



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

Press Unit  
Unité de la Presse

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# Ireland

**Ratified the European Convention on Human Rights in 1953**

**National Judge: Síofra O'Leary - President of the European Court of Human Rights**

**Term of office: (2 July 2015 - )**

**Judges' CVs** are available on the ECHR Internet site

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

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

The Court dealt with 23 applications concerning Ireland in 2023, of which 20 were declared inadmissible or struck out. It delivered 2 judgments (concerning 3 applications), which found no violation of the European Convention on Human Rights.

Applications processed in	2021	2022	2023
Applications allocated to a judicial formation	35	28	21
Communicated to the respondent Government	4	2	0
Applications decided:	49	28	23
- Declared inadmissible or struck out (Single Judge)	40	25	19
- Declared inadmissible or struck out (Committee)	7	0	1
- Declared inadmissible or struck out (Chamber)	1	2	0
- Decided by judgment	1	1	3

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 01/01/2024	
Applications pending before a judicial formation:	8
Single Judge	4
Committee (3 Judges)	2
Chamber (7 Judges)	2
Grand Chamber (17 Judges)	0

## 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 **618** Registry staff members.

## Noteworthy cases, judgments and decisions

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### 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

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### 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

##### [Gilligan v. Ireland](#)

18.03.2021

The case concerned the length of several sets of proceedings related to the seizure of the applicants' properties under the Proceeds of Crime Act, 1996, which had included multiple legal stratagems by them within a range of proceedings back and forth across two levels of jurisdiction.

No violation of Article 6

##### [Keaney v. Ireland](#)

30.04.2020

The case concerned a complaint about the length of civil proceedings following a failed business venture. It has also been chosen by the Court as a lead case in relation to the issue of effective domestic remedies in Ireland for complaints about excessive length of proceedings.

Violation of Article 6 § 1

Violation of Article 13

##### [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](#)

**Cases dealing with Article 14  
(prohibition of discrimination)**

**[X and Others v. Ireland](#)**

22.06.2023

The case concerned the rule that the payment of child benefit in Ireland could only be made to claimants who were lawfully resident in the State.

[No violation of Article 14 taken in conjunction with Article 1 of Protocol No. 1](#)

**[P.C. v. Ireland](#)**

01.09.2022

The case concerned the statutory disqualification of a convicted prisoner from receipt of the State-contributory-pension for the duration of his or her imprisonment.

[No violation of Article 14 taken in conjunction with Article 1 of Protocol No. 1](#)

**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**

**[Faulkner and McDonagh v. Ireland \(nos. 30391/18 and 30416/18\)](#)**

Declared inadmissible on 31.03.2022

The case concerned the applicants' removal from a roadside site they were living on illegally.

Relying on Article 8 (right to respect for private and family life), the applicants complained that the orders to vacate the site had been an interference with their rights, and that the authorities had not examined the proportionality of the orders.

**[Shortall and Others v. Ireland](#)**

Declared inadmissible on 18.11.2021

The case concerned the religious language contained in the declarations required under the Irish Constitution (Bunreacht na hÉireann) for the office of President of Ireland (Uachtarán na hÉireann) and for members of the Council of State. The applicants complained under Article 9 that the requirement for a religious declaration breached their freedom of conscience and freedom of religion.

**[L.F. v. Ireland, K.O'S. v. Ireland and W.M. v. Ireland](#)**

Declared inadmissible on 10.12.2020

In the 1960s each of the applicants underwent surgical symphysiotomies in Irish maternity hospitals either during or in advance of labour. Their cases were among 10 applications introduced by women who had undergone symphysiotomies in different Irish maternity hospitals in the 1960s and 1970s

[Articles 3 \(prohibition of inhuman or degrading treatment\), 8 \(right to respect for private or family life\) et 13 \(right to an effective remedy\)](#)

**[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

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Inter-state case

**[Ireland v. the United Kingdom \(III\)](#)**  
**(no. 1859/24)**

The case concerns the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, which was signed into law on 18 September 2023.

Further information on inter-State cases and how they are processed can be found [here](#)

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