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

Legal Tales of European Integration: the ECHR and modern Ireland

Iveagh House EU50 Lecture

Speech by Síofra O'Leary

1 February 2023

I - Introduction

Minister,

Distinguished panellists

Ladies and Gentlemen

Lá Fhéile Bríde daoibh.

My thanks to the Minister for organising this evening's event and for his kind introduction.

It's a pleasure, as always, to be in Dublin, not least because it gives me the opportunity to see so many familiar faces and friends.

I'm conscious of the brilliant women assembled for the panel discussion and of my limited time, so I'll crack on.

When asked to address you to mark St. Brigid's day as part of the EU50 series I was given a fairly blank canvas, albeit reference was made to women's rights given the day which is in it.

I decided to cast my net wider, looking at the rights conferred by European law on different groups within our society, as I think this is more illustrative of the impact of the European Convention in this State.

We gather to celebrate 50 years of Ireland's accession to the EU, but 2023 also marks 70 years since Ireland ratified the Convention, it being one of the first two States, with Denmark, to do so.

In the time available I would like to give you a taste of the road Ireland has travelled since its ratification of the Convention, turning towards the end of my speech to a subject which demonstrates one of the many roads still to be travelled; proof of the Convention's enduring value and importance.

II – Ireland before the European Court in Strasbourg

In a recent speech at DCU I referred to Ireland's European journey from isolation to integration. This journey was undertaken in two European fora - the Council of Europe (of which Ireland was a founding member in 1949) and the European Union (which Ireland entered in the first wave of enlargement in 1973).

It's a journey which has seen our country undergo transformation upon transformation, driven or drawn by a great many forces and factors.

My focus is, naturally, on legal developments, caused or inspired by Ireland's acceptance of the European Convention on Human Rights and the legal obligations which go with it.

With the aid of a small selection of cases decided by the Strasbourg court, I want to bring to light advances and achievements that one can chalk up – to some degree – to Ireland's engagement and interaction with European human rights law.

It is not an excessively difficult argument to make, and I think this is especially true of my first example, which is the case brought to Strasbourg in the 1980s by David Norris.[1]

It was not the first time an Irish citizen had brought to the international level a complaint against his or her country for a violation of human rights.

Think, for example, of the case brought by Gerard Lawless in 1957, as a result of his internment in the Curragh,[2] or the transformation of access to court in civil cases in this State and beyond, for which we have to thank the redoubtable Joanna Airey from Cork who lodged her case in Strasbourg in 1973.[3]

But *Norris* may well have been the case that really brought the European Court and the European Convention on Human Rights into the public eye in this country.

Viewed from Ireland at that time (1988), I think it correct to say that it was a ruling of very real importance; the vindication on the international judicial stage of the right to respect for a deeply intimate aspect of private life.

[1] *Norris v. Ireland*, 26 October 1988, Series A no. 142.
[2] *Lawless v. Ireland* (no. 1), 14 November 1960, Series A no. 1.
[3] *Airey v. Ireland*, 9 October 1979, Series A no. 32.

What the applicant sought in Strasbourg he could not attain through constitutional challenge. The *leitmotif* of the judgment of the Supreme Court, handed down in 1983, was the Christian ethos of the Constitution. A majority of the Supreme Court made clear that it could not be doubted that the intention of the Irish people in approving *Bunreacht na hÉireann* was to adopt a fundamental law consistent with a deep religious conviction, and with Christian beliefs. The array of arguments raised by the applicant's constitutional challenge foundered in the Four Courts on that rock.

In Strasbourg, the *leitmotif* was different – the decisive consideration being whether the restriction of the applicant's private life could be accepted as necessary in a democratic society.

Norris v. Ireland, and the judgment which preceded it, *Dudgeon v. the United Kingdom*,[4] both concerned applicants from the island of Ireland subject to legislation from two different jurisdictions which criminalised homosexual activity carried out in private among consenting adults.

[In both cases we see clearly the ethos informing the Convention, as the European Court had come to interpret it already by that point in time. The Court emphasised that a democratic society – as that term is used, repeatedly, in the Convention – is distinguished above all by tolerance and broadmindedness.]

What the *Norris* case demonstrates is the discordance - I should stress in this area and at that time - between the Constitution and the Convention. It also shows that Irish law at that time was out of step with the laws of most other Council of Europe member States (in the 1980s this meant essentially western European States). Ireland's response to the judgment, in the Criminal Law (Sexual Offences) Act 1993, corrected that.

While the timeframe for this process cannot be regarded as optimum (proceedings had been instituted by Senator Norris in the High Court in 1977), the *Norris* case can well be seen as something of an archetype of the Convention system; where certain individual rights and freedoms are curtailed at the national level, they may ultimately find their vindication through the processes of the international legal order.

But my purpose is not to wag a finger, from Strasbourg in the present day, at the Ireland of 40 years ago. After all, my theme today is modern Ireland.

Let me make clear that by many measures, contemporary Ireland stands out as a society that displays the hallmarks of a democratic society as required in Strasbourg jurisprudence. If, in the 1980s, it needed to be beckoned by Strasbourg to move towards a more liberal stance in relation to some of its laws, the Ireland of now finds its place in a different cohort of European States. It has, for example, placed itself in the vanguard when it comes to the rights and freedoms of sexual minorities.

The protection which Messrs Norris and Dudgeon sought in the 1980s is sought still in other corners of Europe today.

[4] *Dudgeon v. the United Kingdom*, 22 October 1981, Series A no. 45.

Here I refer to a judgment handed down as recently as two weeks ago in Strasbourg in *Fedotova and others v. Russia*.[5] The significance of that judgment lies in the clear reiteration by the Court's Grand Chamber that Article 8 of the Convention requires States:

> "to provide a legal framework allowing same-sex couples to be granted adequate recognition and protection of their relationship".

It is a landmark case, coming at a time when sexual minorities are facing adversity and hostility in many European States, many of which are fellow members of the European Union.[6]

Of interest in the *Fedotova* judgment for present purposes is how it traces the development in the type of cases that have come before the Court since the 1980s. The applicants in *Norris* and *Dudgeon* in the first wave sought above all respect for their intimate private lives. The intervening years have seen the claim for privacy evolve into applicants' claims to an equal place in society, duly recognised and respected in law.

What has also evolved is the Court's case-law. It has never ceased to emphasise that tolerance and broadmindedness, along with pluralism, are the hallmarks of a democratic society. But it has over time brought other principles and values to the fore: respect for human dignity, individual freedom, respect for diversity, and inclusion.

If I can quote two sentences from the judgment in *Fedotova*:

> "The Court emphasises that a democratic society within the meaning of the Convention rejects any stigmatisation based on sexual orientation. It is built on the equal dignity of individuals and is sustained by diversity, which it perceives not as a threat but as a source of enrichment".[7]

I think that these words speak strongly to and of the Ireland of today.

The democratic choice of the Irish people in 2015 to amend the Constitution so as to make it possible for couples of the same sex to marry boosted the growing consensus across Europe. That consensus made it possible for the European Court to now develop its interpretation of the rights that are to be respected and secured for same-sex couples.

As for the exact form and content of legal recognition, I should stress that this remains a matter for each State to decide. It is within the margin of appreciation of national decision makers, subject to the

[5] *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, 17 January 2023.
[6] A few days after the *Fedotova* judgment Grand Chamber also found a violation of Article 10 of the Convention on freedom of expression in a Lithuanian case due to the labelling of a book of fairy tales which depicted a same sex relationship as harmful to children.*Macaté v. Lithuania* [GC], no. 61435/19, 23 January 2023.
[7] *Fedotova and Others v. Russia* [GC], § 180.

proviso that whatever form chosen is adequate, so that the rights conferred by Article 8 are rendered practical and effective.

That is today's European standard. Ireland surpasses it. The discordance of the past in this field at least has vanished.

That said, it is important that I place things in perspective.

It would indeed be an overstatement to say or imply that the European Convention on Human Rights has been the sole or even a major driver of Ireland's transformations over the past 50 years.

The character of a State is defined in a fundamental way by its fundamental law – therein lies the State's constitutional identity - informing its whole body of laws, ordering its democratic life, and to some extent, grounding the policy and actions of Government.

It is not the vocation of a human rights treaty – or international human rights judges - to override, substitute or compete with that.

Furthermore, direct interventions from Strasbourg in relation to Ireland – by which I mean judgments finding a violation of Convention rights – could be described as important but episodic.

By far the greater part of the developments and advances in the field of individual rights since Ireland first joined the Council of Europe or the EU stems from national decision-making, both political and judicial, or indeed result directly from the free expression by the people of their will.

Pointing to recent judgments of note, it was not the Court in Strasbourg but the Irish superior courts which tackled sloping out by prisoners in Mountjoy as contrary to human dignity,[8] or the guarantees which must accompany the eviction of travellers[9] or the nature and extent of the right to legal assistance for those charged with a criminal offence,[10] to name but a few relatively recent examples.

Yet it cannot either be forgotten that in each one of these cases, the superior courts had at their disposal a wealth of Strasbourg jurisprudence to which they could and did refer, despite rooting the legal response in each case principally in the Irish constitution.

A truer description of the contribution from the Strasbourg court would be to say that in some respects it has brought oxygen to ongoing national debates, and in others it was able to address certain blind spots within the Irish legal system.

[8] *Simpson v. Governor of Mountjoy Prison* [2019] IESC 81.
[9] *Clare County Council v. Bernard McDonagh and Helen McDonagh* [2022] IESC 2.
[10] *DPP v Gormley and DPP v White* [2014] IESC 17.

Bringing oxygen

Regarding the former, one can take as examples the cases concerning aspects of Ireland's laws with respect to the termination of pregnancy.

The first such case was *Open Door and Dublin Well Woman*, which was decided in 1992.[11] The case concerned the Article 10 right to impart and receive information. The applicant organisations had been forbidden by injunction from providing information regarding the availability of abortion in the United Kingdom.

Characterising the aim pursued by the injunctions as the protection of morals and specifying that in Ireland one aspect of this was the protection of the right to life of the unborn, the proportionality of the injunctions was assessed.

And in so doing, the Court allowed a wide margin of appreciation, which generally applies in relation to moral matters, and in particular in this case to matters of belief concerning the nature of human life.

Even allowing for this, it was the Court's conclusion that the injunctions could not be regarded as proportionate restrictions on the applicants' rights. This finding rested on a series of factors, notably considerations pertaining to women's health, and to the uneven impact of the restriction on women in different social groups.

As is well known, this specific aspect was addressed by the fourteenth amendment of the Constitution that same year and by legislation passed in 1995. Irish law was amended; it aligned with Convention standards.

But as we know Ireland's engagement with reproductive rights and questions relating to the termination of pregnancy has been a long, painful and winding road. And that road led repeatedly to Strasbourg.[12]

In *A, B and C*, a case decided in 2010, the Strasbourg court was confronted with profound questions about what was generally called "the substantive issue"– namely the interlocking legal, moral, political, medical and social issues at stake in cases concerning the termination of pregnancy.[13]

The *A, B and C* judgment casts light on the stance and function of an international court that is called to sit in judgment on a matter of such great sensitivity.

[11] *Open Door and Dublin Well Woman v. Ireland*, 29 October 1992, Series A no. 246-A.
[12] I note in passing that the question of the availability of abortion on grounds of fatal foetal abnormality was brought before the Court in the *D.* case (no. 26499/02), which was declared inadmissible in 2006 for non-exhaustion of domestic remedies.
[13] *A, B and C v. Ireland* [GC], no. 25579/05, ECHR 2010.

As you may recall, the case involved three women in this country who had each travelled to England for an abortion. For applicant A, it was a matter of her health and well-being; for applicant B, a matter of well-being only; and for applicant C it was out of fear that pregnancy would pose a threat to her life in view of a cancer diagnosis.

All three applications were examined under Article 8, which sets out the right to respect for private life. This is a broad concept that encompasses matters such as personal autonomy and development, and one's physical and psychological integrity.

In the case of A and B, who it was completely clear could not have obtained a lawful abortion in Ireland, given the basis on which they sought it, the Court had to examine the balance achieved under Irish law as it then stood (the 8th, 13th and 14th amendments). The balance was between, on the one hand, a public interest described as the profound moral values of the Irish people as to the nature of life and consequently as to the need to protect the life of the unborn and, on the other, important personal rights of A and B.

Recognising the acute sensitivity of the moral and ethical issues at stake, and the importance of the public interest, a wide margin of appreciation for the State was allowed in deciding where the fair balance was to be found.

As for the weight of consensus among European States regarding the accessibility of abortion (it being clear that Ireland maintained almost the strictest regime at that time), the reasoning was that as it had already been established in quite a different case that there was no European consensus on the scientific and legal definition of the beginning of life, the margin of appreciation regarding that issue necessarily translated into a margin of appreciation in balancing the conflicting rights of the mother.

Yet however wide, a margin is still a margin. It has an outer perimeter, and that outer perimeter is under the supervisory jurisdiction of the Strasbourg Court. The public interest may be of very great weight, but it must still stand in a relationship of proportionality to the right of the individual that has suffered interference.

The approach taken by the Court was a finely calibrated one, with due regard to the choice that had emerged from the lengthy, sensitive and complex debate in this country. Setting the possibilities and supports that were available to A and B in Ireland against the undoubted burden that travelling to England meant for them, the judgment concluded by rejecting their complaints.

Regarding C, the analysis was different, as was, of course, the outcome. C's case raised the question of the application in practice of the interpretation of Article 40.3.3º of the Constitution in the *X* case, handed down by the Supreme Court eighteen years previously.[14]

[14] *Attorney General v. X* [1992] IESC 1.

The complaint was of a failure by the State to act – a failure to put in place effective and accessible procedures so that a woman and her doctors could establish whether or not she had a right to a lawful abortion in Ireland in view of her personal situation.

This lack had already been pointed out by Irish courts – trenchantly by McCarthy J in the *X* case – but also in the various sets of discussions that took place in the latter part of the 1990s and early noughties. The tragic effects of the no person's land in which women, their next of kin, medical staff, the Courts and the unborn were left is particularly well illustrated in the case of *PP v. Health Service Executive.*[15]

The Court in the *C.* case referred to a striking discordance between a right of access to medical termination of pregnancy that was recognised in theory – one that sat within the very terms of the 8th amendment – and its practical implementation (or lack of). On this basis, the State's obligation towards C was found not to have been fulfilled.

If I have taken some time over the content and reasoning of this judgment, it is because it illustrates so well the point I wish to make about the nature and degree of intervention from Strasbourg on a question of exceptional sensitivity, that was the subject of a long and difficult conversation in this country, taken in stages, decade by decade.

The result of the ruling on C's complaint was the regulation of access to abortion in line with the *X* judgment (Protection of Life during Pregnancy Act, 2013), over twenty years after the Supreme Court had ruled.

This was an instance of the Strasbourg court bringing oxygen to a national debate. Things might have stayed as they were after that, once compliance with the European Convention had been achieved. But the societal conversation had not yet run its course.

Most properly, the ultimate word was reserved to the ultimate source of political power and legitimacy; to the people, in their role as constitutional lawmaker. In 2018, following an innovative process of debate and deliberation in the Citizen's Assembly, and then consideration in the Oireachtas, the people of Ireland revised the settlement with respect to personal rights in Article 40 of the Constitution.

<u>Addressing blindspots</u>

The other phrase I used to describe the function of the Strasbourg court is that it has provided an opportunity to address national blind spots.

As an example of this one can take the judgment delivered in 2002 in *D.G. v. Ireland*.[16] The applicant was a young man who, while still a minor, had been placed by the High Court in St Patrick's Institution

[15] *P. P. v. Health Service Executive* [2014] IEHC 622.
[16] *D.G. v. Ireland*, no. 39474/98, ECHR 2002-III.

for a month in 1997. This had been done, with reluctance, as the "least worst" option available at the time for a young person, from a very troubled background, who posed a real danger to himself as well as to others. His needs in terms of care, treatment and education were such that they could not, at that time, be met within the State, there being no suitable secure unit available.

The discomfort – indeed, dismay – of the High Court at the absence of any adequate solution, and the necessity of putting one together by judicial *fiat*, comes through very clearly.[17]

Bringing his case to Strasbourg, the applicant complained in particular that the circumstances in which he had been detained disclosed a violation of his right to liberty under Article 5.

This provision safeguards a core human right, and so the various grounds on which it permits the restriction of liberty are interpreted narrowly and strictly.

The Court held that the applicant's detention in a penal institution, subject to its disciplinary regime, could not be equated to the detention of a minor for the purpose of educational supervision as claimed by the State. Nor could it be seen as an interim step leading quickly on to placement in an education facility. It was thus an unjustified restriction on the applicant's liberty; a violation of the Convention.

It followed from this finding that the State would have to address the underlying problems of structure and resources brought to light by the judgment.

That was not a task accomplished overnight. As the Government later reported to the Committee of Ministers, through the passage of the Children Act 2001, and later the Child Care (Amendment) Act 2011, an appropriate statutory framework was brought in to regulate the placement of minors in secure, special care units. In this way, and not without considerable difficulty, this particular blind spot was corrected.

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Before I move on from remarks that concern specifically the effects on and in Ireland of cases decided by the Strasbourg court, I would like to make the point that one of the themes running through this quantitatively modest body of case-law is the demand of individual applicants or members of particular social groups to be seen, to be heard, to be accepted, to be included, to be taken into account as much as any other member of society or any other social group.

[17] See the decision of the High Court reflected in *D.G. v. Ireland*, § 16: "This is yet another case in which the Court is called upon to exercise an original Constitutional jurisdiction with a view to protecting the interests and promoting the welfare of a minor. The application arises because of the failure of the State to provide an appropriate facility to cater for the particular needs of this applicant and others like him. It is common case that what is required to deal with his problem is a secure unit where he can be detained and looked after. No such unit exists in this State and even if one did, there is no statutory power given to the Court to direct the applicant's detention there. Such being the case, and in the absence of either legislation to deal with the matter or the facilities to cater for the applicant, I have in the short-term to do the best that I can with what is available to me."

It is there, very clearly, in the *Norris* case.

It is there in the famous *Airey* case (1979), in that applicant's demand for legal aid so as to make separation proceedings effectively accessible to her. **Result**: the obligation to provide legal aid in certain types of civil cases.

It is there in the *Johnston* case (1988)[18] in which an unmarried couple unsuccessfully challenged the lack of divorce in Ireland. But they succeeded, however, in their complaint regarding their daughter who, as a result of her parents being unmarried, was placed in an inferior, inadequate legal situation that failed to respect their family life. **Solved by**: Status of Children Act, 1987, bringing equal treatment concerning guardianship, maintenance and property rights.

A similar demand to be seen, heard, accepted and included is also evident in the *Keegan* case (1994),[19] where the applicant complained of the lack of consideration in Irish law for natural fathers. His infant daughter had been placed for adoption without his knowledge or consent. **Solved by**: Adoption Act, 1998, giving natural fathers the right to be consulted, and ensuring that they may apply for guardianship.

Sometimes the Strasbourg court pushes – *Open Door* is a good example. Sometimes it has to shove – the case of Louise O'Keeffe and historical child sex abuse in primary schools is a case in point (although some would argue that the right result was achieved in a case where admissibility conditions were nevertheless short-circuited, the Supreme Court never having been seised of the legal complaint and material which succeeded in Strasbourg).[20]

But in many other cases the Strasbourg court has successfully nudged States into recognising and rectifying their blind spots. This method works when the respondent State accepts that, under the Convention, it is the State and not the Court in Strasbourg which bears primary responsibility for assuring respect for Convention rights and freedoms. Furthermore, it is a responsibility which finds expression in the obligations to which the States have voluntarily subscribed under international law.

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III – A thought for the roads still to be travelled

Having concentrated so far on Ireland specifically, I would now like to change the focus here, from the geographic to the thematic.

In the exchanges that I had with the Department about the content of this lecture, there was the idea – inspired by the figure who is celebrated on this new national holiday – of taking up a theme of

[18] *Johnston and Others v. Ireland*, 18 December 1986, Series A no. 112.
[19] *Keegan v. Ireland*, 26 May 1994, Series A no. 290.
[20] *O'Keeffe v. Ireland* [GC], no. 35810/09, ECHR 2014 (extracts).

particular relevance to women, to the protection of their rights and to the goal of realising gender equality.

There is no doubt that the European Convention on Human Rights, interpreted by the Court as a "living instrument", is of great significance here, as demonstrated by some of the cases I have referred to previously

However, in a series celebrating EU50, I think it worth pointing out that to give a full account of *European* legal achievements in the field of equal treatment and equal opportunities, one should speak as well, and perhaps at greater length, of what has been achieved by the European Union through its laws, policies and action.

Mention would then be made of the extremely important contribution of the rulings of the Court of Justice of the European Union in Luxembourg on such staples as equal pay, equality in professional or occupational life, equality in the broad field of social security, and so forth.[21] These cases – the early wave of which were brought to the Luxembourg court by the same legal champion as *Airey* or *Norris* (our former President, Mary Robinson) - achieved very concrete benefits for women in the workplace, and therefore for men and society too, equality between women and men being a social good in its own right.

My remarks this evening will not range that far, though.

What I will dwell on as illustrative of the Strasbourg court's continued and important role is the steady development of a body of case-law on domestic violence – cases brought by the those who have endured and survived it, and cases brought, sadly, by next of kin.

These cases are not a cause for celebration. It is a fundamental human right to live a life free of violence in the public and private sphere. The cases I will refer to underline that the goal of gender equality is far from achieved when national authorities across Council of Europe Member States are repeatedly in the dock for their failure to protect the rights of victims, more often than not, women and children.

From the 2009 landmark *Opuz v. Turkey* ruling onwards,[22] a succession of domestic violence cases has seen the European Court approach the issue from the angle of several substantive provisions of the Convention – mainly the right to life (Article 2), the prohibition on severe ill-treatment (Article 3), the right to protection of one's physical and psychological integrity as part of the right to respect for private life (Article 8), and the prohibition of discrimination, or the right of women to the equal protection of the law (Article 14).

[21] See, variously, between 1973 and 2000, *Norah McDermott and Ann Cotter v. Minister for Social Welfare and Attorney-General*, 286/85, EU:C:1987:154; *Mary Murphy and others v. An Bord Telecom Eireann*, 157/86, EU:C:1988:62; *Ann Cotter and Norah McDermott v. Minister for Social Welfare and Attorney General*, C-377/89, EU:C:1991:116; *Theresa Emmott v. Minister for Social Welfare and Attorney General*, C-208/90, EU:C:1991:333, or *Kathleen Hill and Ann Stapleton v. The Revenue Commissioners and Department of Finance*, C-243/95, EU:C:1998:298.

[22] *Opuz v. Turkey*, no. 33401/02, ECHR 2009.

These cases have led the Court to build on its more general interpretations of what these provisions imply in terms of the obligations and duties incurred by States towards the victims of domestic violence.

In 2021, in *Kurt v. Austria*, the Grand Chamber of seventeen judges adopted a judgment which marked a qualitative step forward in the perception of and response to domestic violence from the standpoint of the Convention.[23]

The facts of the case are as tragic as they are recurrent in this field a pattern of escalating violence, directed first at the applicant mother and which culminated in a murder-suicide, with the applicant's 8-year old child fatally injured at school by his father.

The emphasis throughout the judgment is on the need for national authorities to take due account of the particular context and dynamics, and the known specific features of domestic violence.

What also marks this case out is the degree to which the Court drew upon specialised international instruments – at the European level the Istanbul Convention – and the expertise made available to it by intervening parties in the proceedings, above all the expert body that monitors the implementation of the Istanbul Convention, GREVIO (which is visiting Ireland this week).

Rarely has the permeability of the Convention to other human rights treaties been so clear as in this case and on this issue.

The result of the *Kurt* case is the adaptation of the (qualified) duty that the Court has derived from Article 2 for States to take adequate operational measures to protect an individual from a real and immediate risk to their life. Where the threat to life arises in the context of domestic violence, then more specific obligations are triggered on the part of the authorities, starting with an immediate response to such an allegation or complaint.

These are very difficult cases because the violence builds up and manifests itself in the private sphere and the legal burden placed on States cannot be such that it is unworkable.[24]

In relation to most Convention rights and freedoms it becomes apparent relatively quickly, as a judge at the Strasbourg court, where the blind spots and systemic weaknesses of the 46 Council of Europe States reside.

I have focussed on domestic violence because it is as an all-too-common scourge encountered in all European States.

[23] *Kurt v. Austria* [GC], no. 62903/15, 15 June 2021.

[24] This difficulty is reflected in the fact that, while the Grand Chamber was unanimous on the legal principles applicable, it split 10:7 on their application to the facts of this case.

For a 6-month period in 2022, Ireland led the Council of Europe, as President of the Committee of Ministers, displaying energy, engagement and enthusiasm at all levels of Government and in the relevant Departments, led by this one. Of several achievements it is worth singling out the Dublin Declaration on preventing domestic, sexual and gender-based violence led by the Minister for Justice, adopted last September.

This is how international standards are upheld and taken forward by international-minded States. The Declaration and the work behind it speaks to the important role which States like Ireland can play in multi-lateral organisations. 50 and 70 years down our European road we reflect upon and engage critically, but in a constructive manner, with what membership of the Council of Europe and the EU has brought. Ireland has shown great aptitude in influencing, well beyond its economic and demographic heft, the course of European integration. Long may that continue.

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I started with a personal note and I will end with the same.

In 2019 I was asked by the Irish embassy in Strasbourg to open an exhibition to celebrate the lives and legacies of 19th and 20th century Irish women who had made lasting contributions in Europe and beyond in their very different fields.

Women like Fanny Isabel Parnell, born in 1848 into a country ravaged by famine, who campaigned for famine relief, social justice and Irish nationalism when she moved to the United States. She also wrote poetry – one of her poems being lauded as "the Marseillaise of the Irish peasant" - and volunteered with the American Ambulance during the Franco-Prussian war.

Or Eva Gore-Booth, the trade unionist and suffragette, who went on to campaign for the abolition of capital punishment. She did this in 1914. Protocol 13 to our Convention – providing for abolition of the death penalty - only entered into force in 2003.

Looking out at the Irish-European audience that day in Strasbourg, I saw my own lived experience reflected in the faces of many of the Irish women present.

The women we had gathered to celebrate were trailblazers and well-deserving of public commemoration. But we had all been brought up by quiet trailblazers – grandmothers, mothers, fathers, teachers and nuns – who had understood that they were shaping women to inhabit a future, modern and European Ireland.

On the 1st of February each year it is to the memory of those quiet trailblazers that my thoughts turn.

Thank you very much for your attention. I hand you over to the capable hands of a stellar panel.