



27 June 2023

## **Statement of condemnation by European Digital Rights on the proposed ministerial amendment to gag critics**

Dear Minister

European Digital Rights, the network of 47 organisations who defend human rights in the digital age in Europe, writes to condemn the action of the Irish Government, which has surreptitiously introduced an amendment to Irish law to gag critics of the Irish Data Protection Commission (DPC), and has done so in manner that is an affront to Ireland's normal process of legislative scrutiny.

On Wednesday 21 June, the Irish Government introduced a "ministerial amendment" in the final stages of the Courts and Civil Law (Miscellaneous Provisions) Bill 2022. Such a bill would normally contain minor amendments in various laws. However, the ministerial amendment grants to the Irish Data Protection Commission the power to gag complainants and parties to procedures.

Our members across the European Union have many times expressed grave doubts about the functioning of the DPC. This puts at risk the rights of all Europeans, because the DPC is the lead supervisory authority for so many large technology firms.

Recognising the need for transparency, accountability, and impartiality, we condemn the attempt by the Irish Government to draw a veil of secrecy around the DPC, thereby making it impossible for journalists and civil society to perform their necessary function in a democratic society.

Conscious of Ireland's customary high standard of legislative scrutiny, we register our dismay that the Irish Government has bypassed the normal process of legislative scrutiny in which Ireland's elected politicians can examine and test law before it is enacted.

We note that there has been no pre-legislative scrutiny stage, so Irish members



of parliament have had no opportunity to examine the law.

We further note that there has been no parliamentary debate stage, so Irish members of parliament have not had any chance to discuss the law.

We further note that there has been no committee stage, so specialist Irish politicians of the parliament and senate have been deprived of the opportunity to consider the law.

We note with acute concern that, instead, the Minister of State gave only a three-line explanation about the amendment in the Irish Senate.

We further note with acute concern that the Government has allowed only a single hour this Wednesday for the Parliament to debate this amendment and the other 23 on diverse issues and laws that are contained in the omnibus miscellaneous provisions bill.

Together, European Digital Rights states the following:

We deplore the Irish Minister's attempt to subvert Ireland's process of democratic legislation.

We call on all Irish parliamentarians to oppose the amendment, and to demand better from the Minister.

We call on the Minister to withdraw the amendment, and to allow due democratic scrutiny.

Claire Fernandez  
Executive Director  
European Digital Rights