



AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS  
DEPARTMENT OF JUSTICE AND EQUALITY

# **DEPARTMENT OF JUSTICE AND EQUALITY ANNUAL REPORT 2013**

***Working for a Safer, Fairer Ireland***

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## OUR MISSION STATEMENT



***TO MAINTAIN COMMUNITY AND NATIONAL SECURITY,  
PROMOTE JUSTICE AND EQUITY, AND SAFEGUARD  
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
CONSISTENT WITH THE COMMON GOOD***



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## **FOREWORD BY THE MINISTER**

This Report outlines the progress made in 2013 across the Department's broad range of responsibilities.

I am honoured to have recently been appointed as Minister to lead a Department with such a broad range of policy and operational responsibilities. A particular highlight is the work done and achievements of the Department in the first half of 2013 when Ireland held the Presidency of the Council of the European Union. The successful Presidency, in which this Department played a full part, did much to restore our country's international reputation. On the domestic front, the Department continued to make good progress implementing the Programme for Government commitments allocated to it.

I want to pay tribute to my predecessor in this Office, Mr. Alan Shatter T.D., for his substantial achievements in this Department.

My aim now is to work with the Department to ensure that the Irish people have a modern Justice and Equality system that meets the 21<sup>st</sup> century needs of our society.

Frances Fitzgerald, TD  
Minister for Justice and Equality

June 2014

## INTRODUCTION BY SECRETARY GENERAL

The Department of Justice and Equality's mission goes to the core of a modern and democratic society – it ranges across the protection of life and property; the prevention and detection of crime; providing a Courts Service and other forms of investigative tribunals; the provision of services for the buying and selling of property; the management of inward migration to the State; the promotion of justice and equity; and the updating of our criminal and civil laws. Expenditure across all the Votes in the Justice Group, in 2013, came to **€2,120.7m** – see Appendix 1.

2013 was of particular note because Ireland held the **Presidency** of the Council of the European Union during the first half of the year. The key achievements of the Presidency are outlined later in this Report. We also serve the interests of Ireland in relation to Justice and Home Affairs matters by participating fully in other international fora such as the Council of Europe and the United Nations.

This Report records not only the Presidency but also the Department's other main achievements during 2013. These span the work of the Department itself and the 21 statutory and 12 non statutory bodies for which the Department is responsible.

By far the largest part of the Justice and Equality budget related to **An Garda Síochána**, being €1.4 billion in gross terms in 2013. The effective work of An Garda Síochána is illustrated by the targeted programmes put in place to respond to particular types of crime. For example, faced with an increase in burglary towards the end of 2011 and into 2012, the Commissioner put in place Operation Fiacla to confront this problem head on. Operation Fiacla is intelligence led and relies on detailed analysis, carried out by the Garda Síochána Analysis Service, of crime trends and other relevant data to ensure that the best use is being made of Garda resources. Specific burglary related initiatives were also being implemented in each Garda Region in support of Operation Fiacla.

On **prisons**, expenditure came to €307 million in 2013. The year saw the first significant reduction in prison numbers since 2007. In all, 13,055 persons were sent to prison in 2013 compared to 13,860 in 2012. The overall daily average number of prisoners in custody was 4,158 compared to 4,318 in 2012. Progress continued to be made on initiatives which have been introduced to ensure better outcomes for offenders – structured activities, integrated sentence management, the Community Return Project. This includes the Joint Strategy with the Probation Service, launched in May, which sets out how both agencies will work towards their common objectives.

**Courts Service** expenditure came to €94.9 million, against which can be set appropriations-in-aid (receipts) of €46.635 million - mainly fees for various categories of courts transactions. The expenditure in the Courts Vote is directed towards one key programme: Managing the Courts and Supporting the Judiciary.

The Courts Service has embarked on a significant transformation programme in recent years involving the consolidation of court venues and offices. Approval was obtained for seven Court Building projects to be progressed under the Government Infrastructure Stimulus Package as Public Private Partnerships (PPP's). Newer buildings can be equipped and fitted out with the latest technology and this enables more court business to be undertaken by video-link with prisons.

The referendum passed in October in relation to the establishment of a **Court of Appeal** was a significant milestone. The new Court of Appeal will deal with most cases that are currently dealt with by the Supreme Court, thus reducing the latter's workload and allowing it to focus on the development of the law.

Beyond these essential services, the other clear priority during the year was the establishment of the new **Insolvency Service of Ireland (ISI)**. The Service was officially established on 1 March 2013 but a considerable amount of background work had already been taking place prior to that date. Since September 2013, the ISI has been open to accept applications from insolvent debtors for three debt relief solutions.

The Government decision that a fund should be established for those women who were in the **Magdalen Laundries** and for women who were in a similar position in the Stanhope Street Laundry was the focus of considerable work on the part of the Department. In June 2013, a unit was established to work on the processing of applications and on the implementation of the scheme recommended in the Magdalen Commission Report of Mr. Justice Quirke.

Dramatic progress continued to be made in 2013 in improving the efficiency of the **naturalisation process** with over 30,000 applications for citizenship decided in 2013 (an increase of 20% on 2012). In addition, 18 **citizenship ceremonies** were held during the year and were attended by almost 18,000 people. These ceremonies, which underscore the importance of the granting of citizenship and ensure that it is marked by a sense of occasion for our new citizens, have been universally welcomed. Comprehensive policy guidelines for dealing with family reunification applications were also published in December 2013 and these new guidelines constitute a major statement of policy on immigration with far reaching implications for the State and for immigrant families.

On the Equality side, the priority was the finalisation of drafting of the Bill to replace the Equality Authority and the Human Rights Commission with a new **Irish Human Rights and Equality Commission (IHREC)**. Integration of the Equality Authority and Human Rights Commission on an administrative basis to establish the new Commission (IHREC) commenced.

Progressing of key pieces of **legislation**, amongst them the Legal Services Regulation Bill, were also key priorities and further details are included in this Report.

All of this was achieved at a time of continuing **financial constraint**.

The Department and its agencies have committed to the Public Service Reform process, which is an enabler for the continuing delivery of key services with reduced staff and financial resources. These commitments are managed through the Department's **Integrated Reform and Delivery Plan** and further details on key points are set out later in this Report.

There is a very broad range of activity under the Department of Justice and Equality and this Report can only attempt to represent the key highlights. Further information on the Department's activities is available at [www.justice.ie](http://www.justice.ie).

I want to thank the staff of the Department and our partners across the Justice and Equality sector for their hard work, commitment and dedication as well as for their continuing spirit of co-operation and support in our work on behalf of the Irish people.

**Brian Purcell**  
**Secretary General**



## CONTEXT: REFLECTING THE PROGRAMME FOR GOVERNMENT

Having regard to the policy context set out in the [Programme for Government 2011-2016](#), the Department developed a [Strategy Statement 2011-2014](#) which aims to set out concisely our priorities over this three-year period, having regard to the resources available. This was published in March 2012.

### In the Strategy Statement the Department's stated goals are to:

- maintain a secure Ireland
- work for safe communities
- facilitate the provision and administration of justice
- promote equality and integration
- represent Ireland's interests in the above spheres in EU and other international organisations
- contribute to economic recovery.

### To achieve these goals, we committed ourselves to:

- put in place a policy direction and framework for **tackling crime**, including prevention, intervention and enforcement measures, and money laundering
- set the strategic direction for an **integrated justice system** and support all elements of the system; in particular, continue to provide safe, secure and humane custody for those committed to prison by the courts, as well as developing alternatives to custody and alternative dispute resolution mechanisms
- support **community policing models and partnerships**, including interventions directed at young offenders, as a response to anti-social behaviour and low-level crime
- co-ordinate, develop and implement policies to promote **equality and integration**
- develop measures and maintain policies aimed at ensuring the **security of the State** and participate in/contribute to international initiatives to counter the threat of terrorism and serious/organised crime

- implement **immigration** and related policies and services that are responsive to the needs of Irish society, contribute to tourism and economic development, and comply with our national and international obligations
- enhance capacity to tackle **human trafficking, domestic, sexual and gender-based violence, and misuse of drugs, including alcohol**
- foster **North-South and international co-operation** in all relevant matters
- develop appropriate **legislative frameworks and instruments** as a basis for justice and equality interventions
- establish appropriate **regulatory frameworks** for the protection of individuals/organisations and as a basis for economic recovery and growth
- provide effective **governance** oversight of agencies within the Department's remit
- drive **organisational change and development** in the Department and its agencies, pursuant to the Public Service transformation and change agenda, optimising integration, shared services, strategic procurement and ICT, to maintain essential front-line services, in line with the Programme for Government.

This Annual Report records progress in 2013 in implementing these strategies.

## THE DEPARTMENT IN NUMBERS

- Department **Budget** for 2013 was €320 million.
- Approximately 1,340 people worked in the Department during 2013.
- The Department received 4,161 **Parliamentary Questions** (8% of the total to all Departments) of which:
  - 64 were answered orally in the Dáil
  - 3,601 received written replies
  - 252 were withdrawn
  - 244 were disallowed under Standing Orders.
- 34,154 people were paid through **Financial Shared Services** in Killarney.
- 642 **Freedom of Information** requests were received and processed during 2013. 74% were for personal information.
- During the **EU Presidency** the Minister chaired three meetings of the Justice and Home Affairs Council and one EU-US Meeting.
- The Department chaired 190 **Council Working Party meetings** and organised 19 Presidency-related conferences and other events in the Justice and Home Affairs and Equality areas.
- 166,000 new visa, residence, citizenship and protection applications were received in 2013.
- 97,000 new or renewed registrations of **permission to remain** in the State were granted in 2013.
- 95,000 **visa applications** were received.
- Top three nationalities applying for **visas** during 2013 were India 16%, Russia 15%, and China 11%.
- Over 30,000 applications for **citizenship** were decided and 18 **citizenship ceremonies** were held during 2013. Processing times reduced to six months for standard applications.
- 12% of population (544,000 persons) is **non-Irish** per most recent CSO figures.
- At end-2013, 4,360 **protection seekers** were residing in 34 direct provision centres.
- Almost 2,300 persons were deported/removed/transferred from the State in 2013.
- In 2013, 1,285 applications for the **importation of firearms and ammunition** and 590 licence applications for the importation of various types of explosives were processed.
- As of 31st of December 2013, there were 274 **firearms dealers** on the Minister's Register of firearms dealers.

## EU PRESIDENCY 2013

Ireland held the Presidency of the Council of the European Union from 1 January to 30 June 2013. This was a major undertaking for all Departments that have a substantial amount of EU-related responsibilities, including the Department of Justice and Equality. In the area of Justice, Home Affairs and Equality this involved chairing some 190 **Council Working Party meetings** as well as representing the Council in negotiations with the European Parliament on a wide range of legislative proposals

In his capacity as **President of the Justice and Home Affairs (JHA) Council**, the Minister for Justice and Equality chaired three meetings of the Council and an EU-US Ministerial meeting on JHA matters in Dublin. The Minister also made several appearances before the European Parliament and held numerous bilateral meetings with counterparts from other Member States. In addition to the aforementioned informal JHA Council and EU-US Ministerial meeting, Ireland hosted a further 19 **Presidency-related conferences** and other events in the JHA and Equality areas.

The Irish Presidency achieved some very significant results in terms of **advancing the JHA legislative and policy agenda**. Not only did this Department achieve its ambitious targets but we exceeded them in many instances. The following is a summary of some of the key achievements.

### Crime and Internal Security

- Council agreement was obtained on a general approach to a [draft Directive](#) aimed at strengthening the existing arrangements to protect the Union's financial interests against **fraud, corruption** and **money laundering**.
- The Minister chaired an extensive debate at the JHA Council on the threat to internal security from the Sahel and Maghreb regions of Africa, with a particular focus on **terrorism** originating in Mali. At a separate Council meeting, the Minister chaired a discussion on the issue of EU citizens travelling to third countries as foreign fighters and the associated radicalisation risk posed by these persons on returning home.
- Council agreement was secured for revising the [EU Strategy](#) on combating radicalisation and **recruitment to terrorism**.
- Council agreement was also reached on the next four-year [EU Action Plan on Drugs](#) and on the crime priorities to be tackled by **Europol** in the next four-year policy cycle on organised crime.
- Council conclusions agreed on an EU Framework for the provision of information on the [rights of victims of Trafficking in Human Beings](#).
- [An EU wide ban](#) was agreed on the manufacturing and marketing of the psychoactive substance **4-methylamphetamine** – so called 4-MA. Between 2010 and 2012, this substance was linked to 21 fatalities in four Member States. The decision represents a

further step in the European response to tackling the growth in harmful new psychoactive substances across Europe.

### Asylum, Migration and Schengen

- Agreement was reached on the remaining elements of the [Common European Asylum System](#) - the [Asylum Procedures Directive](#), which provides minimum standards on procedures for granting and withdrawing **refugee status**, and the [Eurodac Regulation](#), which concerns the system for comparing the fingerprints of asylum seekers.
- Agreement was reached on both the [Directive](#) on Reception Conditions which lays down minimum standards for the reception of asylum seekers and the [Dublin Regulation](#) which determines the EU State responsible for processing an **asylum application**.
- The ongoing Syrian crisis and its wider impacts loomed large throughout Ireland's Presidency. At the informal JHA Council in Dublin the Minister invited the UN High Commissioner for Refugees to attend the informal JHA Council meeting in Dublin in order to participate in an important debate on the escalating refugee crisis arising from the **Syrian conflict** and the actions that the EU could take to assist in its alleviation.
- The Presidency reached agreement with the European Parliament on the [Regulation](#) establishing a **European Border Surveillance System**, known as [Eurosur](#). New visa facilitation agreements with Moldova, Ukraine, Armenia and Cape Verde were also agreed, as were readmission agreements with the latter two countries.
- A major agreement was secured with the European Parliament on the [Schengen Governance Package](#), which will enhance the security and stability of the **border-free arrangements** for participating States. Agreement on this package also enabled progress to resume on five separate files in the Home Affairs area upon which the European Parliament had suspended negotiations since June 2012.
- The Irish Presidency also oversaw the successful migration to the second generation [Schengen Information System](#), better known as **SIS II**.
- A proposed [Regulation](#) to amend [Visa Regulation 539/2001](#) which established (i) a suspension mechanism to allow EU Member States in the Schengen area to temporarily suspend **visa-free travel arrangements** with third countries to halt substantial and sudden increases in unfounded asylum claims and illegal migration and (ii) a reciprocity mechanism which enabled the EU to reimpose visa requirements on nationals of countries that still impose them on EU citizens.

## Civil Law

- An updated draft of key provisions of the proposed [General Data Protection Regulation](#) was produced and general support secured for certain fundamental concepts and key provisions. This proposal provides for **stronger protections of EU citizens** as regards the processing and use of their personal data.
- Political guidelines were agreed on the draft [Regulation on Insolvency Proceedings](#), which seeks to reform the existing **EU insolvency laws** to reflect the fact that businesses increasingly have operations in more than one Member State.
- A [Regulation](#) providing for mutual recognition of protection measures in civil matters was adopted. This Regulation provides that civil protection measures, such as **barring orders**, can still be enforced if a victim moves from one Member State to another.

## Fundamental Rights and Equality

- [Council Conclusions](#) were agreed on fundamental rights and the Rule of Law
- Negotiations were completed on the proposed accession of the EU to the [European Convention on Human Rights](#).
- Negotiations were successfully concluded and agreement secured with the European Parliament on a new [Directive](#) which guarantees those suspected or accused of a crime the **right to access a lawyer**.
- Thanks to EU Progress funding support, the Department hosted a major international conference on “**Women’s Economic Engagement and the Europe 2020 Agenda**”, addressing the participation and advancement of women in the labour market. We also fostered policy discussions at the formal and informal EPSCO meetings and got agreement on Council Conclusions on the role of women in decision-making positions in the media. Apart from the linkages to the implementation of the EU’s gender equality policies, this work also links to the Government’s commitments to advance women into decision-making roles.

## PROGRESS ON ACTIONS SET OUT IN STRATEGY STATEMENT 2011-2014

### Tackling Crime & Community Policing

During the course of 2013, the Department continued to work with key criminal justice agencies and others in developing policy and operational responses to tackling and preventing crime:

- The official CSO-recorded crime statistics show that most categories of crime fell during the course of the year and that the overall number of incidents reported to the police fell by 6.6%. Of particular note was the reduction in burglary of more than 7%, which built on earlier reductions, and reflects well on the impact of **Garda Operation Fiacla**, introduced to tackle gangs involved in this type of offending. There were also reductions in recorded assaults, sexual offences and public order offences.
- Priority was given to **resourcing An Garda Síochána**. The closure of 100 Garda Stations in 2013, together with the closure of 39 in 2012, has led to an increased availability of Garda personnel for frontline operational policing as opposed to desk duties. Nationally, the revised policing arrangements resulted in an additional 61,000 policing hours in 2013.
- Key positions were filled during the year, including the appointment of four Chief Superintendents and 14 Superintendents. 82 Gardaí were promoted to Sergeant and 34 Sergeants to Inspector.
- In July 2013 a **recruitment campaign** to An Garda Síochána was announced, the first since 2009. The recruitment campaign opened in December 2013.
- In October 2013 €9m was announced for the purchase of new vehicles for the **Garda fleet** over the following nine months.
- The Department, through the Irish Youth Justice Service, continued to fund and support 100 Garda Youth Diversion Projects (GYDP) nationwide. These community-based, multi-agency crime prevention initiatives, seek to divert young people from becoming involved in anti-social and/or criminal behaviour. They operate as a support to the **Garda Diversion Programme**. Funding for the 100 GYDPs amounted to just over €11 million in 2013.
- In 2013, a pilot project, whereby the six Garda Youth Diversion Projects located in Kerry deliver a service across the whole of the county of Kerry, commenced. It is an initiative involving Community Programmes, IYJS, An Garda Síochána and **Kerry Diocesan Youth Service (KDYS)**. The overall aim is to reduce the level of **crime among young people** in the county of Kerry.
- The Department continued to fund and support the **Community Alert** and **Crimestoppers** initiatives. The Minister and the Garda Commissioner launched new guidelines for community-based crime prevention schemes, such as Community Alert and

**Neighbourhood Watch.** In September, following a pilot programme, An Garda Síochána introduced guidelines for groups wishing to set up community Text Alert schemes.

- The Department carried out a review of the [Joint Policing Committee Guidelines](#), following a consultation process, and in conjunction with An Garda Síochána and the Department of the Environment, Community and Local Government. On foot of this process, new guidelines are to be introduced in 2014.
- [The Criminal Justice \(Forensic Evidence and DNA Database System\) Bill 2013](#) was published on 11 September 2013 and completed Second Stage in the Dáil on 9 October 2013. This Bill will be of particular benefit in detecting volume crimes such as theft, burglary, rape and sexual assault. The Database will also assist with finding and **identifying missing and unknown persons**.
- The Department progressed to an advanced stage a proposed [White Paper on Crime](#), incorporating a **National Anti-Crime Strategy**.
- Draft Heads of a Precious Metal (Cash Dealers) Bill have been prepared, to provide for a regulatory regime based on registration and compliance monitoring of businesses trading in precious metals and stones.
- The [seventh Annual Report](#) of the Commission for the Support of **Victims of Crime** for the year 2012 was published in June.
- In November the [Probation Service Restorative Justice Strategy, “Repairing the Harm: A Victim Sensitive Response to Offending”](#) was published. The strategy aims to further develop the wider application of restorative practice in the work of the Probation Service and builds on achievements to date using **restorative justice** practice in the courts and the community.
- The Department continued to work with An Garda Síochána, the Road Safety Authority, the Department of Transport, Tourism and Sport, and other relevant stakeholders in the field of **road safety** with the overall objective of reducing the number of serious and fatal injury collisions on our roads.
- In May 2013 the [report received from the Garda Commissioner](#) into allegations of improper cancellation of fixed charge notices by some members of An Garda Síochána was published. The Minister also published a [report by the Garda Professional Standards Unit](#) of an examination of the processes and systems in place to deal with the cancellation of Fixed Charge Notices. The Minister subsequently referred both reports to the Garda Inspectorate.

### Integrated Justice System

- Arising from the [Report of the Working Group on Efficiency Measures in the Criminal Justice System - Circuit and District Courts](#) published in November 2012, a number of measures were introduced to make the operation of the Courts more efficient. These are



- (i) **Pre-trial Procedure**, (ii) Centralising Custody Cases, (iii) **Single Garda Court Presenter**, (iv) Use of **Videolink** and (v) Use of Alternative Courts. The **centralising of custody cases** has resulted in a reduction in the number of escorts. Use of the pre-trial procedure has resulted in savings in terms of witness expenses and Garda overtime.
- The process of courts reform continued, including work on a Judicial Council, Court of Appeal, judicial appointments, Circuit Civil Court and mediation:
    - [The Courts and Civil Law \(Miscellaneous Provisions\) Act 2013](#) was enacted. This Act increases the **monetary jurisdiction** limits of the District Court and Circuit Court in civil proceedings to €15,000 and €75,000 respectively. The monetary jurisdiction limit of the Circuit Court is limited to €60,000 for personal injury actions. The Act also introduces changes to the **in-camera rule** to provide transparency in family law and child protection procedures.
    - The Courts and Civil Law (Miscellaneous Provisions) Act 2013 also provided for the appointment of **two additional Supreme Court judges**. Since their appointment in October, the Supreme Court has begun to sit in two panels to address the backlog that has accumulated in recent years.
    - A consultation process on the system of **judicial appointments** was announced in December. This process is to encourage public debate on elements of reform that should be considered for the appointment of judges. Following completion of the review it is intended to bring forward proposals, including any legislative changes necessary.
    - Court of Appeal: A Referendum was held on 4 October 2013 and a Court of Appeal was endorsed. Work is ongoing on the practical issues involved in establishing the **new Court of Appeal**, such as the formal establishment and membership of the Court, the appointment of Judges, the organisation of the Court and the provision for the office of Registrar of the Court. The creation of the Court of Appeal will be one of the most significant developments in the justice area since the foundation of the State. It will lead to a significant reform of our courts system.
  - [The Personal Insolvency Act 2012](#) created a new cadre of **Specialist Judges** of the Circuit Court to facilitate the speedy consideration of insolvency applications by that Court.
  - Two Judges were appointed to the High Court in July, a serving judge of the District Court was elevated to the Circuit Court in December and two judges were appointed to the District Court in July. The Government made 3 appointments to the Special Criminal Court in 2013.
  - [The Fines \(Payment and Recovery\) Bill 2013](#) was published on 19 July and completed its passage through the Oireachtas in April 2014. The Bill provides for the **payment of fines by instalments** and for the recovery of unpaid fines by the imposition of attachment orders, recovery orders, and community service, as alternatives to imprisonment.
  - [Statutory Instrument 346/2013](#) reformed the [Civil Legal Aid](#) scheme by reducing the disposable capital threshold and increasing the minimum financial contribution requirement.

- The Irish Prison Service and the Probation Service launched a [Joint Strategic Plan 2013-2015](#) in May 2013. The Plan sets out how both Agencies will further develop their **multiagency approach** to offender management and rehabilitation from pre to post imprisonment in order to reduce re-offending and improve prisoner outcomes.
- In November the [Probation Service Restorative Justice Strategy, “Repairing the Harm: A Victim Sensitive Response to Offending”](#) was published. The strategy aims to further develop the wider application of restorative practice in the work of the Probation Service and builds on achievements to date using **restorative justice practice** in the courts and the community.
- Following the publication of the [Magdalen Commission Report](#) of Mr Justice Quirke, a [Restorative Justice Scheme](#) was established to make ex-gratia payments and offer supports to women who were admitted to and worked in the **Magdalen Laundries, St Mary’s Training Centre, Stanhope Street** and **House of Mercy Training School**, Summerhill, Wexford.
- The complete **refurbishment** of the A, B and C wings of **Mountjoy Prison** was completed, including in-cell sanitation. The D wing has now been closed to facilitate the final stage of the refurbishment.
- Slopping out has ended in Mountjoy Prison with the closure of **D Wing**.
- [Inspector of Prisons Annual Report 2012](#) and [An Assessment of the Irish Prison System](#) were published in July 2013, and, in line with the recommendation of the Inspector, **St Patrick’s Institution** is to close.
- In December 2013, all sentenced 17 year olds were transferred from St Patrick’s Institution to a dedicated unit in **Wheatfield** on an interim basis pending the opening of the new facilities in **Oberstown**.
- Fifteen Visiting Committee Reports were published during 2013. They highlighted a number of issues including: prison conditions, staffing levels and overcrowding. The reports acknowledged the efforts made by the **Irish Prison Service**, management and staff to address the issues despite limited resources.
  - [Loughan House Visiting Committee Annual Report 2012](#)
  - [Mountjoy Prison Visiting Committee Annual Report 2012](#)
  - [St. Patrick’s Institution Visiting Committee Annual Report 2012](#)
  - [Training Unit Visiting Committee Annual Report 2012](#)
  - [Wheatfield Prison Visiting Committee Annual Report 2012](#)
  - [Portlaoise Prison Visiting Committee Annual Report 2012](#)
  - [Shelton Abbey Visiting Committee Annual Report 2012](#)
  - [Midlands Prison Visiting Committee Annual Report 2012](#)
  - [Arbour Hill Prison Visiting Committee Annual Report 2012](#)
  - [Limerick Prison Visiting Committee Annual Report 2012](#)
  - [Cork Prison Visiting Committee Annual Report 2012](#)

- [Castlerea Prison Visiting Committee Annual Report 2012](#)
- [Cloverhill Prison Visiting Committee Annual Report 2012](#)
- [Dóchas Centre Visiting Committee Annual Report 2012](#)
- [St. Patricks Institution Visiting Committee Annual Report 2011](#)
- The Government has approved the drafting of a General Scheme of an **Inspection of Places of Detention Bill**, which will include provisions to make Visiting Committees more effective.
- [Inspectors Reports](#) on 12 out of 16 **deaths in custody** during 2012 were published in December 2013.

## Equality and Integration

- During the Irish **EU Presidency**, the Department chaired the technical working group at the Council of Ministers examining a proposal of the European Commission to the Council and Parliament for a Directive to attain 40% representation for women in non-executive board-member positions in publicly listed companies by 2020.
- A further cohort of women benefited from actions under the [Equality for Women Measure 2008-13](#), assisting women who are planning to return to the labour market.
- In March 2013 the Minister signed regulations extending **parental leave** from 14 weeks to 18 weeks. The changes give effect to [EU Council Directive 2010/18/EU](#) of 8 March 2010 which implements a revised Framework Agreement on parental leave.
- In January 2013 the first update on progress in relation to the [National Traveller/Roma Integration Strategy](#) was sent to the EU Commission.
- The National Traveller Monitoring and Advisory Committee (NTMAC) continues to provide a national forum for dialogue between stakeholders, including Government Departments, Local Authorities, HSE and Traveller Representatives, and advises the Minister on **Traveller Policy** as appropriate.
- In July 2013 the [National Disability Strategy Implementation Plan](#) was published. The goals of the Plan are that people with disabilities are free from discrimination; supported to live the life they choose; live ordinary lives in ordinary places; participate in the life of the community; and reach their full potential. As part of the follow-up to that initiative the first special themed meeting of the **National Disability Strategy Implementation Group** (NDSIG) focused on the issue of Irish Sign Language.
- In July 2013 the [Assisted Decision-Making \(Capacity\) Bill](#), which will **assist vulnerable people** with limited decision making capacity to better manage their personal, property and financial affairs, was published.
- In 2013, funding of nearly €1,179,000 was paid to organisations (local authorities, sporting bodies and NGOs) to promote **integration and tolerance**. €457,372 of this went to the [EPIC Programme](#) (Employment of People from Immigrant Communities) to help

vulnerable immigrants access employment or further training. The direct costs of this scheme are co-funded at 50% by the [European Social Fund](#).

- There is also provision of €1.5 from the [European Refugee Fund](#) and the [European Integration Fund](#). A call for proposals in 2013 resulted in the approval of six new projects under the European Refugee Fund and 16 projects under the European Integration Fund.
- During 2013, 86 persons were resettled in Ireland under the [Government's resettlement programme](#): 31 Afghan refugees were resettled from Syria under an EU-funded Emergency Resettlement Programme; 24 refugees - originally from the Democratic Republic of the Congo and some of whom had lived in refugee camps for over 15 years - arrived from Tanzania; ten Somalis in need of international protection were relocated from Malta; and four serious medical cases and their immediate family members (19 persons), whose medical needs could not be met except through resettlement, were admitted from Kenya, Syria and Egypt during the year. A further two relatives of refugees admitted under the 2012 programme also arrived in Ireland during the year. All of the refugees were linked with mainstream services and are settling in well in towns and cities around Ireland.
- The Department monitored trends in **racist incidents** in consultation with An Garda Síochána, the Central Statistics Office and other relevant bodies and published trend tables on the website ([www.integration.ie](http://www.integration.ie)).
- In April 2013 the [Minister announced the names of 14 new members designate of the Irish Human Rights and Equality Commission \(IHREC\)](#).
- In December 2013 the Minister made a further [Order](#) under the [Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010](#) prescribing certain registered relationships entered into by same sex couples in other jurisdictions as entitled to be treated as equivalent to civil partnership under Irish law.
- In September 2013, the Government considered the [Second Report of the Convention on the Constitution](#) on amending the clause **on the role of women in the home** and encouraging greater participation of women in public life and on increasing the participation of women in politics. The Government accepted the recommendation of the Convention on the need to amend the language in [Article 41.2 of the Constitution](#) on the role of women in the home. The Government requested further work to be undertaken on this proposal and a report presented to Government by the end of October 2014 with a view to preparing a referendum at the earliest possible opportunity. The Government also requested work to be taken forward on a number of other recommendations in the Convention's Report in relation to use of gender inclusive language and the incorporation of the principle of **gender equality**.
- In November 2013 the Government considered the [Third Report of the Convention on the Constitution](#), amending the Constitution to provide for **same-sex marriage**. The Government agreed to the holding of a **referendum** during the first half of 2015.

## Security

- The [Criminal Justice Act 2013](#) updates criminal law provisions in relation to **money laundering** and introduces new protections against the terrorist threat posed by remote detonation of explosive devices.
- There is close and ongoing co-operation between the Garda Síochána and the PSNI in response to the threat posed by **paramilitary groups**. The quality and extent of this co-operation are at the highest ever level and the Garda Commissioner and the PSNI Chief Constable frequently reference the importance of this co-operation in combating terrorism.

## Immigration

- In October 2013 Ireland and the UK agreed to introduce reciprocal [Common Travel Area visa arrangements](#) for short-stay visitors. The new arrangements, which are planned to come into effect from autumn 2014, are expected to increase significantly the number of **tourism and business visitors to Ireland**, in particular from key emerging markets such as China and India.
- Changes to the [Immigrant Investor Programme](#) were announced in July 2013. Since the launch of the Programme in 2012, 31 projects have been approved, representing a total investment of almost €23m with the potential to create almost 300 jobs. Following a review of the **Immigrant Investor Programme** a number of significant changes were introduced in 2013 to further increase the attractiveness of the Programme to foreign investors.
- In December, 2013 the Minister published [policy guidelines](#) for dealing with **family reunification applications**. The new guidelines constitute a major statement of policy on immigration with far reaching implications for the State and for immigrant families. While the Government must retain the discretion to determine the State's approach to immigration, the Minister considers that this clear statement of policy will be of benefit to migrants and all those involved in immigration management.
- [Regulations](#) signed into law by the Minister in November 2013 introduced new arrangements for the processing of **subsidiary protection applications**, including applicants being interviewed as part of the first instance investigation of their claim by the Offices of the Refugee Applications Commissioner and the opportunity to appeal a negative recommendation to the Refugee Appeals Tribunal.
- To assist the immigration authorities with the processing of Subsidiary Protection and **Leave to Remain applications** a panel of legally qualified persons has been established.

- The exchange of immigration data between Ireland and the UK prevents immigration abuses and preserves the integrity of the **Common Travel Area** (CTA) for the majority of people who benefit from it. Enhanced **data sharing** arrangements were put in place with the UK authorities in 2013 to establish information in respect of Irish visa applicants with an adverse UK immigration and/or criminal history. Under these arrangements the details of over 75,000 Irish visa applicants were cross-checked against UK records in 2013.

### **Tackling Human Trafficking, Domestic, Sexual and Gender-based Violence, and Misuse of Drugs, including Alcohol**

- In-depth reviews of Ireland's response to human trafficking were carried out in 2012 by the *Special Representative and Coordinator for Combating Trafficking in Human Beings of the Organisation for Security and Cooperation in Europe (OSCE)* who visited in February and the *Council of Europe Group of Experts on Action to Combat Trafficking in Human Beings (GRETA)* who carried out a week-long country visit in November 2012. Both the [Report of the OSCE Special Representative](#) and the detailed [Report of GRETA](#) were published in September 2013. The Minister took the view that it would be prudent to await their views on our progress before proceeding to publish the Second National Action Plan. The views of these international organisations, the developments at EU level, along with consultations with other State agencies and civil society will inform the direction and content of the Second National Action Plan.
- The [Criminal Law \(Human Trafficking\) \(Amendment\) Act 2013](#) was passed and, among other things, criminalises trafficking for the purposes of **forced begging** and **trafficking for other criminal activities**.
- Cosc and a range of partner organisations continued to implement the [National Strategy on Domestic, Sexual and Gender-based Violence 2010 to 2014](#). The activities in the Strategy relate to primary and secondary interventions leading to the achievement of four high-level goals. The [sixth and seventh progress reports](#) on the implementation of the **National Strategy on Domestic, Sexual and Gender-based Violence** were considered by the Strategy Oversight Group in 2013.
- Work has begun on reforming and consolidating **domestic violence legislation**. Cosc has received a range of proposals in relation to this commitment, which have also been presented by the relevant proposers to the Joint Oireachtas Committee on Justice, Defence and Equality for their examination of domestic and sexual violence.
- A number of agencies continue to play a key role in implementation of the **National Substance Misuse Strategy**, including An Garda Síochána and the Revenue Commissioners, who prioritise drug law enforcement and develop strategies targeting those involved in drug supply activity. The Local and Regional Drug Task Forces also further complement the work of the law enforcement agencies in tackling drug supply at local and regional levels.

## North-South and International Cooperation

- The Minister met regularly with the Northern Ireland Minister for Justice to discuss a range of issues, including: **cross-border police cooperation**, notably in combating the organised criminal gangs - to which the paramilitary groups are inextricably linked, the security situation and initiatives to tackle human trafficking, promote restorative justice and promote cooperation on criminal justice matters.
- There were also discussions on the recommendations of the **Smithwick Tribunal** and on the work that will be done to take them forward.
- As part of the process of enhancing the policing relationship, the two forces reviewed and refreshed the joint **Cross Border Policing Strategy**. The purpose of the Strategy is to improve public safety throughout Ireland, and to disrupt criminal activity and enhance the policing capability of both police services on the island of Ireland. Eighty-nine members of An Garda Síochána and 76 members of the Police Service of Northern Ireland have taken part in exchanges programmes since 2005.
- In November 2013 both Ministers opened the first **all-island Restorative Justice Conference** organised to promote and develop restorative practices which bring those harmed by crime or anti-social behaviour, and those responsible for the harm, into communication.
- In March 2013 the Minister published the **Annual Report for 2012 on the operation of the European Arrest Warrant Act 2003**. The European Arrest Warrant provides for a speedy extradition process within the European Union. 149 warrants received by Ireland resulted in the surrender of persons in 2012 to other Member States of the European Union. Ireland received 313 **European Arrest Warrants** in 2012 and offences cited included murder, rape, drugs trafficking and assault/robbery. Ireland issued 88 warrants in 2012 and 52 Irish issued warrants resulted in surrenders to Ireland during the year.
- In March 2013 the Minister released the **2012 figures on applications dealt with in his Department by the Central Authority for Child Abduction**.
- In January 2013, the Minister signed, on behalf of the Irish Government, a **Bilateral Agreement between the Government of Ireland and the Government of Romania** on cooperation in combating serious crime. The purpose of the Agreement is to further facilitate the exchange of information on serious crimes such as drug trafficking, organised crime, money laundering, and terrorism. The Agreement also provides for cooperation by both parties in training initiatives to share expertise in the areas of prevention, detection and investigation of criminal activities, and provides for the possible secondment or exchange of law enforcement personnel.
- Negotiations with **Brazil** commenced on an **extradition treaty** and, pending the conclusion of the extradition treaty, a reciprocal agreement will be adhered to.



### Legislative Frameworks and Instruments

- [Criminal Law \(Human Trafficking\) \(Amendment\) Act 2013](#) - Criminalises **trafficking** for the purposes of forced begging and criminal activities.
- [Criminal Justice Act 2013](#) - Updates criminal law provisions in relation to **money laundering** and introduces new protections against the terrorist threat posed by remote detonation of explosive devices.
- [Courts and Civil Law \(Miscellaneous Provisions\) Act 2013](#)
  - amends the **in camera** rule in order to introduce greater transparency in the administration of family and child care law;
  - increases the **monetary jurisdiction** of the District and Circuit Courts in civil proceedings;
  - makes provision for the appointment of two additional ordinary judges to the Supreme Court;
  - completes the reform of **personal insolvency and bankruptcy** allowing for the establishment of the [Insolvency Service of Ireland](#)
  - other measures in the Act include amendment of the Juries Act 1976, provision for **legal aid** and advice in relation to certain inquests and amendments to the Bankruptcy Act 1988 and Personal Insolvency Act 2012.
- [Land and Conveyancing Law Reform Act 2013](#) - Addresses the legal uncertainty that arose as a result of several High Court judgments concerning lending institutions' remedies in cases of **mortgage default**. The Bill restores the position intended under the [Land and Conveyancing Law Reform Act 2009](#).
- [The Prison Development \(Confirmation of Resolutions\) Act 2013](#) approved the development of a new prison in Cork.
- [Thirty-third Amendment of the Constitution \(Court of Appeal\) Act 2013](#) was enacted subsequent to the October referendum.
- In addition, the Department, during 2013, had a considerable volume of legislation at various stages of drafting. The Government's published legislative programmes for the Spring/Summer session 2013 indicated that the Department had eight Bills, from a total of 30 on the A list (the list of Bills expected to be published during the Dáil session). The Department also had 15 Bills of a total of 27 on the B list (the list of Bills in respect of which Heads have been agreed by Government and texts are being drafted). This is an overall proportion of **40% of the Government's legislative programme** (details at <http://www.merrionstreet.ie/index.php/2013/01/job-creation-legislation-to-dominate-first-dail-term-of-2013/>)

### Regulatory Frameworks

- The [Legal Services Regulation Bill](#) is now at an advanced stage in the Dáil.



- [Commercial Leases Database](#): In October 2013 the database was published, providing greater transparency by making available the relevant details of **letting agreements** and **rent reviews** in the commercial property market.
- [Register of Licensed Property Services Providers](#): In March 2013 the Register was published. It includes information on all **Property Services Providers** (i.e. Auctioneers/Estate Agents, Letting Agents and Management Agents) licensed by the Property Services Regulatory Authority to date.
- Government approved the [General Scheme of the Gambling Control Bill](#) and it has been referred to the Attorney General for formal drafting. The Scheme was considered by the Oireachtas Committee on Justice, Defence and Equality, with a report produced in October 2013. The purpose of the Bill is to regulate the **gambling sector** and to introduce new protections for vulnerable adults and young people. The Bill will repeal and replace all existing arrangements for the regulation of betting, gaming, bingo and lotteries (except for the National Lottery). It extends the licensing regime to include on-line and electronic gambling. The Bill also sets out the arrangements for the licensing and supervision of casinos
- A public and stakeholder consultation on the implementation of the [Charities Act 2009](#) was published in July 2013.
- The Expert Group on **Repossessions** was established in September 2013 in response to a commitment made to the Troika contained in the 9<sup>th</sup> Review of the Memorandum of Economic and Financial Policies (MEFP). The Troika was concerned that the rate of repossessions in Ireland was low in comparison to other jurisdictions and that the court repossession system in Ireland was lengthy, complicated and expensive. The role of the Group was to examine the system, identify any shortcomings and make recommendations for change. The Group, which comprised relevant Government Departments and State agencies, completed its work by end 2013 and concluded that significant efficiencies could be achieved through more effective case management by lenders, harmonised documentation standards and a more structured framework for borrowers entering defences in repossession proceedings. To that end, the Group made eight major recommendations for change, the implementation of which would lead to efficiencies in the processing of repossession applications through the courts.

**Provide effective governance oversight of agencies within the Department's remit and drive organisational change and development in the Department and its agencies**

- The Department, under its corporate governance obligations, ensures compliance with the Code of Practice for the Governance of State Bodies, and compliance with other legislative requirements such as the production of an annual report, strategy statement, and business plan. The Department has an **annual verification process** in place to ensure compliance by all agencies to which the code applies. Proposals are also in progress for the introduction of performance agreements with designated agencies on a phased

basis as a step towards standardising procedures for the management of relationships with agencies.

- The Department is restructuring certain agencies under its remit in line with the Programme for Government commitments. Arrangements relating to the merger of the [Property Registration Authority](#), [Ordnance Survey Ireland](#) and [Valuation Office](#) are proceeding, under the direction of a Project Board comprising of representatives of the three Departments concerned and the three agency CEOs. A CEO Designate was appointed and draft heads of the enabling legislation were in preparation. The merged organisation will yield new potential around the development and use of geo-spatial data.
- The General Scheme of a Bill to replace the Equality Authority and the Human Rights Commission with a new [Irish Human Rights and Equality Commission \(IHREC\)](#) was published in June 2012. Drafting of the Bill was being progressed at year end by the Office of Parliamentary Counsel. Integration of the Equality Authority and Human Rights Commission on an administrative basis to establish the new Commission (IHREC) has commenced, but will not be complete until the necessary legislation is enacted. Members of the new Commission (except Chief Commissioner) have been selected and appointed to the existing bodies on an interim basis.

### Staffing

The Department continued to implement reform both in the Department itself and in the wider sector through the [Public Service \(Croke Park\) Agreement](#), the [Public Service Stability \(Haddington Road\) Agreement](#) and general reform measures set out in its [Integrated Reform Delivery Plan](#). Every effort has been made to protect frontline or strategic areas, while achieving the annual Employment Control Framework (ECF) targets.

Since 2008, staff numbers in the Department have reduced by some 24% on a 'like-for-like' basis, taking account of the reconfiguring or expansion of Departmental responsibilities.

	<b>End 2008</b>	<b>End 2013</b>
Headline Serving Staff (general service)	<b>1,758</b>	<b>1,440</b>
Adjusted Serving Staff (to state 2008 staff in equivalent terms to the 2013 staff in the general service grades where the basket of responsibilities of the Department has been equated)	<b>1,690</b>	<b>1,275</b>
Like-for-Like Reduction 2013 v 2008	24.6%	

During 2013, the Department implemented its [Workforce Planning Framework Action Plan](#). The Framework includes an analysis of priority resource needs and

associated skill sets requirements, with particular emphasis on the supply/demand and gap identification exercise to deliver the Department's business priorities.

### Performance management (PMDS)

PMDS is the framework for the management of the performance of staff and the Department has a record of high compliance levels in relation to its implementation. Managing under-performing staff is primarily the responsibility of line managers, with support as required from HR. Changes to PMDS to **strengthen the process**, including **calibration**, were incorporated into the Department's online system for the 2013 cycle. The **Learning and Development Plans** of staff recorded in the PMDS process are supported and the Department continued to invest in management development programmes, legal training, legislative drafting etc.

### Shared Services

A key element of the Public Service Reform Programme and the Public Service Agreement is a commitment to develop Shared Services for **key administrative support functions** including **Payroll, Financial Management, Pensions** and the transactional elements of **Human Resources** processes. The Department transitioned to **PeoplePoint** – the HR and Pensions Shared Services Centre based in Clonskeagh - in April 2013. This has led to a reduction in staffing for the HR Unit within the Department. The Department's Financial Shared Service in Killarney also played a very active role in the Payroll and Financial Management shared service projects, given its position as a shared service provider to Justice and Equality agencies and a number of other Departments. Consequent on the Government decision to establish a **Payroll Shared Service Centre (PSSC)** for the Civil Service in three locations, implementation of the staffing changes in the Department's FSS in Killarney commenced in December 2013.

## FINANCIAL TABLES

### Justice Vote Group Budget 2014

#### Gross Expenditure Current

<b>Vote</b>	<b>2013 Provisional Outturn</b>	<b>2014 Budget</b>
Garda Síochána	€1,424.5m	€1,319.2m
Prisons	€307.0m	€297.5m
Courts Service	€96.6m	€94.9m
Property Registration Authority	€30.5m	€30.5m
Justice and Equality	€358.1m	€378.6m
<b>Total</b>	<b>€2,216.7m</b>	<b>€2,120.7m</b>

#### Gross Expenditure Capital

<b>Vote</b>	<b>2013 Provisional Outturn</b>	<b>2014 Budget</b>
Garda Síochána	€33.8m	€24.4m
Prisons	€14.6m	€27.1m
Courts Service	€8.1m	€9.7m
Property Registration Authority	€0.2m	€0.6m
Justice and Equality	€1.0m	€1.9m
<b>Total</b>	<b>€57.7m</b>	<b>€63.7m</b>

## Appropriations in Aid

Vote	2013 Provisional Outturn	2014 Budget
Garda Síochána	€136.6m	€104.1m
Prisons	€16.7m	€16.0m
Courts Service	€46.8m	€46.5m
Property Registration Authority	€1.3m	€1.0m
Justice and Equality	€63.5m	€55.9m
<b>Total</b>	<b>€264.9m</b>	<b>€223.5m</b>

## Net Expenditure (Current and Capital)

Vote	2013 Provisional Outturn	2014 Budget
Garda Síochána	€1,321.7m	€1,239.5m
Prisons	€304.9m	€308.6m
Courts Service	€57.9m	€58.1m
Property Registration Authority	€29.4m	€30.1m
Justice and Equality	€295.6m	€324.6m
<b>Total</b>	<b>€2,009.5m</b>	<b>€1,960.9m</b>

### Prompt Payments

The overall percentage of late payments to total payments for the Department was 0.12%. The total amount of interest paid with respect to late payments was € 1,379.03<sup>1</sup>.

<sup>1</sup> 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.

### Overview of Energy Usage in 2013

This section sets out the energy usage in the Department of Justice and Equality for 2013, and the initiatives taken to improve our energy performance in compliance with Statutory Instrument 542 of 2009. Returns are made to the Sustainable Energy Authority of Ireland (SEAI) on an annual basis, and the performance scorecard, based on these returns is outlined below.

In general, agencies of the Department are responsible for reporting their own energy consumption to the SEAI, and their consumption is not included in these figures.

In 2013, the offices included in this report consumed the following levels of energy:

	Electricity	Gas	Oil	Diesel
2013	4,236,092 kWh	2,277,340 kWh	29,845 Litres	1,723.8 Litres

### Initiatives Taken During 2013

- A number of buildings within the Department are part of the OPW Optimising Power @ Work campaign, and quarterly meetings were held with the Aramark representative to discuss the results of their monitoring programme, and take advice on how best to further reduce energy consumption
- A number of out-of-hours audits took place to monitor equipment left on overnight and results circulated to staff
- Regular emails issued to staff reminding them of the need to switch off computers and other electrical appliances at night
- A presentation to staff on Energy Saving in the Workplace was arranged with the Aramark representative to increase staff awareness of energy consumption and how we can become more energy efficient by implementing some simple measures.

**2013 saw the Financial Shared Services Division in Killarney scoop the Optimising Power @ Work award for Best Energy Team in Munster**

Appendix 3  
Organisation Chart at  
publication

