What: meeting of the Joint Committee on Justice, Home Affairs and Migration to discuss the General Scheme of the Criminal Law and Civil Law (Miscellaneous Provisions) Bill 2025.

When: Tuesday, 30th September 2025 at 3.00 p.m

Where: Committee Room 1, LH2000, Leinster House.

Who: Chief Commissioner Liam Herrick and Maria Mullan

Brief opening speech (3 mins)

Chair, members of the Committee, thank you for the invitation to appear before you today. I am Liam Herrick, Chief Commissioner of the Irish Human Rights and Equality Commission.

Today, I will present our preliminary submission on the General Scheme of the Criminal Law and Civil Law (Miscellaneous Provisions) Bill 2025, which was sent to the Committee in late June.

Our submission focuses on six specific Heads of the Bill that raise significant human rights concerns.

Our first major area of concern relates to Heads 5 and 6, which propose to significantly expand the use of **remote hearings in criminal proceedings**, including for trials. While we acknowledge potential efficiencies, we have serious concerns about the impact on the fundamental right to a fair trial.

An accused person's ability to effectively participate in their own trial is a cornerstone of our justice system. Remote proceedings can create a sense of isolation and make it difficult for an accused person to communicate confidentially and effectively with their legal team during a hearing. This is particularly concerning for structurally vulnerable people, including disabled people, who already face significant barriers in accessing justice. There is also a real risk that remote participation of an accused person appearing from custody via video link could be prejudicial, undermining the presumption of innocence. For these reasons, we believe remote hearings in a criminal context must be exceptional, not routine. We recommend that these Heads are significantly amended to include robust safeguards and a provision for review.

Secondly, I will turn to Head 19, which concerns the **disclosure of counselling records** in sexual offence cases.

The proposed bill continues the practice of disclosing these highly sensitive records, rather than ending it. This runs contrary to the strong recommendations of international bodies, such as GREVIO, the Council of Europe's expert group on violence against women, and the UN's Committee on the Elimination of Discrimination against Women. We recommend that this approach be reconsidered, with a view to ending the disclosure of counselling records and extending similar protections to other sensitive documents, such as medical records.

Thirdly, Head 20 proposes to amend the Firearms Act to permit prison officers and civilian gardaí to use **incapacitant sprays**, like pepper spray. These sprays are dangerous substances that cause severe pain and can have serious negative health effects. Their use in confined spaces, such as prisons, is particularly dangerous and has been criticised by the European Committee for the Prevention of Torture. Case law from the European Court of Human Rights shows that the misuse of such sprays can amount to inhuman or degrading treatment. We believe alternative de-escalation methods are available and that this power is not necessary. We strongly recommend that Head 20 be removed from the Bill.

Finally, Head 26 proposes to give An Garda Síochána the power to direct a person to remove a **face covering** in a public place. It could have a chilling effect on the right to protest. People wear face coverings for many legitimate reasons, including for health, religious, or cultural purposes. This new power risks being applied in a discriminatory way and would place Gardaí in an impossible position of having to discern the intention behind the wearing of face coverings. We recommend this provision be subject to extensive human rights scrutiny.

We remain available to the Committee to provide further assistance in your scrutiny of this important Bill. Thank you for your time.