



**DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM**



**Annual Report 2008**

*Working for a Safer, Fairer Ireland*

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## CONTENTS

<b>Foreword by the Minister for Justice, Equality and Law Reform Dermot Ahern, T.D</b>	<b>4</b>
<b>About the Department of Justice, Equality and Law Reform</b>	<b>6</b>
<b>Introduction by the Secretary General</b>	<b>8</b>
<b>High Level Goals</b>	
<b>1. Supporting An Garda Síochána and Tackling Crime</b>	<b>10</b>
<b>2. Developing Justice Services</b>	<b>21</b>
<b>3. Provision of Immigration and Related Services</b>	<b>28</b>
<b>4. Promotion of a Caring, Integrated and Equitable Society</b>	<b>35</b>
<b>5. Promotion of a Secure and Peaceful Society</b>	<b>42</b>
<b>6. Law Reform</b>	<b>45</b>
<b>7. Business Delivery</b>	<b>51</b>

### APPENDICES

**Appendix 1: Organisation Chart**

**Appendix 2: Justice Sector Group Output Statement 2009**

**Appendix 3: Immigration Related Services Tables**

**FOREWORD BY MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM  
DERMOT AHERN, T. D.**



Minister of State  
John Moloney, T.D.



Minister of State  
Barry Andrews, T.D.



Minister of State  
Conor Lenihan, T.D.  
(June 07 – April 09)



The year 2008 will mostly be remembered as the year in which a worldwide economic recession took hold throughout the globe. While this recession had reverberations in most countries, it had a particularly serious impact on Ireland's small, open trade dependent economy.

One of the first tasks I undertook on becoming Minister on 6 May 2008 was to work with my officials on the drafting of my Department's Strategy Statement for 2008 to 2010. In publishing this Strategy Statement in June 2008, I noted the concern that ordinary people have about the level of crime in our society and I outlined my commitment that everything possible would be done to tackle crime and to make our communities safer places. I indicated that I would be prioritising areas such as gun crime, organised crime, drugs and public order, and indeed these are reflected in the Policing Priorities that I have set for An Garda Síochána in 2009.

But in setting out our vision of "Working for a Safer, Fairer Ireland", I noted the changed financial circumstances facing our country which would necessitate on-going achievement of administrative efficiencies and the seeking of ways of improving and rationalising how services are delivered. Certain rationalisation decisions were made in the context of the estimates for 2009. By the end of the year, the need to seek efficiencies and savings was even greater, and at the time of writing, my overarching strategic priority is to continue protecting services to the public in the areas of frontline policing and crime prevention, while achieving maximum value from available resources. The challenges are immense as studies show that certain types of crime (e.g. burglaries) tend to increase in years when economies are in decline.

In this respect, while consolidating our past achievements and investments in the fight against crime, I intend to put in place a strategy for on-going and future developments to ensure a safer society and safer communities. As a first step in defining that strategy, in January 2009, I announced the start of a process to develop a White Paper on Crime. The process will last for about two years and will rely heavily on public consultation. It will provide an opportunity to evaluate our current systems and services and to focus on new and future challenges, both in terms of the changing face of crime and ensuring that we deliver best value for money. The White Paper will set out a policy framework and key priorities so that we can meet those challenges head on. In

the meantime, tackling crime on a daily basis remains my number one priority and work on the White Paper will not in any way impede on-going policy developments.

In the year under review, a number of highlights stand out in this Report. Among these are -

- 1) Mandatory alcohol testing, contributing to a decrease of 59 in the number of people killed on our roads in 2008;
- 2) The Intoxicating Liquor Act 2008, enabling Gardaí to seize alcohol in certain circumstances which is resulting in a decrease in public disorder on our streets and in our communities;
- 3) The continued re-invigoration of An Garda Síochána, Courts, Prison and Probation Services and development of their services and capacities (through such projects as the Dublin Criminal Courts project);
- 4) The re-organisation and rationalisation of the Irish Naturalisation and Immigration Service of our Department in readiness for the enactment of the Immigration, Residence and Protection Bill 2008;
- 5) The launch in May 2008 by the Minister of State for Integration, Conor Lenihan T.D., of *Migration Nation, a Statement on Integration and Diversity Management*, which sets out the future direction of integration policy in Ireland based on equality principles and a broad view of social inclusion.
- 6) The focussed delivery of services by our Youth Justice Service under its national strategy for 2008 to 2010 which was published in March 2008 and which is overseen by a National Youth Justice Oversight Group to ensure effective implementation;
- 7) Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, the Anti-Human Trafficking Unit and the newly established Victims of Crime Office, each of which is driving initiatives for the benefit of particular categories of victims of crime and working closely with non-governmental organisations (NGOs);
- 8) The delivery of a significant programme of Criminal and Civil Law Reform; and
- 9) Further deepening of the processes of criminal justice co-operation with Northern Ireland with mutual benefits for people on both sides of the border.

The achievements recorded in this Annual Report for 2008 provide a firm basis for my Department and its agencies to move forward and respond to the emerging and changing challenges in the Justice Equality and Law Reform sector. The values of justice, equality, integrity and service which have been the hallmarks of our people in the Department and throughout the sector in the past, allied with their dedication and commitment, will I am confident see us through the challenging times that lie ahead.

On my own behalf, and on behalf of my Ministers of State, I would like to thank everyone concerned.

**Dermot Ahern T.D.**

Minister for Justice, Equality and Law Reform

## **ABOUT THE DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM**

The Department of Justice, Equality and Law Reform is the Department of State responsible for maintaining the Rule of Law and the security of the State and for developing Justice, Equality and Law Reform strategies, policies and services to meet the evolving needs of our country. This involves upholding the highest values and addressing some of the deepest concerns of our people and our communities. Our collective mission is to help make Ireland a safer and fairer place in which to live and work, visit and do business. The remit of the Justice family of agencies and services stretches across a range of human concerns and touches on aspects of national life as diverse as the protection of life and property; the prevention and detection of crime; maintaining and promoting equality of treatment between people; the provision of services for the buying and selling of property; the management of inward migration to the State; supporting integration and providing a Courts Service and other forms of investigative tribunals. On the international front, the Minister for Justice, Equality and Law Reform and the Department serve the interests of Ireland in relation to Justice, Equality and Home Affairs' matters by participating fully in the European Union, the Council of Europe and the United Nations among other international fora.

The Department of Justice, Equality and Law Reform is structured around clusters of Divisions, each headed up by a member of the Management Advisory Committee (MAC), responsible for administration and policy in relation to:

- An Garda Síochána
- Civil Law Reform
- Courts Policy
- Crime, Security and Northern Ireland
- Criminal Law Reform, Prisons and Probation Policy
- Equality and Disability
- EU/International Matters
- Human Resources, Corporate Services, Organisation Development, Finance, Internal Audit and IT
- Immigration Related Services
- Mutual Assistance and Extradition
- Reception and Integration Agency (RIA)

The heads of the following agencies/offices of the Department are also members of the Management Advisory Committee:

- Anti-Human Trafficking Unit
- Cosc – the National Office for the Prevention of Domestic, Sexual and Gender-based Violence
- Irish Prison Service
- Office of the Minister for Integration
- Youth Justice

In all, there are about 26,000 people employed across the Justice, Equality and Law Reform sector ranging from Gardaí to Prison Officers, Probation Officers to general civil servants. There were approximately 605 staff working in the Head Office areas of the Department at the end of 2008. There are 24 organisations in the Justice and Equality Sector, each with specific administrative, regulatory or operational functions (Appendix 1 – Organisation Chart)

Across all its votes the Department was responsible for a budget of €2.69 billion in 2008 which compares to a budget of €2.45 billion in 2007.

## Annual Output Statement 2009

There are 9 Programmes listed in our Annual Output Statement (Appendix 2):

- 1) Community Security, Law Enforcement, Crime Prevention by Support for An Garda Síochána
- 2) The Maintenance of Safe and Secure Custody for Offenders by Support for the Prison Service
- 3) Management of the Courts and Supporting the Judiciary
- 4) The Promotion of a Safe Society through the Provision of a Wide Range of Justice Services
- 5) The Promotion of a Tolerant and Equitable Society
- 6) The Provision of Immigration and Related Services
- 7) The Provision of Probation Services
- 8) The Provision of a Coherent, Effective Youth Justice Service
- 9) The Provision of Property Registration Services

We have aligned our High Level Goals as far as is practicable to reflect the programmes of the Annual Output Statement as follows:

High Level Goal	Programme
1. Supporting An Garda Síochána and Tackling Crime	1. Community Security, Law Enforcement, Crime Prevention by Support for An Garda Síochána
2. Developing Justice Services	2. The Maintenance of Safe and Secure Custody for Offenders by Support for the Prisons Service 3. Management of the Courts and Supporting the Judiciary 7. The Provision of Probation Services 8. The Provision of a Coherent, Effective Youth Justice Service 9. The Provision of Property Registration Services
3. Provision of Immigration and Related Services	6. The Provision of Immigration and Related Services
4. Promotion of a Caring, Integrated and Equitable Society	5. The Promotion of a Tolerant and Equitable Society
5. Promotion of a Secure and Peaceful Society	4. The Promotion of a Safe Society through the Provision of a Wide Range of Justice Services
6. Law Reform	Note - Civil Law Reform is included in Programme 5
7. Business Delivery	no equivalent programme

**INTRODUCTION BY THE SECRETARY GENERAL,  
SEÁN AYLWARD**



This Annual Report on the work of the Department of Justice, Equality and Law Reform attempts to capture and present succinctly the main elements of our broad mandate, outlining our activities and achievements in 2008 and showing our focus going forward.

Ranging across the work of An Garda Síochána which reaches into every part of our country to that of our Immigration Services and all of the Justice and Equality services in between, our 26,000 people – ranging from Gardaí to Prison Offices, probation officers to general civil servants - have worked hard during the year to help make Ireland a safer and fairer society.

This Report records significant progress and achievements – our work, however, is never “done”. Rather we are continuously delivering vital and essential services, many on a 24/7 basis, and forever building and renewing the foundations for the future.

As we face into difficult times economically when resources will be significantly scarcer, our aim is to retain our clear focus on our key priorities and to maintain the direction of our policies and services, while taking strategic steps to ensure that we deliver maximum value for the €2.6 billion in funding that is allocated by the Oireachtas to the Justice and Equality sector annually.

Fostering and renewing a spirit of partnership with our staff throughout the sector, on whom we depend for the delivery of front-line services, will continue to be key. As I have said before, we are proud to be associated with our colleagues throughout the Justice “family”, as we jointly work to administer justice and uphold human rights in so many different spheres and settings.

I hope that you find this Annual Report on our work informative.

Seán Aylward  
Secretary General



## HIGH LEVEL GOALS

1	<b>Supporting An Garda Síochána and Tackling Crime</b>  We will further advance law enforcement, crime prevention and community security by our continuing structural and service reform of An Garda Síochána and through the development of effective anti-crime policies, the implementation and enforcement of effective and balanced laws and working to ensure visible policing of our communities.
2	<b>Developing Justice Services</b>  We will continue to advance our structural and service reforms of justice services – criminal and civil - so as to enable the Department and the Justice and Equality Sector organisations implement their mandates in the most effective and efficient way possible.
3	<b>Provision of Immigration and Related Services</b>  We will continue to implement Government commitments in relation to the provision of asylum, immigration and related services and to update when necessary the legislative base in this area.
4	<b>Promotion of a Caring, Integrated and Equitable Society</b>  We will promote the development of a caring and equitable society and co-ordinate, support and facilitate the integration of all legally resident immigrants into Irish society through the implementation of appropriate policies.
5	<b>Promotion of a Secure and Peaceful Society</b>  We will continue to promote a secure and peaceful society through the provision of a wide range of Justice Services and we will continue to contribute to the development of accountable local governance in Northern Ireland.
6	<b>Law Reform</b>  We will continue to reform our laws – criminal and civil – and provide for improved regulatory systems where required.
7	<b>Business Delivery</b>  We will support the delivery of the Department’s business objectives through optimising staff performance and development, providing a high quality working environment for staff and customers, maintaining the highest standards of corporate governance and through the effective use of resources.

## SUPPORTING AN GARDA SÍOCHÁNA AND TACKLING CRIME

Tackling crime in all its forms is a top priority for the Department. We play a key role in the development of the regulatory and structural framework within which An Garda Síochána operates and in the promotion of measures designed to provide greater accountability, economy, efficiency and effectiveness. We remain committed to taking whatever actions are necessary to reduce the level of crime in our society and to make our communities and our streets safer. A number of strategies have been framed to deliver commitments intensifying such matters as the fight against drugs and organised crime; the enforcement of public order; ensuring effective and visible policing at community level; the implementation of stronger anti-crime laws; giving effect to our international obligations to combat crime and protect the security of the State; the regulation and control of the use of firearms and explosives and the implementation of traffic laws.



## **POLICING MATTERS**

The Garda Síochána Policing Plan, published in January 2008, set out the proposed arrangements for the policing of the State during 2008 and took into account the Policing Priorities set by the Minister for Justice, Equality and Law Reform, mapping out the key objectives and actions required for the effective policing of our towns, cities and communities, the protection of the security of the State and the ongoing modernisation and development of An Garda Síochána. The plan included extensive changes to Garda Divisional boundaries to make them coterminous with administrative boundaries in order to facilitate both local Garda and local authority management in the administration of Joint Policing Committees. New Garda Divisions in Meath and Wicklow were established in 2008 as well as the realignment of existing Divisions in the re-drawn Eastern Region. This work will continue in 2009.

In February 2008 the Garda Commissioner established a Working Group to review the training and development arrangements in An Garda Síochána for Garda and civilian personnel.

Mr Brian McCarthy was appointed on 11 March 2008 by the Minister for Justice, Equality and Law Reform as an Independent Confidential Recipient under the Garda Síochána (Confidential Reporting of Corruption or Malpractice) Regulations 2007. The confidential reporting system, based on a proposal contained in the Reports of the Morris Tribunal into events in Donegal, enables the independent Confidential Recipient, or Confidential Recipients appointed by the Garda Commissioner from within the organisation, to receive in confidence reports of corruption or malpractice within An Garda Síochána from Garda members or civilian employees. The Garda Commissioner has established a Charter under the Regulations which sets out detailed mechanisms for confidential reporting. The Charter has been made available to all members and civilian staff of An Garda Síochána, but is not publicly available. This restriction on the publication of the Charter is to protect the integrity and security of the confidential reporting system. The Charter has been given to the Garda Síochána Ombudsman Commission. The Regulations require that the Ombudsman Commission is kept informed by the Garda Commissioner of all confidential reports received by him.

In July 2008 it was announced that the Garda Inspectorate is to examine the question of establishing a dedicated Missing Persons Unit, including a response network similar to 'Amber Alert' in the USA. The Garda Inspectorate is undertaking a missing persons study in accordance with a commitment made in the Programme for Government to ensure that the systems in place are the best possible for dealing with such cases. The Minister for Justice, Equality and Law Reform requested the Inspectorate to examine the potential role which a specific child alert mechanism – be it national or cross-border – could play in certain circumstances.

Joint Policing Committees are provided for in the Garda Síochána Act 2005. Their purpose is to provide a forum where An Garda Síochána and the local authority - the two organisations which make the most significant contribution to preventing and tackling crime in a specific area - can come together, with the participation of members of the Oireachtas and community and voluntary interests, on matters affecting the area. In September 2008 the Minister for Justice, Equality and Law Reform launched, with his colleague the Minister for the Environment, Heritage and Local

Government, the roll out of the Committees from the initial pilot phase in 29 local authority areas to all 114 local authority areas. An Garda Síochána and the relevant local authorities are now in the process of establishing the Committees in local authority areas where there are not yet Committees in accordance with new Guidelines. The necessary steps will take a certain amount of time, since there is a process to select the Committee members from the local authority, the Oireachtas and the community and voluntary sector.

In October, An Garda Síochána and the Police Service of Northern Ireland signed an agreement formalising the sharing of personal data in relation to the investigation of sexual offences and the monitoring of sex offenders, whilst in November, the 6<sup>th</sup> Annual Cross Border Policing Seminar on Organised Crime took place in Enniskillen. The seminar was jointly organised by this Department and the Northern Ireland Office. The seminar coincided with the publication and launch of the latest Cross Border Organised Crime Threat Assessment. Attendees included senior representatives of An Garda Síochána, the Criminal Assets Bureau, the Revenue Commissioners (Customs), the Police Service of Northern Ireland, the Serious and Organised Crime Agency and HM Revenue and Customs.

## **POLICING RESOURCES**

The Department continued to work with An Garda Síochána during the course of the year on the provision of resources and services for the Force. For example, the Department has worked closely with the Garda authorities and other State bodies on the provision of the National Digital Radio Service for An Garda Síochána. The project is at an advanced stage and the rollout of the service to members of the Force is planned to commence in the Dublin Metropolitan Region in April 2009 with full coverage for Dublin in place by August 2009. The Eastern Region is expected to be completed by December 2009 and rollout to the other Garda Regions will take place in line with the agreed infrastructure plans.

Following consultation with his Government colleagues, the Minister for Justice, Equality and Law Reform approved a request from the Garda Commissioner to introduce an incapacitant spray, more commonly known as pepper spray, for use by operational members of An Garda Síochána. The decision arises from concerns over a marked increase in both assaults and obstructions being experienced by Garda members in the course of their duty. The decision to introduce incapacitant spray is in line with the recommendation of the Garda Síochána Inspectorate's 2<sup>nd</sup> Report on Barricade Incidents which recommended that such sprays be made available to all operational members in the interest of officer safety.

In accordance with the commitment in the Programme for Government to expand the strength of the Force, the accelerated intake of approximately 1,100 new recruits per annum continued in 2008. The attested strength (all ranks) of An Garda Síochána increased to 14,411 by 31 December 2008, with a further 944 recruits in training. Recruitment to the Garda Reserve continued with 331 attested reserve members and 114 trainees at end of December.

The Criminal Assets Bureau continued to disrupt the activities of those who seek to benefit financially from crime. Two additional Financial Analysts were appointed to the Bureau in 2008. The number of trained Asset Profilers increased from 28 at the end of 2007 to 93 at the end of 2008. An additional team was established at the Bureau in 2008 which is focussing on the assets of more middle-ranking criminals.

Operation Anvil commenced in May 2005 in the Dublin Metropolitan Region and was extended countrywide in 2006. The primary focus of this Operation is the disruption of serious and organised criminal activity. It consists of intelligence-led targeted operations on the one hand, and an increased overt visible Garda presence on the other. The Garda Commissioner has publicly re-affirmed his commitment to the objectives of Operation Anvil, which is one of the tools used by members of An Garda Síochána to combat crime. An allocation of €20 million was ring-fenced in the 2008 Garda Budget to ensure the ongoing activities of the Operation. Up to 18 January 2009 there were 43,305 arrests, 69,285 searches and 2,281 firearms seized or recovered under Operation Anvil.

Funding for the Forensic Science Laboratory was increased by 16% in 2008 and 20 additional posts were announced, bringing the overall approved staffing levels to over 100.

## CRIME STATISTICS

The statistics for recorded crime in 2008 published by the Central Statistics Office used for the first time for annual statistics the new Irish Crime Classification System, which provides for fuller information than the statistics previously published.

The statistics show encouraging trends in a number of significant areas:

- There was a significant drop of 43% in homicide offences in 2008.
- The number of cases of murder and manslaughter offences recorded fell from 84 in 2007 to 52 in 2008, a decrease of 38%.
- The detection of controlled drug offences increased by 25%. Detections of these offences are due mainly to successful police work by An Garda Síochána.
- The number of cases of discharging a firearm decreased by 31%. While the number of cases of possession of a firearm increased by 8%, this is due primarily to increased Garda activity to combat this.
- There was an increase of 23% in fireworks offences, which is evidence that the changes in the law in this area which came into force during the period were proving effective.

## ANTI-SOCIAL BEHAVIOUR

The Criminal Justice Act 2006 introduced provisions to combat anti-social behaviour by adults and children. These provisions set out an incremental procedure, involving the issue of a behaviour warning by a member of An Garda Síochána, a good behaviour contract (in the case of a child) and finally a civil order (in the case of an adult) or a behaviour order (in the case of a child). In 2008, 502 behaviour warnings were issued to adults and 513 to children. Eight good behaviour contracts were concluded in respect of children, and two civil orders (adults) and two behaviour orders (children) were issued by the courts.

The Intoxicating Liquor Act 2008 came into effect on 30 July 2008. It introduced tougher public order provisions, allowing the Gardaí to seize alcohol from minors and to seize alcohol where they have a reasonable apprehension of public disorder or damage to property and require a person to leave the place concerned.

In September 2008 the Minister for Justice, Equality and Law Reform signed Regulations enabling further public order provisions of the Criminal Justice (Public Order) Act 1994, as amended, to come into operation. These provisions allow for the issue of fixed charge notices for the offences of intoxication in a public place and disorderly conduct in a public place, which are offences under sections 4 and 5 of the 1994 Act.

Under the Regulations, if a member of An Garda Síochána is of the opinion that a person has committed one of these offences, s/he may serve on that person a fixed charge notice. The notice offers to the person the option of paying a fixed charge (€140 in respect of disorderly conduct in a public place and €100 in respect of intoxication in a public place) instead of being prosecuted for the offence.

Section 22 and schedule 2 of the Intoxicating Liquor Act 2008 provided for increases in most of the fine amounts for offences under the 1994 Act.

## DOMESTIC VIOLENCE

Funding was made available under the National Development Plan 2007 - 2013 to continue to support awareness raising campaigns and perpetrator programmes over the period of the Plan. Funding of €2.95 million in 2008 represented a 40% increase on the budget for 2007.

Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence held its first conference in May 2008 in Waterford Institute of Technology on the subject of *Stopping Domestic Violence: What Works?* The conference provided an opportunity for stakeholders to learn from international experts about effective initiatives taken in other jurisdictions.

Cosc made an important contribution to the organisation of a forum held in October 2008 to highlight the issue of domestic and sexual abuse against women and men, including older people in the community. The forum sought to challenge the reluctance of individuals to help someone they know who is suffering from such abuse.

A significant advance was made in the provision of information to people who are affected by domestic and sexual violence through the launch of the website [www.cosc.ie](http://www.cosc.ie) in early 2008. For the first time anyone who needs information on services at national and local level in relation to domestic or sexual violence can easily access that information.

Cosc began developing a National Strategy on Domestic, Sexual and Gender-based Violence in conjunction with key stakeholders from early 2008. An invitation for submissions resulted in 48 responses with a wide range of actions for consideration. This material was the subject of consultations with stakeholders at fora held at national and regional level to inform the strategy's development. These consultations included individual and small group meetings with victims of domestic and sexual violence.

Towards the end of the year Cosc completed its first research project on attitudes to domestic abuse in Ireland. This research had an important impact in terms of informing the work of Cosc's Communications Unit on an awareness raising campaign.

## ANTI-HUMAN TRAFFICKING

An Anti-Human Trafficking Unit was established in the Department in February 2008. This Unit is exclusively dedicated to co-ordinating and facilitating the implementation of a new national strategy to address human trafficking and acts as a pivot at national level, facilitating a well-focused, coordinated approach to tackling the crime of human trafficking.

A High Level Group on Combating Trafficking in Human Beings was also established. This Group is tasked with presenting to the Minister for Justice, Equality and Law Reform the most appropriate and effective response to dealing with trafficking in human beings. The Group, co-chaired by the Director General of the Irish Naturalisation and Immigration Service and the Assistant Secretary in the Department of Justice, Equality and Law Reform dealing with crime, includes representatives of An Garda Síochána and other Departments and Offices who have a contribution to make to the national response. In addition, five Interdisciplinary Working Groups have been established comprising representatives from the relevant Government Agencies, NGOs and International Organisations to progress matters and, in turn, report to the High Level Group. The Working Groups are dealing with:

- Development of a National Referral Mechanism
- Awareness Raising and Training
- Child Trafficking
- Labour Exploitation Issues
- Sexual Exploitation issues.

In total, 34 different governmental/non-governmental organisations are involved in this process. A National Action Plan to Combat Trafficking in Human Beings is being drafted under four main headings:

- Prevention and Awareness Raising
- Prosecution of Traffickers
- Protection of Victims
- Child Trafficking.

The Anti-Human Trafficking Unit arranged for funding under the National Women's Strategy for 'Ruhama' (an NGO which provides support services to women involved in prostitution and other forms of commercial sexual exploitation) for the making of a three minute film and a fifty second advertisement designed to provide education regarding the exploitation underpinning the commercial sex industry and to address the demand side of sex trafficking.

The Criminal Law (Human Trafficking) Act 2008 has been fully operational since 7 June 2008. The Act creates offences of trafficking in children and adults for the purpose of sexual or labour exploitation or the removal of their organs. It also makes it an offence to sell, offer for sale, purchase or offer to purchase any person, adult or child for any purpose. Under Section 5 of the Criminal Law (Human Trafficking) Act 2008 it is an offence for a person to solicit for prostitution a person whom he/she knows, or has reasonable grounds for believing, is a trafficked person. A person (other than the trafficked person) who accepts or agrees to accept a payment, right, interest or other benefit from a person for this purpose also commits an offence. The penalty is up to five years imprisonment or an unlimited fine or both on conviction on indictment.

The Immigration, Residence and Protection Bill is awaiting Report stage in the Dáil. Section 127 of the Bill, provides for a period of recovery and reflection of 45 days in the State for alleged victims of trafficking and also, in circumstances where the person trafficked wishes to assist the Gardaí in any investigation or prosecution in relation to the alleged trafficking, a further six months period of residence, renewable, to enable him or her to do so. The Minister for Justice, Equality and Law Reform has agreed to amend the provision at Report stage to provide for a 60 day recovery and reflection period. An administrative framework, broadly reflecting the provisions in the Bill, was introduced on 7 June to provide for the period of recovery, reflection and residency in the State until the full enactment of the provisions of the Immigration, Residence and Protection Bill. That framework was recently amended to provide for the 60 day recovery and reflection period.

Ireland is part of a European G6 Initiative against human trafficking. This initiative, involving six European countries (UK, Poland, Italy, Netherlands, Spain and Ireland) is supported by Europol, Eurojust and Interpol. Ireland has the lead role in the Awareness Raising Strand. Arising from Ireland's involvement in the forum, an Awareness Raising campaign targeted at the general public, law enforcement and other professionals who may come into contact with a victim of trafficking during the course of their work took place in October/November 2008. Training was provided to in excess of 110 persons as an introduction to human trafficking and setting out the indicators of human trafficking. This training was provided by the International Organisation for Migration (IOM) with input from NGOs, the Garda National Immigration Bureau and the Anti-Human Trafficking Unit and involved Labour Inspectors from the National Employment Rights Authority, Inspectors from the Private Security Authority, Social Welfare Inspectors from the Department of Social and Family Affairs, Staff of the Health Services Executive, Irish Naturalisation and Immigration Service (INIS), the Office of the Refugee Applications Commissioner (ORAC), the Crime Victims Helpline, the Victims of Crime Office, the Department of Enterprise, Trade and Employment and the Anti-Human Trafficking Unit.

## VICTIMS OF CRIME

In June 2008, at the publication of a new framework document prepared by the Commission for the Support of Victims of Crime, the Minister for Justice, Equality and Law Reform announced a major new initiative entitled *The Justice for Victims Initiative*. Under the administrative proposals included in this Initiative, a full time Executive Office for the Support of Victims of Crime was established in the Department in September. The core mandate of the Victims of Crime Office is to improve the continuity and quality of services to victims of crime, by state agencies and non-governmental organisations throughout the country. It works to support the development of competent, caring and efficient services to victims of crime. A new Commission for the Support of Victims of Crime was appointed in September 2008 and a Victims of Crime Consultative Forum, representing victims' interests, which will engage with the Commission, is to hold its first meeting in January, 2009.

In 2008, €1,057,148 was distributed by the Commission for the Support of Victims of Crime to Non-Governmental Organisations who provide support to victims of crime, making a total of just over €3.5 million distributed in funding to these organisations since the Commission was established in 2005.



In addition to the administrative proposals, the Criminal Procedure Bill will provide the important legislative features of the Initiative. The General Scheme of the Bill was approved by the Government in December 2008 and the Minister for Justice, Equality and Law Reform expects to publish it in 2009. Details of the Bill's provisions are included in the Law Reform/Criminal Law sections of this report.

## **FIREARMS AND EXPLOSIVES**

### **Firearms**

A Consultative Panel to assist with the introduction of the firearms licensing regime provided for under the Criminal Justice Act 2006 was established in January 2008. The Firearms (Restricted Firearms & Ammunition) Order 2008 came into effect on 1 May 2008. This Order sets out which firearms and ammunition are to be regarded as restricted in the new licensing regime. The Order has been introduced fully on the supply side (firearms dealers) and some 80 firearms dealers have received an authorisation to trade in restricted firearms. During 2008, 319 firearms dealers licences (including those with authorisations to trade in restricted firearms) and 1,593 applications for importation of firearms and ammunition were processed.

Following a review of the Firearms Law by the Department and An Garda Síochána, the Minister for Justice, Equality and Law Reform announced new legislative proposals in November 2008 which included no new licenses being issued for handguns, subject to limited exceptions in relation to Olympic sports. Existing licenses will not be renewed unless applicants fully meet the requirements of a radically tightened licensing procedure where the safety of the community will be paramount.

A conference entitled *Firearms Licensing: The Wider Dimensions* took place in May 2008 in Mullingar. Over 100 delegates from shooting interest groups, Government Departments and An Garda Síochána attended. The event was the first of its kind.

### **Explosives**

Government approval to formally draft the Explosives Bill 2008 was obtained in February. The Bill proposes the repeal, in its entirety, of the Explosives Act 1875 and its replacement with a modern statutory framework for the control of the manufacture, storage, importation and supply of explosives (for legitimate purposes only).

The Department, via its Explosives Inspectorate, participated in various EU Council and Working Groups and technical committees. It was also represented at EU/UN meetings on explosives directives and transport of dangerous goods. Negotiations finalised in 2008 included those in relation to a Directive concerning the Identification and Traceability of Explosives. The Inspectorate also participated in the EU Standing Committee of Experts on Explosive Precursors and in the CEN Technical Committee on Firework Standards.

A nationwide advertising campaign took place prior to Halloween to highlight the dangers of fireworks and also the increased penalties for their illegal use (as introduced by amendments to the Explosives Act 1875 in the Criminal Justice Act 2006).

During 2008, 987 licence applications for the importation of explosives (including deemed substances and fireworks) were processed.

## **ROAD SAFETY**

Considerable resources are now available for roads policing. There has been a significant increase in the personnel of the Traffic Corps which now stands at 1,101 - an increase of 93% since 2005. Garda technical capacity has also been substantially enhanced. Eight new state of the art mobile speed detection systems recently acquired are now operational, and following completion of a procurement process An Garda Síochána have commenced the rollout of a new in-car Automated Number Plate Recognition (ANPR) system in 104 vehicles nationwide which will provide enhanced detection capabilities of stolen and untaxed vehicles and deny the use of the roads to criminals, as well as improved speed detection using the latest video technology.

Increased enforcement, including mandatory alcohol testing, contributed to a decrease of 59 (17%) in the number of people killed on the roads in 2008 compared to 2007. The trend in fatal traffic collisions has been favourable for the past three years, decreasing from 365 in 2006 to 338 in 2007 and 279 in 2008. The figure in 2008 is the lowest since records began in 1961.

The Garda Inspectorate has published a report on roads policing. This was carried out in conjunction with a similar study in Northern Ireland undertaken by HM Inspectorate of Constabulary. In this report, the Inspectorate concluded that An Garda Síochána is achieving much higher visibility and enforcement levels in recent years and is making an important contribution to greater road safety. This report puts forward a number of recommendations which it is hoped will further enhance the contribution of An Garda Síochána to the overall road safety effort.

## **COMMUNITY INITIATIVES**

The Community Graffiti Reduction Programme, a new national programme to support local communities to combat graffiti, was launched in April 2008 with a fund made available to local communities for graffiti removal.

The Department continued to participate in the work of the RAPID (Revitalising Areas by Planning Investment and Development) Programme for disadvantaged areas, which is under the aegis of the Department of Community, Rural and Gaeltacht Affairs. The Department provides funding for RAPID projects within the context of existing allocations across the Votes under the aegis of the Department. Particular priority is given to RAPID proposals which fall within the functional areas financed by the NDP.

## **INTERNET SAFETY AND AWARENESS**

The Office for Internet Safety (OIS) was set up as an executive office of the Department and has responsibility for internet safety, particularly in relation to child pornography. An Executive Director was appointed in March 2008.

The redeveloped Hotline of the Internet Service Providers' Association of Ireland (ISPAI) was launched in April 2008 - [www.hotline.ie](http://www.hotline.ie) - as part of a self regulatory regime supervised by the OIS. The Hotline works closely with An Garda Síochána and 29 other international Hotlines to tackle child pornography on the internet. The OIS is the overall coordinator of the *Safer Internet Ireland* project, which receives funding from the EU's *Safer Internet Plus* programme. The other project partners are the National Centre for Technology in Education, the [www.hotline.ie](http://www.hotline.ie) service, the National Parents' Council (Primary) and the ISPCC's Childline service. *The Parents' Guide to Social-Networking Websites* was launched in February 2008 and explains in user-friendly format how these websites operate. In December 2008 *A Guide to Cyberbullying* was launched and this booklet offers measured and practical advice on cyberbullying and is intended to increase awareness of all aspects of cyberbullying. There are now four booklets in the *Get With It* series.

The website of the OIS, [www.internetsafety.ie](http://www.internetsafety.ie), went live in December 2008. The website provides detailed information on the activities of the Office and provides resources for parents, guardians and young people in relation to internet safety. The membership of the Internet Safety Advisory Council was also announced in December. The Council, whose membership is drawn from representatives of the key stakeholders in the statutory, industry and community sectors, will act as an advisory body to the OIS.

The OIS chairs a North/South Group on Internet Safety, under the overall aegis of the North-South Ministerial Council. The aims of the Group are to share best practice in the area of internet safety, to consider scope for cross-border co-operation in this field, and to explore the potential for the strategic alignment of approaches to internet safety in both jurisdictions.

## ANTI-CORRUPTION MEASURES

In May 2008 the Minister for Justice, Equality and Law Reform launched a new website [www.anticorruption.ie](http://www.anticorruption.ie) to raise awareness of anti-bribery measures. The new website informs members of the public about the consequences of bribery and corruption for both individuals and companies working in an international business environment.

In June 2008, the Organisation for Economic Cooperation and Development (OECD) conducted a further Review of Ireland's Implementation of the OECD Convention on the Bribery of Foreign Public Officials in International Business Transactions. The Evaluation Report was published in December 2008. Whilst making a small number of recommendations, the OECD welcomed the progress that had been made in Ireland over the past couple of years.

## INTERNATIONAL CO-OPERATION IN THE FIGHT AGAINST CRIME

Assistance was provided in relation to a wide range of criminal matters including investigations relating to murder, rape and human trafficking. Over the course of the year, the Department received 826 requests for mutual legal assistance in relation to criminal investigations/criminal proceedings, 199 European Arrest Warrants (EAWs), 5 requests for extradition and 239 requests for criminal records information. Also, the Department transmitted 260 requests for mutual legal assistance in relation to criminal investigations/criminal proceedings underway in this jurisdiction and 40 European Arrest Warrants (EAWs) in respect of persons facing criminal charges in Ireland.

The three countries to issue the highest number of EAWs for persons resident in Ireland were Poland, the United Kingdom and Lithuania. The country to which most EAWs were transmitted during 2008 was the United Kingdom.

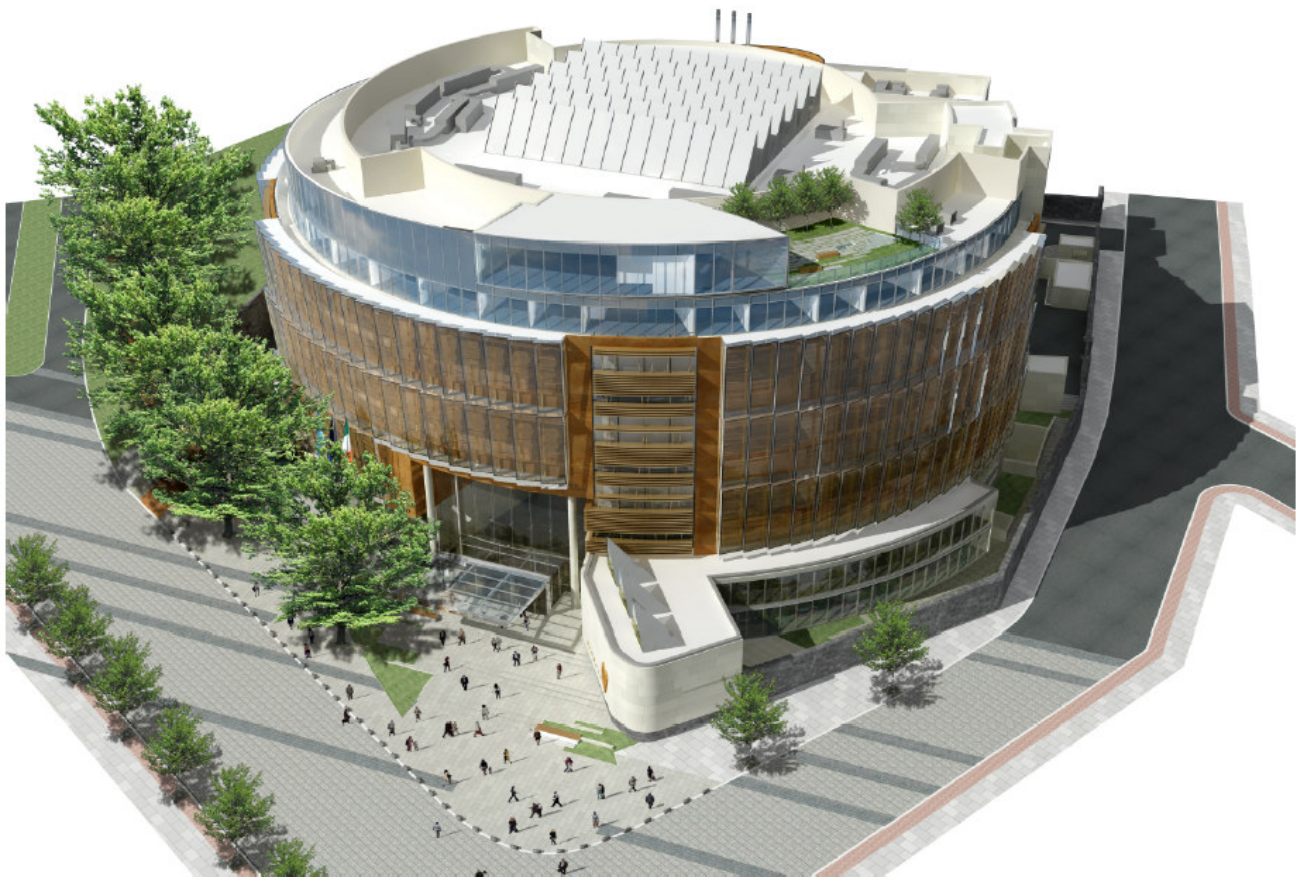
In September, most of the provisions of the Criminal Justice (Mutual Assistance) Act 2008 were commenced. The Act enables Ireland to afford legal assistance in relation to a wide range of measures including the freezing and confiscation of property, controlled deliveries and the provision of identification evidence.

Also in September, Ireland became the first country to ratify the International Agreement establishing the Maritime Analysis and Operations Centre (Narcotics). The Centre is based in Lisbon and is primarily focused on tackling cocaine trafficking to Europe through the pooling of resources and enhanced intelligence exchange. Ireland is represented at the Centre by the Irish Drugs Joint Task Force. Garda and Customs Liaison Officers are now based at the centre on a full-time basis. The Centre provided valuable intelligence which led to the major interdiction of cocaine off the Cork coast in November, valued at approximately €750 million.

In relation to drugs, the Department has actively participated in policy development through 2008 at EU and UN as well as National levels. The Department has fully participated in the development of a new National Drugs Strategy which will be finalised in 2009. At the European Union, the Department has participated in the development of a new EU Action Plan of Drugs 2009-2012 which was agreed at Council in December. At the United Nations, the Department has participated in many Expert Groups that will culminate in a High Level Ministerial Meeting in 2009 where the 1998 UN General Assembly Political Declaration on Drugs will be reviewed.

## DEVELOPING JUSTICE SERVICES

**The Department is committed to ensuring that all areas of the justice system – criminal and civil – are properly resourced and to effective interaction between the key organisations. We play a lead role in ensuring that the justice sector organisations deliver on all commitments contained in national and international strategies.**



**NEW CRIMINAL COURTS OF JUSTICE (ARTIST'S IMPRESSION)**

## COURTS

Construction continued on the Criminal Courts of Justice in Dublin. The project is progressing ahead of schedule. The Courts Service capital funding programme 2007-2010 prioritises the development and refurbishment of court venues throughout the country. This programme will result in the provision of improved facilities for the judiciary, court users and staff. The Minister for Justice, Equality and Law Reform officiated at the opening of a number of projects completed in 2008, including improved family law facilities in Dolphin House in Dublin, as well as new courthouses in Blanchardstown in Dublin and Ardee in Louth.

With regard to appointments, an additional three new District Court judges were appointed under the provisions of the Civil Law (Miscellaneous Provisions) Act 2008 providing for a total number of 64 judges of the District Court; four District Court judges were appointed during the year and four vacancies are in the process of being filled; two new appointments were made to the High Court including the replacement of Judge Kevin O'Higgins who was appointed a judge of the Court of First Instance in Luxembourg.

Other developments included:

- Twenty new Rules of Court were introduced to facilitate the supervision by County Registrars of the preparation of family law cases for trial in the Circuit Court. The new rules will assist in relieving Circuit Court judges of a large volume of pre-trial applications, thus freeing them up for trial work.
- Three new Court Fees Orders were introduced which came into effect on 7 July 2008.
- The Working Group established to consider the case for a general Court of Appeal and chaired by Mrs. Justice Denham of the Supreme Court, continued its work and is due to issue a final report in 2009.
- In partnership with the Law Reform Commission, work has commenced on a Bill to reform and consolidate over 100 Courts Acts, 40 of which pre-date the establishment of the State. It is hoped to publish a draft bill in 2009.
- Work continued on the Irish Sentencing Information System to establish a computerised information system on sentences imposed for criminal offences, in order to assist judges when considering the sentence to be imposed in an individual case.
- Digital Audio Recording has been introduced in the Circuit Criminal Courts on a phased basis. All Circuit Criminal Courts will have the new equipment installed by early 2009.
- A new on-line Small Claims procedure was introduced nationwide during 2008. Approximately 50% of small claims applicants are now using the on-line system
- Work continued on the phased re-organisation of the District Court districts. S.I. No 461 of 2008 District Court (Districts) Order 2008, S.I. 462 of 2008 District Court Districts and Areas (Amendment) Order 2008 (signed on 4 November 2008), provide for a number of district changes. The Orders take effect from 1 January 2009.

The cost of the Criminal Legal Aid Scheme amounted to €55.3 million in 2008, an increase of nearly €10 million on 2007. This resulted from an increase of 19% in the number of legal aid certificates granted by the Courts. In light of the worsening financial position, the Department implemented a pay freeze for legal practitioners operating under the Scheme.

## PRISONS

The Prisons Building Programme is proceeding and during 2008, planning for the Thornton Hall Campus, the biggest single capital project to be undertaken by the Department, was progressed. In tandem with the significant building and modernisation programme appropriate steps have been taken to enhance and implement security measures across the prisons.

The newly appointed Inspector of Prisons, Judge Michael Reilly, took up office with effect from 1 January 2008. Reports submitted by the Inspector of Prisons were published on the Department's website.

The official opening of the new decentralised Headquarters of the Irish Prison Service in Longford Town took place on 7 March 2008. The decentralisation of the Irish Prison Service HQ from Clondalkin to custom built facilities in Longford has resulted in the relocation of 140 staff. The successful decentralisation of the Headquarters of the Irish Prison Service from Dublin to Longford was a significant milestone in the history of the Service and in the Government's overall decentralisation programme.

The following Reports were published:

- Report of the Rapporteur on Thornton Hall
- Prison Visiting Committee Annual Reports for 2007 relating to the following institutions: Arbour Hill, Castlerea Prison, Cloverhill Prison, Cork Prison, Midlands Prison, Portlaoise Prison, Shelton Abbey Place of Detention, Wheatfield Prison, Loughan House, Mountjoy Prison, Limerick Prison, St. Patrick's Institution and the Training Unit Place of Detention.

## PROBATION

During the year the modernisation programme of the Probation Service continued in a focussed way, linking in, as appropriate, with the other agencies of the Criminal Justice System.

In tandem with the significant changes to the work practices of the Service a new Dublin Office of the Probation Service was officially opened by the Minister for Justice, Equality and Law Reform in September 2008. The 2007 Annual Report of the Probation Service, marking a century of probation in Ireland was also launched. This report sets out the range and volume of the work of the Service.

The Minister for Justice, Equality and Law Reform officially opened the new Probation Service premises- Athlumney House, Navan - on 31 October 2008.

The mission of the Irish Youth Justice Service (IYJS) is to create a safer society by working in partnership to reduce youth offending through appropriate interventions and linkages into services. Progress continues to be made in this important area under the leadership of the Irish Youth Justice Service (IYJS), an executive office of the Department. The IYJS raised the profile of the sector in 2008 by holding its first biennial conference, launching its website [www.iyjs.ie](http://www.iyjs.ie) and publishing its own newsletter. In terms of delivering services, the IYJS increased its staffing levels, including the recruitment of specialist staff and, most significantly, launched the National Youth Justice Strategy 2008–2010.

The strategy is central to the development of youth justice and to all of the work of the IYJS. It was developed in consultation with the key stakeholders working in the area and focuses on children who have already had some contact with the criminal justice system. It is being progressed at a national level by the National Youth Justice Oversight Group, which contains representatives of the main stakeholders involved and was established in order to facilitate the cross-agency collaboration needed. The strategy includes a number of goals and targets for the stakeholders to help measure progress and to assess where available resources should be targeted. Significant progress has been made under each of the high level goals, the net effect of which is to create a more co-ordinated strategic approach, make better use of existing resources, create positive working relationships amongst stakeholders and deliver better outcomes for children in trouble with the law and for the community in general. Given that the economic climate in which the strategy was drafted has radically altered, it is now particularly important to shift the focus from increasing funding for services towards ensuring the quality and effectiveness of the services provided.

The National Youth Justice Strategy also includes a commitment to review diversionary measures with the intention of improving their overall effectiveness. An example of this in 2008 was the undertaking of a baseline analysis of the Garda Youth Diversion Projects (GYDPs). These projects are multi-agency, community-based, crime prevention initiatives which seek to divert young offenders and those at risk of offending from criminal and/or anti-social behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long term employability prospects. There was an increase in the number of projects in 2007 of 41%, from 71 to 100, but it was not possible to further increase their number in 2008 because of the economic downturn. Instead, to further increase their effectiveness, the IYJS reviewed the activities of the existing projects in the context of local youth crime patterns, the profile of young people who offend and the available evidence regarding best practice and improvements sought by the projects. The report on this baseline analysis neared completion at the end of 2008 and will be published in 2009, following which its recommendations to improve the effectiveness of the projects will be implemented. The services provided by the GYDPs were also enhanced in 2008 by the part ESF-funded GYDP Employability Programme, which provides for an additional employee for each of the GYDPs. Over 40 of these were provided in 2008 and they will continue to come on-stream in 2009.



The IYJS, in co-operation with the Young Persons' Probation (YPP) Division of the Probation Service, continued the roll-out in 2008 of the community sanctions provided for under the Children Act 2001, as amended. These sanctions give the Courts alternatives to custody for young people who offend, improving the outcomes for children in a range of areas, including the rate of re-offending, educational attainment, family supports and substance abuse. Of the ten sanctions, five are available nationwide while a further four are available in certain areas. The remaining sanction, the suitable person order, will require legislative change before being fully available. Two further options available to the court, a probation family conference and a parental supervision order, have also been made available nationwide.

In March 2008, the Government approved the development of new national detention facilities to cater for all children up to 18 years who are ordered to be detained by the courts. These facilities are to be located on the Oberstown campus in Lusk, Co. Dublin, which is the site of three of the four existing detention schools, and will increase the accommodation capacity in the system from 77 to 167 places. Construction of the facilities is scheduled to take place on a phased basis so as to ensure the continued operation of the existing facilities. It is anticipated that phase 1, which is to include places for 16-17 year old boys who are currently being accommodated in St. Patrick's Institution, should be completed by end 2012 and that phase 2 should be completed by end 2014. The tendering for the construction of the facilities will be subject to Government approval and to the necessary funding being made available.

A programme of refurbishment and development is ongoing in the existing children detention schools to ensure the continued operation of facilities until such time as the national facilities are developed and to improve conditions where practicable. Measures have also been taken to integrate the detention schools and standardise procedures. A Directors Forum has been established and several policies have been developed and are at various stages of implementation. Achievements in 2008 include a review of the serious incident policy in the schools and the development of a detention school wide behaviour management model. In the case of one of the existing schools, the Finglas Child and Adolescent Centre, the Government also established a working group in 2008 to consider its future. This group is expected to report its findings in 2009.

## TRIBUNALS AND INQUIRIES

**Morris Tribunal** - the Morris Tribunal completed its work and published its final reports, namely the 6th, 7th and 8th Reports respectively during 2008. The cost of the Tribunal in 2008 was €9.67million and the cumulative cost to the end of December 2008 was just under €50 million. The 6th Report of the Morris Tribunal which was published on 7 May 2008 examined the circumstances surrounding the arrest, detention and treatment in custody of a number of persons arising, directly or indirectly, from the investigation into the death of Mr Richard Barron. The final two reports of the Tribunal, the 7th and 8th respectively, were published on 7 October 2008. The 7th Report dealt with two separate and distinct matters. The first was an allegation that there was harassment of members of the McBrearty family and their agents and associates by the Gardaí. The second issue covered in the Seventh Report concerned the effectiveness of the Garda Síochána Complaints Board inquiry process vis-à-vis complaints made by Frank McBrearty Senior and his family. The 8<sup>th</sup> Report dealt with the question of anonymous allegations that two senior members of An Garda Síochána acted with impropriety

**An Expert Group to examine the adequacy of Garda protocols and procedures regarding the assessment of the fitness of witnesses to be interviewed arising from the Dean Lyons case** - since its formation in March 2006, the Committee has met and consulted with a number of individuals/bodies during the course of its work to date. The Group has taken time to allow it to comprehend the work associated with the 6<sup>th</sup> Report of the Morris Tribunal which dealt extensively with the question of detention of vulnerable suspects. The Group is now considering that Report with a view to finalising its work.

**Brian Rossiter Inquiry** - in April 2008 a detailed summary of the report of the Statutory Inquiry into the arrest and detention of Brian Rossiter in September 2002 was published by the Minister for Justice, Equality and Law Reform. The Inquiry examined the circumstances surrounding the late Brian Rossiter's arrest, detention and treatment in Clonmel Garda Station in September 2002. Mr. Hugh Hartnett S.C., was appointed on 14 September 2005 to conduct the Inquiry. The Inquiry was held in private and upon completion Mr. Hartnett reported to the Minister for Justice, Equality and Law Reform with his findings and conclusions.

**The Smithwick Tribunal** - the Smithwick Tribunal was set up to inquire into suggestions that members of An Garda Síochána or other employees of the State colluded in the fatal shootings of RUC Chief Superintendent Harry Breen and RUC Superintendent Robert Buchanan on 20 March 1989. The work of the Tribunal is ongoing.

## RESTORATIVE JUSTICE

The establishment of the National Commission of Restorative Justice was announced by the Minister for Justice, Equality and Law Reform in March 2007, with District Court Judge Mary Martin as its full-time chairperson. The Commission's terms of reference require it to examine the concept of restorative justice and to make recommendations to the Minister for Justice, Equality and Law Reform as to its potential wider application in this jurisdiction, including its possible application in the context of community courts. The recommendations of a report on Restorative Justice in January 2007 by the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights will also be taken into account. The Interim Report of the National Commission on Restorative Justice was published on 21 May 2008. The Interim Report looked at how restorative justice is currently applied here and in other jurisdictions and points to the research based evidence abroad on the potential of restorative justice as an additional measure to combat crime. The Report highlighted a number of issues which the Commission needs to study further including the extent to which restorative justice can help reduce re offending and better meet the needs of some victims and offenders for whom the traditional court process may not be satisfactory. The Commission's final report is due in 2009.

## REPORT ON GAMING IN IRELAND

The Report of the Casino Committee *Regulating Gaming in Ireland* was published in July 2008. The Report makes some 32 recommendations that have significant public policy implications regarding the future architecture of many aspects of gaming and gambling generally in Ireland.

## **CORONERS SERVICE IMPLEMENTATION TEAM**

A small team has been established to deal with the implementation of the Coroners Bill 2007. Its task is to develop and put in place arrangements to reorganise and restructure the current coroners system so it can provide the enhanced service provided for in the Bill. At the moment, the coroners system does not have a central administration. The team have had to gather information and liaise with local authorities, coroners and regulatory authorities in order to inform this process. It is now liaising with Civil Law Division and coroners regarding possible arrangements that can be advanced prior to the enactment of the Bill.

## PROVISION OF IMMIGRATION AND RELATED SERVICES

**The Department places major emphasis on the continued reform of our immigration law and operational systems. This High Level Goal focuses on implementing Government commitments in relation to asylum, immigration and citizenship matters, in addition to updating, as necessary, the legislative base in this area. A key priority is the enhancement of our “whole of government” approach by addressing such matters as growth in legal migration, asylum processing objectives, the need to modernise legislation in keeping with national and international requirements, streamlining the States services and developing reception, accommodation and integration arrangements.**



**INIS OFFICES, BURGH QUAY, DUBLIN 2**

## **ASYLUM APPLICATIONS AND CASE PROCESSING**

Asylum applications reached a peak figure of 11,634 in 2002. Since then application numbers have been continuously falling with the most dramatic fall occurring in 2004. Moreover, in each year since 2006 the annual number of applications has been about one third of the number received in 2002. Indeed, asylum application numbers are now at levels not observed since the mid-nineties.

In 2008, 3,866 asylum applications were received in the State. This is a 3% decrease on the corresponding figure of 3,985 in 2007. The top five source countries of applications for 2008 were Nigeria - 1,009 (26.1%), Pakistan - 237 (6.1%), Iraq - 203 (5.3%), Georgia - 181 (4.7%) and China - 180 (4.7%). These were also the main source countries in 2007. The reduction in the number of asylum applications since 2002 has occurred as a result of strategies and policies implemented in the operation of the asylum process and aimed at combating abuses of the process.

The length of time taken to process asylum applications differs depending on whether or not an applicant is dealt with under prioritised arrangements. With effect from 25 January 2005, new arrangements for the speedier processing of applications from certain countries were implemented. These arrangements apply in the main to nationals of Nigeria, Croatia and South Africa. They also applied to Romania and Bulgaria prior to their accession to the EU on 1 January 2007. At the end of 2008, the average processing time for prioritised cases was 3-4 weeks in the Office of the Refugee Applications Commissioner (ORAC) and 11 weeks in the Refugee Appeals Tribunal (RAT). The average processing time for non-prioritised cases at the end of 2008 was 19-21 weeks in ORAC whilst the average processing time in the Refugee Appeals Tribunal was 9 and 30 weeks respectively for accelerated (appeals on papers only) and substantive appeals.

At the end of 2008 there were 4,608 cases on hand in ORAC and RAT (ORAC - 1,196, RAT - 3,412). Of these 2,276 were on hand for over 6 months (ORAC - 116, RAT - 2,160). A number of measures were put in place towards the end of 2008 to reduce the backlog of cases on hand in the Refugee Appeals Tribunal.

## **RENEWAL OF LEAVE TO REMAIN GRANTED UNDER IBC/05 SCHEME**

By the end of 2008 practically all applications for renewal of Leave to Remain in the State from persons approved under the IBC/05 Scheme had been finalised. Of the 14,261 renewal applications received, 14,219 had been decided with 42 applications remaining to be finalised at the end of the year. Of the renewal applications finalised, 14,117 were approved whilst 102 applications were rejected.

In the great majority of cases, persons whose renewal applications were approved had their permission to remain in the State extended for a further three years.

## **DEPORTATIONS AND REMOVALS**

During 2008, some 162 Deportation Orders to non-EU countries and, in addition, 271 Transfer Orders to other European States under the Dublin II Regulation were effected. Also, 372 Transfer Orders were signed. The success rate for effecting Dublin II Regulation Transfer Orders signed in 2008 was 73% compared to 68% in 2007. This rate is high by European standards and is due to a number of new strategies being implemented to improve the operation of the Dublin II Regulation in Ireland.

An additional 561 persons who would otherwise have been removed from the State opted to be assisted to return home voluntarily in 2008. This represents a substantial increase from 2007 when 417 persons opted to be assisted to return home.

Removal Orders were made in respect of 140 persons in 2008 while 40 such Orders were effected in 2008.

When deportations, removals, transfers and voluntary returns are combined, a total of 1,034 persons were either assisted to return voluntarily to their countries of origin or were removed in 2008.

### **Deportation/Transfer costs in 2008**

The financial cost of effecting deportations and Dublin II Regulation based transfers in 2008 was €1,074,179. This figure includes all deportations and transfers effected during the year by both scheduled and charter flights.

## **PERSONS GRANTED LEAVE TO REMAIN**

Following consideration of their applications in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), 1,274 persons were granted Leave to Remain in the State by the Minister for Justice, Equality and Law Reform and a further 316 persons who had been granted Leave to Remain in earlier years had their permission to remain in the State renewed.

## **SUBSIDIARY PROTECTION**

During 2008 decisions were made on 470 applications for Subsidiary Protection in the State in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006).

## LEGISLATION AND INTERNATIONAL REQUIREMENTS

The Immigration, Residence and Protection Bill 2008 was published on the 24 January 2008 and completed both Second Stage and Committee Stage in the Dáil during the year. The Bill sets out a legislative framework for the management of inward migration to Ireland and represents a comprehensive overhaul of the State's immigration and protection laws dating back to 1935. It lays down a number of important principles governing the entry to, and presence in, the State of foreign nationals and also provides for the introduction of a single procedure of an application for protection in the State, whether as a refugee or as a person eligible for subsidiary protection. It also sets out statutory processes for applying for a visa, for entry to the State, for residence in the State, for protection in the State and for being required, when necessary, to leave

In June 2008 the European Commission published its *Policy Plan on Asylum: An Integrated Approach to Protection across the EU*. In the Policy Plan the Commission proposed a three-pronged strategy based on (a) better and more harmonised standards of protection through further alignment of Member States' asylum laws, (b) effective and well-supported practical co-operation and (c) a higher degree of solidarity and responsibility among Member States as well as between the EU and third countries.

In October 2008 the European Council adopted a European Pact on Immigration and Asylum and stated that it considered that the time had come to take new initiatives to complete the establishment of the Common European Asylum System and thus to offer a higher degree of protection as proposed by the Commission in its asylum action plan.

**European Directive (2004/38/EC) on the right of EU citizens and their family members to move and reside freely in the EU** - in March 2008 the High Court referred four judicial review cases to the European Court of Justice for a preliminary ruling on an aspect of the above named Directive. The cases were known as "Metock & Others". At the hearing of these cases on 3 June 2008 a total of 10 Member States supported Ireland's position that the Directive allowed for a rule which required the family member of an EU citizen to have been already residing in the EU in order to benefit from the Directive. The Court, in its ruling on 25 July 2008, did not accept those arguments and its decision meant that part of Ireland's regulations transposing the Directive was incompatible with EU law. The regulations were subsequently amended. The Member States in conjunction with the EU Commission are continuing to review the implementation of the Directive.

**European Migration Network** - in July 2008, following a Government Decision on the matter, Ireland notified the Council of the European Union that it wished to exercise its option under the Protocol to the Treaty of Amsterdam to participate in Council Decision 381/2008/EC which led to the formal establishment of the European Migration Network (EMN). The objective of the Network is to improve the quality and range of research type information concerning migration and asylum matters at both the European and Member State level in order to support more coherent policy and decision making across the EU. The Economic and Social Research Institute (ESRI) acts as Ireland's national contact point on the Network and has done so since 2003 when the Network was first established on an informal basis among a small group of interested Member States.

## **JUDICIAL REVIEWS**

During 2008, 219 legal challenges to the deportation/transfer/removal process, through the medium of judicial review by persons faced with deportation/transfer/removal, were instituted. A total of 316 such Judicial Reviews were awaiting decisions by the courts at the end of the year. Between 219 new cases and the 490 cases on hand at the beginning of 2008, a total of 393 cases were managed to finality by the Department's Repatriation Judicial Review Unit. The volume and cost of Judicial Reviews being taken continue to have major human and financial resource consequences for the Irish Naturalisation and Immigration Service (INIS) and indeed the State as a whole.

## **GENERAL IMMIGRATION**

The Department dealt with a large number of applications for permission to remain in the State and applications from refugees for family reunification during 2008:

- General Permission to Remain - the Department received almost 2,000 applications for permission to remain in the State in 2008 (excluding Long Term Residency Applications). 1,699 applications were processed during 2008 and 2,062 applications were on hand at the end of the year.
- Family Reunification - the Department received a total of 747 applications for Family Reunification in 2008. This represented an increase of 1% on the number of applications received in 2007 (734). The total number of decisions processed was 637 at the end of 2008.

## **NATURALISATION**

A total of 10,885 applications for a certificate of naturalisation were received in 2008 representing a 36% increase on the previous year. During the year 7,827 applications were processed and 3,117 certificates of naturalisation were issued.

The average processing time is now 23 months from application to decision. A 16 week backlog at claim registration stage has been eliminated, enabling the early identification of problems with applications and timely notification to applicants.

## **IT INFRASTRUCTURE**

Work is at an advanced stage on the delivery of a number of major INIS IT projects aimed, in particular, at better customer service provision and protection of national security and border protection. These projects are as follows:



**AISIP** - a new case management system for INIS - project name AISIP (Asylum & Immigration Strategic Integration Programme) - is being developed which will substantially enhance customer service provision. The key modules in the AISIP system are:

- A Case Management System
- An Accommodation Management System
- A Country of Origin and Library Information System
- A File Tracking System.

**AFIS** - the development and deployment of a new integrated electronic fingerprint system for the capture of fingerprints of asylum seekers (presenting at the Office of the Refugee Applications Commissioner) and non-EEA nationals (on registration with the Garda National Immigration Bureau (GNIB)) is part of the development of a new advanced integrated fingerprinting system for the Garda Technical Bureau. The capture of fingerprints of all foreign nationals (from outside the EEA) upon registration with GNIB began in August 2008. By year end 2008, AFIS equipment had become operational in local Garda Stations in almost 50 locations around the country for this purpose. This effectively provided for the inclusion of fingerprints in the Registration Cards provided to over 90% of the volume of all registrations. Other elements of the technical capabilities of the AFIS system will be deployed when the Immigration, Residence and Protection Bill is enacted.

**AVATS** - a new visa computerisation system, known as AVATS (Automated Visa Application and Tracking System) which was developed in conjunction with the Department of Foreign Affairs, provides a comprehensive visa tracking mechanism and includes an on-line visa application facility. The System was successfully rolled out to 45 countries in 2008 and will be operational globally by mid 2009.

**IBIS** - a new electronic border control system, known as IBIS (Irish Border Information System) is being developed in conjunction with a number of other Departments. This system will facilitate the screening of passenger information collected by carriers against immigration, Garda, Customs and other watch-lists. In the event that a match occurs the relevant agency would be alerted immediately, facilitating time to take appropriate measures to monitor, intercept, question, stop or arrest the individual concerned.

The Government has approved the development of the first phase of the system and it is expected that the roll out of the system will commence during 2010.

## CHANGE MANAGEMENT

The INIS Change Management Programme involves a comprehensive overhaul of asylum and immigration policies, procedures and processes which will result in a new organisational structure for INIS, new decision making rules and processes and improvements to the technological infrastructure. The key drivers of the Programme are the Immigration, Residence and Protection Bill 2008 and the organisational development initiatives required to implement the Bill while improving internal INIS business structures and procedures to the benefit of management, staff and clients. The Change Programme is overseen by a Change Management Project Board chaired by the Director General and supported by a Change Management Unit.

Under the Change Programme in 2008, substantial progress was made in progressing the development of the new work processes and procedures necessary to implement the Immigration, Residence and Protection Bill 2008.

## **VISAS**

Over 130,000 visa applications were processed worldwide in 2008, including 64,000 re-entry visas.

## **RECEPTION AND INTEGRATION**

The reception function of the Reception and Integration Agency (RIA) accommodated 7,002 asylum seekers by 31/12/08, an increase of 5.7% over the course of the year. 60 centres were contracted at 31/12/08 (including one Programme Refugee Orientation Centre) i.e. 3 less than at end 2007. Over the course of 2008, 2 new centres were opened. 1 accommodation centre and 4 self catering centres were closed.

During the year, 757 destitute nationals from the 12 States which joined the EU in 2004 and 2007 were assisted by RIA to return home voluntarily.

115 Information Clinics (excluding Mosney and Dublin) were carried out in 2008 and 5 Interagency Meetings were held. Overall, 139 inspections of centres contracted to RIA were carried out in 2008, 79 by RIA staff and 60 by the independent inspection company QTS Limited.

The cost of the Direct Provision system and related activities carried out by RIA remained high. €91.47 million was expended in 2008, an increase of almost 9.94% on the 2007 outturn.

## PROMOTION OF A CARING, INTEGRATED AND EQUITABLE SOCIETY

The Department and the Justice organisations are responsible for supporting programmes whose aim is to develop a more caring society in which equality of opportunity is promoted and advanced. The Department addresses issues of equality, discrimination and diversity in terms of gender, racism, disability and any other sphere requiring attention and also ensures that all legally resident immigrants are supported in their integration into Irish society.



## **SOCIAL INCLUSION**

The Department's commitment to issues of social inclusion requires the effective co-ordination of all programmes/projects and Departmental commitments in respect of such strategies as the National Development Plan, Partnership Agreements, the National Strategic Reference Framework, the National Anti-Poverty Strategy, the National Reform Programme (Lisbon Agenda), the European Social Fund and Dormant Accounts funding. Co-ordination and reporting on these matters is ongoing.

## **DIVERSITY AND TOLERANCE**

### **National Action Plan against Racism**

*Planning for Diversity, the National Action Plan Against Racism* (NPAR 2005 - 2008), was launched in January 2005 by the Taoiseach and the Minister for Justice, Equality and Law Reform. The National Action Plan Against Racism reaffirmed the Irish Government's commitment that racism has no place in Irish society. It recognised and welcomed the fact that Ireland was now a more diverse society in which people of different cultural and ethnic backgrounds enrich our society. A Strategic Management Group, involving a wide range of key stakeholders from government bodies, the social partners and broader civil society, including representatives of minority communities, oversaw the implementation of the Plan to the end of 2008.

The underlying conceptual approach to the National Action Plan Against Racism was the need to identify and to put in place the foundations of a more inclusive, intercultural society. The Plan was about promoting interaction, equality of opportunity, understanding and respect. The National Action Plan Against Racism has supported strategic programmes stretching from national institutions such as An Garda Síochána to the HSE, from local government to national research, from the football field to the Art Gallery. In 2008 a number of initiatives were progressed under the National Action Plan Against Racism.

#### ➤ **Corporate Sector**

The National Action Plan Against Racism, the Equality Authority and the Irish Management Institute established a BIZLAB model to promote the business case for diversity through research. The Bizlab was a learning network of HR practitioners, researchers and educators. This was an innovative process which brought together a dynamic and proactive group of people who met regularly to exchange experiences and to address issues encountered in culturally diverse workplaces. A Cultural Diversity Toolkit for Organisational Success has been developed and was launched in November 2008.

The toolkit provides important practical support to organisations to adapt their workplace policies, procedures and practices to address the challenges posed by a culturally diverse workforce and to actualise the potential for business success that is inherent in this diversity. The toolkit addresses issues such as recruitment and selection, retention and development,

workplace environment, integrating and mainstreaming, external customer orientation and implementation. This toolkit will be disseminated as widely as possible.

➤ **Health Sector**

Under the National Action Plan Against Racism, substantial funding was made available for the development of a National Intercultural Health Strategy. This strategy was launched in February 2008 after a comprehensive consultation phase. It will provide a framework through which both staff and service users may be supported to participate actively and meaningfully in designing, delivering and evaluating provision of health care to minority ethnic service users in Ireland. An important objective of the strategy is the reduction of social exclusion experienced by many in this group, enhancing their access to health services and in the longer term, promoting positive health outcomes and social gain.

➤ **Education Sector**

In the Education sector, a number of intercultural projects are underway. Under the National Action Plan Against Racism, funding was allocated to the National Council for Curriculum Assessment (NCCA) for the production of intercultural guidelines for teachers in primary and post-primary schools. The aim of these guidelines is to contribute to the development of Ireland as an intercultural society based on a shared sense that language, culture and ethnic diversity. Funding was also provided to the Department of Education and Science towards the development of an Intercultural Education Strategy for the education sector and for an Education initiative that will promote a more inclusive, integrated and intercultural practice in further education through the provision of continuing professional development for further education staff in VECs.

## **Travellers**

The Department continued to (i) co-ordinate the implementation of the Report of the High Level Group on Traveller Issues (March 2006) especially in relation to local delivery under the structures of the City and County Development Boards and (ii) support the work of The National Traveller Monitoring and Advisory Committee (NTMAC) which was established in 2007 following on from a commitment in *Towards 2016*.

In 2008, the Department announced the allocation of €320,000 funding for local Traveller support projects and €100,000 funding to promote positive communications in relation to the Traveller Community. The Department also supported a number of other positive communication measures including approaches to conflict resolution such as mediation and media communications.

## **GENDER EQUALITY**

International Women's Day 2008 was celebrated on 7 March 2008 by the Minister of State with responsibility for Equality Issues, Mr Seán Power T.D. This was the third annual celebration organised and hosted by the Department and 2008 was chosen as the year to focus on the contribution made by women in Irish life in the broad fields of community and caring.

The new Equality for Women Measure 2008–2013 will receive European Social Fund support and will have four strands, which are being launched sequentially. These will address labour market activation, entrepreneurship for women, initiatives to support the advancement of women already in the labour market and to increase the numbers of women in decision making. This follows the successful 2000–2007 Equality for Women Measure which directly benefited 41,000 women, including over 5,500 who received certified training.

The "Access to Employment" strand Measure was launched by the Minister for Justice, Equality and Law Reform on 27 May 2008. It specifically targets women currently outside the labour market for a long period and aims to reduce dependency on welfare supports for some 3,000 women. Over 150 grant applications were submitted by community groups and the project proposals have now been appraised.

The cross-sectoral Monitoring Committee charged with overseeing the implementation of the 2007–2016 National Women’s Strategy met on two occasions under the chairmanship of Minister of State with responsibility for Equality, Disability Issues and Mental Health, Mr John Moloney, T.D. The Monitoring Committee noted considerable progress across many of the objectives and actions contained in the cross-Departmental Strategy. It also agreed to establish two sub-Committees to address “women and decision-making (including women in politics)” and “women in business and employment.”

Gender Equality is a key focus of EU policy and Minister of State with responsibility for Equality Issues Mr. Seán Power, T.D. and officials actively participated in a number of Ministerial Conferences and Informal Councils on topics such as the reconciliation of work and family life, the gender pay gap and gender stereotyping during 2008. Conclusions were adopted by the appropriate EU Council and will influence future gender policy.

## **DISABILITY EQUALITY**

Mr John Moloney T.D. was appointed Minister of State with special responsibility for Equality, Disability and Mental Health at the Department of Justice, Equality and Law Reform and also at the Department of Health and Children, the Department of Education and Science and the Department of Enterprise, Trade and Employment on 13 May 2008.

The fifth bi-annual meeting of the National Disability Strategy Stakeholder Monitoring Group (NDSSMG) took place on 19 November 2008 and a progress report was presented. This Group, which comprises senior officials of Government Departments, stakeholders in the disability sector and the National Disability Authority (NDA), monitors the implementation of the National Disability Strategy. All Parts of the Disability Act have now been commenced. A review of the Act will take place before the end of 2010.

In 2008 the NDA developed and circulated a monitoring questionnaire to assist the evaluation of the implementation of the Code of Practice on Accessibility of Public Services and Information provided by public bodies. The NDA are developing an action plan to address the findings from this exercise and, at the request of the Minister of State, a draft a Code of Practice in this regard is in the process of being finalised.

The third Excellence through Accessibility (EtA) Awards ceremony took place on 3 December 2008. The NDA organised the ceremony to coincide with the International Day for People with Disabilities and eight EtA awards were made to public bodies. The aim of the EtA award is to examine and encourage the accessibility of services provided by Government Departments and agencies under their remit to people with disabilities. The NDA is responsible for issuing guidelines in accordance with international norms and awarding an accessibility symbol to compliant public offices.

Funding was made available under the National Development Plan 2007-2013 for a programme of overarching support projects in the Justice area focusing on improved accessibility to services including technology development and implementation of existing legal provisions in relation to the position of people with disabilities. The Department continued to develop this programme and also continued its participation in awareness raising projects by providing funding to television programmes, *About The House* and *This Is Me*, and by engaging with the National Information Day on Disabilities.

The Department continued to work with Pobal to progress the delivery of the Enhancing Disability Services funding programme. Thirty one major innovative projects to assist people with disabilities and three thematic groups were funded by the Department in 2008, with Pobal administering a further €2.7 million of the €15 million funding package. In addition, the Department completed the 2007 Accessible Transport Project funding bringing the expenditure package to €0.76 million as well as completing the Independent Living Support Programme with a final expenditure package of €5.7 million distributed in grant aid. The Department also provided funding to the disability organisations People with Disabilities in Ireland Ltd (PwDI) and the Vantastic Dial-a-Ride demonstration project on accessible transport for people with disabilities.

The report on the compliance by the public service with the employment of people with disabilities was submitted by the NDA to the Minister for Justice, Equality and Law Reform and subsequently published in December 2008. Part 5 of the Act provides for a statutory target, currently set at 3%, for the recruitment and employment of people with disabilities in the public sector.

A high level, inter-departmental implementation group was established under the chairmanship of the Department of Justice, Equality and Law Reform to advise on any changes in the Government's National Disability Strategy, or on any changes to Ireland's legislation, policies, programmes and schemes that may be required to enable Ireland to ratify the United Nations Convention on the Rights of Persons with Disabilities. While many of the Articles of the Convention are already met within existing law and policy, the interdepartmental committee has developed a work programme to address those matters that need to be aligned with the Convention. The fourth meeting of the inter-departmental group took place in December 2008. One of the key challenges is the matter of legal capacity. In September 2008, the Government approved the drafting of a Mental Capacity Bill which reforms the wards of court system in so far as it applies to adults and replaces it with a modern statutory framework that governs decision-making on behalf of persons who lack capacity. The Bill is largely based on recommendations made by the Law Reform Commission in its *Report on Vulnerable Adults and the Law*. It will give effect to the Convention in so far as it applies to the legal capacity issues in Article 12d of the Convention. Publication of the Bill is expected in 2009.

The European Commission High Level Group on Disability presented its first Progress Report on the implementation of the UN Convention to the Council of Ministers in Slovenia in May 2008. The NDA and the Council of Europe hosted Conferences on the UN Convention in Galway and in Strasbourg, respectively, in October 2008.

## EQUALITY IN EMPLOYMENT AND ACCESS TO GOODS AND SERVICES

Minor amendments to the provision in the Equal Status Act 2000 for equal treatment of men and women in the insurance and related financial service sectors were made by the Civil Law (Miscellaneous Provisions) Act 2008. The changes were made to apply the principle of equal treatment between men and women in the access to, and supply of, goods and services as set out in the Gender Goods and Services Directive (2004/113/EC).

### Work Life Balance

As required under *Towards 2016*, work commenced on reviewing the level of provision of maternity/paternity leave.

### EU and International

Negotiations on a range of EU proposals were undertaken in 2008. These included proposals with regard to maternity leave, implementing the principle of equal treatment between men and women engaged in a self-employed capacity and between persons irrespective of religion or belief, disability, age or sexual orientation other than in the field of employment and occupation.

## INTEGRATION

In May 2008, the then Minister for Integration, Conor Lenihan T.D., launched *Migration Nation, a Statement on Integration and Diversity Management*. This document is a Ministerial statement on the future direction of integration policy in Ireland and contains four key principles which will inform and underpin State policy in this area, namely (i) a partnership approach, (ii) a mainstream approach to service delivery, (iii) a strong link between integration policy and wider state social inclusion measures and (iv) a commitment to effective local delivery mechanisms. The new integration policy focuses on the role of local authorities, sporting bodies, faith based groups and political parties in building integrated communities. It also looks at the way in which integration is of necessity a two-way process with responsibilities and rights for both newcomers and the current population.

New funding lines were developed by the Office of the Minister for Integration (OMI) during 2008. Over €1.3 million of funding was allocated to the local authorities and national sporting bodies to encourage integration related activities. In addition, the OMI together with the Equality Authority provided funding for an Action Strategy to support Integrated Workplaces. This Strategy includes a range of initiatives to assist employers and trade unions to respond effectively to the potential and challenges of a culturally diverse workforce and to create integrated workplaces. The initiative is being implemented in cooperation with the Irish Congress of Trade Unions, the Irish



Business and Employers Confederation, the Construction Industry Federation and Chambers Ireland. Funding for integration was also made available through the European Refugee Fund, the European Integration Fund, the Employment for People from Immigrant Communities project (supported by the European Social Fund) and other national schemes.

A Cross-Departmental Group on Integration was established in 2008. The Group includes representatives from various Departments involved in integration and the meetings are chaired by the Minister for Integration.

In November 2008, Minister Lenihan participated in a European Ministerial Conference on Integration which took place in Vichy. The discussions resulted in an agreed Declaration on Integration Policies.

The Department continued to honour its commitments to (i) offer protection to vulnerable refugees under the Government's Resettlement Programme and (ii) focus on anti-racism as a key aspect of integration, diversity management and broader national social policy.

## PROMOTION OF A SECURE AND PEACEFUL SOCIETY

A primary function of the Department is to ensure that, through appropriate policies and measures, that the security of the State is guaranteed. The Department is also committed to contributing to supporting the devolved institutions in Northern Ireland.



**PEACE BELL, ÁRAS AN UACHTARÁIN  
MARKING THE 10<sup>th</sup> ANNIVERSARY OF THE GOOD FRIDAY AGREEMENT**

## *Progress made in these areas during 2008*

The Department remains committed to enhancing criminal justice co-operation with Northern Ireland. The Intergovernmental Agreement on Co-operation on Criminal Justice Matters sets out the formal structures for enhancing North-South co-operation in criminal justice. A Working Group of Senior Officials continued the work in advancing co-operation across a range of areas. The Minister for Justice, Equality and Law Reform, and NIO Minister with responsibility for Criminal Justice issues, Paul Goggins MP, met in April 2008 and in November 2008 to review progress on a range of cross border initiatives. They also agreed with the recommendation by the Northern Ireland Assembly and Executive Review Committee (AERC) that current agreements to enhance co-operation on criminal justice matters should remain in place at the point of devolution of justice and policing to the Northern Ireland Executive.

The Department continued to support the work of the Independent Monitoring Commission (IMC). The Commission issued three reports during 2008.

- The *18th Report of the Independent Monitoring Commission* was published on 1 May 2008. The Commission's Report continues its assessment of the level of paramilitary activity and covers the six month period from 1 September 2007 to 29 February 2008. The Report noted that dissident Republican groups continued to engage in a range of criminal and terrorist activities. The Report recognised the efforts being made by loyalist groups to move their organisations away from criminality, while stating that much more remained to be done.
- The *19th Report of the Independent Monitoring Commission* was published on 1 September 2008. The Report was requested by both Governments to provide an assessment of the transformation of PIRA away from paramilitarism. It stated that the IRA Army Council 'is no longer operational or functional'; that it has 'completely relinquished the leadership and other structures appropriate to a time of armed conflict'; and that the method used to bring this about had been 'standing down of the structures which engaged in the armed campaign'.
- The *20th Report of the Independent Monitoring Commission* was published on 10 November 2008. The Report set out the Commission's assessment of the activities of paramilitary groups in the six months period 1 March - 31 August 2008. Dealing with dissident republican groups, the Report stated that there had been an increase in the activities of these groups. A particularly worrying aspect was the Commission's assessment that these groups were actively attempting to kill PSNI officers. However, effective actions by the PSNI and An Garda Síochána had been successful in disrupting dissident operations and had led to a number of arrests.

The Independent Commission for the Location of Victims' Remains (ICLVR) remains active in attempting to locate and recover the remains of those who were secretly killed and buried during the conflict in Northern Ireland. In November it successfully located the remains of Danny McIlhone in County Wicklow. Its work is continuing to locate the bodies of other victims who were buried in secret.

The Remembrance Commission's term of appointment came to an end on 31 October 2008. Arrangements are being made for the publication of a report on the Commission's work in the first half of 2009.

The Minister for Justice, Equality and Law Reform and the UK Home Secretary issued a joint statement on 24 July 2008 outlining the commitment to preserve the Common Travel Area and its benefits for legitimate travellers. A range of joint and national measures specifically to strengthen the Common Travel Area have been agreed. In developing these measures both Governments

fully recognise the particular circumstances of Northern Ireland. Both Governments reaffirm that they have no plans to introduce fixed controls on either side of the Irish land border for immigration or other purposes. The challenges will be faced head-on through the use of state of the art border technology, joint sea and port operations and the continued exchange of intelligence and the introduction of electronic border management systems.

Also in October, Ireland signed the Council of Europe's Convention on the Prevention of Terrorism 2005. The purpose of the Convention is to further increase the effectiveness of existing international action in the fight against terrorism. In November Ireland passed the Council Framework Decision amending Framework Decision 2002/475/JHA on combating terrorism. The purpose of the Decision is to enhance the fight against terrorism by including additional terrorist-linked activities which are to be made offences.

## LAW REFORM

Legislation promoted by the Department to reform specific areas of criminal and civil law accounts for a very significant share of the Government's law reform output. Key priorities for the Department are completing the programme of law reform contained in the Government's legislative programme, continuing to keep legislation under review and providing for improved regulatory systems where required.



## ***Progress made in these areas during 2008***

Legislation in relation to law reform accounts for a significant proportion of the Department's output and its ongoing objective is to complete the programme of law reform contained in the Government's Legislative Programme, to keep all legislation under review and to provide for improved regulatory systems where required.

### **CRIMINAL LAW**

#### **Legislation enacted to support anti-crime measures**

The Criminal Law (Human Trafficking) Act 2008 was enacted in May 2008 and came into force on 7 June 2008. The Act creates separate offences of trafficking in children for the purpose of their labour exploitation or the removal of their organs, trafficking in children for the purpose of their sexual exploitation and trafficking in adults for the purposes of their sexual or labour exploitation or the removal of their organs. It also makes it an offence to sell or offer for sale or to purchase or offer to purchase any person, adult or child, for any purpose.

The Intoxicating Liquor Act 2008 includes provision for increases in the levels of fines for offences under the Criminal Justice (Public Order) Act 1994. The 2008 Act provides for other measures to control alcohol related disorder such as an amendment to the Criminal Justice (Public Order) Act 1994 to allow a member of an Garda Síochána to direct persons in possession of alcohol and behaving in a disorderly manner to surrender the alcohol, desist from behaving in a disorderly manner, and to leave the area.

During 2008, the Criminal Law Codification Advisory Committee was primarily concerned with the implementation of its first work programme and, in particular, a pilot project to codify the Non-Fatal Offences against the Person Act 1997.

Work continued on the drafting of a Fines Bill which will include provisions dealing with the indexation of fines, payments of fines by instalment and equality of impact of fines imposed by the courts. Work was also undertaken on the preparation of additional provisions to give the courts new powers to deal with the situation where a person fails to pay a fine by the due date for payment.

The Prevention of Corruption Amendment Bill 2008 which is primarily intended to ensure greater compliance by Ireland with the terms of the OECD Convention on the Bribery of Foreign Public Officials in International Business Transactions has completed Second Stage in the Dáil and is awaiting consideration at Committee Stage.

The Spent Convictions Bill 2007 seeks to establish a mechanism by which persons convicted of minor offences can have a possibility of non-disclosure of convictions for those offences. The Children Act 2001, section 258 already provides a 'non-disclosure' regime for persons who are convicted of offences committed while under 18 years. Other than that, there is currently no system for non – disclosure or expunging of convictions. The Bill reflects the proposals in the Law Reform Commission's 2007 Report on Spent Convictions. Under its proposed non – disclosure regime a qualifying conviction will remain on the records but there will be no obligation

to disclose it in certain circumstances. However, the obligation to disclose a conviction will remain in the case of certain employments, e.g. childcare, civil service, etc. Second Stage in the Dáil was completed on 18 December 2008.

The Criminal Justice Miscellaneous Provisions Bill 2007 will amend a number of legislative provisions including the Firearms Acts, the European Arrest Warrant Act 2003, the Bail Acts and the Criminal Justice (Theft and Fraud Offences) Act 2001 as well as legislating for some of Ireland's international commitments.

The Criminal Justice Money Laundering Bill 2008, which is intended to transpose the 3rd EU Money Laundering Directive into Irish Law, is at an advanced stage of drafting and it is expected to be enacted by the Oireachtas in full in 2009.

The Criminal Justice (Forensic Sampling and Evidence) Bill provides for the establishment of a DNA database for criminal investigations and for the identification of unknown persons (whether deceased or incapacitated in some way) and of missing persons. The Bill will also provide an updated statutory framework for the taking of bodily samples from persons whether they are suspects, offenders or volunteers.

The Covert Surveillance Bill was approved by Government on 18 November 2008. It is a key element in the Government's legislative response to crime in general and, in particular, to gangland crime. It will provide a legislative framework for existing secret surveillance operations by the security forces to combat serious crime and terrorism. As a result, possible legal obstacles to the use in Court of any material thus obtained – either to support other direct evidence or on its own to ground charges of conspiracy – will be removed.

The General Scheme of the Criminal Procedure Bill 2009 was approved by Government on 9 December 2008. The Bill, which gives effect to the legislative element of the Justice for Victims' Initiative announced by the Minister for Justice, Equality and Law Reform in June and implements many of the recommendations of the Final Report of the Balance in the Criminal Law Review Group is expected to be published in spring 2009. The Scheme as approved by Government provides for:

- Reform of the law relating to victim impact evidence
- Retrials where new and compelling evidence or evidence of trial tampering emerges post-acquittal
- Appeals by the DPP against acquittals arising from errors on points of law and which, if successful, can lead to a retrial of the acquitted person
- Arrangements for the return of property to victims
- Reform of the law on character evidence in certain respects
- Advance disclosure to prosecution of expert evidence which the defence proposes to introduce.

A General Scheme of the Criminal Law (Insanity) Act 2006 (Amendment) Bill was approved by Government on 15 July 2008. It contains two important amendments to the 2006 Act. The first concerns the provision of objective medical advice to a court in fitness to be tried cases. The second is designed to give new supervisory powers to the Mental Health (Criminal Law) Review Board in the case of persons released from detention in the Central Mental Hospital.

The Scheme of the Criminal Justice (Public Order) (Amendment) Bill was approved for drafting by the Government in November 2008. The legislation arises from a High Court judgement in the Dillon case that found the existing law on begging, Section 3, Vagrancy (Ireland) Act 1847, to be unconstitutional. The new Bill will create an offence of begging but only where it is accompanied by threatening, violent or obstructive behaviour. It also gives the Gardaí powers to direct a person who is begging to desist and move on.

Drafting of a Communications (Retention of Data) Bill was undertaken in order to comply with Directive 2006/24/EC of the European Parliament and the Council of the 15 March 2006 on the retention of data.

## CIVIL LAW

### Legislation enacted in 2008

The Civil Law (Miscellaneous Provisions) Act 2008 was enacted on 14 July 2008. The Act amends the law in relation to the courts, solicitors, landlord and tenant, statutory declarations, juries, bankruptcy, succession, video recordings, censorship of films, parental leave, civil service regulation, employment equality, equal status and the family. The amendments provide for technical changes to allow for greater efficiency in the administration of the law. Among the more notable changes is an amendment to the Landlord and Tenant Acts which enables tenants of all kinds of business premises, after taking legal advice, to opt out of the statutory entitlement, after a business lease lasting 5 years, to a further lease of 20 years. The Act permits the Government to appoint 3 additional judges to the District Court to deal with cases involving children, enables a court in civil proceedings to give anonymity to a party or witness in certain circumstances where that person is suffering from a medical condition and being identified as having that condition would cause undue stress to the person. Another change of note is the removal of the upper age limit (70 years) for eligibility to sit on a jury. The Act changes the law regarding film and video classification by, among other things, including whether a film would be likely to cause harm to children as a new criterion against which films for classification are to be measured and making it an offence to supply a video recording to a person outside the classes for whom the recording has been approved.

The Intoxicating Liquor Act 2008 was enacted on 21 July 2008 and the main provisions as follows entered into force on 30 July 2008 -

- reduced hours for off sales of alcohol
- tougher public order provisions allowing the Gardaí to seize alcohol from minors
- a court procedure to secure new wine-only off-licences
- new grounds for objection to the granting of off-licences
- additional conditions attaching to the granting of a special exemption order, and
- the application of normal licensing hours to theatres unless additional hours are sanctioned by a special exemption order.



The Legal Practitioners (Irish Language) Act 2008 was enacted and came into operation on 9 July 2008. It replaces existing statutory provisions for Irish language competence for barristers and solicitors. It promotes the better provision of legal services through the Irish language.

The European Communities (European Order for Payment) Regulations (SI No. 525 of 2008) were made by the Minister for Justice, Equality and Law Reform on 9 December 2008. The Regulations set out the effect on domestic legislation of Regulation (EC) No. 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure, and make the necessary provisions for the good administration of the Regulation.

The European Communities (European Small Claims) Regulations (SI No. 533 of 2008) were made by the Minister for Justice, Equality and Law Reform on 11 December 2008. The Regulations set out the effect on domestic legislation of Regulation (EC) No 671/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure and make the necessary provisions for the good administration of the Regulation.

### **Progress of Bills in Dáil and Seanad**

The Tribunals of Inquiry Bill 2005 providing for consolidation and extensive reform of the law on tribunals of inquiry completed Second Stage in the Dáil on 6 November 2008.

The Defamation Bill 2005 providing for modernisation of the law on defamation was passed by the Seanad on 11 March 2008 and completed Second Stage in the Dáil on 14 May 2008.

### **Publication of legislation in 2008**

The Immigration, Residence and Protection Bill 2008 was presented to the Dáil in January 2008. It replaces all of the legislation on immigration, some of which dated back to 1935, and puts in place an integrated statutory framework for the development and implementation of Government immigration policies into the future. The Bill completed Committee Stage in the Dáil on 11 November 2008.

The Legal Services Ombudsman Bill 2008 was presented to the Dáil in March 2008 and completed Committee Stage on 4 December 2008. It provides for the establishment of a Legal Services Ombudsman to oversee the handling by the Law Society and Bar Council of complaints by clients of solicitors and barristers. The main functions of the Ombudsman are

- to provide a forum for clients of solicitors and barristers who are dissatisfied with the handling of a complaint made to the Law Society or Bar Council
- to oversee the complaints procedures in place in the Law Society and Bar Council
- to monitor and report annually to the Minister for Justice, Equality and Law Reform and the Oireachtas on the adequacy of the admissions policies of both professions
- to promote public awareness of the complaints procedures of the Bar Council and Law Society

The Arbitration Bill 2008 was presented to the Dáil in June 2008 and completed Second Stage on 20 November 2008. It will contribute significantly to the modernisation and streamlining of our current arbitration law. It will create a legal framework which is consistent with best practice in the international arbitration world and it will help position Ireland to capitalise upon the many advantages which we have in terms of attracting arbitration business in the future.

## **Publication of proposals for legislation in 2008**

The heads of proposals for a Civil Partnership Bill were published on 24 June 2008. The Bill, as proposed, provides for the establishment of a statutory mechanism for registration of same-sex partnerships, and sets out the duties and responsibilities of registered partners, and the consequences of dissolution of such partnerships. It also provides for a cohabitants redress scheme giving protection to a financially vulnerable party at the end of a long-term opposite-sex or same-sex relationship and for legal recognition of cohabitant agreements enabling cohabitants to regulate their joint financial affairs.

## **Development of proposals for legislation**

Work on proposals for a Judicial Council Bill was advanced based on necessary consultations with the judiciary and the Office of the Attorney General.

In October, the Department established a new review process to examine Irish Data Protection legislation in light of concerns arising following data breaches in Ireland and elsewhere and a Data Protection Review Group, chaired by Mr Eddie Sullivan, was set up.

## **EU Matters**

Directive 2008/52/EC of the European Parliament and of the Council on certain aspects of mediation in civil and commercial matters was adopted on 21 May 2008.

Council Regulation (EC) No. 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and co-operation in matters relating to maintenance obligations was adopted on 18 December 2008.

On 18 September 2008, Ireland signed, subject to ratification, the Hague Convention on the International Protection of Adults. The Convention clarifies the judicial and administrative jurisdictions and procedures governing the affairs of adults in international situations who by reason of impairment or an insufficiency in their personal faculties, are not in a position to protect their own interests. The Mental Capacity Bill when enacted will give effect to the Convention.

## **Central Authority for Child Abduction**

The Central Authority for Child Abduction operates in the Department under EU, Council of Europe and Hague Convention measures concerning the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility. 144 applications were received by the Central Authority in 2008.

## BUSINESS DELIVERY AND MODERNISATION

The Department is committed to achieving its business objectives and driving improvements in service levels and output.

This High Level Goal provides the Department's support of business objectives through the effective management of resources and the implementation of modernisation commitments under Partnership Agreements.



**SIGNING OF THE SERVICE LEVEL AGREEMENT EXTENDING THE DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM FINANCIAL SHARED SERVICES TO THE DEPARTMENT OF AN TAOISEACH**

*(SECRETARIES GENERAL SEÁN AYLWARD, DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM AND DERMOT McCARTHY, DEPARTMENT OF AN TAOISEACH WITH THEIR TEAMS)*

## *Progress made in these areas during 2008*

The Department is committed to achieving its business objectives, driving improvements in service levels and output and managing internal administration as efficiently and positively as possible through the effective management of resources and the implementation of modernisation commitments under Partnership Agreements and other Government strategies.

### **POLICY PLANNING, RESEARCH AND DATA STRATEGY**

The Policy Planning Research Unit (PPRU) approved a total of four new projects in 2008 including:

- The Daphne Dignity Project
- The Dublin Children's Court Research Study - Follow up
- The Needs of Victims of Crime
- The Recidivism Rates of Treated versus Untreated Sex Offenders

Work on drafting a Data Strategy for the Department was underway. At the end of the year it was decided to put new arrangements in place to co-ordinate research arrangements and to bring the Data Strategy to implementation stage.

### **CUSTOMER SERVICE**

Customer Service is a central component of any organisation in that the quality of the service provided determines the perceived effectiveness and efficiency of that organisation by the public at large. Consequently, this matter is given priority on an ongoing basis by the Department and a number of significant initiatives have been advanced during 2008. Work in relation to a new Customer Action Plan and a new Customer Charter commenced in 2008. It is intended that both documents will be finalized in early 2009 and will be placed on the Department's website.

The Department's Disability Advisory Group continued to meet in 2008 to seek ways of improving access to public services under the Disability Act 2005. The Department will continue to provide training in the areas of disability, diversity and equality to enable staff to better understand customer needs. The Department's websites are designed to comply with 'WAI Double A' and further improvements and modifications were made on the Department's websites in 2008.

In 2008, further Irish Language training programmes were undertaken by staff to equip those people interfacing with the Department's Irish Language customers. Staff are available to deal with customer queries where the customer requests that the service is delivered through the Irish language.

## INFORMATION TECHNOLOGY

During 2008 the Department's IT Division continued to expand its ICT Shared Service to further agencies and bodies in the Justice, Equality & Law Reform Sector. The following bodies currently avail of the service -

- Departmental HQ
- Irish Naturalisation and Immigration Service (INIS) (including the Office of the Refugee Applications Commissioner and the Reception & Integration Agency)
- Cosc
- Criminal Injuries Compensation Tribunal
- Criminal Law Codification Advisory Committee
- Equality Tribunal
- Financial Shared Services
- Inspector of Prisons
- Irish Youth Justice Service
- National Commission on Restorative Justice
- National Crime Council
- National Disability Authority
- National Property Services Regulatory Authority
- Office of the Censorship of Publications Board
- Office of the Data Protection Commissioner
- Office of Internet Safety
- Office of the Minister for Integration
- Parole Board
- Mental Health (Criminal Law) Review Board
- Private Security Authority
- Refugee Appeals Tribunal
- Victims of Crime Office

The Department provides ICT services to approximately 1,600 users in 20 locations ranging from Dublin to New Delhi. The Shared Service will continue to expand during 2009 to include the Equality Authority, the Irish Film Classification Office, the Probation Service and the State Pathology Service.

IT Division commenced development of the ICT Shared Service in 2005. This approach to service delivery was validated during 2008 when the *Report of the Task Force on the Public Service* recommended increased use of the shared service model.

## FINANCIAL MANAGEMENT

Financial Management constitutes a major facet of effective and efficient management. During 2008 the central Financial Management structure was expanded to further incorporate agencies and bodies in the Justice, Equality and Law Reform Sector. It is intended that in the interests of good corporate governance and efficiency that the last few remaining agencies will be brought into this financial environment as soon as practicable.

All staff are now on the Travel and Subsistence self service system with budgetary and reporting delivery systems now in place for all managers of cost centres.

The Annual Output Statement 2008 (Appendix 2) shows the link between the Department's outputs and the resources allocated for their delivery. This initiative was introduced in 2007 and has since become an annual feature of Departmental reporting.

## PROCUREMENT STRATEGY

In line with a Government decision on making substantial savings by strengthening procurement, a senior officer was appointed to conclude the Corporate Procurement Strategy and to lead the implementation of the resulting recommendations, in liaison with the establishment of a new Procurement Operations organisation within OPW. The objectives are to reduce the costs of goods and services being supplied to the public service, to reduce the cost of procurement both for purchasers and suppliers and to eliminate risks which can arise from suboptimal procurements.

## FINANCIAL SHARED SERVICES

The Department's Financial Shared Services (FSS) centre in Killarney provides financial services to the Department, An Garda Síochána, the Irish Prison Service, the Courts Service, the Property Registration Authority, the Department of Arts, Sport and Tourism, the National Library of Ireland, the National Museum of Ireland and the Department of the Taoiseach. Service delivery to each of these client organisations is governed by Service Level Agreements. Their 2008 budgets amounted to approximately €3.2 billion and the payment services provided by the FSS include payroll, pensions, invoices, employee expenses, grants and criminal legal aid fees and expenses. A total of almost 1.4 million pay and pension payments are made to 35,000 people in 2008, issuing on a weekly, fortnightly or monthly basis. In addition to this, 420,000 invoices, expenses and fees were paid in 2008. Other services provided by the FSS include general ledger maintenance, financial accounting and reporting, technical support and development of Payroll and Financial Management systems. Monthly performance reports are issued to each client organisation under a comprehensive customer relationship management system. In order to facilitate the Government's policy on *Transforming Public Services*, the Financial Shared Services centre is available to provide financial services to other Government departments, offices and agencies if required.

## PROMPT PAYMENT OF ACCOUNTS ACT 1997

In accordance with the Prompt Payment of Account Act 1997, the following information is provided in respect of the financial period ending 31 December 2008

### (a) Payment Practices

The Department makes payment to suppliers in accordance with the terms specified in the respective invoices or conditions specified in individual contracts, if appropriate. Since 2002 the standard terms are 30 days.

## (b) Late Payments

Invoice Amount	No. of Invoices	Interest Paid
Under €317	184	€2,828.07
Over €317	1,041	€38,744.22
<b>Total</b>	<b>1,225</b>	<b>€41,572.29</b>

## (c) Overall percentage of late payments to total payments and interest paid

The overall percentage of late payments to total payments was 1.7%.

The total amount of interest paid with respect to late payments was €41,572.29

## INTERNAL AUDIT

The Department of Justice Equality and Law Reform remains committed to the highest standards of Corporate Governance and established an Audit Committee in January 2004. The committee comprises five members; four members are independent of the Department of Justice, Equality and Law Reform. The committee has its own terms of reference and charter and the members of the Audit Committee continue to provide a valuable service to the organisation.

The role of the Audit Committee includes advising the Secretary General on the adequacy and effectiveness of the systems and internal controls operating within the Department. The Audit Committee met six times in 2008 and reviewed a range of work across Votes 19 and 21 (Justice and the Prison Service).

## FREEDOM OF INFORMATION

Every effort was made to maintain high quality decision making in responding to all Freedom of Information requests through the provision of ongoing training for appointed deciding officers and appeals officers of the Department.

Participation in the Civil Service Users Network group (CSUN) continued. This Network comprises a group of FOI Officers in Civil Service Departments and is an invaluable tool in the exchange of information when dealing with inter-departmental FOI requests by assisting in the processing of common requests in a unified and efficient manner.

A total of 718 requests were processed under the Freedom of Information Acts 1997 and 2003. 78% of requests were for personal information from staff and clients of the Department, approximately 16% were from journalists whilst the remaining 6% were non personal requests from TDs and various organisations.

## ARCHIVES ADVISORY GROUP

Since 2007, the examination of the Department's archives by the Archives Advisory Group relating to the period 1934 to 1939 has continued. The current position is that all the retained records of the Security and Northern Ireland Division for the period 1934 to 1939 have been reviewed, excluding material relating to and arising from the enactment of the Offences Against the State Act, 1939 in June 1939 and the Declaration of the National Emergency in Sept. 1939. As a result of the examination of files, the relevant Certifying Officer has decided that a total of 1000 of the above files should be released to the National Archives under the provisions of the National Archives Act, 1986. It is intended that these archives relating to the period 1934 to 1939 will be transferred to the National Archives in early 2009. Work has commenced on drafting a Second Interim Report from the Archives Advisory Group which will be presented to the Minister for Justice, Equality and Law Reform in early 2009.

## REGULATORY REFORM

The Department is engaged in the ongoing process of review, modernisation and evaluation of effectiveness of law reform activity and has nominated two representatives to the interdepartmental group, the RIA network. This network will promote and facilitate the use of Regulatory Impact Analysis within and across Government Departments and Offices and provide a contact point in each Department and Office to facilitate contact and information-sharing between the various bodies.

RIAs were carried out on the following pieces of legislation during 2008:

- Criminal Law (Human Trafficking) Act 2008
- Criminal Procedure Bill
- Spent Convictions Bill
- Criminal Justice (Public Order)(Amendment) Bill
- Mental Capacity Bill 2008
- Civil Partnership Bill
- Intoxicating Liquor Bill 2008

## DECENTRALISATION

The year under review saw further significant progress with the Department's Decentralisation Programme. During 2008 the operations of Citizenship Section of the Irish Naturalisation and Immigration Service commenced in Tipperary Town, involving an advance move of 62 posts. The Justice sector's decentralised complement in Navan was increased to 65 posts following the move last year of 38 posts from the newly established Garda Civilian Human Resources Division, 15 staff from the Probation Service and a further 3 staff to establish a small support unit for the Coroners Service. Meanwhile, in the course of the year the Property Registration Authority established an advance unit of 85 staff in Roscommon. The number of staff in the Equality Authority's decentralised office in Roscrea increased to fifteen. An advance move of 8 officers from the Equality Tribunal to temporary accommodation in Portlaoise also took place.



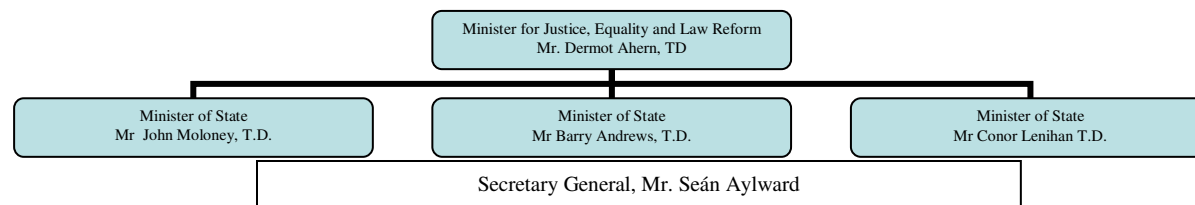
## ENERGY SAVING MEASURES

The Department is participating in the Office of Public Works programme entitled *Optimising Power @ Work, Staff Energy Awareness Campaign* which was launched in 2008. This project aims to conserve energy in State Buildings and has as its objective a 15% reduction of CO2 emissions per annum in all of the targeted State Buildings. A number of the Department's main buildings are included in this project and, with the assistance of OPW and external advisors, energy usage in these buildings will be monitored by energy officers and energy teams in each location. It is intended that regular reports will be circulated to all staff to update them on the latest initiatives under the plan and on energy use and savings achieved during the preceding period.

In advance of this central initiative, the Department's Irish Naturalisation and Immigration Service (INIS) has already introduced a voluntary energy saving initiative which began in July 2007. The initiative has achieved substantial energy savings and has been identified by Sustainable Energy Ireland (SEI) as an example of an organisation which has made unique energy savings.

## **APPENDICES**

# Appendix 1



Supporting An Garda Síochána and Tackling Crime	Developing Justice Services	Provision of Immigration and Related Services	Promotion of a Caring Integrated and Equitable Society	Promotion of a Secure and Peaceful Society	Law Reform	Business Delivery
<ul style="list-style-type: none"> <li>•Garda Division</li> <li>•Finance &amp; Resources</li> <li>•Human Resources</li> <li>•Accountability</li> <li>•Governance &amp; Performance Policy</li> <li>•Garda 1 Administration</li> <li>•Crime 1</li> <li>•Crime 2 (Drugs and Organised Crime)</li> <li>•Crime 3 (Security &amp; Northern Ireland)</li> <li>•Crime 4 (Firearms &amp; Explosives)</li> <li>•Mutual Assistance &amp; Extradition</li> <li>•Anti Human Trafficking Unit</li> <li>•International Policy Division</li> </ul>	<ul style="list-style-type: none"> <li>•Prisons, Probation &amp; Welfare Policy</li> <li>•Courts Policy</li> </ul>	<ul style="list-style-type: none"> <li>•Irish Naturalisation and Immigration Service               <ul style="list-style-type: none"> <li>➤ Immigration</li> <li>➤ Visa</li> <li>➤ Citizenship</li> <li>➤ Repatriation</li> <li>➤ Asylum</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>•Disability Equality</li> <li>•Diversity &amp; Equality Law</li> <li>•Gender Equality</li> </ul>	<ul style="list-style-type: none"> <li>•Security &amp; Northern Ireland</li> </ul>	<ul style="list-style-type: none"> <li>•Criminal Law Reform</li> <li>•Civil Law Reform</li> <li>•Human Rights</li> </ul>	<ul style="list-style-type: none"> <li>•Corporate Services</li> <li>•Financial Shared Services Centre</li> <li>•Financial Management Unit</li> <li>•IT</li> <li>•Human Resources</li> <li>•Organisation Development Unit</li> <li>•Project Development</li> <li>•Press &amp; Communications</li> <li>•FOI</li> <li>•Internal Audit</li> <li>•Procurement Strategy</li> </ul>
<ul style="list-style-type: none"> <li>•Garda Síochána</li> <li>•Garda Síochána Complaints Board</li> <li>•Garda Inspectorate</li> <li>•Garda Síochána Ombudsman Commission</li> <li>•Cosc- the National Office for the Prevention of Domestic, Sexual and Gender-based Violence</li> <li>•Forensic Science Laboratory</li> <li>•National Crime Council</li> <li>•Private Security Authority</li> </ul>	<ul style="list-style-type: none"> <li>•Irish Prison Service</li> <li>•Courts Service</li> <li>•Probation Service</li> <li>•Irish Youth Justice Service</li> <li>•Parole Board</li> <li>•Legal Aid Board</li> <li>•National Property Services Regulatory Authority</li> </ul>	<ul style="list-style-type: none"> <li>•Office of the Refugee Applications Commissioner</li> <li>•Refugee Appeals Tribunal</li> <li>•Reception &amp; Integration Agency</li> </ul>	<ul style="list-style-type: none"> <li>•National Disability Authority</li> <li>•Equality Tribunal</li> <li>•Equality Authority</li> <li>•Office of the Minister for Integration</li> </ul>		<ul style="list-style-type: none"> <li>•Criminal Law Codification Advisory Committee</li> </ul>	<ul style="list-style-type: none"> <li>•Irish Film Classification Office</li> <li>•Censorship of Publications Office</li> <li>•Office of the Data Protection Commissioner</li> <li>•Criminal Injuries Compensation Tribunal</li> <li>•Property Registration Authority</li> </ul>

<ul style="list-style-type: none"><li>• State Pathology Service</li><li>• Office for Internet Safety</li><li>• Victims of Crime Office</li></ul>	<ul style="list-style-type: none"><li>• Mental Health (Criminal Law) Review Board</li></ul>					
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# Justice Sector Group

## Output Statement 2009

## Introduction

In 2007 the first Annual Output Statements were published by Government Departments. These publications represent a new increased level of transparency and accountability across the Public Service and allow for enhanced Dáil scrutiny of the Estimates.

As part of these initial statements Government Departments explicitly entered into commitments to deliver specific outputs on foot of their 2007 estimates allocations. For perhaps the first time a systematic approach has been adopted in relation to these commitments and to the measurement of the delivery of specific output targets.

The inaugural Annual Output Statement for the Justice Sector primarily focused on the priorities set down for us in the Agreed Programme for Government. These priorities are further reflected in our Strategy Statement and in particular, the High Level Goals set out in that document. These High Level Goals reflect the policies, operational mandates and activities which underpin the wide ranging and complex business of the delivering of justice and equality services. The Department, in the exercise of its functions – either directly, as a resource provider or in its oversight role aims to operate in accordance with the following set of shared values.

- Ensure access to justice
- Apply fair and equal standards of treatment to all groups in society
- Demonstrate accountability for our actions
- Show courtesy integrity and openness in our dealings
- Provide excellent services to the public
- Value the individual.

In this, our third statement, our aim is to build on the momentum of 2007 and 2008. In doing this, we are very conscious that we are operating in a changed economic climate to previous years. Within these changed circumstances our general momentum must become more focused on the 3 core imperatives of:

1. Delivering on our core Justice Values.
2. Renewed and increased determination to achieve value for money and maximise the impact and return that we achieve from each Euro at our disposal.
3. Maintaining and delivery of our frontline services.

In 2008 the output targets set for the Justice Sector were measurable and ambitious. We are pleased to report that overall these targets have been largely delivered. Where, in the minority of instances, full delivery has not yet been achieved significant progress has been made towards completion.

In this, the 2009 Statement despite very challenging economic conditions and in many cases, significantly reduced budgets we have again committed to a full and ambitious set of output targets for the year ahead. The attainment of each of these outputs will in its own way contribute to our overall goal of developing a “safer, fairer Ireland”.

## Programme Introduction and Overview

The Justice Vote Group under the direction and control of the Minister for Justice, Equality and Law Reform Mr. Dermot Ahern, T.D. is comprised of five individual Votes: Vote 19 Justice, Equality and Law Reform, Vote 20 Garda Síochána, Vote 21 Prisons, Vote 22 Courts Service and Vote 23 Property Registration Authority.

In terms of its business, the Vote Group is concerned with **nine core areas of activity**. Each of these core areas represents a programme or pillar on which the business of the Justice Group is supported. These pillars are not discrete or confined to any of the individual Votes. They are a reflection of the relationships and inter - dependencies which exist between the separate, often complex agencies within the Vote Group. These key relationships are necessary to enable the Group conduct its business and satisfy its mission as captured by our Mission Statement:

*“To maintain and enhance community security and promote a fair society through the development of a range of policies and high quality services which underpin:*

- *The protection and assertion of human rights and fundamental freedoms consistent with the common good;*
- *The security of the State;*
- *An effective and balanced approach to tackling crime;*
- *Progress towards the elimination of discrimination, the promotion of equal opportunities and tolerance.”*

All policy, legislation and other activities are undertaken with the goal of maximizing the positive impact on society in these areas.

### **Programme 1: “Community security, law enforcement, crime prevention by support for An Garda Síochána”.**

Programme 1 revolves around the activities of An Garda Síochána and their responsibilities with regard to community security, law enforcement and crime prevention. In addition to the core gross allocation on the Garda Vote 20 of €1,567m in 2009 it identifies expenditure of €55m contained in the Justice Vote 19 which is utilised to assist and support An Garda Síochána in their endeavors. Supports range from direct activities such as Forensic Science to indirect activities such as Financial Services.

### **Programme 2: “The maintenance of safe and secure custody for offenders by support for the Prison Service”**

Programme 2 focuses on the activities of the Prison Service in its remit to provide safe and secure custody to offenders. A total gross estimate of €379m for Vote 21 combined with an allocation of €2.5m in support expenditure from Vote 19 which covers support areas such as the Prisons Inspectorate, Parole Board, policy and Financial Services giving a gross total of €382m for this programme.

**Programme 3: “Management of the Courts and supporting the Judiciary”**

Programme 3 focuses on the core activities of the Courts Service including its role in support of the Judiciary. A total gross estimate of €122m for Vote 22 combined with a significant allocation of €70m in Legal Aid support expenditure from Vote 19 plus allocated expenditure from policy areas and Financial Services giving a gross total of €192m for this programme.

**Programme 4: “The promotion of a safe society through the provision of a wide range of Justice Services ”**

Programme 4 focuses on the wide and diverse range of activities within Vote 19 which do not naturally fall into the other core areas of activity. Such activities range from Commissions and Special Inquiries, Human Rights Commission to the Mental Health Review Board, National Property Services Regulatory Authority, Irish Film Classification Office and Private Security Authority amongst others. A total gross estimate of €32m for these services combined with an allocation of €2m in support expenditure which covers support areas such as policy and Financial Services giving a gross total of €34m for this programme.

**Programme 5: “The promotion of a tolerant and equitable society”**

Programme 5 focuses on the areas of Equality, Disability and Civil Law Reform within Vote 19. A total gross estimate of €36m for these areas combined with an allocation of €4m in support expenditure which covers support areas such as policy and Financial Services giving a gross total of €40m for this programme.

**Programme 6: “The provision of Immigration and Related services”**

Programme 6 focuses on the areas of Immigration and Related Services within Vote 19. A total gross estimate of €128m for these areas combined with an allocation of €15m in support expenditure which covers support areas such as policy and Financial Services giving a gross total of €143m for this programme.

**Programme 7: “The provision of Probation Services”**

Programme 7 focuses on the area of Probation Services within Vote 19. A total gross estimate of €52m for this area combined with an allocation of €10m in support expenditure which covers support areas such as policy and Financial Services giving a gross total of €62m for this programme.

**Programme 8: “The provision of a coherent effective Youth Justice Service”**

Programme 8 focuses on the relatively new area of Youth Justice within Vote 19. A total gross estimate of €58m for this area combined with an allocation of €1m in support expenditure which covers support areas such as policy and Financial Services giving a gross total of €59m for this programme.



**Programme 9: “The provision of Property Registration Services”**

Programme 9 is concerned with the Vote of the Property Registration Authority Vote 23. A total gross estimate of €42m for this Vote combined with an allocation of €0.5m in support expenditure which covers support areas such as policy and Financial Services giving a gross total of €43m for this programme.

## 1. Summary Statement of High Level Goals and Associated Programmes

High Level Goals	Associated Programmes
1. Supporting An Garda Síochána and Tackling Crime	1. Community Security, Law Enforcement, Crime Prevention by Support for An Garda Síochána
2. Developing Justice Services	2. The Maintenance of Safe and Secure Custody for Offenders by Support for the Prisons Service 3. Management of the Courts and Supporting the Judiciary 7. The Provision of Probation Services 8. The Provision of a Coherent, Effective Youth Justice Service 9. The Provision of Property Registration Services
3. Provision of Immigration and Related Services	6. The Provision of Immigration and Related Services
4. Promotion of a Caring, Integrated and Equitable Society	5. The Promotion of a Tolerant and Equitable Society
5. Promotion of a Secure and Peaceful Society	4. The Promotion of a Safe Society through the Provision of a Wide Range of Justice Services
6. Law Reform	For ease of reporting all Law Reform information is contained in HLG 6 even though Civil Law Reform is included in Programme 5
7. Business Delivery	Across all programmes.

## High Level Goals and aggregate impact indicators

HIGH LEVEL GOALS		IMPACT INDICATORS
1	<p>Supporting An Garda Síochána and Tackling Crime</p> <p>We will further advance law enforcement, crime prevention and community security by our continuing structural and service reform of An Garda Síochána and through the development of effective anti-crime policies, the implementation and enforcement of effective and balanced laws and working to ensure visible policing of our communities.</p>	Reduction in crime and a safer environment in which to live and work
2	<p>Developing Justice Services</p> <p>We will continue to advance our structural and service reforms of justice services – criminal and other - so as to enable the Department and the Justice and Equality Sector organisations implement their mandates in the most effective and efficient way possible.</p>	Delivery of a more effective justice system entailing a range of responses appropriate to today’s society
3	<p>Provision of Immigration and Related Services</p> <p>We will continue to implement Government commitments in relation to the provision of immigration and related services and to update when necessary the legislative base in this area.</p>	Policies implemented effectively and enhanced delivery of migrant systems
4	<p>Promotion of a Caring, Integrated and Equitable Society</p> <p>We will promote the development of a caring and equitable society and co-ordinate, support and facilitate the integration of all legally resident immigrants into Irish society through the implementation of appropriate policies.</p>	A more integrated society in which equality of opportunity is promoted and advanced
5	<p>Promotion of a Secure and Peaceful Society</p> <p>We will continue to promote a secure and peaceful society through the provision of a wide range of Justice Services and we will continue to contribute to the development of accountable local governance in Northern Ireland.</p>	The security of the State advanced through appropriate measures and policies

## Justice Vote Group - Vote Summary 2008 / 2009

Justice Vote Group	2008 REV €million	Outturn 2008 €million	2009 €million	% Change on Outturn
Net Voted Expenditure*	2,604.2	2,587.1	2,396.8	-5%
Appropriations in Aid*	91.5	125.9	178.6	41%
Gross Voted Expenditure*	2,695.7	2,713.0	2,575.4	-5%
Non Voted				
<b>Total Gross Expenditure</b>	<b>2,695.7</b>	<b>2,713.0</b>	<b>2,575.4</b>	<b>-4%</b>
<i>of which – Exchequer Pay</i>	1,502.4	1,572.6	1,520.1	-3%
<i>No. of Public Service Employees</i>		25,264	25,421	

\* As in Budget Estimates / Revised Estimates

### Breakdown of Total Gross Expenditure by Programme

Justice	2008 REV €million	Outturn 2008 €million	2009 €million	% Change on Outturn
Programme 1	1,672.1	1668.2	1,622.1	-3%
Programme 2	398.7	406.6	381.7	-6%
Programme 3	215.1	222.8	191.8	-14%
Programme 4	36.8	33.9	33.8	0%
Programme 5	55.9	37.1	40.0	8%
Programme 6	147.1	187.9	143.0	-24%
Programme 7	59.1	65.4	61.6	-6%
Programme 8	60.7	44.9	58.5	30%
Programme 9	49.6	45.7	42.9	-6%
<b>Total Gross Expenditure</b>	<b>2,695.7</b>	<b>2,713.0</b>	<b>2,575.4</b>	<b>-5%</b>
Exchequer pay and pensions included in above gross total	1,889.9	1,821.7	1,806.9	-1%
Number of associated Public Service employees and pensioners	32,759	33,120	33,982	3%

## Programme 1 Justice Vote Group

### Community security, law enforcement, crime prevention by support for the Garda Síochána\*

Programme 1	Inputs			
	2008 € million	Outturn 2008 € million	2009 € million	% Change on Outturn
Programme Expenditure				
- Current	1,424.7	1,431.1	1,402.8	-2%
- Capital	69.5	62.2	44.9	-28%
Administration and other support				
- Pay	85.9	81.1	80.1	-1%
- Non-Pay	92.1	94.1	94.4	0%
<b>Total Gross Programme Expenditure</b>	<b>1,672.1</b>	<b>1,668.5</b>	<b>1,622.1</b>	<b>-3%</b>

**Number of Staff employed on Programme (whole time equivalents) as at 31 December 2008**

- Civil Servants
- Other Public Servants

**Number of Staff**

2,354  
15,412  
17,766

Outputs*		
2008 Output Target	2008 Output Achieved	2009 Output Target
1. The projected strength of the Force to be as follows: 1 <sup>st</sup> January 2009 15,385	1. The strength of the Force (attested & in training) as at 31 <sup>st</sup> December 2008 was 15,355.	1. Resources targeted at organised crime including the provision of €21m for Operation Anvil.
2. Increase in Traffic Corps to 1,200.	2. The numbers in the Traffic Corps as at 31 <sup>st</sup> December, 2008 was 1,093.	2. Garda National Model of Community Policing implemented.
3. 5% increase in intelligence led operations against drug, gun and human trafficking networks.	3. Figures under Operation Anvil show an increase of 60% in arrests for murder, serious assaults, burglary, robbery offences and theft and a 45% increase in searches for drugs and theft and for offences under the Offences Against the State Act.	3. Rollout of National Digital Radio Service completed in the Dublin Metropolitan and Eastern Regions

## Other Targets

In 2009 the Garda Inspectorate will publish the reports of its two on-going inspections of (i) resource allocation in the Garda Síochána and (ii) consideration of the case for a dedicated Garda missing persons unit and "amber-alert" type programme.

To publish a National Action Plan setting out Ireland's strategy to prevent and combat the trafficking of human beings and to protect victims.

The Department will establish the Office for Anti-Money Laundering Control as a State Supervisory Authority for certain designated persons/businesses following enactment of the Criminal Justice (Money Laundering) Bill

### \*Offices/Agencies incorporated within this programme

Garda Síochána, Garda Complaints Board, **Criminal Assets Bureau**, **Forensic Science Laboratory**, State Pathology, Criminal Injuries Compensation, **Crime Prevention Measures**, Garda Ombudsman Commission, Office of the Garda Inspectorate

## Programme 2 Justice Vote Group

### The maintenance of safe and secure custody for offenders by support for the Prisons Service\*

<b>Inputs</b>				
<b>Programme 2</b>	<b>2008 € million</b>	<b>Outturn 2008 € million</b>	<b>2009 € million</b>	<b>% Change on Outturn</b>
Programme Expenditure				
- Current	<b>340.8</b>	<b>356.2</b>	<b>331.1</b>	<b>-7%</b>
- Capital	<b>43.8</b>	<b>38.0</b>	<b>38.7</b>	<b>2%</b>
Administration and other support				
- Pay	<b>8.6</b>	<b>9.7</b>	<b>10.1</b>	<b>3%</b>
- Non-Pay	<b>5.5</b>	<b>2.7</b>	<b>1.8</b>	<b>-31%</b>
<b>Total Gross Programme Expenditure</b>	<b>398.7</b>	<b>406.6</b>	<b>381.7</b>	<b>-6%</b>

**Number of Staff employed on Programme (whole time equivalents) as at 31 December 2008**

- Civil Servants
- Other Public Servants

**Number of Staff**

131  
3,518  
3,649

<b>Outputs*</b>		
<b>2008 Output Target</b>	<b>2008 Output Achieved</b>	<b>2009 Output Target</b>
Award Contract and commence construction of Thornton Hall.	The Environmental Impact Assessment has been published and planning consent approved by the Oireachtas in accordance with the Prisons Act 2007. Design and Technical close substantially completed. The project has been delayed due to funding issues created by the global credit crunch. Financial close is due by Quarter 2 2009.	Progress plans to modernise and increase the prison estate in light of economic circumstances.
Commence Rollout of Integrated Sentence Management across Prisons.	Roll-out of Integrated Sentence Management (ISM) at two pilot prisons (Wheatfield and Arbour Hill) is continuing, involving 65 prisoners in total, as well as parallel design work on the detailed business process.	Evaluation of pilot phase of the Integrated Sentence Management.
Complete detailed design and planning stage for Munster Regional Prison at Kilworth.	The preliminary Business Case has been approved by the IPS Interim Board and forwarded to the Secretary General for approval to proceed to detailed planning and Business Case preparation in accordance with Department of Finance Guidelines.	Additional capacity will be brought on stream in Portlaoise, Castlereagh and Wheatfield Prisons. This will result in an increased capacity in 2009 of 400 places (11%) over 2008 levels

#### **Other Targets**

**\*Offices/Agencies incorporated within this programme**

Prisons Service, Prisons Inspectorate, Parole Board

## Programme 3 Justice Vote Group

### Management of the Courts and supporting the Judiciary\*

Inputs					
Programme 3	2008 € million	Outturn 2008 € million	2009 € million	% Change on Outturn	
Programme Expenditure					
- Current	76.9	81.2	73.8	-9%	
- Capital	39.0	36.5	28.8	-21%	
Administration and other support					
- Pay	25.1	26.6	26.6	0%	
- Non-Pay	74.2	78.5	62.7	-20%	
<b>Total Gross Programme Expenditure</b>	<b>215.1</b>	<b>222.8</b>	<b>191.8</b>	<b>-14%</b>	

**Number of Staff employed on Programme (whole time equivalents) as at 31 December 2008**

- Civil Servants
- Other Public Servants

**Number of Staff**

533  
803  
1,336

Outputs*		
2008 Output Target	2008 Output Achieved	2009 Output Target
The Criminal Justice Interoperability Pilot Project to improve electronic communication between the Courts Service and An Garda Síochána. Pilot phase to commence in 2008.	The Criminal Justice Interoperability Pilot Project went live on the 17 November 2008. The benefits being achieved include: <ul style="list-style-type: none"> <li>• Expeditious processing of summons applications</li> <li>• Reduction in duplication and manual work in both Court Offices and in An Garda Síochána.</li> <li>• Case results communicated electronically immediately to An Garda Síochána, the Prison Service and the Department of Transport.</li> <li>• Improved management information across the Criminal Justice Sector.</li> </ul>	Complete the installation of Digital Audio Recording in all Supreme, High and Circuit Court courtrooms in Dublin.
Family Law Case Progression : Primary legislation to become law, mid 2008, with this initiative commencing in the final law terms of the year	The Circuit Court Family Law Case Progression legislation came into operation on the 1st October. The effect of this legislation is to facilitate family law case progression by County Registrars	Implementation of Family Law Case Progression by County Registrars
<b>Other Targets</b>		The key priority for the Legal Aid Board in 2009 is the implementation of the recommendations of three separate reviews, a Risk Assessment Review, a Law Centre Review and a Head Office Review.

**\*Offices/Agencies incorporated within this programme**

Courts Service, Legal Aid – Criminal, Legal Aid Board, Free Legal Advice Centres



## Programme 4 Justice Vote Group

### The promotion of a safe society through the provision of a wide range of Justice Services\*

Programme 4	Inputs			% Change on Outturn
	2008 € million	Outturn 2008 € million	2009 € million	
Programme Expenditure				
- Current	30.9	26.7	27.5	3%
- Capital	0.0	0.0	0.0	
Administration and other support				
- Pay	0.6	2.0	1.9	-2%
- Non-Pay	5.3	5.1	4.4	-14%
<b>Total Gross Programme Expenditure</b>	<b>36.8</b>	<b>33.8</b>	<b>33.8</b>	<b>0%</b>

**Number of Staff employed on Programme (whole time equivalents)  
as at 31 December 2008**

- Civil Servants
- Other Public Servants

**Number of Staff**

124  
5  
129

2008 Output Target	Outputs*	
	2008 Output Achieved	2009 Output Target
A Bill providing for the establishment of the National Property Services Regulatory Authority on a statutory basis scheduled for Publication in 2008.	A Bill providing for the establishment of the Property Services Regulatory Authority on a statutory basis is at the final stage of drafting.	Enactment of the legislation to establish the Property Services Regulatory Authority on a statutory basis.
Introduction of CCTV licensing by Private Security Authority.	Progress to date has seen the draft PSA code of practice completed and public consultation on code concluded. The contributions from the consultation process are currently being considered.	Implementation of licensing for the providers of protected forms of transport for cash in transit. Commencement of licensing for CCTV installers.
<b>Other Targets</b>		Irish Film Classification Office: Completion of IT upgrade to allow distributors conduct their business with IFCO online. Development of a new regulatory architecture for gaming in Ireland Provide financial shared services to the client organisations of the Financial Shared Services Centre. Successful prosecution of spam offenders. <b>. (Data Protection Unit)</b>

#### \* Offices/Agencies incorporated within this programme

Commissions and Special Inquiries, Human Rights Commission, Commission for the Victims of N.I. Conflict, Independent International Commission, Independent Monitoring Commission, Office of the Data Protection Commissioner, Coroner Service, Victims of Crime Office, Central Authorities (Child Abduction), Private Security Authority, Irish Film Classification Office, Property Services Authority, Graffiti Removal Operation (GRO), Social Disadvantage Measures - Dormant Account Funded, Mental Health (Criminal Law) Review Board

## Programme 5 Justice Vote Group

### *The promotion of a tolerant and equitable society \**

Inputs				
Programme 5	2008 € million	Outturn 2008 € million	2009 € million	% Change on Outturn
Programme Expenditure				
- Current	41.5	27.9	31.6	13%
- Capital	0.0	0.0	0.0	
Administration and other support				
- Pay	2.6	3.1	3.0	-3%
- Non-Pay	11.8	6.1	5.4	-12%
<b>Total Gross Programme Expenditure</b>	<b>55.9</b>	<b>37.1</b>	<b>40.0</b>	<b>8%</b>

**Number of Staff employed on Programme (whole time equivalents) as at 31 December 2008**

- Civil Servants
- Other Public Servants

**Number of Staff**

302

Outputs*		
2008 Output Target	2008 Output Achieved	2009 Output Target
1. The publication of Code of Practice on access to Heritage Sites during 2008.	Draft Code of Practice on access to Heritage Sites completed.	Publication of Code of Practice on access to Heritage Sites early 2009
2. Introduce a new Equality for Women Measure, which will make grant assistance available for positive actions to support the economic and civil advancement of women during 2008.	Equality for Women Measure launched in May 2008. Applications invited under "Access to Employment Strand" with €18 million budget over three years.	Continue to foster implementation of National Women's Strategy 2007 – 2016 through its Monitoring Committee and two Sub-Committees and implement "Equality for Women Measure" as key element of Strategy if funding/financial situation permits.
<b>Other Targets</b>		Revised Procedures in the Equality Tribunal devised and implemented to promote greater efficiency. Complete the final draft of the National strategy on Domestic, Sexual and Gender-based Violence by the end of December, 2009. (COSC)

#### \*Offices/Agencies incorporated within this programme

Equality Authority, Equality Tribunal, Grant for the National Women's Council, Equality Proofing, Cosc, Equality Monitoring / Consultative Committees, Gender Mainstreaming and Positive Action for Women, Anti Racism Awareness Campaign, N.C.C. on Racism and Interculturalism, Status of People with Disabilities, National Disability Authority, Disability Projects, Civil Law Reform, Office of the Minister for Integration

## Programme 6 Justice Vote Group

### The provision of Immigration and Related services \*

Inputs				
Programme 6	2008 € million	Outturn 2008 € million	2009 € million	% Change on Outturn
Programme Expenditure				
- Current	120.9	146.0	112.0	-23%
- Capital	0.0	0.0	0.0	
Administration and other support				
- Pay	8.8	12.1	11.4	-5%
- Non-Pay	17.4	29.8	19.5	-34%
<b>Total Gross Programme Expenditure</b>	<b>147.1</b>	<b>187.9</b>	<b>142.9</b>	<b>-24%</b>

**Number of Staff employed on Programme (whole time equivalents) as at 31 December 2008**

- Civil Servants
- Other Public Servants

**Number of Staff**

740

Outputs*		
2008 Output Target	2008 Output Achieved	2009 Output Target
1. Establishment of a Ministerial Council for Immigrants.	Due to the changed situation in Public Finances the establishment of the Council had to be reexamined and will be established in 2009.	
2. Publication of Immigration Residence and Protection Bill.	2. The Bill was published on January 29 <sup>th</sup> 2008 and was introduced to the Oireachtas on February 13 <sup>th</sup> 2008. It completed committee stage in Dáil Éireann on 11 November	2. Subject to the passage and enactment of the Immigration Residence and Protection Bill., the bringing into effect of the provisions of the Bill.
<b>Other Targets</b>		Reception and Integration Agency will ensure that full board and accommodation services are provided to those asylum seekers who require them. Reception and Integration Agency will ensure the voluntary return home of all destitute EU nationals from the 12 States which joined the EU in 2004 and 2007.

\* **Offices/Agencies incorporated within this programme**

I.N.I.S., Asylum Seekers Task Force - Legal Aid, European Refugee Fund, Asylum Seekers Accommodation

## Programme 7 Justice Vote Group

### The provision of Probation Services \*

Inputs				
Programme 7	2008 € million	Outturn 2008 € million	2009 € million	% Change on Outturn
Programme Expenditure				
- Current	44.5	45.4	43.0	-5%
- Capital	5.0	1.8	4.5	153%
Administration and other support				
- Pay	5.4	7.9	7.7	-3%
- Non-Pay	4.2	10.3	6.5	-37%
<b>Total Gross Programme Expenditure</b>	<b>59.1</b>	<b>65.4</b>	<b>61.6</b>	<b>-6%</b>

**Number of Staff employed on Programme (whole time equivalents) as at 31 December 2008**

- Civil Servants
- Other Public Servants

**Number of Staff**

92  
369  
461

Outputs*		
2008 Output Target	2008 Output Achieved	2009 Output Target
The establishment of a dedicated team to manage high risk offenders.	A dedicated team to manage high risk offenders was established in 2008.	Develop and implement an all island risk assessment instrument for sex offenders.
Implementation of remaining section of the Children's Act.	The regional distribution of resources allows for implementation of all sections of the Children Act at a local level.	Develop a work plan from the recommendations of the Expenditure Review Initiative and implement as appropriate.
		Establish premises and programmes to address the needs of the higher risk adult offender population in Limerick.

\*Offices/Agencies incorporated within this programme

Probation Service

**Programme 8 Justice Vote Group**

**The provision of a coherent effective Youth Justice Service \***

Programme 8	Inputs				% Change on Outturn
	2008 € million	Outturn 2008 € million	Year 2009 € million		
Programme Expenditure					
- Current	45.4	37.4	43.8		17%
- Capital	9.0	2.5	8.7		250%
Administration and other support					
- Pay	1.4	1.7	1.6		-4%
- Non-Pay	5.0	3.4	4.4		29%
<b>Total Gross Programme Expenditure</b>	<b>60.7</b>	<b>44.9</b>	<b>58.5</b>		<b>30%</b>

**Number of Staff employed on Programme (whole time equivalents)  
as at 31 December 2008**

**Number of Staff**

- Civil Servants
- Other Public Servants

31  
331  
362

2008 Output Target	Outputs*	
	2008 Output Achieved	2009 Output Target
Launch early 2008 and establish Youth Justice Oversight Group by mid-2008.	Strategy launched and Oversight Group established in March 2008. Oversight Group subsequently has met twice in 2008 to date.	Progress the implementation of the National Youth Justice Strategy 2008 – 2010 subject to available resources. The National Youth Justice Oversight Group will oversee progress and report to the Cabinet Committee on Social Inclusion.
Expansion of Garda Youth Diversion Projects to 112 during 2008.	The number of Garda Youth Diversion Projects remained at 100 because of the economic downturn. A baseline analysis of GYDPs, which comprised the initial phase of the process to improve effectiveness of diversionary measures, was successfully completed.	Develop and roll out of measures to improve the effectiveness of the GYDPs in dealing with local crime problems.
Government decision on major capital development programme for new detention school facilities. Commence implementation.	OPW appointed to design detention school facilities.	Complete design phase and prepare for tendering process for the construction of the new national detention facility.

\* Offices/Agencies incorporated within this programme

Youth Justice Service

**Programme 9 Justice Vote Group**  
**The provision of Property Registration Services.** \*

Programme 9	2008 € million	Inputs Outturn 2008 € million	Year 2009 € million	% Change on Outturn
Programme Expenditure				
- Current	37.1	36.4	34.9	-4%
- Capital	5.0	4.6	3.2	-31%
Administration and other support				
- Pay	6.2	3.8	3.8	1%
- Non-Pay	1.3	0.9	1.0	7%
<b>Total Gross Programme Expenditure</b>	<b>49.6</b>	<b>45.7</b>	<b>42.9</b>	<b>-6%</b>

**Number of Staff employed on Programme (whole time equivalents) as at 31 December 2008**

- Civil Servants
- Other Public Servants

**Number of Staff**

**676**

Outputs*		
2008 Output Target	2008 Output Achieved	2009 Output Target
Completion of 220,000 Legal Transactions.	Completion of over 240,000 Legal Transactions (Dealings), certification and searching services by electronic means	Completion of a further 200,000 Legal Transactions .
Completion of over 3 million searching, certification and eLodgement electronic transactions during 2008.	952,974 inspection and certification transactions were carried out on the www.landdirect.ie portal, all of which generated a fee. In addition, some 2 Million other inspections and enquiries, which do not attract a fee, were also conducted	.
A further 7 Maps to be fully digitised Completion of the digitisation of a further 7 counties' maps in 2008 will ensure that 16 counties in total will have fully digitised maps by the end of 2008. This project is critical to the provision of an electronic registration framework.	A further 6 Counties Maps fully digitised in 2008 with another county, Limerick ,due to go live in January 2009	A further 8 Maps to be fully digitised. Completion of the digitisation of a further 8 counties' maps in 2008 will ensure that 23 counties in total will have fully digitised maps by the end of 2009. This project is critical to the provision of an electronic registration framework
		Provision of electronic on-line facility for the processing of releasing of charges. This is a further milestone in the overall eGovernment initiative undertaken by the PRA.

**Other Targets**

\*Offices/Agencies incorporated within this programme

**Property Registration Authority**

ASYLUM / IMMIGRATION TABLES

TABLE 1

<b>Deportation Orders Signed (including consent orders) 2004 – 2008</b>	
<b>2004</b>	<b>2915</b>
<b>2005</b>	<b>1899</b>
<b>2006</b>	<b>1566</b>
<b>2007</b>	<b>418</b>
<b>2008</b>	<b>776</b>

TABLE 2

<b>Deportation Orders Effected 2004 – 2008</b>	
<b>2004</b>	<b>599</b>
<b>2005</b>	<b>396</b>
<b>2006</b>	<b>302</b>
<b>2007</b>	<b>139</b>
<b>2008</b>	<b>162</b>

It might be noted that the vast majority of persons deported from the State are failed asylum seekers with a smaller number of illegal immigrants and Dublin Convention cases (persons who first claimed asylum in another EU State who have agreed to accept their return).

TABLE 3

<b>Transfer Orders Effected 2004 – 2008</b>	
<b>2004</b>	<b>65</b>
<b>2005</b>	<b>209</b>
<b>2006</b>	<b>294</b>
<b>2007</b>	<b>225</b>
<b>2008</b>	<b>271</b>

**TABLE 4**

**Leave to Remain Granted  
under Section 3, Immigration Act 1999  
(as amended)**

<b>2004</b>	<b>210</b>
<b>2005</b>	<b>154</b>
<b>2006</b>	<b>216</b>
<b>2007</b>	<b>860</b>
<b>2008</b>	<b>1274</b>

**TABLE 5**

**Applications for Subsidiary Protection  
2006 – 2008**

<b>year</b>	<b>applications received</b>	<b>applications granted</b>	<b>applications refused</b>
<b>2006*</b>	<b>176</b>	<b>0</b>	<b>0</b>
<b>2007</b>	<b>1255</b>	<b>2</b>	<b>81</b>
<b>2008</b>	<b>1465</b>	<b>7</b>	<b>464</b>

\* Subsidiary Protection Regulations came into force on 10 October 2006

**TABLE 6**

**Voluntary Returns  
2004 – 2008**

<b>year</b>	<b>assisted by Department</b>	<b>assisted by IOM</b>	<b>total</b>
<b>2004</b>	<b>218</b>	<b>393</b>	<b>611</b>
<b>2005</b>	<b>125</b>	<b>210</b>	<b>335</b>
<b>2006</b>	<b>63</b>	<b>175</b>	<b>238</b>
<b>2007</b>	<b>162</b>	<b>255</b>	<b>417</b>
<b>2008</b>	<b>109</b>	<b>452</b>	<b>561</b>