireland for being a member of the IRA.

No violation of Article 6

[Heaney and McGuinness v. Ireland](#)

21.12.2000

Concerned applicants' right to remain silent and their right not to incriminate themselves following their arrest on suspicion of serious terrorist offences.

Violation of Article 6

[Airey v. Ireland](#)

09.10.1979

A landmark case which found that Article 6 contained a certain obligation to provide legal aid even in civil cases

Violation of Article 6

Violation of Article 8 (right to respect for private life)

Right to a fair trial within a reasonable time

[C. v. Ireland](#) (n°24643/08)

01.03.2012

Violation of Article 6

[O. v. Ireland](#) (n°43838/07)

19.01.2012

Violation of Article 6

[T.H. v. Ireland](#) (n°37868/06)

08.12.2011

Violation of Article 6

[Superwood Holdings plc v. Ireland](#)

08.09.2011

Violation of Article 6

Right to a fair trial and right to legal assistance of own choosing

[Doyle v. Ireland](#)

23.05.2019

The case concerned the applicant's complaint that his right of access to a solicitor was restricted during questioning on suspicion of murder. Although the applicant could consult with his solicitor prior to the first interview and thereafter, police practice at the time meant solicitors were not permitted to be present during police questioning.

No violation Article 6 §§ 1 and 3 (c)

Cases dealing with Article 10 (freedom of expression)

[Independent Newspapers \(Ireland\) Limited v. Ireland](#)

15.06.2017

The applicant company is the publisher of the Irish daily newspaper, the *Herald*, previously known as the *Evening Herald*. In 2004 the *Evening Herald* published a series of articles about a public relations consultant, Ms L., reporting on rumours of an intimate relationship between her and a Government minister. Ms L. successfully sued the applicant company for defamation, and a jury awarded her damages of 1,872,000 euros (reduced to 1,250,000 euros by the Supreme Court on appeal). The applicant company complained to the European Court that the award had been

excessive and had violated its right to freedom of expression.

[Violation of Article 10](#)

Right to property cases (Article 1 of Protocol No. 1)

[O'Sullivan McCarthy Mussel Development Ltd v. Ireland](#)

07.06.2018

The case concerned the company's complaint that the Irish Government had caused it financial losses by the way it had complied with European Union environmental legislation.

[No violation of Article 1 of Protocol No. 1](#)

[No violation of Article 6 \(right to a fair trial\)](#)

Noteworthy cases, decisions delivered

[Mills v. Ireland](#)

Declared inadmissible on 02.11.2017

The case concerned the applicant's complaint that his conviction for selling drugs was unfair as it was based on evidence obtained by police entrapment.

[The Court found the application manifestly ill-founded and rejected it in accordance with Article 35 \(admissibility criteria\) of the Convention.](#)

[Keena and Kennedy v. Ireland](#)

Declared inadmissible on 30.09.2014

Concerns complaints by a journalist and editor of *The Irish Times* newspaper about the unfairness of the award for costs against them in proceedings – concerning their protecting their source for an article published in 2006 about alleged payments to the *Taoiseach* (Prime Minister) to influence land planning applications – which had been decided in their favour.

[Article 10 \(freedom of expression\)](#)

[Reilly v. Ireland](#)

Declared inadmissible on 23.09.2014

Concerns a private in the armed forces who was sexually abused by his superior officer from 1989 to 1995.

[In particular, Articles 3 \(prohibition of torture and inhuman and or inhuman and degrading treatment\) and 13 \(right to an effective remedy\)](#)

[Lynch and Whelan v. Ireland](#)

Declared inadmissible on 08.07.2014

The case concerned the complaint by two prisoners convicted of murder, who were given a mandatory life sentence, that their continuing imprisonment was [in violation of Article 5 \(right to liberty and security\)](#). They further argued under [Article 6 \(right to a fair trial\)](#) that the power of the Minister to grant temporary release meant that the executive was effectively determining the duration of their sentence, contrary to their right to be tried by an independent and impartial tribunal.

[Mr Whelan's application was lodged outside the six-month time-limit and was for this reason rejected by the Court.](#)

[As concerned Mr Lynch, the Court found that his trial and detention had been in full conformity with Irish law.](#)

[Nic Gibb v. Ireland](#)

Friendly settlement and struck out of list of cases on 23.03.2014

Concerns inquest into death of applicant's partner, who was shot by the police during an attempted robbery, and the delay in her civil action.

[In particular Articles 2 \(right to life\) and 13 \(right to an effective remedy\)](#)

[Magee v. Ireland](#)

Friendly settlement and struck out of list of cases on 20.11.2012

Concerned the death of Paul Magee who was handcuffed and placed in a police cell where he was later found dead.

[Article 2 \(right to life\)](#)

[McDermott and Others v. Ireland](#)

Declared inadmissible on 25.09.2012

Complaint by parents of children killed or injured in a serious fire in the Stardust Ballroom in 1981.

[Article 2 \(right to life\)](#)

[Izevbekhai v. Ireland](#)

Declared inadmissible 17.05.2011

Concerned a mother's complaint that, if returned to Nigeria, her daughters were at risk of Female Genital Mutilation (She claimed an older daughter had already died from FGM).

[In particular, Article 3 \(prohibition of torture and or inhuman and degrading treatment\)](#)

[Stapleton v. Ireland](#)

Declared inadmissible on 4.05.2010

Concerned applicant's complaint about an European Arrest Warrant issued against him by the UK on charges of fraud allegedly committed between 1978 and 1982. He was arrested in Ireland in 2005 but then absconded. He alleged in particular that, given the delay in prosecuting him, if surrendered to the UK his trial would be unfair.

[Article 6 \(right to a fair trial\)](#)

[X v. Ireland \(no. 14079/04\)](#)

Declared inadmissible on 15.12.2009

Concerned applicant's complaint about the failure to protect him (by means of legislation or otherwise) from having his name and photograph published when he was a minor convicted of a serious criminal offence (manslaughter and reckless driving).

[Article 6 § 1 \(right to a fair trial\) and Article 14 \(prohibition of discrimination\)](#)

Noteworthy pending cases

[Farrell v. Ireland \(no. 62007/17\)](#)

Case [communicated](#) to the Government on 18 March 2019

The case concerns the applicant's complaint that a surgical symphysiotomy was performed on her while she was pregnant with her first child

A surgical symphysiotomy involves partially cutting through the fibres of the pubis

symphysis (the joint uniting the pubic bones) so as to enlarge the capacity of the pelvis. The procedure allows the pubis symphysis to separate so as to facilitate natural childbirth where there is a mechanical problem.

According to the applicant, at the time she did not know that the procedure carried out was a symphysiotomy. However, she recalled feeling that she had been "split open" or "split in half" immediately following the procedure, and feeling unstable when walking.

The applicant complains under Articles 3 (inhuman or degrading treatment) and 8 (right to private and family life) of the Convention taken in conjunction with Article 13 (right to an effective remedy) that as a result of the judgment in *Kearney v McQuillan and North Eastern Health Board*, she was precluded from making any complaint before the domestic courts about the performance of a symphysiotomy without her free, full and informed consent. Ms Farrell further complains under Article 3 of the Convention in its procedural aspect that there has never been an independent and thorough investigation into the practice of symphysiotomy in Ireland from the 1940s to the 1980s.

Similar cases:

[O'Sullivan v. Ireland](#) (no. 61836/17) and [Madden v. Ireland](#) (no. 61872/17)

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