[IE] European Convention on Human Rights Becomes Part of Irish Law

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The European Convention on Human Rights Bill, passed by the Oireachtas (Irish Parliament) in June 2003, came into operation on 1 January 2004. Previously, although Ireland had played an active role in the drafting of the Convention and had been one of the first states to ratify it, it had not incorporated the Convention into domestic law. Ireland had been a dualist state in that the Convention, while binding on Ireland, was not binding in Ireland. Irish citizens who wished to avail of the Convention had to take their case to Strasbourg. Now, although the Convention has been incorporated into Irish law at sub-constitutional level, arguments based on the Convention can be advanced directly in Irish courts. The commitment to incorporate the Convention was given in the Belfast Agreement, which emanated from the peace process in Northern Ireland in 1998. The incorporation took place at sub-constitutional level because the Government was of the view that the fundamental rights provisions of the Irish Constitution already offered extensive protection. However, it is widely perceived by lawyers that Article 10 offers greater protection to the media in areas such as defamation. Article 10 is expected to have considerable impact, therefore, on aspects of Irish law affecting journalists and broadcasters.

European Convention on Human Rights Act 2003, number 20 of 2003

http://www.gov.ie/bills28/acts/2003/a2003.pdf

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