

Editorial

Fáilte go dtí an dara eagrán 2022. Following our special edition on the Judicial Council at the beginning of the year, we return to our regular format of a mix of articles and book reviews for this edition.

We begin with an article from Chief Justice Donal O'Donnell who reflects on the European Court of Human Rights Act 2003, nearly 19 years after its implementation. He identifies a number of phases in the relationship between Irish law and the ECHR and looks back at what has been achieved from a human rights perspective. He also writes about a potential change in direction and approach in future human rights claims.

Michelle Smith de Bruin then examines some of the main features of the law engaged in transnational defamation actions brought against defendants who are located in the European Union and analyses recent Irish cases where individuals domiciled outside the EU issued proceedings in the Irish courts; a situation now commonly referred to as 'libel tourism'.

John O'Connor provides a fascinating insight into the developmental nature of children and young persons who appear before the courts. Based on his doctoral research, this article looks at current judicial practice, from multiple perspectives; those of judges, young people's probation officers ('YPPO'), child offenders and child victims. It considers potential reform of the Irish juvenile sentencing system and explores innovative sentencing practices in the USA, New Zealand and in England.

In the next article, Marie Quirke provides some advice for judges, particularly those in the Circuit Court, in dealing with GDPR matters. The Data Protection Act 2018 created a new cause of civil action and made changes to civil procedure with the result that significant responsibilities regarding the enforcement of key aspects of the GDPR have been vested in the Circuit Court. The article guides the reader through these various changes, asking at the end, whether the Circuit Court has become the epicentre of data matters.

On the very topical issue of victims in the criminal justice process, Liam O'Driscoll looks at the recent changes made to the Scheme of Compensation for Personal Injuries Criminally Inflicted. He considers victims' rights theory and the early development of victim compensation schemes and then examines the Irish developments in light of international standards and identifies some shortcomings which need to be addressed.

Moving from victims to the accused, the next article examines the treatment of suspects with intellectual disabilities in Ireland. The authors stress the need for dialogue, training and enculturation at all stages of the Irish criminal process and advice is offered to policymakers on legislative and procedural reform that would align Irish criminal procedure with the human rights exigencies mandated under international conventions.

Finally, in a piece that has disturbing parallels with the current state of affairs, Peter Charleton writes about the Cuban Missile Crisis. This piece is well worth a read, as Theodore Roosevelt said: *'The more you know about the past, the better prepared you are for the future.'* These words are echoed by Mr Justice Charleton in the abstract of this piece: *'if we are to know the dangers*

attending the present, must we not learn from dangers past and draw some solace from how the horrors then in prospect passed?’

In the book review section, Alan Eustace reviews Larsen’s *The Constitutional Theory of the Federation and the European Union* and Max Barrett reviews Beausang’s *Consumer and SME Credit Law*.

Thank you, as always, to our editorial team at the University of Limerick, our Judicial Board, our copy-editor – Bláithín O’Shea, all of the authors who contributed to this edition, and finally to the external reviewers who gave their time so generously.

Go mbainfidh sibh taitneamh as.

Dr Laura Cahillane
Editor in Chief