



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



Briefing Document, 6th May 2016

Working for a Safe and Fair Ireland

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Managing the Mandate

Overview of the Department

Mission and Purpose of the Department

The Department's mission as set out in the *Strategy Statement 2015 to 2017*¹ is to “*Maintain community and national security, promote justice and equity, and safeguard human rights and fundamental freedoms consistent with the common good*”.

Department's remit

The Department's remit covers activities as diverse as the security of the State, the protection of life and property, the prevention and detection of crime, maintaining and promoting fairness and equality, overseeing services for the buying and selling of property, developing the Insolvency Service of Ireland, managing inward migration to the State, providing a Courts Service, various other regulatory services and updating our criminal and civil laws.

These are crucial to sustaining a democratic society and must be exercised in a manner reflecting the commitment to human rights and equality set out in the Irish Constitution and the European Convention on Human Rights.

International Dimension

The Department plays a key role internationally, particularly in the context of the EU Justice and Home Affairs Council. There is also significant involvement with other international bodies such as the Council of Europe, the United Nations and the International Labour Organisation.

Our Strategic Objectives



¹ <http://www.justice.ie/en/JELR/Strategy%20Statement%202015-17%20Accessible%20Version.pdf/Files/Strategy%20Statement%202015-17%20Accessible%20Version.pdf>

As required by law, work on a new Strategy Statement will now commence – this will be developed in a consultative process with staff and stakeholders.

Strategic Priorities

The Management Board develops an annual Strategic Business Plan, published for the first time in 2015. This is the high level Corporate Business Plan for the organisation. The 2016 plan draws together all of the strategic priorities across the Department, covering the business plans, Programme for Change, Programme for Government and Integrated Reform and Delivery Plan (covering the Department and the sector).

This unified approach is intended to afford the Management Board a clear view in monitoring the Department's work and allow more strategic targeting of resources. A database has been put in place to support the Management Board in managing and overseeing the complexity of the Department's programme by gathering reports from the relevant Senior Responsible Owners (SROs) and providing the Management Board and the Minister with a concise overview of progress, planned activity and issues in relation to implementation of strategic priorities. The system will form the core of the oversight and governance of the Department.

Organisational Structures and Governance

The Department's Organisation Chart is set out on the following page.

Governance

In common with all Departments, a new Governance Framework has been adopted by the Management Board - this was published on 21 April 2016 in line with all Departments.

The key organisational structures supporting the corporate governance and management of the Department are as follows:

Structure	Frequency
<i>Formal Meetings</i>	
Minister/Management Board Meeting	Monthly
Management Board (senior management team)	Weekly
Departmental Audit Committee	Quarterly
Risk Management Committee	Quarterly
Financial Management Committee	Monthly
ICT Governance Group	Quarterly
Directorate/PO meetings	Monthly
Civil Service Management Board	Monthly
<i>Less Formal meetings</i>	
Divisional meetings	Monthly
Divisional Business Review meeting	Quarterly

Senior Management Structures

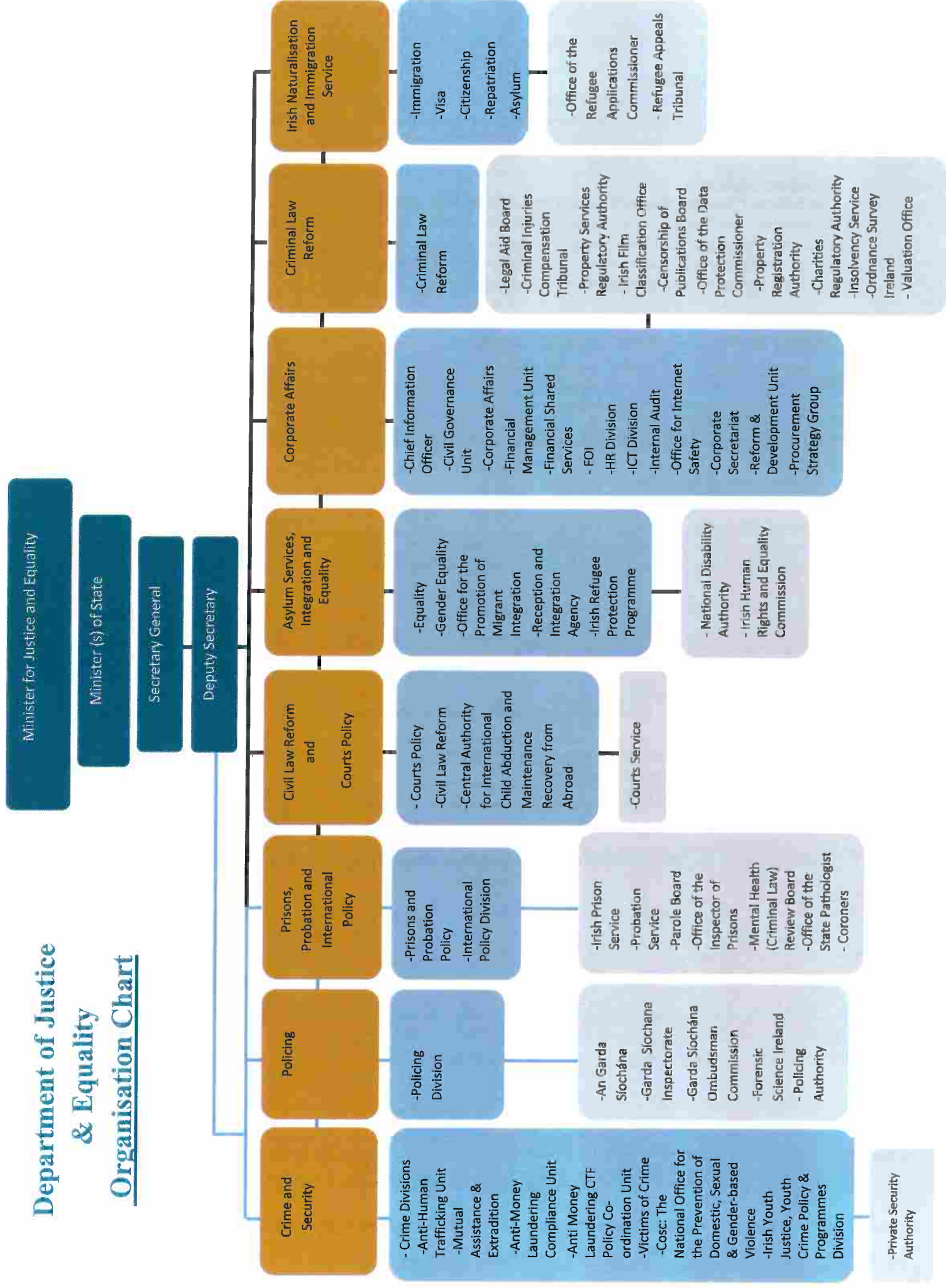
The structures can be summarised as follows:

1. The **Minister** decides policy and is legally the corporation sole² of the Department.
2. The **Secretary General** is the senior civil servant and non-political head of the Department. The Secretary General is responsible for the overall management, strategic planning and leadership of the Department. The Secretary General is the Accounting Officer for the Department of Justice and Equality (Vote 24) and the Irish Prison Service (Vote 21) and in this regard has responsibility for safeguarding the funds under the control of the Department and for ensuring economy and efficiency in the running of the Department.
3. The **Deputy Secretary** is the second most senior Civil Servant and deputises for the Secretary General as and when required. The Deputy Secretary is responsible for the implementation of crime, security and policing policies and, in particular, for matters relating to the criminal justice system.

² Minister and Secretaries Act 1924 - 2011

Department of Justice & Equality

Organisation Chart



Secretary General (Acting)

Noel Waters is serving in the post of Secretary General on a full time basis since October 2014. His duties are Civil Service Head of the Department, Accounting Officer, Chair of the Department's Management Board and member of the Civil Service Management Board.

Management Board

The Secretary General chairs the Management Board who assist him in the management of the Department. The Board is a key element of the Department's governance and its purpose is to provide strategic leadership, vision and direction to the Department's staff and agencies; operating as a trusted advisor to the Minister; and ensuring effective and robust governance and oversight leading to a safer and fairer Ireland in which to live, work and do business.

Membership

Currently the Board has 18 members (plus a Secretary).


Secretary General – Chair	Noel Waters (Acting)
Deputy Secretary General (who chairs in the absence of the Secretary General)	Ken O'Leary
Director General, INIS (Irish Naturalisation and Immigration Service)	Michael Kirrane (Acting)
Director General, Irish Prison Service	Michael Donnellan
Assistant Secretary, Policing	John O'Callaghan
Assistant Secretary, Crime & Security	Peter Mullan
Assistant Secretary, Civil Law Reform and Courts Policy	Conan McKenna
Assistant Secretary, Prisons and Probation Policy & International Policy	Jimmy Martin
Head of Asylum Services, Integration & Equality	Carol Baxter
Assistant Secretary, Corporate Affairs	Oonagh McPhillips
Assistant Secretary, Criminal Law Reform	Michael Flahive
Director, Crime	Marion Walsh
Director, Probation Service	Vivian Geiran
Chairperson and Vice – Chairperson of the PO Forum Steering Committee	Andrew Munroe & Eugene Banks
Head of Communications and Corporate Secretariat	Dale Sunderland
Head of Reform and Development Unit	Tom Maguire
Department Personnel Officer	Michael Walsh
Secretary to the Board	Bernadette Phelan

The activities of the Board are guided by a rolling work programme prepared twice yearly.


Senior Management Team



AN BORD DIL AGUS CIRT AGUS COMHIONANNAS
DEPARTMENT OF JUSTICE AND EQUALITY



Noel Waters
Secretary General
(Acting)



Ken O'Leary
Deputy Secretary General
Criminal Justice System



Peter Mullan
Assistant Secretary
-Crime & Security



Marion Walsh
Director
-Crime



John O'Callaghan
Assistant Secretary
-Policing



Jimmy Martin
Assistant Secretary
-Prisons & Probation Policy
-International Policy



Conan McKenna
Assistant Secretary
-Civil Law Reform
-Courts Policy



Oonagh McPhillips
Assistant Secretary
-Corporate Affairs



Michael Flahive
Assistant Secretary
-Criminal Law Reform



Carol Bayler
Assistant Secretary
-Asylum Services, Integration & Equality



Michael Kerrane
Director General (Acting)
-Irish Naturalisation & Immigration Service



Michael Donnellan
Director General
-Irish Prison Service



Vivian Geirran
Director
-Probation Service

Governance of Agencies

The Department of Justice and Equality has responsibility for 30 associated bodies, both statutory and non-statutory. A list of the Justice Sector Organisations is attached at **Appendix 1**.

The Department is involved in holding all of the bodies under its aegis to account on behalf of the Minister. This includes evaluating the bodies' budgets against those set down by the Minister and plans (including strategy statements, corporate plans, key risks), as well as monitoring their performance in meeting objectives and targets (including financial targets).

The Department has introduced structured arrangements to manage the relationships with its agencies with a view to enhanced accountability and driving better performance across the sector. Annual Performance Delivery Agreements or Agency Governance Frameworks are in place with the majority of Agencies. Formal governance meetings are held at least twice annually between the member of the Management Board with responsibility for the Agency and the relevant head of each Agency. Further details are available in the Governance Framework.

Reform

Departmental Reform – Organisational Culture

The Report of the Independent Review Group set out a series of reforms in relation to the performance, management and administration of the Department to be implemented over a two year time frame. The Department's Programme for Change is designed to implement the recommendations in the Report.

The Department has made significant progress in respect of the key recommendations relating to management and governance. Changing organisational culture, however, is widely recognised as a deeper, long term goal and so takes considerable time. This necessitated extensive consultation with staff and stakeholders, which informs the ongoing work and engages everyone in the process. A *Culture and Values Charter* reflecting the outputs of this process has recently been agreed by the Management Board and published on the Departments website at www.justice.ie. The aim of this charter is to embed a more engaged, open and listening culture to better support the Department's work. The Management Board are leading on the implementation of this plan, the roll out of which is led by a Change Team chaired by the Acting Secretary General supported by staff from across the Department.



Culture and Values Charter

The Department updated the Joint Committee on Justice, Defence and Equality on progress made in December 2015. In its reply, the Committee noted the significant progress already made in implementing change within the Department.

A summary of actions implemented to date include:

- With the aim of embedding a more engaged, open and listening culture to better support the Department's work, following extensive engagement with staff and stakeholders, including the Department's agencies, civil society and other government departments, a Culture and Values Charter has been developed and published to all staff (see above).
- The Department's Management Board has been reconstituted as part of the reforms to enhance the strategic oversight of the Department and its agencies and to facilitate more effective management and governance. The Board meets weekly to review current/emerging issues and once per month for strategic discussions. 44 meetings were held in 2015.
- In addition to the normal daily interaction and briefings, each month the Minister meets formally with the Secretary General and the Management Board to discuss matters of importance relating to implementation of Ministerial priorities, the work of the Department and any issues of concern that may arise.
- External resources were appointed to work with senior management on implementation of the Programme. Considerable changes have been implemented in the Management Board and the management structures supporting the Secretary General's Office have been strengthened.
- Since March 2014, the Department has put in place revised systems and procedures to ensure that correspondence is handled appropriately and, in particular, that it is brought to the attention of the Minister or relevant officials and followed up in a timely manner.
- In particular, new procedures were implemented to ensure that high priority correspondence, such as correspondence referencing section 41 of the Garda Síochána Act 2005, is 'red-flagged' and brought to the immediate attention of relevant recipients, including the Secretary General and the Minister.
- An annual Strategic Business Plan, first published in 2015, is prepared drawing together in one single plan all the strategic priorities across the Department which affords the Department's Management Board a clear view in monitoring the Department's work and allows more strategic targeting of resources.
- New audit and risk management processes have been introduced.
- Performance and governance arrangements continue to be strengthened through Formal Performance/Service Delivery Agreements and Frameworks agreed with the range of agencies under the Department's remit.
- A Governance Framework was published on 21 April in accordance with the recently published Corporate Governance Standard for the Civil Service.
- The Department has recruited a Deputy Secretary to provide greater cohesion across the criminal justice portfolio.
- Following the appointment of a Head of Communications, preparation of a communications strategy is at an advanced stage covering internal and external communications and supporting the developing new organisational culture.

- A joint project with the Office of the Government Chief Information Officer (OGCIO) to develop essential systems, including eSubmissions for Ministerial and Secretary General's papers, and related policies is proceeding and the eSubmissions system is currently being rolled out. This is the first such project on the Government cloud and others are planned to follow.
- The range of specific recommendations in relation to An Garda Síochána is being implemented which is a continuing priority for the Department.
- There have been a considerable number of senior management changes. As noted above, a Deputy Secretary General was appointed in April 2015, with the consequential Assistant Secretary vacancy leading the Crime and Security area filled in October 2015 through lateral mobility under the Senior Public Service scheme. Three new Assistant Secretaries were appointed - two in early 2015 and one in April 2016 - following open competitions run by the Public Appointments Service on behalf of the Top Level Appointments Committee. Internal mobility transfers have also been implemented at Assistant Secretary level.

Public Sector Reform: Department and sectoral reforms

An extensive programme of reform is being implemented across the Justice and Equality Sector incorporating an Integrated Reform Delivery Plan (IRDP) which is submitted to the Department of Public Expenditure and Reform and sets out the major departmental/sectoral level reforms that are being progressed.

Financial Allocations

Summary

- The Justice Vote Group consists of 8 Votes- the Department of Justice and Equality, An Garda Síochána, Irish Prison Service, Courts Service, Property Registration Authority, the Irish Human Rights and Equality Commission, the Policing Authority and the Valuation Office. The latter three votes are very recent inclusions in the Vote Group.
- The Justice Vote Group is the 4th largest vote group in the public sector after the Social Protection, Health and Education sectors.
- The total gross allocation for the group in 2016 is €2.418 billion of which €2.260 billion relates to current expenditure and the balance of €158 million is capital expenditure.
- The breakdown between the votes is as follows:

	Gross Current Expenditure €000	Gross Capital €000	Total €000	% Pay and Pensions (of current)	Accounting Officer
Garda Síochána	1,421,084	93,440	1,514,524	89%	Commissioner -Noirín O'Sullivan
Department of Justice and Equality	409,440	1,855	411,295	35%	Secretary General, Justice and Equality - Noel Waters
Prisons	303,728	28,330	332,058	78%	Secretary General, Justice and Equality - Noel Waters
Courts	76,809	32,863	109,672	65%	CEO, Courts Service - Brendan Ryan
Property Registration Authority	30,484	560	31,044	77%	CEO, PRA - Frank Treacy
Valuation Office	10,641	-----	10,641	70%	CEO, Valuation Office - John O'Sullivan
Irish Human Rights and Equality Commission	5,606	700	6,306	57%	Director, IHREC – Sinéad Gibney
Policing Authority	2,700	-----	2,700	63%	CEO, Policing Authority – Helen Hall
Total	2,260,492	157,748	2,418,240	76%	

Key issues for 2016:

- Continue to work with the Department of Public Expenditure and Reform to manage any emerging pressures in expenditure in 2016. These are likely to relate, in particular, to additional payroll costs in the Garda Vote arising from the necessary response to gangland murders and to counter the threat of international terrorism.

Human Resource Dimension

Summary

There are currently some 22,000 staff employed across the Justice Sector of which in the region of 13,000 are Gardaí. Total pay and pension costs in the sector amounts to €1.725 billion.

Human Resource (HR) Division provides a personnel function in respect of staff serving directly in the Department of Justice and Equality and for certain statutory bodies that come under the aegis of the Minister.

The following organisations provide their own HR function - An Garda Síochána (AGS), The Courts Service, Property Registration Authority (PRA), Legal Aid Board, Irish Prison Service (IPS) (uniformed branch), Garda Síochána Ombudsman Commission (GSOC), Policing Authority (when fully staffed) and the Irish Human Rights and Equality Commission.

The breakdown of the staff complement for the Department and bodies under the aegis of the Minister is as follows:

Staffing across the Justice Sector (Full Time Equivalents)	
Department of Justice and Equality Staff (including Agencies) as at 31st December 2015	
Department of Justice and Equality and Bodies serviced by Dept – (see chart on next page for breakdown)	1,724.4
<i>Agencies</i>	
Legal Aid Board	364.8
Garda Síochána Ombudsman Commission	76.8
Garda Civilians (including Industrial Civil Servants)	2,099.8
Garda Síochána	12,816.0
Garda Trainees	250.0
Irish Prison Service (including 111.8 administrative staff)	3,313.6
Courts Service	942.7
Property Registration Authority	486.8
Family Mediation Service	38.4
National Disability Authority	29.0
Total Staff (including Agencies)	22,142.3

Note: In addition, since January 2016, the Department now has responsibility for Ordnance Survey Ireland and the Valuation Office, which together with the PRA will be merged into a new body to be called Tailte Éireann.

Of the 1,724 staff members in the Department of Justice and Equality, 912 staff are in Bodies which are serviced by the Department. The breakdown of such staff is set out below. The remaining 812 staff are in the core Department, of which almost 400 are in the Irish Naturalisation and Immigration Service (INIS). In addition to the above staff, the Department is also responsible for directly staffing 111.8 administrative staff in the IPS.

Bodies staffed and serviced by the Department of Justice and Equality



The staff complement is spread across a number of locations including Dublin (in approximately 15 buildings), Killarney, Portlannington, and Tipperary Town, as well as staff of the probation Service, found in all parts of the country.

The range of responsibilities and activities of the Department's staff is sufficiently wide as to present challenges in aligning the human capital available to meet the organisational goals. There are also specialised members of staff who are not 'mobile' or inter-changeable as they are technical or professional staff who possess specialised and, in some cases, rare skills. They are however, managed centrally by the Department's HR Division.

Who works for the Department? - Current Profile of Department's Staff

This section focuses on the staff that make up the Department's complement; i.e. staff of the Department and Agencies directly staffed by the Department plus the staff of IPS HQ who are counted in the Prisons Vote, but are staff of the Department.

Vote 24, of which the Department is the largest component, as at the end of December 2015 consists of:

- The Department itself: 1,724 (plus 111.8 attached to the Prisons Vote)
- The Legal Aid Board: 365
- Garda Síochána Ombudsman Commission: 77
- Family Mediation Service: 38
- National Disability Authority: 29

The **total staff of the Vote stood at 2,233 Full Time Equivalents** as at end December 2015.

In summary, the Department's staff looks like this:

- just over 1,700 staff in 50 different grades;
- 70% of staff are "general service" civil service grades,
- 30% are in professional, technical or industrial grades
- almost 30% of staff are based outside of Dublin
- over 20% are assigned to the Probation Service; and,
- 5% to the Forensic Science Ireland.

Delegated Sanction

- During the course of the financial emergency an employment control framework (ECF) applied across the Department and its agencies. This was a ceiling applied to each of the Votes and was used right across the civil and public service between 2010 and 2015 to aid in the control of numbers. The ECF no longer applies across the Justice group but could be re-instated if numbers exceed the pay budget allocated in any year.
- The ECF has been replaced by a procedure called delegated sanction. Vote 24 (the Department Vote) has delegated sanction, which permits us to recruit and maintain a staffing complement to a level that that can be sustained within our pay envelope (based on a three year budget). This offers a certain degree of flexibility and means that provided we do not breach our budget we can fill vacancies. However, discipline must be exercised, because if the pay budget is breached or if in the view of the Department of Public Expenditure and Reform it is likely to be breached, the moratorium will be re-imposed.
- It is open to the Department at Estimates time to seek additional pay resources for specific purposes. For example, in the context of the 2016 Estimates, the Department was successful in securing additional funds to employ staff in the Charities, Border Management, and Data Protection areas.

Justice Sector Key Issues 2016

Introduction

The pages following cover the key priority issues identified in the department. It sets out the key immediate/important issues within each Assistant Secretary/Director area of responsibility along with the medium/long term issues and anticipated challenges i.e. 6 months onwards.

Contact details for the Management Board members are attached in **Appendix 2** and for the Principal Officers (Heads of Divisions) at **Appendix 3**.

Asylum Services, Integration & Equality



Carol Baxter

Assistant Secretary
Asylum Services,
Integration & Equality



Responsibilities

Carol Baxter has responsibility at Assistant Secretary level for:

- Reception and Integration Agency (RIA) – a non-statutory body of the Department which deals with accommodation matters in respect of asylum applicants and those in the Protection system.
- Equality & Human Rights
- Irish Refugee Protection Programme (IRPP)
- Office for the Promotion of Migrant Integration (OPMI)
- Gender Equality

Equality & Human Rights Division

Key immediate issues

- **Development of new Disability Inclusion Strategy.**

This will replace the previous Strategy/Implementation Plan, which expired at end-2015 and will take a whole-of-Government approach to disability issues, including setting out high-level objectives and detailed

actions in areas of education, employment, provision of public services, health, income support, and personal safety and autonomy.

Development of the new Strategy involves a 3 phase consultation process. Phase 1 of the consultation process focused on identifying key strategic themes. Phase 2, which concluded in December 2015, included a round of regional consultation public meetings and focused on identifying high level objectives under each of the agreed strategic themes. Phase 3 of the consultation process, which it is anticipated will get underway in May/June 2016, will focus on agreeing specific actions and timescales for delivery in relation to each of the high level objectives. Phase 3 will also involve public consultation meetings at regional level so as to help to ensure buy-in from all relevant stakeholders.

Following this phase, a proposed/draft Strategy will be prepared with the assistance of the **National Disability Strategy Steering Group** for consideration by Government.

Key issues emerging to date include:

- The need for full commencement of Part 5 of the Disability Act (individual assessments of need – commenced for children only).
- Respite and support services for families.
- Irish Sign Language and the needs of the Deaf community.
- Funding – this includes the overall level of funding available and the issue of individualized payments versus block grants to NGO service providers.

The role, capacity and functions of the National Disability Authority and the division of responsibilities as between all the key Departments with policy and operational responsibilities in this area also have been raised as key issues to be addressed.

- **Comprehensive Employment Strategy**

The Strategy was published in October 2015 and an implementation group under Fergus Finlay is overseeing its implementation. Key issues are to ensure that people with disabilities gain from employment and that employers are encouraged and supported to give opportunities for employment. The public sector quota will be increased on a phased basis from the current 3% to 6%.

- **Ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD)**

Ireland signed the CRPD in 2007 and is one of 3 EU member states yet to ratify it. Before the State can ratify the Convention on the Rights of Persons with Disabilities, enactment of new legislation and amendment of existing legislation is required to ensure that obligations will be met upon entry into force of the Convention. The General Scheme of the Equality/Disability (Miscellaneous Provisions) Bill has been approved by Government and will be published for pre-legislative scrutiny as soon as outstanding technical issues are resolved. Under the Roadmap to Ratification (agreed by Government in October 2015) there is a commitment to have this legislation enacted by the end of 2016. In addition to CRPD issues, the Bill will make a number of amendments to equality legislation – mainly technical, but including important amendments to give full effect to the Assisted Decision-Making (Capacity) Act 2015 and the Gender Recognition Act 2015.

- **Travellers and Roma**

The development of new National Traveller and Roma Inclusion Strategy (NTRIS) will replace the previous integration strategy, which expired at end-2015 and will take a whole-of-Government approach to addressing issues facing the Traveller community, including a sustained intervention to tackle feuding and anti-social behaviour.

As with the Disability Inclusion Strategy, a 3 phase approach to consultation is being taken. Phase 2 was completed in February 2016 and Phase 3 of the consultation process, which it is anticipated will get underway in May 2016, will focus on agreeing specific actions and timescales for delivery in relation to each of the high level objectives. Phase 3 will also involve public consultation meetings at regional level so as to help to ensure buy-in from all relevant stakeholders. Following this phase, a proposed/draft Strategy

will be prepared with the assistance of the National Traveller and Roma Inclusion Strategy Steering Group for consideration by Government.

Key issues emerging to date include:

- **Accommodation**, including provision of Traveller-specific housing.
- **Education** – retention of Traveller children in the system and provision of necessary supports.
- Formal recognition of **Travellers as an ethnic group** within Irish society.
- **Health** – intertwined with accommodation, education and lifestyle issues.

Work is underway on putting in place a data collection system (an ‘ethnic identifier’) so that anonymised data can be collected to identify differing outcomes for different groups in education etc. so as to inform policy responses. There have been calls for a Traveller Agency (sometimes more specifically for a Traveller Accommodation Agency) to take responsibility for provision (or coordination/oversight of provision) of Traveller accommodation and other Traveller-specific supports.

In relation to Roma, the Logan report (separate brief available on request) recommended that a needs assessment be undertaken. That is nearing completion. It is envisaged that a Roma subcommittee of the NTRIS Steering Group will be established. The intention is to support Roma groups to engage with more marginalized members of their community (e.g. those engaged in begging). Participation in formal education is a key challenge.

Ireland’s 4th report to the Council of Europe under the Framework Convention on the Protection of National Minorities is due. The Report was published in draft in September 2015 and, following a public consultation, is now ready for submission to the Council of Europe. As with the previous reports, it focuses on Travellers. The report is ready for submission to Government for final approval of the text.

• **Universal Periodic Review**

Ireland is scheduled to take part in the UN Universal Periodic Review (UPR) process on 11 May this year. This is an examination of Ireland’s human rights situation carried out by other UN member states. This will be the second time that Ireland has been reviewed. Cycle 1 took place in 2011. Ireland submitted its National Report in early February. An extensive consultation process (including with children) was carried out in preparation of the report. The Irish delegation at the UPR will be headed by the Minister and will comprise officials from various Departments, along with the Ambassador and officials from the Permanent Mission. Full briefing and speaking points will be provided in advance of the appearance. In contrast to appearances at the committees that monitor compliance with individual treaties/conventions (‘treaty monitoring bodies’), where all members of the delegation may be called upon to speak on their area of expertise, only Ministers speak at the UPR hearing.

• **Paternity leave**

The introduction of 2 weeks paternity leave, with effect from September 2016, was announced in Budget 2016. The General Scheme went to Government in January 2016 and a 1st draft of the Bill is currently being examined in cooperation with colleagues in the Department of Social Protection. The Bill will need to be enacted by July to meet the September 2016 deadline. The introduction of paternity leave is being progressed as a standalone Bill in order to ensure that the deadline can be met. Work is separately being undertaken on a larger project to prepare a Family Leave Bill which will consolidate amendments to the family leave acts relating to maternity, carer’s adoptive and parental leave.

Key medium/long term issues

• **LGBT**

While formal and legislative equality for LGBTI people has been achieved, much remains to be done at the level of society. We will commence the development of an overall LGBTI inclusion strategy later this year. The high level objective of the proposed strategy has been tentatively stated as to bring about the necessary changes in society so that LGBTI people are valued throughout society and that discrimination against them is prevented. Rather than a conventional business planning approach by Government Departments,

discussion with stakeholders is focussing on (a) setting out the overall objective, (b) defining the necessary preconditions for achievement of that objective and, then (c) agreeing detailed actions necessary to achieve those preconditions. The intention is to seek formal Government approval by the end of 2016 for development of an LGBTI inclusion strategy and the broad approach proposed for taking this work forward.

- **Irish Human Rights and Equality Commission (IHREC)**

The Commission was established by merger of the Equality Authority and the Human Rights Commission in November 2014 and focused in its first 18 months on organisational start-up. It has been working on putting a legal cost framework in place to allow for inquiries to be held, for example. It is independent of Government and has 'A' status as an accredited National Human Rights Institution with the UN.

A significant innovation in the IHREC Act is the creation of a positive duty on public bodies to have regard to human rights and equality issues in their work. The Commission has a supportive role, including in offering training and in preparation of codes of practice.

The long-term challenge for IHREC is whether and to what extent it can demonstrate a real and worthwhile impact on the promotion and protection of human rights and equality issues in the State. This is an issue to be assessed in a formal way by the Department when the term of office of the existing Commission comes to an end in 2019.

- **National Disability Authority (NDA)**

Superannuation orders should be made by end-2016 and work is underway. Completion of these Orders is required to allow a change to the status of staff in the NDA so that they become civil servants of the state. The rationale for this change includes to lift the burden of superannuation payments from the Authority's annual allocation. Unexpected retirements can have an adverse impact on operational activities for a small public sector body – civil service pensions are paid centrally, rather than by the individual bodies, so the change agreed by Government will address this serious issue that has been raised by the board of the NDA.

Irish Refugee Protection Programme (IRPP)

Key immediate issues

The Irish Refugee Protection Programme (IRPP) was approved by Government Decision on 10 September 2015 in response to the migration crisis which has developed in Southern Europe, and as an act of solidarity with Italy and Greece. Under this decision, the Government confirmed that Ireland will take in up to 4,000 persons by the end of 2017 in order to give effect to the EU legal instruments that it has opted into, with approval of the Oireachtas, in respect of relocation and of the refugees coming under the Resettlement Programme. The programme continues to be high profile as the EU migrant crisis continues and the focus is placed on the response by each Member State including Ireland.

The figure of 4,000 includes approximately 2,620 asylum seekers to be taken in from migration hotspots in Italy and Greece under the EU Relocation Programme and 520 programme refugees from Lebanon, which the Irish Government has committed to taking in by the end of 2016 under Ireland's Refugee Resettlement Programme. The mechanism by which the balance of the 4,000 will be taken in has yet to be decided and Ireland is awaiting broader developments at EU level before making a formal commitment in this regard.

The Relocation Programme is only open to those migrants who have a greater than 75% chance of obtaining refugee status based on EU-wide Eurostat statistics. Ireland is most likely to receive persons from Syria, Eritrea and Iraq under this programme.

The *Resettlement Programme* involves taking refugees displaced by the Syrian conflict from the surrounding countries, in particular, from Lebanon and is administered by the Office of the Promotion of Migrant Integration (OPMI) of the Department.

Resettlement Programme – Developments to date

The focus of the Resettlement Programme at present is in fulfilling the requirements of the June 2015 Government Decision to admit 520 persons between the 9 June 2015 and the end of December 2016. This is in addition to the 133 persons admitted from the region (Lebanon, Jordan and Damascus) since late 2013.

Three Selections Missions have taken place where staff from the Office for the Promotion of Migrant Integration, accompanied by members of the International Unit of An Garda Síochána, travelled to Beirut in Lebanon to interview cases for resettlement. Based on our experience during the interviews, the majority of the male applicants have suffered torture or trauma. To date 543 persons have been interviewed and 263 persons have been admitted since the June Government Decision. A further 10 persons will be admitted from Beirut on May 17th 2016. It is expected that the balance of the 520 persons falling into this category will be admitted in two groups in late June and in September.

The resettled refugees are accommodated for 8+ weeks in Emergency Reception and Orientation Centres (EROCs) located in Monasterevin and Clonea Strand, Dungarvan, Co. Waterford where the adults undergo a Language and Cultural Orientation programme. The teenagers are placed in local schools and special pre-entry to primary school programmes are provided in the EROC.

There are 83 resettled refugees currently resident in the Hazel EROC in Monasterevin. A further 89 persons have been accommodated in the EROC in the Clonea Strand, Dungarvan since it opened in December. 4 families (18 persons) moved to Maryborough, Cork on Tuesday 19th April. Arrangements are currently being put in place for the transfer of the remaining families from Clonea and Monasterevin to Cork, Kerry, Limerick and Clare over the coming 4 – 6 weeks. The resettlement programme is overseen by a Resettlement Inter-Departmental Working Group set up under the Government Decision.

Resettlement Programme – Challenges

- Due to the rapid turnaround, ensuring that services are provided appropriately for each group of arrivals in the EROCs presents its own challenges.
- Preparing receiving communities for the arrival of groups of refugees in their communities.
- Housing is one of the major challenges facing resettlement. Housing is sourced by local authorities, in consultation with local Service Providers to ensure that houses are provided where services are available.
- Accessing other services such as GP services, school placements, childcare services and accessing hospital services for those who have come through difficult situations can be challenging in the current environment.
- An Inter-Agency Resettlement Working Group, with representatives of all mainstream service providers, are set up in each county where resettlement is due to take place. The local Inter-Agency Resettlement Working Group is chaired by the local authority, which has responsibility for community development and social inclusion at a local level.

Relocation Programme – Developments to date

In relation to the EU relocation programme, Ireland has pledged 101 places thus far - 20 to Italy and 81 to Greece. Ireland sought family groups but is legally obliged to accept anyone offered subject only to national security/internal law and order refusals. Thus far a single Syrian family of 10 have been relocated from Greece following security screening by An Garda Síochána in Greece. [REDACTED]

[REDACTED] the family are doing well and are expected to move out of emergency accommodation into the community in the next month or so. Further arrivals under the relocation programme of 31 and 40 people respectively are provisionally scheduled for May and June 2016 respectively and regular intakes of 40+ every 8 weeks are planned thereafter.

Relocation Programme – Challenges

- Both the low pledge numbers and the small number of relocations effected to-date reflects the fact that the EU relocation programme has been slow in gathering momentum due to resource issues at migration 'hotspots' in Greece and Italy and the programme's low rate of uptake among those arriving in the EU via Italy and Greece. Migrants must seek asylum in order to be considered under the programme and they are currently not doing so in sufficient numbers.
- Relocation numbers are starting to increase as hotspots in both countries become more operational with the allocation of additional resources and the advent of the EU-Turkey deal.
- As with the resettlement programme, the most significant challenge facing the relocation programme is sourcing appropriate housing for refugees in local communities within a reasonable timescale and within the context of an already difficult housing situation. This is a policy matter for the Department of Environment, Community and Local Government and the local authorities in the first instance.
- Evidence shows that those who will enter the state under relocation are likely to present with a wide variety of health requirements, both physical and psychological. This will place increased pressure on already stretched local primary care providers servicing EROCs. To help alleviate the situation, the next intakes coming in under the Relocation Programme will be temporarily accommodated in Baleskin Reception Centre where they will receive an initial health screening and have any necessary referrals made on-site before being transferred to an EROC.
- Other significant challenges facing the relocation programme are the development and implementation of suitable orientation and integration supports that can be scaled up to meet demand. The Department favours significantly expanding and resourcing the role of the Irish Red Cross in order to achieve these goals and discussions are well underway in this regard.

IRPP Taskforce

On foot of the Government Decision, a new cross-departmental and inter-agency Taskforce was established in October 2015 to deal with the operational and logistical aspects of the IRPP that will be required to support the large numbers of persons seeking protection. This Task Force is being chaired by the Department of Justice and Equality and has met three times. Both the UNHCR and the Irish Red Cross are represented on the Taskforce. Thematic sub-groups have been established to develop practical responses to issues arising in their areas of responsibility (e.g. housing, NGO/voluntary support etc.) and work continues to be based on a whole-of-Government approach response to the crisis. As regards housing - which has emerged as the greatest potential obstacle to the success of the programme - local authorities under the Department of Environment, Community and Local Government are responsible for developing a strategy to meet the housing needs of persons receiving refugee status under the IRPP. In parallel, the Irish Red Cross have been tasked with matching voluntary pledges (including accommodation offers) from the public to refugee needs. The Department is also preparing a communications plan for the Taskforce on foot of a specific requirement contained within the Government Decision.

Reception and Integration Agency (RIA)

The Reception and Integration Agency (RIA), a functional unit of the Department's Irish Naturalisation and Immigration Service (INIS), is responsible for providing accommodation and ancillary services for asylum seekers, programme refugees resettled in Ireland by the Office for the Promotion of Migrant Integration and those relocated to Ireland under the Irish Refugee Protection Programme.

RIA's current accommodation portfolio comprises 37 centres throughout the State accommodating approximately 4,500 persons, over a third of whom are accompanied children. This represents a continuing steady decline in numbers being accommodated – down from the 7,002 persons who were being accommodated the end of 2008.

The Estimate Provision for RIA in 2016 is €69.1 million. This is accounted for in Subhead E5 of the Vote of the Office of the Minister for Justice and Equality (Vote 24). This estimate includes the cost of accommodation and ancillary services for all those seeking international protection. It does not cover educational, legal, medical or

social welfare costs for asylum seekers. Expenditure has steadily declined from the 'high point' of €91.5 million spent in 2008.

Key immediate issues

The biggest challenges facing RIA at this time are

- Being in a position to respond to a rapid increase in demand for accommodation and in particular for asylum seekers (programme refugees and those relocated under the IRPP are accepted into Ireland in a planned and managed manner);
- Implementing the relevant and approved provisions of the Working Group report on Improvements to the Protection Process including Direct Provision; and
- Completing the tendering process for the management of State run accommodation centres. This contract is worth approximately €12m per annum and it will run for at least three years.

Office for the Promotion of Migrant Integration (OPMI)

A new Migrant Integration Strategy which is being prepared by the Office for the Promotion of Migrant Integration (OPMI) is nearing completion. A Cross Departmental Group on Integration was established to review the activities being undertaken by Government Departments and agencies directed to promoting the integration of migrants. The Group was also tasked with preparing a Draft Integration Strategy taking account of the policies and actions already being implemented and undertaking consultation with key stakeholders. Public consultations and consultations with the relevant NGOs were also conducted.

The strategy has been discussed at the Senior Officials Group of the Cabinet Committee on Social Policy and Public Service Reform. It is expected that the draft strategy will be finalised in the near future for submission to the Minister and appropriate Cabinet Committee.

Key medium/long term issues and anticipated challenges

Because of their nature and delivery timescales, the various items identified below will remain as medium/long term issues and challenges.

Funding administered by OPMI

European Social Fund (ESF): In the coming weeks, OPMI will conduct a call for applications under the ESF for a measure to promote access to the labour market for immigrants through raising their skills, thus increasing their future employment prospects. It will be open to EU nationals and persons with Immigration Stamp 4 i.e. who can work without the need for a work permit. The latter are often people who have come through the asylum process and have been given permission to remain whether as refugees or otherwise. The expenditure will be about €400,000 per year including the 50% ESF contribution.

Asylum, Migration and Integration Fund (AMIF): Ireland's national allocation under this is €19.5 million over the period 2014-20 (but the eligibility period runs for a further two years) plus lump sums of €10,000 per head for resettled persons and €6,000 per head for relocated persons. A wide range of actions are eligible under AMIF under four specific objectives: Asylum (including resettlement); Legal Migration and Integration; Return; and Solidarity (i.e. relocation from other EU Member States). It is expected that a call for applications under the Fund will be conducted in Q3, 2016 by the new EU Funds Unit that the Management Board of the Department recently decided to establish.

National funding: OPMI have administered grants to promote migrant integration amounting to about €600,000 per year. It is proposed to prepare a call for applications for future funding for the Minister's consideration shortly.

Gender Equality

The role of the Gender Equality Division is to promote equality of opportunity between women and men through the development, implementation and monitoring of appropriate policies and positive action measures in the context of the Department's High Level Goal of an "Equal and Inclusive Society". Among the responsibilities of the Division are: co-ordination in the implementation of the National Women's Strategy 2007–2016; preparation of a successor Strategy to the National Women's Strategy; negotiation of EU proposals for instruments on gender equality; ESF funding in respect of Training for Women Returning to the Workforce and Women's Entrepreneurship; funding of the National Women's Council of Ireland (NWCi) as the representative body for women's organisations; funding of the National Collective of Community Based Women's Networks (NCCWN); participation in meetings of the United Nations, Council of Europe, EU and OECD in relation to gender equality; preparation of periodic reports under the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and the promotion of gender mainstreaming in decision-making.

Key immediate issues

- **Preparation of successor Strategy to the National Women's Strategy (NWS) 2007-2016**

The NWS 2007-2016 is a whole-of-Government statement of priorities in relation to the advancement of women in all areas of Irish society. It was drawn up following extensive consultation with stakeholders and its implementation is monitored by a Committee representative of Government Departments and agencies, the social partners and NGOs, chaired by the Minister of State with responsibility for Equality. The Strategy sets out over 200 actions grouped under 3 themes: equalising socio-economic opportunity for women; ensuring the well-being of women; and engaging women as equal and active citizens. The Progress Reports on the implementation of the Strategy show progress over a broad range of areas, bearing in mind that the Strategy spans a period of economic crisis in Ireland and internationally.

Since it expires at the end of this year, consideration must be given to a successor Strategy. A useful first step for the Minister or Minister of State would be to meet the NWCi in this regard. The next step would be for the Minister to seek the approval of Government or the appropriate Cabinet Committee (e.g. on Social Policy) for the preparation of the Strategy as implementation of the Strategy is likely to be the responsibility of a wide range of Departments.

- **CEDAW Report**

States Parties to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) are required to submit national reports at least every four years on measures they have taken to comply with their treaty obligations. Last year, the Committee on the Elimination of Discrimination Against Women gave States such as Ireland the option of using a simplified reporting procedure under which the Committee sends a list of issues and questions to the State and its reply to the list constitutes the report required under the Convention. The list of issues must be replied to within six months.

The Committee adopted the list of issues and questions (numbering 111 in total) for Ireland at its most recent session and this Department received the list on 15 March. Our reply must be with the Committee by 12 September. Departments have been asked for material for reply. It is hoped to publish a draft report by June and hold a public consultation which, subject to the Minister's approval, would entail a meeting, which would be open to the public including representatives of NGOs, as well as the opportunity to give written observations.

Ireland's report will be considered by the Committee in Geneva in February 2017. It would be customary for the Minister or Minister of State to attend this.

Key Medium/Long Term Issues

- **Women in decision-making**

The **Electoral (Amendment) (Political Funding) Act 2012** (for which the Department of the Environment, Community and Local Government is responsible) introduced provisions to encourage the selection of a greater number of women candidates at Dáil general elections. Section 42 of that Act provides that qualified political parties will face a reduction of half of their State funding under the Electoral Acts if they do not have at least 30% women and 30% men candidates in the Dáil general election. This will then rise to 40% after 7 years. There were 551 candidates in the general election held in February 2016, 163 of which were women, representing 30% of the total number of candidates. This compares with 86 women candidates out of a total of 566 candidates (15% of the total number of candidates). The results of the 2016 general election saw 35 women elected to the Dáil, 22% of the total of 158. This compares with 25 women elected in 2011, 15% of the total of 166. Following the Local Elections in 2014, the percentage of female Councillors is 21%, up from the pre-election figure of 16%. At EU level, Ireland exceeds the EU average of 37% when it comes to female representation in the European Parliament. Six of the 11 (55%) Irish MEPs are women.

There has been a longstanding commitment to **gender balance on State Boards** and, in 1993, Ireland introduced a target of 40% representation of each gender on such boards. The gender breakdown of board members in December 2015 was 37.5% female and 62.5% male. This is the highest proportion of female board members since the target was introduced and an increase of 1.3 percentage points over December 2013.

The Department, with Ibec and the National Women's Council of Ireland as co-beneficiary partners, secured funding under the **EU PROGRESS** programme 2013-2015 for a project to promote greater gender balance in decision-making in the public and private sector in Ireland. A pilot mentoring programme for female principal officers (which is to be mainstreamed by the Department of Public Expenditure and Reform) and the development of a training module on addressing unconscious gender bias for use in the public and private sectors were among the measures carried out.

- **Employment and work/life balance**

The number of women at work in Ireland increased by over half to 911,100 in the period from 1998 to Q4, 2015 with women accounting for over 45% of those at work. In the latest figures, for Q4 2015, the proportion of persons aged 15 or over who are in the labour market (whether employed or unemployed) for men was 67.5% and for women was 52.8%. A third of women employees are working part-time and 18% of this number (56,400) are underemployed and seeking to increase their hours. Almost half of married men in the workforce worked for 40 hours or more per week compared with just 16.8% of married women.

The Government has emphasised the importance of greater sharing of family responsibilities between women and men as a key support for women's labour market participation and for their advancement into decision-making roles. Childcare, social protection measures, anti-discrimination legislation, promotion of employer good practice and awareness-raising are among measures introduced to ease the burden on working parents and encourage female participation in the workforce. The Government announced in October 2015 that statutory paternity leave of 2 weeks is to be introduced, together with a new Paternity Benefit, in respect of births from September 2016. Under the Europe 2020 Strategy, Ireland must aim to increase the employment rate of both men and women, which was 65.7% for men and 55.9% for women in 2014, to 69-71% by end 2020.

- **Funding administered by the Division**

From 2007 to 2014 the Division, through its Equality for Women Measure (EWM) positive action programme, made ESF and Exchequer funding available for a variety of projects to activate women for employment and to promote female entrepreneurship.

A similar measure is included in the ESF phase from 2014-2020 - **Women Returning to the Workforce and Women's Entrepreneurship** and it is part of Ireland's ESF Operational Programme, PEIL. Planned expenditure on the activity up to 2020 (the eligibility period, in fact, extends until 2022) is €11 million, half of which will come from the ESF. A call for applications under the employment strand is expected to take place in the third quarter of this year and will be carried by a new EU Funds Unit which the Management Board of the

Department recently decided to establish. The call for applications for the entrepreneurship element, which will be smaller in scale than the employment strand, will be carried out by this Division and will be advertised in the next month or so.

This year the Department has taken over responsibility for the National Collective of Community Based Women's Networks (NCCWN), which consists of 17 women's groups in various parts of the country, involved broadly in activation and outreach for disadvantaged women. When the old model of community development, the Local Community Development Programme, was ended by the Department of Environment, Community and Local Government, NCCWN didn't come on board the new system, called SICAP (Social Inclusion and Community Activation Programme) and DECLG sought to transfer them to this Department which was agreed as, otherwise, the funding would have to cease. The funding at present is €1.35 million per year.

Core funding is provided to the **National Women's Council of Ireland (NWCi)**. This is an umbrella group representing 170 member groups as well as individual members with the aim of seeking equality between women and men. The Board of NWCi is currently chaired by Moninne Griffith (chair of Marriage Equality). A sum of €400,000 has been allocated in Budget 2016, marking a 33% increase on the 2015 provision. This followed representations from NWCi that its existing funding was inadequate.

- **Constitutional provision on women in the home**

Article 41.2 of the Constitution recognises the role of women in the home and provides that the State shall endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home. The Convention recommended amendment of Article 41.2 to include carers in the home, and not just mothers, and inclusion also of carers beyond the home. The State should be required to offer a "reasonable level of support" to ensure that carers "shall not be obliged by economic necessity to engage in labour". It also made recommendations proposing the incorporation of the principle of gender equality into the Constitution and calling for gender-inclusive language throughout the text.

A Task Force, composed of senior officials from the Equality and Civil Law Divisions of the Department of Justice and Equality, was charged with addressing these recommendations. A report was prepared by the Task Force and submitted by the then Minister for the information of the Government. The report has not been published. The Task Force favoured amendment of the Article, which is out of date in its present form. However, it recommended that support of carers should be "as determined by law" in order to ensure that the Government and Oireachtas remain responsible for decisions on the allocation of public funds and the determination of public policy regarding carers more generally. Alternatively, the Task Force recommended that support for carers be dealt with in Article 45 of the Constitution which contains Directive Principles on Social Policy and is not cognisable by the courts.

The Task Force recommended that the issue of the incorporation in the Constitution of the principle of gender equality should be considered further in the wider context of the relevant recommendations of the Constitutional Review Group (1996) and that this Department pursue the issue of gender-inclusive language in the text of the Constitution further in consultation with the Attorney General's Office. Considerable work on gender-inclusive language was done by the All-Party Committee on the Constitution in the 1990s. That Committee presented a gender-inclusive version of the English text of the Constitution and a gender-inclusive version of the Irish text was subsequently prepared for the Committee.

The Taoiseach stated on the Order of Business in the Dáil on 14 January 2015 that, in respect of Article 41.2 and any other recommendations for referendums to be held or discussed arising from the Constitutional Convention or otherwise, this would be a matter for the next Government. Accordingly, the matter was not progressed further.

Civil Law Reform and Courts Policy



Conan McKenna

Assistant Secretary
Civil Law Reform;
Courts Policy



Responsibilities

Conan McKenna has responsibility at Assistant Secretary level for:

- the preparation of legislation relating to civil law that does not come within the functional remit of any other specific department, as well as servicing the legislative needs of other divisions within the Department;
- liaison and mutual co-operation with other countries in regard to international child abduction and maintenance recovery;
- participation in international meetings at the European Union, Council of Europe and United Nations in relation to civil law matters dealing with the drawing up of agreements, treaties and other international instruments on matters of mutual interest and the preparation of legislation to give effect in the state of EU civil law instruments;
- the discharge of ministerial functions in relation to the courts, including: all constitutional and legislative matters related to judicial appointments and salaries;
- the making of Rules of Court and the preparation of material in relation to the Minister's accountability to the Dáil on courts issues (The responsibility for the management of the courts system is conferred on the Courts Service, as a statutory body);
- all aspects of policy, secondary legislation, financing and management of the Criminal Legal Aid Scheme.

Civil Law Reform Division and Courts Policy Division

Key immediate issues:

This section is divided into 4: (i) Bills in drafting; (ii) Bills which have not yet gone to drafting; (iii) Bills enacted in 2015 which must be implemented in 2016 and (iv) other non-Bill issues.

(i) Bills in Drafting:

Judicial Council Bill – target for 2016 is publication and enactment - The Bill provides for the establishment of a Judicial Council and Board that will promote excellence and high standards of conduct by judges. It will also provide a means of investigating allegations of judicial misconduct and, in this context, a Judicial Conduct Committee, which will have lay representation, will be established. Finally, it will facilitate the ongoing support and education of judges through a Judicial Studies Committee and through the establishment of Judicial Support Committees. The Bill is at advanced drafting stage with a new draft promised from the OPC for some considerable time and latest indications that a new draft will be received this month (May 2016).

Civil Liability (Amendment) Bill (Periodic Payments Orders): Target for 2016 is publication and enactment of this Bill. Legislation is currently being drafted to enable persons who have been catastrophically injured to receive the payments relating to their ongoing care in the form of periodic payments (i.e. annual payments for the duration of the person's life) as opposed to the current 'lump sum' system. The legislation has been recommended by a High Court Working Group on Medical Negligence and Periodic Payments. The provision will give long-term security to a catastrophically injured person that his/her long-term care needs will be covered for the duration of his/her life. The Bill is currently in drafting.

Domestic Violence Bill: (2016 Target is publication and enactment of this Bill). There is considerable interest among domestic violence stakeholders for early enactment of the Reformed and Consolidated Domestic Violence Bill. The Bill is a key element of the Second National Strategy on Domestic, Sexual and Gender Based Violence and will assist in enabling Ireland to ratify the Council of Europe's Convention on Combating Domestic Violence and Gender-based Violence. The Bill is currently being drafted on the basis of a General Scheme which was approved by the last Government in July 2015 and will be ready shortly for the Minister's consideration.

Mediation Bill: Target for 2016 is publication and enactment: This Bill has been stalled in the drafting process and is keenly awaited not only to improve the situation as regards settlement of disputes but also as part of an overall programme to reduce costs in the legal system. The general objective is to promote mediation as a viable, effective and efficient alternative to court proceedings thereby reducing legal costs, speeding up the resolution of disputes and relieving the stress involved in court proceedings. The General Scheme builds on the recommendations of the Law Reform Commission in their 'Report on Alternative Dispute Resolution – Mediation and Conciliation' and is designed to meet a commitment in the previous Government's Programme for the Government for National Recovery (2011 – 2016). The Government approved the General Scheme of the Bill in March 2012.

(ii) Bills not yet in Drafting:

Courts and Civil Law (Miscellaneous) Bill – target for 2016 is publication and enactment: The General Scheme of the Courts and Civil Law (Miscellaneous) Bill is in preparation. It is necessary to get this enacted this year as it is essentially tidying up/making provision for a number of long standing and pressing items relating to Courts etc which were intended to be included in legislation last year but were not ready for inclusion. The main items in the Bill at present relate to **Electronic Courts**

Provisions to provide for centralisation and automation of court processes including the electronic filing of debt claims online and statements of truth. **District Court Retirement Provisions:** change the retirement age for judges of the District Court from 65 years to 70 years.

and **Provisions re implementation of Fines Act:** to facilitate the commencement of the 'third payment option' under section 44 of the Road Traffic Act 2010 dealing with the service of a fixed charge notice served with a summons in respect of a fixed charge offence. The latter item is urgent and it may, subject to the Minister's views, require to be put forward in a Bill of its own or with one or two other urgent items.

Data Protection Bill: the recently-agreed EU data protection package presents major legislative challenges for the Department 2016-2018. In January 2012, the European Commission tabled

(i) a Proposal for a General Data Protection Regulation and
(ii) a Proposal for a Directive on the processing of personal data in the criminal justice area. Political agreement on the substance of the proposals was reached in December and they have recently been adopted and will enter into force in May 2018. Implementation of the package will require the following:

- o The enactment of primary legislation by this and various other Departments in order to benefit from the Regulation's permitted exemptions to strict application of the data protection rules and safeguards where justified by important public interest reasons;
- o The enactment of primary legislation by this Department to transpose the Directive;
- o A significant increase in resources of the Office of the Data Protection Commissioner.

Judicial appointments - new Judicial Appointments Bill: Target for 2016 is finalisation and publication of Scheme, completion of consultations and Government agreement on final contents of Bill to be drafted. (Publication and enactment in 2017): Public consultations were conducted in 2014 on proposed reform of the Judicial Appointments system. The focus of the consultations was on the protection of the independence of the Judiciary, a review of the eligibility criteria for appointment, an examination of possible reforms of the Judicial Appointments Advisory Board process, and a consideration of diversity aspects of selection and appointment. A report on the consultations process has been completed and a first draft of proposed legislation has been prepared.

Criminal Legal Aid review and new Criminal Legal Aid Bill: Target for 2016 is for publication and enactment of this Bill: Legislative reforms are being prepared to update the legal framework for the provision of criminal legal aid. The main purpose of the legislation is to transfer responsibility for administration of the Scheme from the Minister to the Legal Aid Board and to introduce new processes with a view to increasing the efficiency of the criminal legal aid system and to provide for greater control of costs.

Family Courts Bill: Target for 2016 is publication of General Scheme and finalisation of consultations plus Government agreement on final shape of Bill for drafting. (Target is publication and enactment of Bill in 2017): Preparation is advanced on the General Scheme of a Family Courts Bill to provide for the establishment of a family court which would deal with family law and domestic violence cases as well as cases involving the taking of a child into care. The General Scheme is being developed following consultation with the judiciary, the Courts Service, the Legal Aid Board, the Law Society and other relevant stakeholders. The key decisions for the Minister will relate to the geographic spread of courts, the number of judges assigned and the resources available to the family courts.

International Recovery of Child Support (Hague Convention) Bill - Implementation of EU obligations regarding cross-border family maintenance orders – Target for 2016 is finalisation, publication and enactment of this Bill as it is overdue at the EU level: The Hague Convention on the International Recovery of Child Support, and the Hague Protocol on the Law Applicable to Maintenance Obligations, establish a system for cross-border recognition and enforcement of family maintenance orders which is intended to be simple, speedy and low-cost. The EU is a party to the

Convention and Protocol on behalf of the EU Member States, including Ireland. Ireland has already implemented the Convention and the Protocol, as regards other EU Member States, by Regulations which took effect in 2011. These account for the vast majority of cross-border maintenance orders where recognition and enforcement is requested. However, we are also obliged as a matter of EU law to implement the Convention and Protocol in relation to a small number of non-EU States (e.g. Norway) which are party to the Convention and Protocol. This further implementation was due with effect from August 2014, but competing legislative priorities have prevented it being completed.

(iii) Bills enacted in 2015 and to be implemented during 2016:

Extensive work will also be required during 2016 to fully implement the following Bills which were enacted in 2015:

Legal Services Regulation Act 2015 - Implementation: Establishment of Legal Services Regulatory Authority. A key deliverable for the new Government is the rolled-out commencement and implementation of the reforms contained in the Legal Services Regulation Act which was signed by the President on 30 December 2015. Nominations for the members of the new Authority have been received and the appointments (including selection of a chair from among the nominees) can be made quickly by the new Government following resolutions in the Houses of the Oireachtas.

Assisted Decision-Making (Capacity) Act 2015: This Act comprehensively reforms the law relating to people with capacity difficulties and abolishes adult wardship and was enacted in December 2015. The immediate issue is to undertake the actions needed to establish the Decision Support Service (in the Mental Health Commission), the body responsible for informing the public about the Act and for supervising all interveners operating under it. Commencement is targeted for December 2016.

Fines (Payment and Recovery) Act 2014: The Act was commenced in January 2016 and provides for alternatives to imprisonment for non-payment of fines. The process to support payment of fines by instalment commenced in January 2016 and other provisions - for example relating to attachment of earnings, community service and debt recovery - will roll out progressively. Careful oversight of the arrangements and their effectiveness, and engagement with relevant agencies is required.

Civil Debts Procedures Act 2015: This Act provides for the enforcement of court judgments in relation to certain debts, the making by the District Court of attachment of earnings orders and deduction from payments orders in certain circumstances, and amends existing legislation to remove references to the imprisonment of debtors for non-payment of debt. Commencement of the Act is contingent on the putting in place of appropriate procedure by the Department of Social Protection in respect of deduction from payments orders, and the making of Rules of Court and Commencement Orders.

(iv) Pressing Issues other than Bills:

Home mortgage arrears/insolvency/bankruptcy: The number of homeowners who are at risk of losing their homes due to outstanding mortgage arrears remains a serious concern (37,000 home mortgage accounts in arrears >720 days: on average, 107 Circuit Court home repossession orders made each month during 2015). We can expect continuing pressure through 2016 for effective Government measures to promote balanced resolution of home mortgage arrears.

The effects of measures enacted in 2015 have to be closely monitored (*the Personal Insolvency Amendment Act 2015 and the Bankruptcy (Amendment) Act 2015*), while the *Scheme of Independent Expert Advice on Home Mortgage Arrears*, agreed by Government late 2015, is completing set-up and is expected to start operation in May. This 3year Scheme seeks to provide an insolvent borrower who is at risk of losing their home due to mortgage arrears, with a minimum level of independent expert financial and legal advice to help identify and negotiate the best solution for returning to solvency. Priority is given to keeping the borrower in the home, where that is a sustainable option. The Scheme is run jointly by the Departments of Justice and of Social Protection, and

implemented by the Legal Aid Board, the Insolvency Service, and the Money Advice and Budgeting Service (MABS). The aid and advice scheme complements an information initiative already in operation since July 2015, where MABS and the Insolvency Service, facilitated by the Courts Service, are present outside all Circuit Court repossession hearings to provide basic information and 'signposting' to homeowners faced with repossession proceedings.

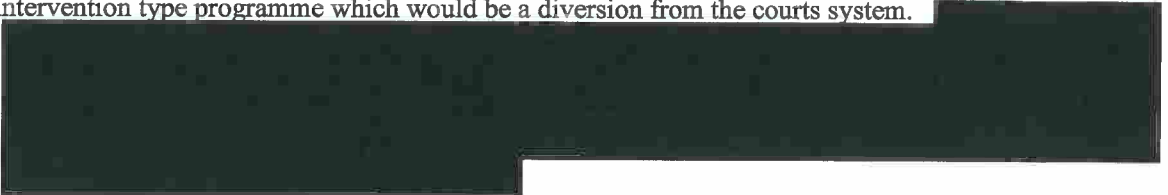
In addition, a reformed EU Regulation on cross-border insolvency will take effect at national level from June 2017, while a newly announced EU legislative initiative in 2016 to harmonise national insolvency frameworks will require careful scrutiny and input.

Second Special Criminal Court: Courts Policy Division oversaw the completion of the final procedural and practical elements in regard to the establishment of the second Special Criminal Court. Judges were appointed to the second Special Criminal Court on 28th October 2015 which brought the second Court into existence. Since then the Courts Service and the Department worked on the practical arrangements to allow the Court to commence operations including the provision of court accommodation, security arrangements, ICT system changes, staff support, judicial chambers and the drafting of appropriate rules of court.

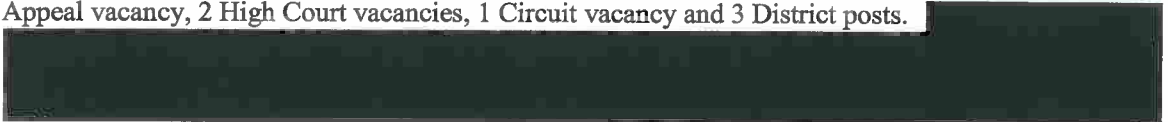
The Minister signed rules of court for both Special Criminal Courts on 21st April which enables the second Court to start dealing with the backlog of cases. The rules of court came into effect on Monday 25th April 2016. Both Special Criminal Courts will sit in the Criminal Courts of Justice complex. At present the next available trial date in the Special Criminal Court is April/May 2018, i.e. a waiting time of approximately 24 months. It is anticipated that there will be a reduction in waiting times for trials when the two Courts are sitting.



Community Justice Intervention Initiative (Community Court): Building on the recommendations of the Joint Oireachtas Committee on Justice, Defence and Equality, the Department has led a Working Group of Justice Sector officials to consider options for moving forward on the proposal to establish a Community Court. The Working Group has been considering proposals to enhance the approach to tackle low level offenders and effectively address offending behaviour through a Community Justice Intervention type programme which would be a diversion from the courts system.



Filling of Judicial Vacancies: Courts Policy Division prepares the necessary Memoranda for Government in regard to judicial appointments. In accordance with articles 13.9 and 35.1 of the Constitution, judicial appointments are made by the President acting on the advice of the Government. There are currently eight judicial vacancies to be filled as follows: 1 Supreme Court vacancy 1 Court of Appeal vacancy, 2 High Court vacancies, 1 Circuit vacancy and 3 District posts.



[REDACTED]

County Registrar Issues: Issues to be sorted out in 2016 in this area include the putting in place of an indemnity protocol whereby the Chief State Solicitors Office will act for County Registrars who end up in legal actions arising from the performance of their duties. This has been contentious in the past year but is close to resolution now with a draft protocol agreed and ready to implement during the next month or so.

[REDACTED]

Key medium/long term issues:

- **Legal and related (e.g. insurance) costs is an emerging pressing issue:** The two components of this are the constant refrain about excessive legal costs and the costs of going to Court and resolving disputes – access to justice issues - in Ireland as opposed to other countries. Associated with this is the escalating cost of insurance for all types of insurance which has been raised as a longer-term problem for individuals, small businesses and specified professionals such as doctors. This Department is not responsible for insurance matters but there are strong crossovers between the legal and insurance systems. A number of measures enacted in the Legal Services Bill (such as excessive costs complaints; new rules about lawyers fees; the new system for legal costs adjudication, introduction of new business models to encourage competition in legal services and introduction of Pre Action Protocols for medical negligence cases) will directly ameliorate issues regarding both legal and (some) insurance costs. However there may be both scope and early pressure for options for a more comprehensive State intervention to tackle costs across the legal system. The new Minister may wish to discuss options in this area at an early stage.
- **Coroners legislation:** There is a pressing need for comprehensive reform of the outdated and fragmented Coroner system, to improve governance, better support Coroners in providing a key public service, and increase value for taxpayers.
- **Defamation and blasphemy:** The Defamation Act 2009, which reformed various aspects of defamation law, also contains a statutory obligation to undertake a further review 5 years later. This related primarily to issues debated during the passage of the 2009 Act – the merits of media self-regulation via a Press Council and Press Ombudsman rather than statutory external regulation, and the deferral of a proposed Privacy Bill. The Department has begun preparation for the review but owing to competing legislative priorities, it has not been possible to complete it and this obligation is now to be addressed during 2016. A further issue is the level of awards in defamation cases, which media stakeholders consider excessive and unreasonable: a challenge on this point is pending before the European Court of Human Rights. Finally, the previous Government committed (in response to the 6th Report of the Constitutional Convention) to hold a referendum on abolishing the Constitutional provision criminalising blasphemy, and to reform the relevant provision in the Defamation Act. However, the time frame was left to be decided by the Government taking office in 2016.
- **Tribunals of Inquiry Bill:** The Tribunals of Inquiry Bill was presented to the Dáil in November 2005, and completed Committee Stage (with amendments) in April 2009. The Bill sought to comprehensively reform and consolidate legislation relating to Tribunals of Inquiry, and to put in place a modern statutory framework governing all stages and aspects of a Tribunal's operation, but has effectively been on hold, due to public concerns about the costs of the Tribunal format and to case law limiting the legal effect of Tribunal findings. Strategy in this area will come up for early review, not least in the light of developments, and possibly legislative changes, in relation to Commissions of Inquiry (see under Criminal Law Reform).

- **Civil law and EU/International matters:** Within the EU there is a well established framework for cooperation in the civil law area. The subject range is diverse but covers matters such as the recognition and enforcement of judgments (including judgements in relation to family matters such as divorce and maintenance), service of documents, the taking of evidence, the use of mediation etc. ■■■



Also under this category is participation in international meetings at the European Union, Council of Europe, The Hague Conference on Private International Law, and United Nations in relation to civil law matters dealing with the drawing up of agreements, treaties and other international instruments on matters of mutual interest and the preparation of legislation to give effect in the state of EU civil law instruments.

- **Surrogacy cases:** There is a significant workload for the Department – in cooperation with the Office of the Attorney General, the Department of Health and the Department of Foreign Affairs – in relation to cases concerning the parentage of children born through surrogacy. The number and complexity of such cases is increasing consistently.
- **Courthouse Capital projects :** In July 2012 the Government announced an investment package which includes seven courthouse projects, with new courthouse buildings being developed using the Public Private Partnership model in Drogheda, Letterkenny, Limerick and Wexford and substantial refurbishment and extension works to existing courthouses to be carried out in Cork, Mullingar and Waterford. Contracts were signed in December 2015 with BAM, the selected main contractor and construction has commenced in all 7 locations and, while still at an early stage, the work is on schedule in all locations. All projects to be delivered in 2017. There are also plans, already announced publicly, for a dedicated and integrated Family Law and Children's Court building, together with additional courtrooms for the Supreme Court and other Courts offices agreed by Government last year and included in the Government's multi-annual capital expenditure programme for 2016-2021. The development will be situated on the Hammond Lane site in Smithfield. This project is likely to commence in 2017/18 for completion before 2020.
- **Adversarial family law system:** There is a general interest among judges, family law practitioners and childcare experts in developing a less adversarial family law system as reducing the level of familial conflict in the separation / divorce process is known to benefit children. Enabling parents to keep a focus on the interests of their children is crucial to the best interests of the child. At the same time, judges need more support in identifying how best to protect a child's best interests in the context of family breakdown. The Mediation Bill and the Family Courts Bill provide legislative vehicles to develop a less adversarial approach to family law. However, it is likely that resource issues will need to be addressed as the development of support options to move families away from the current adversarial processes will require additional funding. On the other hand, increased funding for support options and for alternative dispute mechanism may lead to savings in the legal aid costs falling to be met by the State.
- **"Stalled" Bills:** There are a number of fairly major pieces of legislation which are stalled in the drafting system and where because of the extensive legislative programme of 2011-2015 either the Department or the AGO/Drafters – or both - have not been in a position to progress these. These include major overhaul of the Landlord and Tenant legislation which replaces out of date legislation going back hundreds of years in some cases with a more modern regime, the inevitable result of which will be to simplify the law and reduce costs of litigation in this complex area. A second stalled project relates to sale of alcohol and reform of the liquor licensing laws, again to consolidate and simplify the law in this complex area and again with the potential to significantly reduce costs and complexity in the legal system in this area.

- **Central Authorities for International Child Abduction and Maintenance Recovery**

The Central Authorities Unit is part of the Civil Law Division and carries out functions on behalf of the Minister in relation to a number of EU and international instruments dealing with parental child abduction/ access/ placement of children in care across jurisdictions and the recovery of family maintenance from abroad. In relation to outgoing applications, it assists applicants with their applications; it forwards these to the relevant authorities abroad, and monitors their progress as well as acts as a conduit for communications and requests in relation to these. It also organises legal aid where appropriate in relation to incoming applications. This involves liaison with An Garda Síochána, the Legal Aid Board, the Child and Family Agency and the Courts Service. Decisions with regard to whether a child should be returned/ placed in care in another jurisdiction rests with the competent authorities in the relevant jurisdiction, usually a judicial authority. Similarly, the establishment and enforcement of maintenance obligations are usually decided by the relevant judicial authority too. The key objective is to ensure that applications are dealt with in an effective and timely manner by the Central Authority and any appropriate support is provided throughout the progression of these applications.

Corporate Affairs



Oonagh McPhillips

Assistant Secretary
Corporate Affairs



Responsibilities

Oonagh McPhillips is assigned responsibility at Assistant Secretary level for:

- a range of corporate functions, including Finance/Estimates/Budget-setting across the sector, human resources, strategic management, governance, information & communications technology, procurement, audit, and support for the Department's Ministers and Management Board;
- driving the Justice and Civil Service reform programmes within the Department and those State Agencies under the remit of the Department;
- ensuring the appropriate resourcing of the Department of Justice and Equality and its agencies and, where appropriate, those agencies and offices in the wider Justice sector.

Key immediate issues:

- **Budget**
Ongoing monitoring of expenditure pressures, particularly in the Garda Vote. The select committee process for the Estimates for the Justice and Equality Group of Votes for 2016 is expected to take place in the next 2 months – briefing and Speaking Notes will be provided. There may need to be a special arrangement put in place for the Policing Authority Vote as it is a new vote and restricted in the amount of expenditure which can be incurred prior to the vote being passed by the Oireachtas. The Department of Public Expenditure and Reform is aware of this situation.

- **Reform**

The Department is implementing an internal change programme, based on a renewal of our culture, following the Independent Review Group Report of July 2014 (see Pages 8-10). We are also overseeing the process of public service reform in the sector.

- **Governance**

In common with all Departments, we have developed a Governance Framework that documents how the Department is organised and run. The Framework was published on 21 April and it sets out the governance and accountability arrangements that apply as between the Department and the various agencies – in particular, the requirement for Annual Performance Delivery Agreements or Governance Frameworks that define roles, responsibilities and mutual expectations and regular monitoring meetings.

- **Data and Interoperability**

The Department is progressing three Pathfinder projects linked to the Public Service ICT strategy -

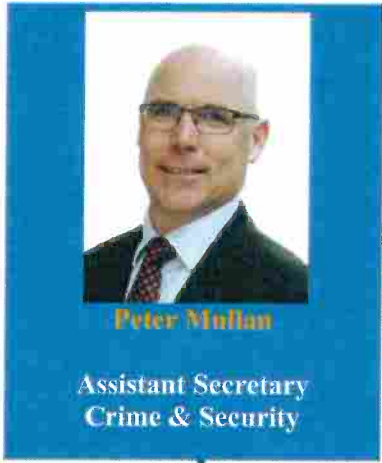
1. e-Submissions (electronic tracking of submissions to Secretary General and Minister which is now being rolled out in the Department;
2. OurSources (a catalogue of systems in the sector) and
3. eJARC (an electronic common offender management system supporting the collaboration on the Joint Agency Response to Crime between Garda, Prisons and Probation through a small-scale Hub).

Following a review of progress, the Management Board recently approved in principle the development of a Business Case for a Justice and Equality Hub. The Hub would deliver a support for collaborative working for all the organisations in the sector, a means of exchanging agreed data on a day to day basis to provide high level Management Information and support for longer term statistics and data analytics relevant to the work of the sector. The Business Case is due for consideration by the Management Board and the Criminal Justice Strategic Committee during May. It will cover, with stakeholders, the Vision, Scale and Scope, Costs Risks and Benefits. This will be a 3 year programme.

- **Communications Strategy**

A Communications Strategy covering internal and external communications is nearing finalisation. This will have tangible actions and milestones.

Crime and Security



Responsibilities

Peter Mullan is assigned responsibility at Assistant Secretary level for:

- policy and issues arising in relation to general crime, organised crime (including drugs), national security, Northern Ireland, road traffic law enforcement, human trafficking, victims, domestic violence, extradition and mutual assistance, money laundering, terrorist financing and private security policy, money laundering compliance in specific areas and firearms and explosives;
- leading teams to deal with various aspects of crime and security, in conjunction with other criminal justice agencies;
- ensuring the Minister is in a position to fulfil his/her responsibilities to the Oireachtas in the area of crime and security;
- fulfilling commitments in relation to, and participating in, EU and other international developments.

Firearms and Explosives Division including oversight of Private Security Authority (PSA)

Key immediate issues:

Explosives

A draft Statutory Instrument to give effect to Directive 2014/28/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of explosives for civil uses (the recast Explosives Directive) is currently with the Office of the Parliamentary Counsel (OPC) for formal drafting. Whereas the transposition deadline for the Directive has now passed (19 April 2016), the drafting of the S.I. is at an advanced stage and it is envisaged that the matter will be finalised in the coming weeks.

Firearms

National: Reform of firearms licensing

Implementation of the package of firearms measures announced by the Minister for Justice and Equality to the licensing of firearms in Ireland on 18 September 2015, include:

- a) Establishment of a new Firearms Assessment and Appeals Authority (FAAA): Consultations in advance of necessary enabling legislation.
- b) An immediate cap on the licensing of any new centre-fire semi-automatic rifles was introduced on 18 September 2015, pending the establishment and determination of the Authority. (Legislation will be necessary to give full effect to this announcement).
- c) Monitoring of applications for .22inch rim fire calibre handguns. If there is a significant increase in the number of applications for new certificates or import licence applications for these handguns, the Minister stated she would introduce priority legislation for a future cap. AGS and the Department continue to monitor all applications for handguns.

European firearms reforms

- a) Revision of the EU Firearms Directive: The revision aims to strengthen the EU firearms legislative framework, for example to improve the sharing of information on firearms, reinforce their traceability and to standardise marking. The Presidency is hopeful of a general agreement by June 2016.
- b) Implementation of EU Deactivation Regulation (agreed in November 2015) from 8 April 2016: This Regulation sets out a series of common guidelines for the deactivation of firearms so as to render them irreversibly inoperable. We are finalising the implementation arrangements with the Attorney General's office, An Garda Síochána, the Department of Jobs, Enterprise and Innovation, the Department of Defence, the UK and the Firearms Consultative Panel.

Key medium/long term issues:

Explosives: To advance the formal drafting of the Explosives Bill approved by Government for drafting in 2008. The existing legislation, i.e. the 1875 Explosives Act, is now very much out of date and largely unenforceable. This issue needs to be prioritised in the Government's legislative programme.

Firearms

a) Reform of firearms licensing

- An Garda Síochána (AGS) is to establish a centralised licensing system for restricted firearms, pending the establishment and determination of the FAAA to determine what firearms should be licensable.
- The Garda Inspectorate is to review the administration of firearms licensing by AGS, 12 months after the establishment and operation of the FAAA.
- The re-establishment of the Firearms Consultative Panel (FCP) to examine general issues of common concern to interest groups. There are a number of issues to be progressed in the FCP, including a number of SI's in relation to minimum standards in various fields:
 - Amend Firearms Secure Accommodation Statutory Instrument (S.I.)

- Finalise S.I. on Minimum Standards for the storage of firearms and ammunition by Registered Firearms Dealers
 - Finalise S.I. on Realistic Imitation Firearms.
- b) European/International
- Implementation of EU Action Plan to target the illicit trafficking of firearms and explosives published in December 2015.
 - Ratify United Nations Firearms Protocol. Heads have been drafted but we await revision of Firearms Directive to make sure heads are compatible with the Directive.
- c) Manage court cases on firearms involving the Minister and AGS.

Private Security Authority (PSA)

Key immediate issues:

New Training Requirements for employees working in the cash in transit (CIT) sector: A Statutory Instrument (S.I.) to enable the PSA to introduce new training requirements (PSA 51:2016) for employees working in the cash-in-transit (CIT) sector is being finalised in consultation with the PSA. It is expected that the new Regulations will come into operation on 1 July 2016.

Key medium/long term issues:

- To prioritise the licensing of sectors within the private security industry which as yet remain unlicensed. The PSA's priority for 2016 is to licence contractors providing locksmith services.
- The PSA need to keep abreast of technological developments in an ever changing and evolving industry so as to ensure the protection of the public into the future. The capacity to adequately research these developments will be essential for the Authority.

Cosc – The National Office for the Prevention of Domestic, Sexual and Gender-based Violence

Key immediate issues:

The second national strategy on domestic, sexual and gender-based violence, 2016-2021 was launched in January, 2016. It is a whole of Government approach to the issues in the title of the strategy. It has three components:

- Prevention – awareness / education / training
- Provision of services to victims and holding perpetrators to account, and
- Implementation / monitoring / data / research.

A tender process has begun for a single national awareness raising campaign to start in 2016 and continue to 2021. There is funding of €950,000 available in 2016 for this. It is hoped to be in a position to sign a contract in August with the 2016 awareness raising occurring in the autumn.

Ireland has signed the Council of Europe Convention on preventing and combating violence against women and domestic violence and the Government has agreed a multi-annual action plan towards ratification of the Convention. The EU Commission has published two proposals to sign and ratify the Convention on behalf of

the EU. A technical negotiating position for the EU working group has been agreed following receipt of legal advice.

Key Medium/long term issues

- Monitor and implement the 57 actions in the second national strategy on domestic, sexual and gender-based violence, 2016-2021.

Victims of Crime Office

Key immediate issues:

- The EU Victims Directive fell to be transposed by 16 November, 2015. As Ireland has not yet passed the requisite legislation the EU Commission has commenced infringement proceedings against us in January 2016, along with 17 other Member States. The Victims of Crime Office will continue to monitor administrative arrangements in the criminal justice agencies to ensure practical implementation of the Directive, which has direct effect in Ireland. It will also support Criminal Law Reform in finalising the draft Bill with Parliamentary Counsel.

Key medium/long term issues:

- Continue to manage the funding of 55 voluntary sector organisations providing support to victims of crime.

Crime Division

Key immediate issues:

- **Immediate Crime Developments**

Crime trends and relevant policing and crime prevention responses are monitored on an ongoing basis in consultation with the Garda authorities and other relevant agencies. The end 2015 recorded crime statistics published by the CSO show a reduction in eight out of the fourteen recorded crime categories reported on, including a 28.8% reduction in homicide offences, and a 5% reduction in burglary offences. Very significant reductions are evident in the number of burglaries recorded in the final quarter of 2015, coinciding with the introduction of the Garda operation Thor from early November. While the number of homicides has fallen in recent years, recent shootings associated with organised crime have highlighted the ongoing threat in this area. In response, the resources available to An Garda Síochána to tackle organised crime have been strengthened including a ring-fenced additional allocation of €5 million, and steps have been taken to establish a dedicated Armed Support Unit in Dublin.

- **Road Safety Enforcement**

Road deaths fell in 2015, having risen in the previous two years, but are up slightly as at end March 2016. Implementation of the Road Safety Strategy is overseen by a Ministerial Committee, chaired by the Minister for Transport, Tourism and Sport. It is expected that the next meeting will be held shortly. In addition to receiving an update on Garda enforcement measures, the Committee will also take stock of progress in the Criminal Justice (Fixed Charge Processing System) Working Group, which is co-chaired by this Department. This group is taking forward recommendations in the Garda Inspectorate Report on the Fixed Charge Processing System and related measures in the field of road safety, including introduction of the '3rd Payment Option', and the development of a 'Master Driver Licence Record' to better link relevant databases.

Key medium/long term issues:

- **Ongoing Development of Crime Policy**

In addition to the specific issues highlighted above, policing and crime prevention responses are under continuous development with a view to addressing a range of other types of crime. Individual cases are often the subject of considerable public attention, and certain types of offending can come to the fore from time to time, and may require specific responses. The Department assists in coordinating particular initiatives aimed at disrupting criminal activity and improving crime detection and prevention. These include the Joint Agency Response to Crime (JARC), involving An Garda Síochána, the Prison Service and the Probation Service working together to better manage how they jointly manage prolific offenders. Work is also taking place to develop options in relation to the introduction of an overarching National Anti Crime Strategy, which would provide a structure to track and develop the full range of measures to tackle crime.

- **Criminal Justice Strategic Committee**

The Department is facilitating the work of the Criminal Justice Strategic Committee, which was established in 2015 comprising the heads of the relevant organisations to provide collaborative leadership across all aspects of the Criminal Justice system. The Committee has identified a range of shared projects designed to improve outcomes across the criminal justice system, including in relation to victims, data needs, exhibits management, alternatives to prosecution, international criminal justice cooperation and youth justice. While a number of the projects are long term in nature, it is intended to identify and begin to deliver on specific short term recommendations during the course of 2016.

- **Road Safety Enforcement Measures**

In the context of the Criminal Justice (FCPS) Working Group referred to above, the Department has a key role in the development of a number of complex medium to long term measures. These include the introduction of the '3rd Payment Option' for penalty points, which is scheduled for implementation this year. This Project will improve the operation of the fixed charge/penalty points system, reduce the need for persons to attend court and is also expected to generate revenue and to result in savings in Garda and Court time. A number of technical legislative issues have arisen in planning for implementation, which will be the subject of separate briefing. A further important long term project is the development of a 'master driver licence record', which is intended to better link relevant databases and to improve enforcement. A high level business case for this project has been approved by Ministers and detailed development is now being taken forward by DTTAS. In addition, a procurement process is currently underway with a view to awarding a contract for the provision of a safety camera service following the expiry of the current contract in November 2016.

- **Garda Inspectorate Report on Crime Investigation (November 2014)**

A range of measures are underway in relation to the Report's recommendations, including under the aegis of a Garda Implementation Steering Group and the Garda Strategic Transformation Office. A Criminal Justice Strategic Committee (see above) has been established, as part of the overall justice sector reform programme, and as also recommended by the Inspectorate. An Expert Group on Crime Statistics, chaired by the CSO, has also been established and is expected to report at end 2016. The CSO recommended publication of recorded crime statistics at end June 2015, together with a detailed analysis of how the issues raised by the Garda Inspectorate impact on the quality of crime data. An Garda Síochána is implementing a range of measures to address the issues identified by the Inspectorate and the CSO. The CSO is to repeat its analysis annually, and the next such report is due at end June 2016.

- **Children First**

Crime Division represents the Department on the Children First Interdepartmental Committee and chairs the Children First (Justice Sector) Implementation Committee. The Division is working bilaterally with relevant Justice agencies with regard to Children First implementation, with a particular focus on preparing for the new requirements which will come into effect following commencement of the recently enacted Children First Act, 2015.

- **Garda Inspectorate Report ‘Responding to Child Sexual Abuse’**

In August 2013, Minister Shatter issued a request to the Inspectorate in accordance with section 117 of the Garda Síochána Act 2005 that a follow-up review be carried out of the ‘Responding to Child Sexual Abuse’ Report (published February 2012). This report is provisionally expected by the end of this year.

**Anti-Money Laundering/Counter Terrorist Financing (AML/CTF)
Policy Co-Ordination Unit**

Ireland is a member of the Financial Action Task Force (FATF) an inter-governmental body established in 1989 by the G7 to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system. In November of this year Ireland will be subject to a review by FATF which will assess the effectiveness of systems in Ireland to combat money laundering and terrorist financing. The overall co-ordination of Ireland’s response to this evaluation is being led by the Department of Finance while the Anti-Money Laundering/Counter Terrorist Financing (AML/CTF) Policy Co-ordination Unit co-ordinates this Department’s policy response.

Key immediate issues:

- To represent, as comprehensively as possible, to FATF the work of this Department in the area of money laundering and terrorist financing with a view to achieving a favourable review by FATF. A negative review would have serious implications for the Irish economy.
- To assist Criminal Law Reform Division in the transposition of the 4th EU Directive on Money Laundering and Terrorist Financing to be completed by the deadline of July 2017.

Key medium/long term issues:

- Respond in writing to FATF recommendations as comprehensively as possible and within set deadlines.
- Lead the response to FATF on Terrorist Financing following liaison with interested parties.
- Represent the Department at the FATF evaluation in November 2016 and at the Plenary Session of FATF in June 2017
- Address any actions arising from the FATF review. Continue to assist with the transposition of the 4th EU Directive on Money Laundering and Terrorist Financing
- Implement any action recommended as a result of the consultation on ‘Cash for Gold’.
- Publish the 2015 Annual Report on Money Laundering and Terrorist Financing.

Anti-Money Laundering Compliance Unit (AMLCU)

The role of the AMLCU is to monitor money laundering compliance with national legislation among Trust or Company Service Providers; High Value Goods Dealers and Private Members’ Clubs.

Key immediate issues:

- Continue to monitor compliance with money laundering requirements under the legislation and implement a risk based approach to supervision.

- Enhance linkages and two way information/intelligence flows with other agencies notably An Garda Síochána.
- The Unit carries out authorisation rather than regulatory functions. Notwithstanding this, the fact that the Department has a role in the matter may lead to criticism of the Department in the event that any authorised entity comes to adverse public attention.
- The absence of prosecutions for money-laundering has been the subject of adverse commentary in past international evaluations.

Key medium/long term issues:

- Develop an awareness programme to reach out to all businesses in regard to their money laundering requirements.
- Address any recommendations or remedial actions that flow from the transposition of the 4th EU Directive on Money Laundering and Terrorist Financing and the FATF evaluation. Also assess the capacity (size and skills) of AMLCU to undertake this work and give consideration to whether it might be better placed elsewhere.
- Work with IT to complete the development of a new database and develop an online authorisation application system for Trust or Company Service Providers.

Drugs and Organised Crime

Key immediate issues:

- **High level Anti- Corruption Summit, hosted by the UK Prime Minister, is to take place in London next week (12th May).** An invite to the Summit issued to An Taoiseach but representation has yet to be finalised.

Key medium/long term issues:

- With regard to **international corruption evaluations**, Ireland is a party to a number of international agreements, including the Council of Europe's Group of States against Corruption, the United Nations Convention against Corruption and the OECD Convention on Combating Bribery of Public Officials in International Business Transactions and is subject to the evaluation processes associated with these conventions. In the coming 6 months Ireland will be subject to ongoing monitoring with regard to outstanding recommendations under the OECD Convention.
- The **Cross Border Seminar on Organised Crime** is jointly hosted each year by this Department and the Department of Justice Northern Ireland. The location of the seminar alternates North-South each year. The purpose of the seminar is to enhance cooperation between law enforcement agencies on both sides of the border particularly in relation to cross border organised criminality and related issues. The Seminar will be held in Northern Ireland this year on [REDACTED]
- A National Steering Committee, under the auspices of Health, has been established to develop a new **National Drugs Strategy** for the period post 2016. The Department and a number of its agencies are represented on the Committee and its associated focus groups. A range of complex issues with potential implications for the criminal justice system are under discussion in this forum including issues such as drug debt intimidation, drug law enforcement and 'decriminalisation'.
- While relevant legislation with regard to drugs control (Misuse of Drugs Acts) come under the remit of the Department of Health and amendments to that legislation are primarily a matter for that Department, there is currently debate on whether an alternative approach to the current criminal law approach set out

in those Acts with regard to the possession of small quantities of illegal drugs for personal use should be considered. The issue is live at this time due to shifts in approaches in a number of states globally and against the background of the recent UN General Assembly's Special Session on global drugs policy held in April. In addition, in November last the outgoing Oireachtas Joint Committee on Justice, Defence and Equality published its "Report on a Harm Reduction and Rehabilitative approach to possession of small amounts of illegal drugs" which, while calling for the possession of drugs for personal use to be continued to be considered prohibited behaviour, recommends that in future it should be dealt with in an alternative manner by way of a civil/administrative response rather than being managed via the criminal justice route.

- Since 1997 an EU mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised and serious crime is in existence. The 7th round of these mutual evaluations commenced in 2014 and is on the topic of Prevention and combating of Cybercrime. The on site visit for Ireland's evaluation is due to take place in June 2016.
- A comprehensive review of the Proceeds of Crime legislation with a view to identifying possible improvements which would serve to strengthen the operation of the Criminal Assets Bureau is ongoing. Further to that work, a broader review of proceeds of crime legislation is also underway which will examine the recommendations contained in the Mahon Planning Tribunal Report concerning asset recovery and confiscation, and which will also take account of the 2014 EU Directive on the freezing and confiscation of proceeds of crime in the European Union.

MUTUAL ASSISTANCE & EXTRADITION DIVISION

Key immediate issues:

- **Mutual Legal Assistance (MLA) Unit under strain**

The Mutual Assistance & Extradition Division is an operational unit dealing with the execution of European Arrest Warrants (EAW), extradition and mutual legal assistance requests. The MLA Section, in particular, is under operational strain and the processing time for execution of requests is getting longer. The situation has the potential to become critical in the course of the year.

Key medium/long term issues:

- **Requests for evidence held by Internet Service Providers (ISPs)**

A feature of mutual legal assistance is the increasing volume of requests received for specified evidential material held by ISPs, a disproportionate number of which are based in Ireland. The ongoing migration of data by ISPs to Ireland (and the building of new server plants) will have significant resource implications across the criminal justice sector. The Department and other agencies need to prepare for this.

- **Review of international criminal cooperation arrangements**

A review is currently underway (under the auspices of the Strategic Committee on Criminal Justice) to consider whether current arrangements in place in relation to international criminal cooperation are appropriate to our needs and, if not, what changes should be considered. It is envisaged that the review will be completed by July 2016. While very early in the process, it is possible that the group may recommend significant changes, especially in relation to mutual legal assistance

- **European arrest warrants (EAW)/extradition**

The Minister (as Central Authority) has a quasi-judicial role as regards the EAW (determining whether a warrant is fit for application for endorsement in the High Court, anticipating points of objection, reverting to foreign judicial authorities etc). A review carried out in relation to European arrest warrant and extradition

legislation (final quarter 2015) identified a large number of amendments required, some urgently. Crime and Security Directorate is pursuing the matter with Criminal Law Reform.

- **European Investigation Order (EIO)**

At a policy level, a decision on Irish participation in the European Investigation Order is required – however, it may be advisable to postpone consideration of the matter pending the outcome of the review above. As it stands, Ireland and Denmark will be the only MS not participating. The EIO, which replaces MLA within the EU from 2017, raises a number of complex and sensitive issues. There are legal/operational issues and there are institutional issues (who will be the executing authority, the future role of the Minister).

Anti-Human Trafficking Unit

The Anti-Human Trafficking Unit (AHTU) has primary responsibility for the co-ordination and development (in conjunction with other Governmental, Non-Governmental and International organisations) of the Government's response to human trafficking. Reporting and evaluation obligations exist with the EU, UN, ILO, OSCE, Council of Europe and US.

Key immediate issues :

- **Second National Action Plan to Prevent and Combat Human Trafficking in Ireland** – A second National Action Plan, setting out Ireland's anti human trafficking strategy for the coming years has been drafted and is due for publication in early 2016. The Plan has been developed in co-operation and consultation with our national and international partners and has regard to our commitments under international instruments and developments at EU and Council of Europe level on Human Trafficking. In the coming weeks it is intended to request Ministerial approval to circulate a draft Memorandum for Government to Departments for observations seeking approval to publish the Plan.
- **GRETA Evaluation** - In 2016 Ireland will be the subject of an in-depth evaluation by a Council of Europe Group of Experts on Trafficking (GRETA). This is the 2nd round of GRETA evaluations of Ireland's implementation of the *Council of Europe Convention on Action Against Trafficking in Human Beings*. This process commenced in early 2016 with the receipt of a comprehensive questionnaire which is due to be submitted in June 2016. This will be followed by a country visit by the experts in late 2016.
- **US Trafficking in Persons (TIPs) Report** - The US Congress, through the US Trafficking Victims Protection Act (TVPA), as amended, requires the Secretary of State to submit an Annual Report to Congress assessing the actions of countries around the world in the fight against modern day slavery. Ireland has obtained a Tier 1 (top range) rating for our efforts in addressing human trafficking in the past year. We also received a Tier 1 rating for the past six years. The 2016 TIPs report is due to be published by the US State Department in June.
- **New Identification of Victims Process** – One of the commitments in the 2nd National Action Plan is to conduct a fundamental examination of procedures for the identification of victims of trafficking and the development of an effective victim identification procedure is the first priority of the new National Action Plan. This issue has a particular urgency in relation to persons who claim to have been trafficked for the purpose of forced criminal activity, most notably in cannabis grow houses. A recent High Court Judgment in a cannabis grow house case, *P v C/Supt GNIB and ors.*, found that there were shortcomings in the procedures and guidelines for identification of victims of human trafficking where the potential victim is suspected of involvement in criminal offences, in that case cannabis cultivation. AHTU, in cooperation with An Garda Síochána are currently drafting *Interim Guidelines for the Identification of Victims of Human Trafficking where the potential victims are suspected of involvement in Criminal Offences*.
- **Human Trafficking – Cannabis Grow-house cases**. There are a number of cases coming before the Courts where persons charged with cultivation and possession of large amounts of illegal drugs in 'Cannabis Grow Houses' are asserting that they are victims of human trafficking and should not be

charged with these offences. The relevant international obligation provides only that prosecuting authorities have the capacity not to prosecute such victims and this is provided for in DPP guidelines. While a ruling in one case found that the person was not a victim of human trafficking, similar cases are expected to come before the Courts. In 2013, An Garda Síochána established Operation Fulcrum to ensure that in any case where a person is discovered in cannabis grow-houses, the issue of whether or not the person is a victim of human trafficking is explored. A number of cases are currently under review in this regard.

Consultative Structures –Five interdisciplinary Working Groups (WGs) were established to implement the 1st National Action Plan. In light of the impending publication of the new Action Plan it is intended to revisit these consultative structures with a view to reactivating the WGs to implement the new Plan.

Key medium/long term issues:

A number of issues in relation to funding will need to be addressed over the coming year. They include:

- An examination of our current funding allocation and methodology
- Further development and enhancement of effective evaluation and governance arrangements in relation to the funding of NGOs
- Funding of the Santa Marta North Atlantic Fisheries Project (an alliance of international Police Chiefs and Bishops from around the world working to eradicate human trafficking and modern day slavery)
- Further utilisation of the Dormant Accounts Funding.

Other issues to be considered in 2016 include:

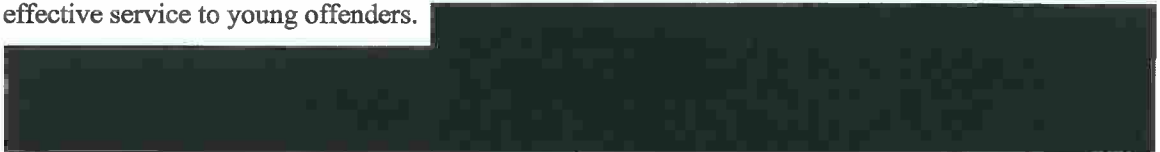
- Impact of the International Protection Act 2015, particularly for non EEA nationals claiming to be victims of human trafficking
- Establishment of a National Rapporteur or equivalent review mechanism
- Policy issues in relation to legislation to create an offence of forced marriage
- Services for victims of human trafficking, including RIA accommodation, legal advice and other supports
- Impact of the Criminal Law (Sexual Offences) Bill, if reintroduced.

Irish Youth Justice Service (IYJS) - Youth Crime Policy and Programmes Division

Key important issues:

- **Progress the implementation of the Garda Inspectorate Report recommendation that a co-located and fully integrated youth offender service be developed.**

The question of a co-located and fully integrated youth offender service was raised by the Garda Inspectorate in its “Crime Investigation Report” in 2014. The Inspectorate was of the view that bringing the right agencies together in a co-located team would provide a more co-ordinated and effective service to young offenders.



The IYJS is currently co-located with the Department of Children and Youth Affairs.

- **Support the statutory Garda Youth Diversion Programme by effectively managing the Garda Youth Diversion Project network.**

The Youth Crime Policy and Programmes Division manages the network of GYDP providers ensuring that each fulfils its obligations in support of the statutory based Diversion Programme within allocated budgets and resources. The 110 community based Garda Youth Diversion Projects (GYDPs) target early interventions to address those young persons at risk of offending behaviour. Over €11.4m has been allocated to the GYDPs for 2016. The Division also provides funding to a number of Local Drugs Task Force projects which have been mainstreamed alongside the GYDP service.

- **Support the Probation Service to utilise non-custodial interventions for young offenders by funding the operation of Young Persons Probation Projects.**

Young Persons Probation (YPP) is a division of the Probation Service with specialised resources to work with young people aged 12 to 18 who come before the courts. Nearly €5 million will be allocated to YPP Projects in 2016. The Youth Crime Policy and Programmes Division funds the YPP projects which are managed by the YPP service.

- **Effectively manage the monitoring and reporting requirements of funding support provided under the European Social Fund and Dormant Accounts Fund.**

The GYDPs and a number of the YPP projects are co-funded under the Programme for Employability, Inclusion and Learning (PEIL) of the European Social Fund Programme 2014-2020. EU receipts totalling some €6m are anticipated in respect of expenditure in 2015.

Dormant Accounts funding has also been secured under the Dormant Accounts Disbursement Scheme 2013 – 2016 to support the establishment of new GYDPs, the recruitment of additional youth justice workers, the establishment of a pilot mentoring initiative and to take forward other youth crime reduction initiatives. A refund from the Dormant Accounts Fund of at least €2.8m is anticipated in respect of expenditure in 2016. The approval of the Minister for the Environment, Community and Local Government is awaited in respect of a request for an additional €1.7m in funding for 2016.

Key medium/long term issues

- **Oversee and drive the implementation of the “Tackling Youth Crime – Youth Justice Action Plan 2014-2018”.**

The Youth Justice Action Plan 2014 – 2018 was launched by the Minister for Justice and Equality and the Minister for Children and Youth Affairs in February 2014. The focus of the Action Plan is to continue the downward trend in high volume crime, including persistent and prolific crime by young offenders, and reduce the necessity for detention for children by developing interventions in the youth justice system. Interventions developed will prioritise resources on the basis of available evidence, research studies, tracking of levels of recidivism and the experience of children involved in the youth justice system. In this regard, the question of undertaking a prevalence study to evidence whether the features found in the “Greentown Study”, which gave rise to significantly increased risk of youth offending are present elsewhere in Ireland, is currently under consideration by a Sub-Group of the Strategic Committee on Criminal Justice. The Greentown Study found that there was a criminal network operating in Greentown (an actual Garda Sub-District outside Dublin) during the period 2010-2011. The study further found plausible evidence that this network encouraged and compelled children into significantly elevated levels of offending.

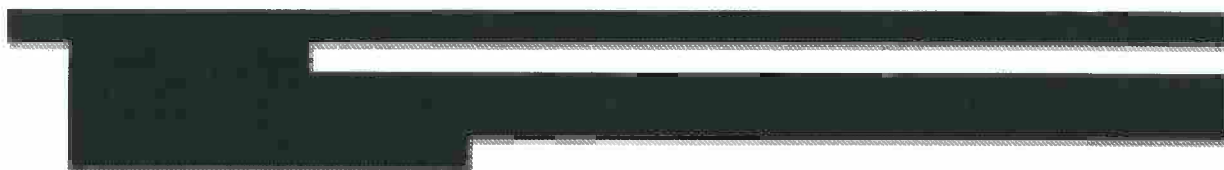
Following the decision to co-locate the IYJS with the Department of Children and Youth Affairs, IYJS staff, including key specialist staff, were absorbed into that Department.

- **Maintain the focus on quality services provision to challenge and divert young people from offending behaviour by providing improved targeted responses with effective interventions.**
The IYJS and An Garda Síochána have approved the use of an internationally recognised assessment tool (YLS/CMI 2.0) designed to assess the risk of recidivism in young people and to develop a case management plan on the basis of the specific risks and identified needs of the individual. The use of this tool means that interventions for the young people referred to the GYDP can be tailored appropriately and lead to more positive outcomes. All Youth Justice Workers have been trained in the use of the tool which has been rolled out for use in all GYDPs in 2016.

Consideration is also being given to moving to a model of service delivery based on the needs of Garda Divisions. A pilot, undertaken in the Kerry Garda Division, facilitated a service delivery across the full division/county as opposed to the traditional GYDP catchment areas. It is reported that this has enabled the service provider KDYS in partnership with Kerry Divisional Gardaí to reach over 100 young people so far who would not have otherwise received support from trained Youth Justice Workers. Subsequently, a new service delivery model 'Kerry Empowering Youth' was launched by the Minister for Justice and Equality on 14th May 2015.

Security & Northern Ireland Division

Key immediate issues



- **Renewal of existing legislative provisions**
Certain provisions of the Offences Against the State (Amendment) Act 1998 and Section 8 of the Criminal Justice (Amendment) Act 2009 (certain organised crime offences to be heard in the Special Criminal Court) will continue in force until 30 June 2016. Resolutions passed by the Oireachtas will be required before the end of June if the provisions are not to fall. These provisions are considered essential by the Garda authorities.
- **Resources for development of capabilities to counter international terrorism**
Additional resources are needed by the Garda and the immigration authorities to enhance the capacity to prevent and to respond to threats from international terrorism given the evolving nature of that threat, the requirements of the EU-level response and developing requirements in respect of immigration security.
- **Nomination of Members of the Private Security Appeal Board (PSAB)**
The current PSAB is inquorate and cannot now hear appeals for refusal of a private security licence by the Private Security Authority. The Board's term of office expired on 2 April 2016 and a new Board will need to be appointed.
- **Appointment of Vetting Appeals Officers**
The National Vetting Bureau Act 2012 commenced on 29th April 2016. Appeals officers must be appointed in order to hear appeals in respect of the proposed release of specified information in any vetting request.

Key medium/long term issues

- **Retained Communications Data**

The Communications (Retention of Data) Act 2011 on law-enforcement access to telecommunications and internet meta-data (not content) is being reviewed in light of a European Court of Justice decision in 2014. The Act is subject to a number of challenges in the High Court, constitutional and in the context of criminal proceedings. Separately, an independent review is being carried out by former Judge John Murray into matters relating to privacy and access to journalists' phone records. In the near medium-term consideration will need to be given to potential changes to the legislation.

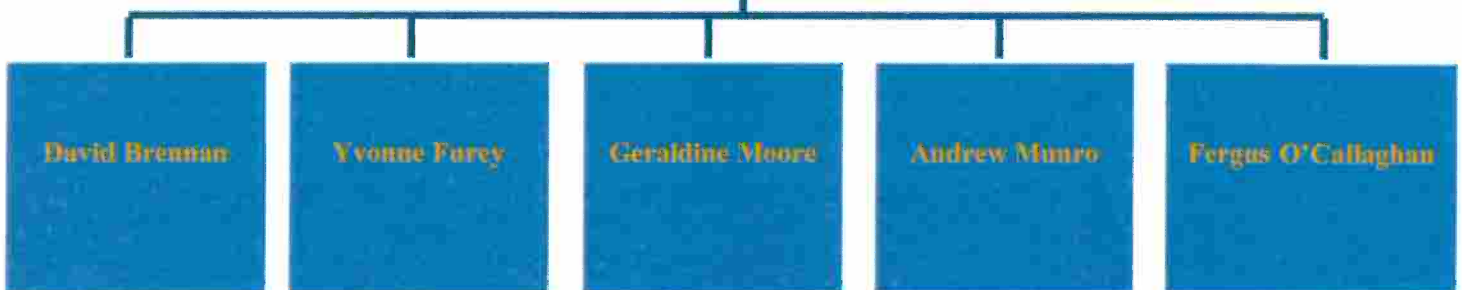
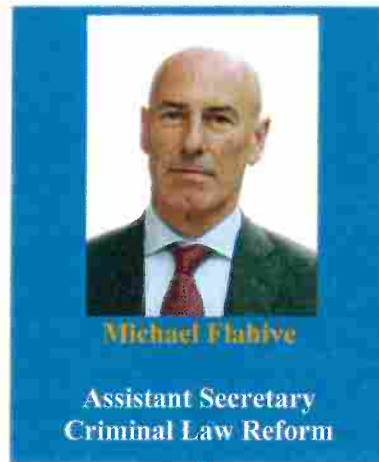
- **North-South Police Co-operation**

Operational policing co-operation is the responsibility of the Garda Commissioner and PSNI Chief Constable and their officers and is supported by the two Justice Departments. Co-operation between the Gardaí and their NI counterparts remains close and productive. Close contact is maintained at a number of levels and across the range of police work. The two police services operate a joint Cross-Border Policing Strategy that covers the full range of policing functions, including cross-border investigations and operations; intelligence-sharing and security; information and communications technology; and emergency planning. It was drawn up in 2010. A revised strategy has been agreed between the two services and it should be signed and launched at an early opportunity.

- **Supporting EU and International efforts to counter terrorism**

The Division has responsibility for the management of a number of EU files and servicing EU Working Groups including the Standing Committee on Operational Cooperation on Internal Security (COSI) and the Terrorism Working Party (TWP). The Division provides Ireland's representation at the Council of Europe's Committee for Terrorism Experts. The significantly increased threat from terrorism to Europe related to instability in the Middle East and North Africa and the potential threat from 'foreign fighters' returning to Europe remains a major source of concern at EU level. There is a significant and sustained increase in business activity related to this area for this Division which cannot be addressed within current capacities.

Criminal Law Reform



Responsibilities

Michael Flahive is assigned responsibility at Assistant Secretary level for:

- advising the Minister and Government on policy development in the area of criminal law reform;
- drawing up legislative proposals for approval by Government;
- keeping criminal law under review to identify potential reforms for consideration by Government; engaging in and promoting research and assessing reports and submissions from advisory and research bodies, most notably the Law Reform Commission.

Criminal Law Reform Division

Key immediate issues:

- **Restore Bills to Dáil order paper**

There were two Bills from this Division which lapsed on the dissolution of the Dáil, and which should be restored to the order paper of the Dáil and progressed to enactment. These are the:

- **Criminal Law (Sexual Offences) Bill**

This Bill, which has been passed by the Seanad, includes wide-ranging provisions to enhance the protection of children from sexual abuse and exploitation. It also criminalises the purchase of the sexual services of prostitutes. It implements the recommendations of a number of Oireachtas Committees and has broad cross-party support.

➤ **Criminal Justice (Offences relating to Information Systems) Bill**

This Bill, published in January 2016, will give effect to an EU Directive. It is overdue, as the deadline for transposition into Irish law was September 2015. It creates new offences such as unauthorised accessing of information systems, interference with information systems, interception of transmission of data to or from information systems, and the use of tools such as computer programmes to facilitate the commission of such offences. More serious offences could result in imprisonment for up to 10 years.

• **Bill to amend Section 99 (Power to suspend sentence) of the Criminal Justice Act 2006**

In a High Court judgment delivered on 19 April last, in relation to a number of Judicial Review cases challenging provisions of Section 99 (Power to suspend sentence) of the Criminal Justice Act 2006, Judge Moriarty found the subsections under review to be viewed as unconstitutional. Section 99 deals with the power to suspend prison sentences and the manner in which such suspension may be revoked and the sentence activated. The judicial reviews focused mainly on an alleged lack of appeal against a second conviction which triggers the activation of a suspended sentence imposed in respect of a first conviction.

As the scope of the judgment is not quite clear and the question of whether the finding of unconstitutionality is limited to the case in question rather than of more general application has been raised, Judge Moriarty has agreed to consider written submissions from Counsel and will decide the matter finally on the last day of term (12 May).

Section 99, which enshrined in statute the power to suspend sentences for the very first time, had a very positive impact when introduced in 2006 by ensuring that suspended sentences would be served in the event that a subsequent "triggering" offence was committed. However, Section 99 has given rise to both operational difficulties and problems of interpretation and draft amendments to section 99 had therefore been prepared and approved by Cabinet for inclusion in the Criminal Procedure Bill 2015 which was published in June 2015 and is with the OPC for drafting.

Work has begun on proposals to effectively extract those amendments from the Criminal Procedure Bill and put them into a stand-alone Bill to address the issue of appeal which has given rise to the judgment in question. However, the amendments cannot be finalised until clarification has been received as to the scope of the judgment on May 12.

• **Draft General Schemes of Bills urgently required by EU obligations**

Three General Schemes of Bills must be drafted urgently to meet upcoming EU deadlines. These are the:

- Criminal Justice (Counterfeiting) Bill [EU Directive - deadline for transposition May 2016]
- Criminal Justice (Freezing and Confiscation) Bill [EU Directive – deadline for transposition October 2016]
- Criminal Justice (Money Laundering & Terrorist Financing) Bill [EU Directive – deadline for transposition July 2017 but ECOFIN has urged transposition by December 2016].

• **Draft Bill to amend the Commissions of Investigation Act**

It seems likely that there will be pressure to draft the General Scheme of a Bill to expand the powers of the IBRC Commission of Investigation, headed by Judge Cregan. Judge Cregan issued a report last November which claimed that the Commission needed greater powers to be able to gain access to banking and stock exchange documentation, in the absence of which it would not be able to do its work. Although it would be a Justice Bill, the Attorney General's Office has drawn up heads of a Bill, in consultation with this Department and the Department of the Taoiseach (which deals with the IBRC Commission), and these were circulated by the Department of the Taoiseach to the leaders of the Opposition, who broadly support the proposals. However, the finalisation of the proposals will raise difficulties, which have already been flagged up, as any purported addition to the powers of the IBRC Commission has potentially adverse implications for other existing and future Commissions.

- **Finalise and publish Bills urgently required by EU or international obligations**

There are seven Bills being drafted in the Office of the Parliamentary Counsel which are to implement EU requirements or other requirements of international law. These are as follows:

- Criminal Justice (Victims of Crime) Bill [EU Directive - deadline for transposition expired]
- Criminal Justice (Corruption Bill) [OECD Convention - no deadline, but failure to publish and enact will result in adverse OECD evaluation]
- Criminal Justice (Mutual Recognition of Decisions on Supervision Measures) Bill [EU Framework Decision - deadline for transposition expired]
- Criminal Justice (Mutual Recognition of Probation Judgements and Decisions) Bill [EU Framework Decision - deadline for transposition expired]
- Criminal Records Information System Bill [EU Framework Decision/Council Decision - deadline expired, but new Directive being negotiated which will amend the Framework Decision and repeal the Council Decision]
- Transfer of Sentenced Persons and Transfer of Execution of Sentences Bill [EU Framework Decision - deadline expired]
- Criminal Procedure Bill [no deadline, but forms part of Action Plan to address Council of Europe concerns following McFarlane case where there were lengthy delays in a prosecution].

Key medium/long term issues:

Bills/General Schemes

There are a number of other Bills and General Schemes being prepared which are important, but which do not have the deadlines which apply to the measures outlined above.

The Bills are the:

- Bail Bill
- Criminal Justice (Community Sanctions) Bill
- Criminal Justice (Miscellaneous Provisions) Bill.

The General Schemes are the:

- Sex Offenders (Amendment) Bill
- Criminal Justice (Sentencing and Parole) Bill
- Non-Fatal Offences against the Person (Amendment) Bill [target of Q4 2017 under published second national strategy on domestic, sexual and gender-based violence]
- Inspection of Places of Detention Bill
- Cybercrime Bill
- European Arrest Warrant Act (Amendment) Bill
- Proceeds of Crime (Amendment) Bill.

Upcoming court judgements

There are some court judgements awaited which could give rise to a need for a legislative response or which could impact on the application of the criminal law, such as:

- **Judgment of Supreme Court in DPP v Maher**

A Supreme Court judgment is awaited clarifying the penalty for indecent assault for offences committed between 1981 and 1990. The penalty was understood to be 10 years but the Court of Appeal, based on historical differences between the penalty for an indecent assault against a male as opposed to a female, determined in DPP v Maher determined that it was 2 years. The State appealed that decision to the Supreme Court and a strong argument was put forward that the correct penalty is, in fact, one of up to 10 years imprisonment. The Supreme Court judgment is awaited. There is, of course, the possibility that the Supreme Court will uphold the decision of the Court of Appeal. This would mean that any persons who are in the future prosecuted for an offence of indecent assault committed during the period 1981 to 1990 will face a maximum sentence of 2 years. In terms of retrospective application, any persons convicted and whose case has been fully and finally determined, cannot rely on the judgment of the Court of Appeal. However, any prosecutions which have not been finally determined, which for instance are subject to ongoing appeal, would benefit from the lower penalty. Currently, there are a small number of challenges (3 in total) which are seeking to rely on the Court of Appeal decision in Maher.

- **Constitutional challenge to section 27A (Possession of firearm or ammunition in suspicious circumstances) of the Firearms Act 1964**

Judgment in this High Court case (*Wayne Ellis v the Minister for Justice and Equality, Ireland and the Attorney General*) which challenges the constitutionality of minimum mandatory sentence provisions for firearms offences, in particular section 27A(8) of the 1964 Firearms Act which deals with second or subsequent firearms offences, is due to be delivered on 9 May 2016. The Plaintiff, who had two previous convictions for firearms offences, received a 5 year suspended sentence from the Dublin Circuit Criminal Court in May 2014. However, the 1964 Act provides for mandatory minimum sentences of at least 5 years, with the possibility of up to 14 years, for repeat firearms convictions. The DPP has appealed the sentence on grounds of undue leniency and this appeal is due to be heard on 11 May.

It should be noted that a in Court of Appeal decision (*Director of Prosecutions v. Prenderville* [2015] IECCA 33), which was delivered since the date of sentencing and before the application of the DPP to appeal the sentence, the Court held that the express wording in s.27A(8) of the 1964 Act that "*a term of imprisonment of not less than 5 years as the minimum term of imprisonment to be served*" must be read in its plain and ordinary meaning as requiring that a minimum of 5 years imprisonment must actually be served.

The Law Reform Commission examined the issue of mandatory minimum sentences for second or subsequent offences in its report of June 2013 and found that these sentencing regimes are inconsistent with the fundamental principles of justice and the principles of consistency and proportionality in sentencing and that they appear to create a risk of disproportionate sentencing in restricting the ability of the courts to take account of the individual circumstances of each offender. The Commission recommended the repeal of a number of mandatory minimum sentences, including subsection 27A(8) of the Firearms Act 1964 (being challenged here), and that the use of mandatory minimum sentencing regimes should not be extended to other forms of repeat offending. The review Group on penal policy made a similar recommendation in July 2014. The Commission also recommended that a more structured, guidance-based sentencing system would provide an appropriate alternative to these provisions. The recommendations of the Commission in relation to sentencing guidelines are being examined in the context of a Criminal Justice (Sentencing and Parole Board) Bill.

- **Constitutional challenge to Section 27 (Provisions relating to minimum sentences) Firearms Act, 1964**

Judicial review proceedings were instituted in 2015 (*Keith Doyle v The Minister for Justice, The Governor of the Training Unit, Mountjoy Prison, The Irish Prison Service, Ireland and the AG*) seeking an order declaring s. 27C of the Firearms Act, 1964, to be unconstitutional.

Mr. Doyle wished to apply for temporary release but was prevented from doing so as s.27C of the Firearms Act, 1974 (inserted by s.61 of the Criminal Justice Act, 2006) prohibits persons serving minimum sentences under the Firearms Acts from being granted temporary release "unless for grave reason of a humanitarian nature" (this restriction also applies to some other firearms and drug offences).

In written judgments on 30 July 2015 and 20 November 2015 Kearns P. refused the reliefs sought. The Applicant is now seeking to appeal the decision and the matter is listed on 27 May to be allocated a hearing date before the end of June. It might be noted that the report of the Strategic Review of Penal Policy recommended that the prohibition on temporary release for persons sentenced to presumptive minimum sentences for a drugs or firearms offence should be repealed.

International Policy & Prisons and Probation Policy



Responsibilities

Jimmy Martin is assigned responsibility at Assistant Secretary level for:

International Policy:

- coordinating and monitoring the Department's European and international business, particularly cross cutting issues which may involve a number of divisions and departments - this work is carried out by dedicated offices in Dublin, Brussels and Strasbourg;
- providing supports for both the Minister and the Department in discharging our EU and Council of Europe responsibilities and in communicating and representing Ireland's interests at the Justice and Home Affairs Council and other high level fora; and,

Prisons and Probation Policy:

- the strategic review of penal policy and driving the implementation of the recommendations on penal reform of the Penal Policy Review Group;
- working with the Irish Prison Service and the Probation Service to achieve a reduction in re-offending through the rehabilitation and reintegration of offenders
- provision of advice to the Minister on penal matters and responsibility for Ministerial appointments to Prison and Probation related bodies;
- progression of matters relating to the work of Coroners and the Office of the State Pathologist and the implementation of the ExGratia Scheme for the benefit of those women who were admitted to and worked in the Magdalen Laundries.

Key immediate issues:

- **Justice and Home Affairs Councils**

During each 6 month Presidency, there is normally one Informal Justice and Home Affairs Council (JHA) held in the capital city of the Presidency, one formal Council held in Brussels and one formal Council held in Luxembourg.

The current Dutch Presidency has held its informal Council in January and scheduled five more Councils during its term, given the urgency of the refugee crisis. The next Council will be held in Brussels on 20th May. The final JHA Council of the Dutch Presidency will take place on 9th and 10th of June in Luxembourg.

Slovakia takes over the rotating Presidency on 1st July and has scheduled its informal JHA Council for Bratislava on 6-8 July. Slovakia intends to hold four formal Councils before the end of 2016.

- **Refugee Crisis**

The second half of 2015 saw unprecedented numbers of people entering the European Union irregularly. At the peak in October 2015, over 200,000 people arrived in Greece in just one month. At the end of February 2016, there were approximately 19,000 arrivals of migrants to Greece from Turkey each week and this is expected to increase as the weather improves.

On 19th February, Austria announced changes to its border management policy by setting daily quotas for asylum applicants transiting through Austria to Germany and Sweden. Tighter border controls along the Western Balkan Route, including the closure of the Greece-FYROM border, is likely to result in migrants becoming increasingly stranded along the route but most particularly in Greece. This may give rise to a very serious humanitarian situation in Greece in the coming weeks. The Commission is urgently stepping up its work on a contingency plan for Greece to cater for a further deterioration of the situation.

In 2015, the Commission announced three packages of measures to address this problem. In May 2015, the first implementation package from the EU Commission contained proposals for Council Decisions on Resettlement and Relocation, as well as proposals to strengthen Frontex and the EU Response to people smuggling. The second package in September included a further proposal on relocation, a proposal for a regulation on a common list of safe countries of origin, a proposal to amend the Dublin Regulation to provide for a permanent crisis relocation mechanism and the outline of a European Returns Programme. In December 2015, the European Commission presented their third package of measures since May 2015. These measures focused on integrated border management and reinforcement of Schengen's external borders and included a proposal for a European Border and Coast Guard (building on the existing Schengen border agency Frontex) and Systematic Checks at Schengen's External Borders.

The continuously high numbers of flow of migrants from Turkey point again to the need for Turkish authorities to intensify their efforts to reduce irregular border crossings. A further Summit with Turkey took place on 7th March 2016. An agreement was reached designed to stem the flow of migrants to the Greek islands in exchange for other concessions. Turkey is intervening to stop the boats leaving its shores and Greece is to return all new arrivals to Turkey who do not claim asylum. For all Syrians returned to Turkey by Greece, the EU has agreed to resettle up to 72,000 Syrians directly from Turkish refugee camps.

- **Terrorism**

The EU firmly believes in eradicating terrorism at its source. Therefore, preventing terrorist attacks by addressing and stopping terrorist radicalisation and recruitment is a priority for the EU, as outlined in the EU Internal Security Strategy. Following the "Charlie Hebdo" incident in January 2015 and the Paris attacks in November 2015, Islamist terrorism by ISIS and other terrorist groups is once again a top priority for the EU. Returning foreign terrorist fighters from Syria and other war zones pose a heightened security threat to all EU Member States. Foreign terrorist fighters have been linked to several recent attacks or plots,

including the attacks in Paris in November 2015. In March 2016, two further attacks took place in Brussels Airport and in the Brussels Metro. The European Union and its Member States are facing increased threats from individuals inspired or instructed by terrorist groups abroad but who remain within Europe. In December 2015, the Commission issued a proposal for a Directive on combating terrorism and replacing a previous framework decision. The proposal closes criminal enforcement gaps in the EU legal framework. The Directive also provides for common definitions of terrorist offences ensuring a common response to the phenomenon of foreign terrorist fighters, so enhancing the deterrent effect across the EU and ensuring that perpetrators are effectively sanctioned. The new Directive overhauls the EU's existing legal framework on the criminalisation of offences linked to terrorist activities. It implements into EU law international obligations, such as the provisions of the UN Security Council Resolution 2178(2014) on Foreign Terrorist Fighters, the recently adopted Additional Protocol to the Council of Europe Convention on the Prevention of terrorism and the Financial Action Task Force Recommendations on terrorist financing.

The proposed Directive criminalises travelling for terrorist purposes, the funding, organisation and facilitation of such travels, training for terrorist purposes and providing funding that leads to the committing of terrorist offences.

Key medium/long term issues:

- At an EU level, it is expected that terrorism and migration will continue to be the two main challenges in the medium/long term.

Prisons & Probation Policy

Key immediate issues:

- **Closure of St. Patrick's Institution**

The Criminal Justice Act 1960, which gave St Patricks Institution its statutory title, made provision for the sentencing of offenders aged 16 to 20 years to detention in that Institution.

The Government decided in 2013 to completely close St Patricks.

- Responsibility for 16 year old boys remanded in custody or sentenced to detention has transferred from the Irish Prison Service to the children detention schools at Oberstown.
- All sentenced 17 year old males have been transferred to a dedicated unit in Wheatfield Place of Detention as an interim measure until they can be accommodated in the new facilities being developed at Oberstown.
- 18-20 year old males sentenced to detention have been transferred to a separate dedicated unit in Wheatfield.

Legislation is in place to facilitate the complete closing of St Patrick's and a submission will be made to the Minister shortly in relation to this matter.

Key medium/long term issues:

- **Implementation of the Penal Policy Review Group Recommendations**

The Penal Policy Review Group was established in 2012 and reported to the Minister for Justice and Equality in July 2014. The report contains 43 recommendations and sets out the adoption of a penal policy with the dual purposes of punishment and rehabilitation both in the imposition and management of criminal sanctions.

Progress to date

The Review Group report was submitted to Government on 4 November, 2014. As an initial step, the Government agreed, in principle, to proceed immediately with the implementation of the following key recommendations:

- bringing forward legislative proposals to establish the Parole Board on an independent statutory basis;
- preparing proposals and options for Government on reform of sentencing policy including a review of the threshold at which presumptive minimum sentences in drugs and other offences apply;
- preparing proposals for Government on legislating for the review's recommendation that Courts set out in writing their reasons for imposing a custodial sentence;
- preparing proposals on the potential for increased use of earned remission; and
- pursuing options for an open prison for female offenders.

Work is underway to progress the implementation of these decisions.

A Penal Policy Implementation Oversight Group (IOG) has been established and is chaired by Dr. Mary Rogan, Head of Law at Dublin Institute of Technology. The IOG will report to the Minister every six months on the progress made in implementing the recommendations made by the Penal Policy Review Group.

- **Interdepartmental and Interagency Co-operation**

One of the overarching findings of the Review Group is that crime is a question of social as well as penal policy. The assistance of all Government Departments and agencies is required to facilitate and support the formulation of penal policy. All the relevant Departments/Agencies have been written to, to bring the Review Group recommendations to their attention and to ask for their assistance with the work of the IOG. A Workshop on Interdepartmental and Interagency Co-operation was held on 8th February 2016 in the Department of Justice and Equality. A submission will be made to the Management Board in the coming weeks on how this recommendation might be progressed.

Coroners:

- **Dublin Coroner Replacement**

The current Dublin Coroner, Dr. Brian Farrell, is due to retire in June this year.



Irish Naturalisation and Immigration Service (INIS)



Responsibilities

Michael Kirrane is assigned responsibility as Acting Director General of INIS for:

- the ongoing development, leadership and implementation of policies and strategies relating to immigration (including visas), international protection and citizenship;
- advising the Minister and Government on policy development in the immigration area;
- regular review and refinement of such policies and strategies having regard to ongoing developments in Ireland, within the European Union and the International arena.

The Irish Naturalisation and Immigration Service (INIS) is a non-statutory body attached to the Department with responsibility for the development of policy and implementation of immigration related matters for the State. In addition, there are two statutory independent bodies, the Office of the Refugee Application Commissioner (ORAC) and the Refugee Applications Tribunal (RAT) who deal with first instance examination of applications for asylum and appeals of these decisions.

INIS and its related bodies as outlined above have a staff level of around 545.5 Full Time Equivalents. Its overall expenditure budget for 2016 is €131m of which €69m comprises of the cost of supporting the Direct Provision system, €34 m in pay and the balance on a range of non-pay costs including legal costs, costs associated with deportations, etc. In addition, income of over €40m is generated from a range of fees including fees for citizenship, visas and registration fees for non-EEA persons who are in the State for longer than 90 days. INIS works closely with the Garda National Immigration Bureau (GNIB) on a range of enforcement and related matters.

Key immediate issues:

- **International Protection Act 2015 – priority action areas:**

The International Protection Act was signed by the President on 30th December 2015. It introduces significant reform of the multilayered sequential protection process. With additional resources to address the significant number of cases in the current system, the intention is to commence the single application procedure as soon as possible this year taking into account the significant transitional arrangements needed to be put in place in advance of commencement. When successfully implemented and resourced it is aimed that a determination of the applicant's status can be made in approximately six months.

This is the single biggest change to the Protection system in the past 20 years and by reducing the time taken to process applications, this also reduces the time spent by applications in the Direct Provision system. Prior to implementation of the system it is necessary to process as many cases already in the system as possible to clear the way for the new system and not overburden it at the start. Various initiatives are being progressed including utilising a panel of legally qualified persons to deal with Leave to Remain cases as well as those in ORAC, etc.

The new procedure will see the establishment of the International Protection Office in the Department to replace the Office of the Refugee Applications Commissioner (ORAC) and the establishment of the Independent Protection Appeals Tribunal (IPAT) to replace the existing Refugee Appeals Tribunal (RAT).

The International Protection Act also includes provisions to assist in respect of the State's capacity to enforce deportation orders in certain circumstances where the subject of the order seeks to evade or frustrate their deportation. These provisions will improve the effectiveness of existing legislative provisions allowing for the arrest, detention and removal of non-nationals against whom a deportation order is in force and removal from the State of persons refused leave to land.

- **EU Migration Crisis**

The EU Migration Crisis is covered under the International Policy section of this brief (see page 54). Ireland's contribution to the response to the crisis is by way of our commitment to take in 4,000 refugees either by resettlement (taking them from refugee camps in the region) or relocation (voluntarily taking a share of the EU quota of 160,000 places for persons in need of protection to be transferred from Member States under pressure) – this is covered in more detail in this brief in the section 'Irish Refugee Protection Programme' (see page 19).

- **Implement the agreed measures taken at EU Council level to manage the ongoing migrant crisis**

As mentioned above, Ireland has agreed to accept up to 4,000 persons overall under the EU Relocation and Resettlement Programmes and has established the Irish Refugee Protection Programme (IRPP) for this purpose. A number of other proposals are currently under negotiation at EU level to address the crisis – these include a proposal for a permanent crisis relocation mechanism and a proposal for an EU list of safe countries of origin. A proposal for a Common European Asylum System (CEAS) including proposals for the revision to the Dublin III Regulation (Dublin IV) has been published by the Commission in April. The proposals represent major changes to the original Dublin Regulation which is a responsibility determining system, towards a burden sharing mechanism. There are diverse views by Member States on the proposals and Ireland would have significant difficulties with certain aspects. Ireland will continue to participate in this process at Working Party level, at Coreper and at JHA Council.

- **Enhancement of Border controls**

The control of the State's borders is kept under regular review to reflect current and emerging situations. During last year, there was a marked increase in asylum claims from certain nationalities coming from the UK to apply for asylum. A number of measures were put in place including specific Garda Immigration operations run at the land border with Northern Ireland and at the Ports.

The current emphasis is on working with the Garda authorities to monitor and respond to the evolving situation in France and the dismantling by the French authorities of the camp at Calais. Any impact this may have on illegal migrants seeking to come here via the port of Cherbourg to Irish Ports such as Rosslare and Dublin is being closely monitored and specific measures are being put in place.

A number of projects are also under way to utilise automated systems to assist in border security. This includes the implementation of Advance Passenger Information (API) systems and following on this, the introduction of Passenger Name Recognition (PNR) systems in accordance with the EU Directive soon to be ratified by the EU Parliament. The implementation of these systems dovetails with enhanced cooperation with the UK in the protection of the Common Travel Area (CTA), and as part of Ireland's continued participation in the US Visa Waiver Programme (US VWP). Details of specific proposals will be brought forward in the near future.

- **Common Travel Area Cooperation (CTA)**

Common Travel Area (CTA) cooperation is a high policy priority in both Ireland and the UK and has gained added impetus in the heightened security threat from foreign fighters and in the ongoing BREXIT debate. In December 2011, the then Minister and his UK counterpart agreed a joint Ministerial Statement on how to secure the external border of the CTA. The Statement committed both Governments to a joint programme of work to increase the security of the CTA. Leading on from the existing agreements a new 5 year plan for the period 2016 – 2020 has been agreed at official level and it will be submitted for approval to the Minister. The Minister may also wish to bring this matter to the attention of the Government. This and other measures are likely to form the basis of an early meeting between the Minister and the UK Home Secretary / Immigration Minister.

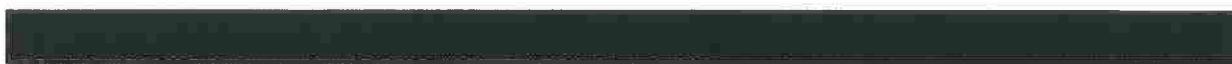
- **Measures to combat abuses of the system and significant legal cases.**

There is a range of measures in place to identify and address abuses in the immigration system. Recent trends in this area include:

- (a) EU Treaty Rights Visa cases

There has in particular been an exponential increase in such applications since the second quarter of 2015 and with it increasing concerns around potential abuse of the EU Directive in relation to such cases. The cases generally concern UK citizens who seek to use the Free Movement Directive to apply for a visa for a spouse / family member (usually from Pakistan, Afghanistan, Iraq, etc.). We have serious concerns regarding the potential abuse of Free Movement.

Mandamus proceedings are being taken in a number of cases seeking to force the State to process these cases.



- (b) Asylum cases.

We continue to monitor and report on the national asylum trends – the numbers claiming asylum in Ireland have increased significantly for the last two years, with a 126% increase in the number claiming asylum in 2015 compared to 2014. In processing asylum cases, there is no question that those genuinely seeking protection will always be processed in accordance with our international obligations. During the second half of 2015 in particular there was an exponential increase in the number of applications from Pakistani and Bangladeshi nationals, many of which have a previous UK immigration history. This matter has been raised at the highest levels between officials of the Department and the UK Home Office and at Ministerial level. A fall off in applications from Pakistani nationals has however been noted since the start of the year. That said, the overall application numbers to date this year is on a par with the 2015 level and the situation continues to be monitored.

(c) Marriages of convenience (sham marriages)

INIS has been working closely with the Garda National Immigration Bureau on investigations into such marriages through Operation Vantage which targets individuals suspected of such marriages and in particular those facilitating such activities and seeking financial gain as a result. There is significant cross agency cooperation with INIS, GNIB, Work Place Relations Commission (formally NERA), Department of Social Protection and the General Registration Office. It is considered that some of the increase in the number of 'in country' applications for residence under Free Movement law in 2015 results from such activities with overall numbers up by 70% last year to over 7,000 cases.

(d) Judicial Reviews:

A number of high profile judicial reviews are ongoing with potentially significant implications for the Department. These include seeking to prevent the enforcement of deportation orders, claims for damages in relation to delays in processing subsidiary protection applications and (as outlined at (a) above), challenges to the delay in making decisions on visas where there are ongoing investigations into suspected fraud.

Key medium/long term issues:

- **BREXIT Referendum.**

The outcome of the UK vote on BREXIT will clearly be very important for Ireland on many levels. In the area of migration a vote to exit the EU could call the continuation of the Common Travel Area into question with possible re-imposition of border controls between Ireland and Northern Ireland. Customs controls would appear necessary in any case.

- **Review the Immigrant Investor Programme.**

The programme which offers Irish residence to high net worth non-EEA nationals who make a qualifying investment in Ireland was introduced in 2012 and reviewed in 2013. A further review is required based on experience to date. A report is in preparation and will be submitted shortly. Any changes would be a matter for Government.

- **Undocumented migrants**

Over a number of years a campaign has been led by the Migrant Rights Centre of Ireland calling for the introduction of an earned regularisation programme for undocumented migrants. The Joint Committee on Justice, Defence and Equality has endorsed the recommendations. Various PQ replies have indicated that the Government cannot engage in a general regularisation programme. Further engagement on this will be expected.

- **Citizenship Ceremonies**

INIS processed over 13,500 applications for citizenship last year and organise 3 /4 major citizenship ceremonies each year. These have been very well received and the Minister usually officiates at these events.

- **British Irish Visa Scheme (BIVS)**

The British Irish Visa Scheme (BIVS), whereby a visitor to either Ireland or the UK requires only one single visa (either an Irish or UK one depending on their first country of landing), was launched in 2014. In the context of the Common Travel Area (CTA) this makes it easier for visitors to come to visit Ireland (both North and South) thus promoting economic activity and increased tourist numbers. The new Scheme operates in China and India. The numbers availing of the scheme are very impressive so far. Over 15,500 Irish BIVS visas have been issued by Ireland so far in China and India. Because of the difference in scale, the numbers issued by the UK immigration authorities are many multiples of this figure.

The project also enhances the security of the CTA as biometrics (fingerprints) are taken and checked against a range of Irish and UK systems before a visa is granted. This is in common with all visa regimes worldwide which require certain checks to be carried out in respect of applicants.

The formal evaluation of the scheme with our UK partners is expected to be completed shortly with a view to agreeing its future roll out to other countries. Future expansion in the years ahead is likely to be in the medium term and will be dependent on a number of factors including the timing of technology upgrades to host the operational systems required, etc.

- **Civilianisation Projects.**

- (a) Completion of the civilianisation programme at Dublin Airport

This project is part of a wider transformation programme which will see certain largely administrative immigration functions transfer from An Garda Síochána to INIS including frontline immigration checks at Dublin Airport and registration of non-nationals. The airport project, when completed, will see all frontline immigration checks at Dublin Airport undertaken by uniformed civilian staff from INIS and the release of Gardaí to core policing duties. Additional civilian staff will be required and it is planned to complete the project later this year.

- (b) Transfer of the Immigration Registration function from An Garda Síochána to INIS

At present, An Garda Síochána carries out Registration and Permission to Remain Functions at 75 Garda Stations and also at the main Garda National Immigration Bureau office (GNIB) at Burgh Quay, Dublin. INIS and AGS have agreed to transfer responsibility for the nationwide registration function to INIS. Through this project they aim to release approximately 50 Garda full-time equivalents from immigration registration duties around the country and to transfer these functions to INIS. In doing so the aims are to improve service delivery and reduce the costs of delivering the registration service. INIS plan to move, over time, from a nationwide, 76-centre model, to a small number of registration offices (three or four) which will release Garda members for operational duties.

It is intended to complete the first phase of the project in 2016 by INIS taking over the GNIB Burgh Quay which handles over 60% of the registration applications in the State. INIS also aim to change the current processing to improve customer service, modernise the service model and reduce face-to-face interactions at Burgh Quay in order to increase capacity at the office.

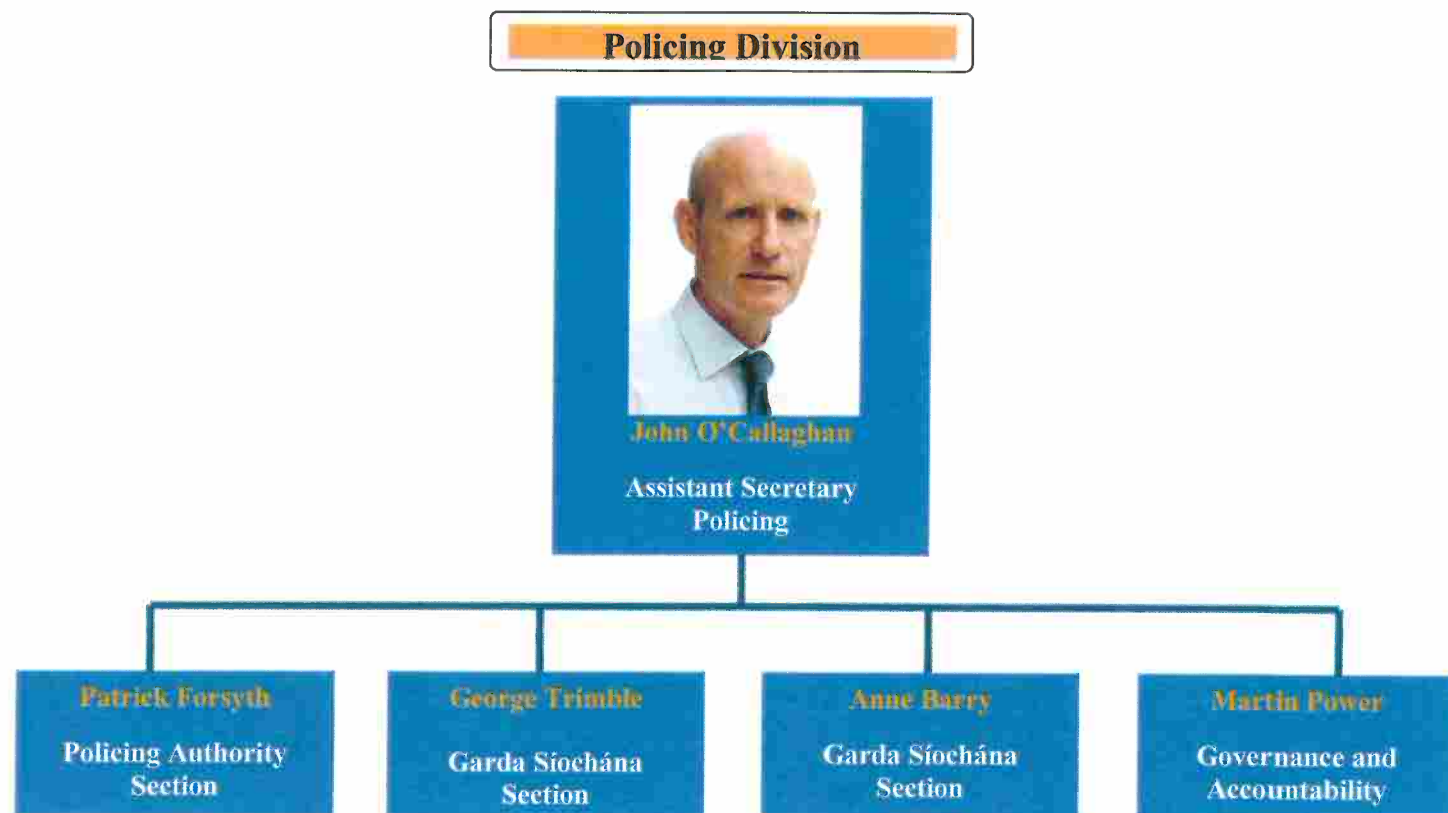
- **Report of the Working Group on Improvements to the Protection Process**

The Department continues to address the recommendations of the *Report of the Working Group to Report to Government on Improvements to the Protection Process, including Direct Provision and other Supports to Asylum Seekers*, as considered by the Cabinet Committee on Social Policy and Public Service Reform.

The recommendations in the report have been categorised under three headings:

- Those that can be implemented immediately
- Those that can be implemented but require resources to do so
- Those that require further consideration.

The Department has recently undertaken a consultation exercise with relevant Departments and Divisions on the current status of the 173 recommendations. The analysis from this exercise shows that more than 100 recommendations have either been fully implemented or are in the process of being implemented. This includes a significant number of recommendations which are being addressed under the International Protection Act (as set-out in the Immediate Priority Heading). Measures have also been ongoing to increase the processing of older cases which has the effect of addressing another key recommendation in the report – i.e. those over five years in the system.



Responsibilities

John O'Callaghan is assigned responsibility at Assistant Secretary level for:

- promoting and supporting the development and implementation of policies and reforms in An Garda Síochána;
- maintaining an overview of An Garda Síochána expenditure;
- assisting in the development and implementation of a range of Garda human resource issues, including recruitment, promotions, dismissals, retirements and re-appointments;
- managing the Department's role in the performance management framework of An Garda Síochána including the development of Policing Priorities Strategy Statements and Policing Plans for An Garda Síochána;
- resourcing and supporting the work of the Garda Síochána Ombudsman Commission (GSOC), the Garda Inspectorate and the Policing Authority;
- monitoring the progress on cases taken against An Garda Síochána in which the Minister is a named party;
- management of inquiries, historic and current, concerning Garda related matters;
- managing and enhancing the system of compensation for malicious injuries received by members of the Garda Síochána.

Governance & Accountability

The Governance and Accountability section of the Policing Division has responsibility for the following areas of work:

- The completion of the process begun under the Independent Review Mechanism (IRM) which examined complaints made about Garda misbehaviour whether there were actions which the Minister could have or should have taken;
- Supporting the Garda Síochána Ombudsman Commission (GSOC) in its work;
- Supporting the Garda Síochána Inspectorate (GSI) in its work;
- Departmental support for the work of Commissions of Investigation or other statutory or non-statutory inquiries under our remit.

Key medium/long term issues:

- **The Independent Review Mechanism (IRM)**

The 'Independent Review Mechanism' (IRM) consisted of a Panel of seven independent Senior and Junior Counsel to review complaints alleging Garda misconduct and allegations of inadequate investigation into those complaints. Those complaints, as well as the Guerin Report on certain allegations relating to the Garda Síochána, led to the Government establishing the IRM in mid-2014. The number of cases eventually grew to a total of 320. The Panel has made its recommendations in each case, which the Minister accepted and pledged to act upon.

The issuing of notification letters to complainants concluded in February 2016. In most cases, Counsel recommended that no further action could reasonably be taken, however, in approximately 70 cases, further action was recommended and is ongoing as follows:

- 21 cases have been referred to GSOC for investigation.
- 14 cases were referred to the Garda Commissioner for report.
- 5 cases are to be subject to new independent inquiries.
- 1 case gave rise to a recommendation that a review of certain procedures regarding how certain criminal allegations are handled should take place;
- 1 case is to be reviewed by an independent legal assessor to assist a complainant in narrowing down his complaints, which may then lead to a further inquiry.
- 29 cases are subject to informal action by the Garda Commissioner such as the appointment of a liaison officer or the provision of specific information to a complainant.

A number of complainants have expressed dissatisfaction with the outcome in their cases. The Department has been responding to this correspondence, however, it is evident that some complainants will not accept the outcome and will continue to make representations in relation to their cases. The appointment of a new Government is likely to be seen by some as a further opportunity to raise their cases. Consideration needs to be given to how the Department handles such complaints in the future taking account of lessons learnt from the IRM process and the new options open to the Minister following amendments to the Garda Síochána Act,

Work has begun on establishing the inquiries/reviews recommended by counsel but this process will take some time and will give rise to certain costs in due course.

The IRM Panel's overview report which contains recommendations for change across a number of areas has yet to be published.

- **Garda Síochána Ombudsman Commission**

The legislative basis for the Garda Síochána Ombudsman Commission (GSOC) is Part 3 of the Garda Síochána Act 2005 (as amended). Membership of GSOC consists of the Chairperson (Judge Mary Ellen Ring) and 2 Commissioners (Carmel Foley and Kieran Fitzgerald). Their term of office will expire in December 2016. Members of the Commission are appointed by the President on the nomination of the Government. In accordance with the Act, the mission of GSOC is to provide and promote an efficient, fair and independent oversight of policing in Ireland.

Key immediate issues:

Among the immediate to mid term issues arising in relation to GSOC are:

- The completion of the tender procedure by GSOC for the Fixed Charge Notices investigation into the cancellation of fixed charge notices by Gardaí;
- To commence the process of appointing Members of the Commission to ensure that a Commission can be in place at the expiry of the current terms of the members.
- On 31 March, 2016 GSOC submitted its Annual Report for 2015. The Report will be laid before the Houses of the Oireachtas shortly.

- 
- Continued improvement in the cooperation levels between GSOC and the Gardaí.

- **Garda Síochána Inspectorate**

The Garda Síochána Inspectorate was established in July, 2006 under Part 5 of the Garda Síochána Act 2005 (as amended). Its objective is to ensure that the resources available to the Garda Síochána are used so as to achieve and maintain the highest levels of efficiency and effectiveness in its operation and administration, as measured by reference to the best standard of comparable policing services. In furtherance of this objective, the Inspectorate carries out inspections or inquiries, and it may also advise the Minister with regard to best policing practice.

The Garda Inspectorate consists of 3 members. The current Inspectorate consists of Mr Robert Olson (Chief Inspector) and Mr Mark Toland. There is a vacancy for the third member of the Inspectorate. The Public Appointments Service recently conducted a competition for appointment to this position. Reports on inspections or inquiries made by the Garda Inspectorate must be submitted to the Minister for Justice and Equality and laid before the Houses of the Oireachtas. To date, the Inspectorate has produced 11 reports.

- **Commissions of investigation and other inquiries established under the Commissions of Inquiry Act 2004 and the Garda Síochána Act 2005**

- **The MacLochlainn Commission of Investigation**

The MacLochlainn Commission was established in August 2014 under the Commissions of Investigation Act 2004. Its terms of reference require it to undertake a thorough investigation of the fatal shooting of Mr Ronan MacLochlainn by members of the Garda Síochána in the course of an attempted armed robbery in Co. Wicklow in May 1998. Ms Mary Rose Gearty is the Sole Member. The Commission has concluded its hearings and is due to report by **31 May 2016**.

- **The O'Higgins Commission of Investigation**

The report of the O'Higgins Commission of Investigation was received on 25 April. It was forwarded to the Attorney General for advice on how the Minister should proceed to deal with it. Following the advice of the Attorney General the report was referred to the DPP and to GSOC asking whether there was anything in the report which could prejudice prosecutions, pending or in progress. Their responses are awaited.

The Commission was established under the 2004 Act. Its remit was to investigate and report on certain matters relative to the Cavan/Monaghan Division of the Garda Síochána. Mr Justice Kevin O'Higgins was sole member.

The Commission arose from the report of May 2014 from Mr Sean Guerin, SC, to An Taoiseach concerning allegations made by Sergeant Maurice McCabe. The Government accepted Mr. Guerin's recommendation that a Commission of Investigation was desirable in the public interest in order to ensure continuing confidence in the institution of the Garda Síochána and the criminal justice system. The Commission commenced its work in February 2015 and was due to report within a year. Following a request from the Commission, the Minister granted an extension until **29 April 2016**.

- **Inquiry under Section 109 of the Garda Síochána Act 2005**

This inquiry arose following the tragic death of Sergeant Michael Galvin on 28 May 2015. Sergeant Galvin had been the subject of an investigation by the Garda Síochána Ombudsman Commission (GSOC) as a result of Garda contact with a woman (Ms Sheena Stewart) shortly before her death in a road traffic accident on 1 January 2015. Following consultation with GSOC, and having met with Association of Garda Sergeants and Inspectors, the Minister decided to ask the Chief Justice to nominate a judge to conduct an Inquiry under section 109 of the Garda Síochána Act 2005.

The Inquiry was established in June 2015 under Mr Justice Frank Clarke of the Supreme Court. This is the first time that section 109 has been used and its remit is to inquire into the conduct of designated officers of GSOC in relation to its investigation into the contact of members of An Garda Síochána with Ms Sheena Stewart prior to her death. Mr Justice Clarke presented his report to the Minister on 4 May. The report has been referred to the Attorney general for advice on how to proceed now in relation to the report.

- **Garda Legal Actions**

The Department monitors, on behalf of the Minister, the progress of cases taken against the Minister or the State relating to the actions of Garda members in the performance of their duties. The Minister is required to give instructions on cases at key stages of the process.

Garda Síochána Section

Key immediate issues:

- **Strength of An Garda Síochána**

The overall number of personnel available to An Garda Síochána at the end of February 2016 was close to 16,000 comprising 12,785 Gardaí, 932 Garda Reserve members and over 2,000 civilians.

Since the Garda College reopened in September 2014 there have been seven intakes of Garda Trainees giving a total intake of 700. These trainees are the first to undertake the restructured 2 year training programme which leads to an award of Bachelor of Arts (Level 7) in Applied Police Studies. Phase I is for 32 weeks at the Garda College, at the end of which successful students are attested (i.e. become members of the Garda Síochána with full police powers). Phase II is for 65 weeks based in Garda stations, and Phase III consists of seven weeks of exam preparation, exams and assessments (total 104 weeks).

Of the 700 trainees, 395 have attested (i.e. have become members of An Garda Síochána with full police powers) and are assigned to stations. A further 300 will attest this year. Taking account of retirements this will bring the number of Gardaí to around the 13,000 mark at the end of this year.

The increased budget allocation for An Garda Síochána in 2016 provides for the recruitment of an additional 600 new trainee Gardaí in four intakes of 150. Subject to further analysis of a spike in retirements over the next couple of years due to a recruitment spike in the 1980s, a recruitment rate of 600 a year is expected to bring the number of Gardaí to around the 14,000 mark by 2020.

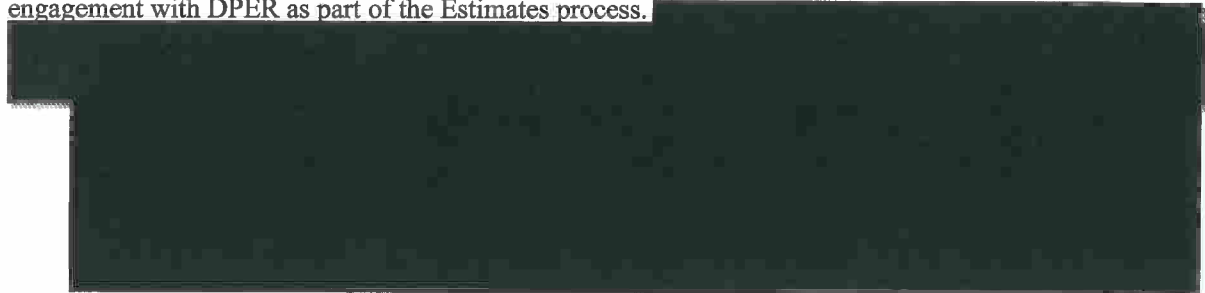
The 2016 competition which closed on 6 January received in excess of 16,500 applications. Of these, 9,000 took the first selection test. The process is being closely monitored to ensure that it will deliver the numbers required for this year and into next year. The Public Appointments Service is of the view that the current competition will deliver the numbers required. However, bearing in mind that it takes 6-8 months for a recruitment competition to generate the first batch of new trainees it is expected that it will be necessary to run a new competition later this year. The timing of this is being kept under review.

The Garda Authorities have indicated that they would prefer the rate to be increased to 750 a year in order to reach the 14,000 mark more quickly having regard to the large number of vacancies to be filled in the national specialist units (which will deplete the regions), and the organised crime and terrorist threats. A recruitment rate of 750 from next year would bring forward the 14,000 by one year to 2019 (again assuming retirements remain at the current rate of 300 a year).

The Programme for Government includes a commitment to bring the numbers to 15,000. Assuming a rate of 750 was agreed and maintained 15,000 could be reached in 2021 (again assuming retirements remain at the current rate of 300 a year).

A fresh recruitment drive to the Garda Reserve is expected to take place in the first half of this year. The number of civilian staff is limited by the employment control framework (ECF) set by the Department of Public Expenditure and Reform. The Garda Authorities are engaged in a process of identifying critical skills gaps at present with a view to making the case for an increase in the ECF.

DPER has sanctioned an intake of 600 trainee Gardaí for this year. To go beyond this next year will require engagement with DPER as part of the Estimates process.



- **Lansdowne Road Agreement (LRA)**

The LRA represents Government policy in relation to industrial relations until 2018. The two main Garda representative associations, the Garda Representative Association (GRA) and the Association of Garda Sergeants and Inspectors (AGSI), have rejected the Agreement. The implications of this are twofold.

- **Loss of hours to Garda management:** As of the start of the year their members have ceased performing the additional 30 hours (in real terms 15 hours) a year which they were required to undertake under the Haddington Road Agreement (HRA) and which obligation was extended under the LRA. Were it not for the LRA the obligation would have finished at the end of 2015. It is understood that their members will continue to cooperate with the HRA which expires end June 2016.
- **Possible increment freeze:** The Financial Emergency in the Public Interest (Amendment) Act 2015 (FEMPI) which gives effect to the provisions of the LRA in terms of partial pay restoration and a reduction in the pension levy payable by public servants (including members of An Garda Síochána) also provides for the suspension of the operation of incremental pay scales in respect of any public servant who is not encompassed by a registered agreement. The possible application of this provision to Gardaí will arise for consideration in July following the expiry of the HRA in the event that the Associations have not accepted the LRA at that stage. The GRA and AGSI are not the only representative associations to have rejected the LRA, the ASTI has also done so. The unions representing the civilian staff in An Garda Síochána have accepted it.

- **Haddington Road Review (HRA)**

The Haddington Road Agreement provides for a review of all aspects of the administration and operation of An Garda Síochána. The review was to be completed by mid 2014. The commitment to the review is reiterated in the LRA. The review is to make recommendations on the use by An Garda Síochána of the resources available to it, with the objective of achieving and maintaining the highest level of efficiency and effectiveness in its operations and administration. The review was broken into two strands.

- **Inspectorate report:** The elements of the review dealing with the structure and organisation of the Garda Síochána and the deployment of members and civilian staff to relevant and appropriate roles were assigned to the Garda Inspectorate having regard to its statutory role. The Inspectorate's report "Changing Policing in Ireland - Delivering a Visible, Accessible and Responsive Service" was submitted to Government on 7 December and subsequently published. It examines all aspects of the administration and operation of the organisation including structures, deployment practices, human resources practices etc. and identifies continuing scope for broad-ranging reforms. The report runs to some 380 pages and contains over 80 recommendations accompanied by key actions to be implemented in the short, medium or long term.

In order to progress consideration of the report the Minister put in train a process to seek the views of the Garda Commissioner and other bodies to whom recommendations were directed by 11 March. Those responses have now been received and are under consideration with a view to the development of implementation proposals for consideration by Government in due course.

Key issues include the Commissioner's response to the Inspectorate's recommendations in relation to a restructuring of the Garda organisation on the basis of Divisions rather than (the smaller) Districts to ensure greater flexibility of deployment of resources and her response to the Inspectorate's suggestion that there may be significant numbers (possibly 1,500) of Gardaí who could be redeployed to the front-line from administrative/technical posts with such posts backfilled where necessary by suitably qualified civilians.

- **Garda remuneration and conditions/IR mechanisms:** The elements dealing with the remuneration and conditions of service of members of the Garda Síochána, including an evaluation of annualised hours/shift pay arrangements and the appropriate structures and mechanism for the future resolution of matters relating to pay, industrial relations and attendant matters are being dealt with by Mr Ray McGee, formerly the Deputy Chair of the Labour Court. The terms of reference are limited to the existing quantum of resources available to An Garda Síochána and how they can be better used to support the provision of an effective policing service. It is not a pay policy forum.

- **Pay for new recruits**

New trainees Gardaí receive a basic allowance of €184 per week plus full board in the Garda College. After 32 weeks of training, Garda recruits are attested and move on to the first point of the Garda pay scale which as of 1 January is €23,750 rising to €42,138 after 8 years with two further increases after 13 and 19 years service which bring the maximum of the pay scale to €45,793 per annum after 19 years. The Garda pay scale does not include any allowances and does not reflect the full earnings of a Garda. For example, Gardaí assigned to frontline duties, work the Garda Roster which attracts unsocial hours payments. Such payments amount to between 25% and 30% of their earnings. Even at the entry level of €23,750 and the lower end of unsocial hours scale, this will add almost €5,800 to their salary. Members may also be entitled to a range of other allowances.

The rent allowance for all new public servants including Gardaí, Prison Officers, Fire Officers etc was abolished in 2012 following a review of allowances carried out by the Government. The rent allowance is €4,000 per annum and there is disquiet among new recruits that they are not receiving the allowance. Agreement has very recently been agreed in principle that the rent allowance would be restored for fire-fighters subject to implementation of certain productivity measures.

- **Strategic Transformation Programme ("Trust")**

The Strategic Transformation Programme is the Commissioner's response to the recognised demand for reform from both inside and outside the organisation. It is intended as a 5 year programme and contains some 60 individual initiatives aimed at addressing the key challenges faced by the organisation in the areas of cultural renewal, community and stakeholder engagement, modernisation and professionalism, and enhanced collaboration with other agencies. The Commissioner has said that the Programme addresses many of the themes covered by the most recent Garda Inspectorate report referred to above and that it will be sufficiently flexible to take on board any further reforms that may be agreed in the future. The Commissioner has established a dedicated programme implementation team, the Strategic Transformation Office, to drive the

Programme and provide the appropriate levels of accountability, governance and strategic direction. The Commissioner briefed the Cabinet Committee on Justice Reform on the Programme last Autumn and very recently shared a draft of the document with the Department and the Policing Authority. It is understood that the Programme will be published next week.

- **Investment in Garda Resources**

Replacement of Garda Accommodation at Harcourt Square : The Harcourt Square complex, held under 4 leases by the Office of Public Works, accommodates a number of specialist Garda units (comprising approximately 800 members of An Garda Síochána) including the National Support Services, the Special Detective Unit, the Emergency Response Unit and the Criminal Assets Bureau. Key Garda infrastructure, such as the Communications Command and Control block is also located in the complex. Due the expiry of the leases, An Garda Síochána will have to vacate the complex by the middle of this year and it is working closely with the Office of Public Works to manage a structured departure. A site for long-term replacement accommodation, costing between €42 and €60 million, has been identified at Military Road, Dublin.

Key medium/long term issues:

- **Garda Building and Refurbishment Programme**

Three major building projects are underway, at a cost of €100 million, for new Divisional and Regional Garda Headquarters in Dublin (Kevin Street), Wexford and Galway. Construction is expected to be completed in 2017. In October 2015, a major Garda Building and Refurbishment Programme, covering the period 2016 to 2021 and costing €60 million, was announced. Works under the plan include:

- building of new Garda Stations and Property Exhibit Management Stores (PEMs); and
- redevelopment, refurbishment and upgrade of existing Garda Stations, including Custody Management Facilities.

A Public Private Partnership approach to facilitate larger projects (including new Garda Stations at Macroom, Co. Cork, Clonmel, Co Tipperary and Sligo Town) is being explored.

- **Garda Fleet**

The Garda fleet consists of **2616** vehicles (as at 21 March 2016) as follows:

Cars		Vans	MBikes	4X4s	Other	Total
Marked	Unmarked					
764	1161	419	122	98	93	2657

Since 2012, almost €34 million (€9.6 million in 2015) has been invested in the fleet.

€46 million (€18 million under the Capital Investment Programme 2016 – 2021) has been allocated for the purchase of new Garda vehicles for the period 2016 to 2021. Almost €6 million will be spent in 2016.

- **Garda Information and Communications Technology (ICT)**

€330 million (€205 million under the Capital Investment Programme) has been allocated for investment in Garda ICT between 2016 and 2021. The Garda Síochána Inspectorate has identified a clear need for improvement in Garda ICT systems and a comprehensive ICT strategy is being developed in this regard.

Key areas comprehended by the strategy will include Investigation Management Systems, Rostering and Duty Management Systems and participation in the Schengen Information System.

Policing Authority Section

The Policing Authority Section of the Policing Division has responsibility for the following areas of work:

- managing and coordinating the Department's relationship with the Policing Authority;
- managing the relationship between the Department and Forensic Science Ireland (FSI), including in relation to corporate governance and resource issues, and overseeing the implementation of the DNA database;
- policy in relation to various EU policing matters, including the implementation of the Schengen Information System and the Prüm information exchange provisions;
- carrying out the Minister's responsibilities under the Garda Compensation Acts 1941 and 1945, i.e. approving/refusing applications for compensation made in relation to Gardaí maliciously killed or injured in the course of their duties.

Policing Authority

The Policing Authority is an independent agency established to oversee the performance of An Garda Síochána of its functions relating to policing services. The Authority was established on 1 January 2016 and has an extensive range of functions, including:

- Reviewing:
 - The adequacy of the corporate governance arrangements and structures within the Garda Síochána;
 - The arrangements for the recruitment, training and development of Garda members and civilian staff;
 - The adequacy of the mechanisms in place within the Garda Síochána for the measurement of performance and accountability of Garda members and civilian staff;
 - The arrangements for managing and deploying the resources available to the Garda Síochána so as to ensure their most beneficial, effective and efficient use;
- Nominating persons for appointment by the Government to the posts of Garda Commissioner and Deputy Garda Commissioner, following a selection process undertaken by the Public Appointments Service;
- Appointing persons to the ranks of Garda Superintendent, Chief Superintendent and Assistant Commissioner; and removing them for stated reasons relating to policing services;
- Appointing persons to senior civilian positions;
- Setting priorities and performance targets for An Garda Síochána, approving the annual policing plans and the 3 year Garda Strategy statement;
- Establishing a Garda Code of Ethics.

At least four times a year, the Authority will hold meetings with the Garda Commissioner in public in relation to these functions.

Key immediate issue:

- In particular, the assumption of the Authority of its role as appointing authority for senior Garda ranks and senior civilian staff over the coming months constitutes a priority.

Key medium/long term issues:

- The establishment of the Policing Authority was one of the most significant reforms in the history of Irish policing. Ensuring that it develops into a fully-fledged, well-functioning organisation and enjoys productive relationships with the Garda Síochána and Department of Justice and Equality is and will remain a major priority of the Department.

Forensic Science Ireland (FSI)

FSI is an executive agency of the Department of Justice and Equality. It is based in Garda Headquarters in Dublin. FSI delivers independent expert opinion, advice, training and research to support the Irish criminal justice system. FSI provides a range of services in this regard, from crime scene attendance to presentation of evidence in court and all of the analysis in between. The work of FSI plays a vital part in the investigation and prosecution of criminal offences.

FSI is responsible for the operation of the national DNA Database System. The Database was launched in November 2015 and will constitute a major intelligence resource for the investigation of crime. The database is being populated with samples taken from persons suspected/convicted of serious crime and from crime scenes, and there have already been a number of matches providing important breakthroughs in investigations.

Key immediate issue:

- The service provided by Forensic Science Ireland is crucial to the investigation and prosecution of crime. FSI's current facilities, an office block shared with the Garda Technical Bureau, are completely inadequate, particularly in light of the establishment and rapid growth of the DNA database and the need to fulfil EU obligations on information-sharing. FSI is in critical need of new facilities in the shape of a new purpose-built laboratory. Plans for a new laboratory are ready to proceed as soon as funding is confirmed. Minister Fitzgerald wrote to the Minister for Public Expenditure and Reform on 27 April 2016 seeking funding to enable construction to begin in early 2017. The risks of not proceeding with construction of new facilities include:
 - More and more time and effort will have to be expended to ensure there is no contamination within the laboratory, as the potential of such contamination to undermine court proceedings, at large expense, and cause reputational damage, is immense.
 - A continued inability to implement the DNA exchange elements of the Prüm Decision (see below), in breach of EU obligations to cooperate in the fight against serious crime and terrorism.
 - A continuing inability to provide a full service to the Garda Síochána in the investigation of crime.
 - An increasing inability to exploit the full potential of the DNA database.

EU obligations – Schengen Information System and Prüm Decision

Schengen Information System

The 2nd generation Schengen Information System (SIS II) is a state-of-the-art EU-wide IT system which allows for an easy and automated exchange of information between national border control authorities, customs and police authorities in different jurisdictions. Since the UK joined in April 2015, Ireland is one of only three Member States not participating in SIS. Advanced preparations to develop a national interface with SIS II were abandoned in 2009-2010 as a result of the extremely difficult financial situation that then prevailed.

Funding was secured for SIS II in the Revised Estimates for 2016 and it was announced that implementation of the measures necessary for Ireland's participation in SIS II would proceed as quickly as possible. The total timeframe to implement the necessary systems and structures in An Garda Síochána to support the integration with SIS II has been provisionally estimated at 18-24 months, at a cost of €18-22m.

Prüm Decision

The Prüm Decision is an EU Council Decision binding on all Member States. Prüm introduced procedures for international exchange of DNA analysis files, fingerprint data and vehicle registration data (VRD), meaning that such data can be compared automatically with that held in the databases of other EU States. Implementation of Prüm was meant to have taken place by August 2011. Ireland is not yet connected to any other MS in relation to any of these three types of data exchange.

An Garda Síochána is responsible for implementing the fingerprints element of Prüm. Work is underway to make the technological enhancements necessary to meet the requirements to exchange fingerprint data. Financial constraints have prevented this taking place up to this point.

Forensic Science Ireland has primary responsibility for implementing the DNA element of Prüm. One prerequisite for this implementation was the DNA Database, which was launched in November 2015. The current accommodation of Forensic Science Ireland is inadequate, however. Plans for a new laboratory are ready to proceed as soon as funding is confirmed.

The Department of Transport has primary responsibility for implementing the VRD element of Prüm. While there is a technical readiness to begin commencement of the exchange of this type of data, additional legislative data protection provisions need to be introduced. This Department is engaging with the Department of Transport in this regard.

Key medium/long term issues:

Schengen Information System and Prüm Decision

The implementation of Ireland's obligations under the Schengen Information System (SIS II) and Prüm Decision are important in terms of the law enforcement benefits they will bring to us and our EU partners and to ensure our standing is maintained at EU level. Both of these projects were negatively affected by the financial crisis but there is now a renewed determination to make progress. There is increasing pressure from Europe to meet our obligations in this regard, particularly in light of the need for international cooperation to combat the threat from international terrorism. It is likely that Ireland will be made subject to infringement proceedings in respect of both SIS II and Prüm in the coming months.

The implementation of SIS II constitutes a major project; we are in the early stages of assessing exactly what must be done and deciding on the structures that have to be put in place, in the Department and Garda Síochána, to enable implementation.

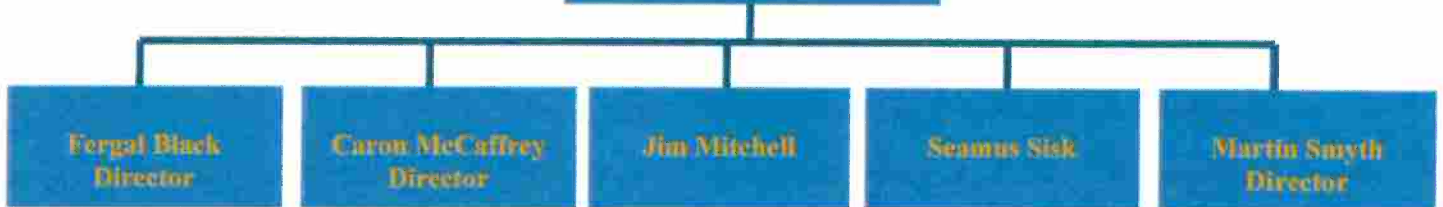
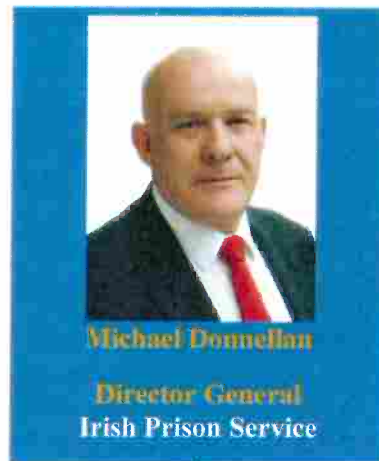
The implementation of the Prüm Decision comprises three parts: exchanges of information on fingerprints, on DNA and in respect of vehicle registration data (VRD). It is expected that progress on fingerprints and VRD can be secured reasonably rapidly; the major difficulty relates to DNA exchanges, which will require new facilities (see above under Forensic Science Ireland) and extra resources.

Garda compensation

The functions of the Minister in deciding whether to approve or refuse an application for compensation by a Garda member maliciously injured on duty are carried out by officials, who assess applications against various criteria set out in legislation and legal precedents set in previous cases. There is a backlog of some 140 cases in the Department awaiting assessment (down from over 300 in September 2015).

Work is continuing on the development of a new statutory framework for dealing with Garda Compensation claims. This was an agreed commitment under the Croke Park Agreement.

Irish Prison Service (IPS)



Responsibilities

Michael has been assigned responsibility as Director General of the Irish Prison Service for:

- providing safe and secure custody with dignity of care for people committed to prison;
- reducing the risk of harm to the public and the likelihood of reoffending by providing rehabilitation for people in prison;
- working with the Probation Service to create an integrated offender management programme;
- assisting people in prison maintain family relations and contact with the wider community.

The Irish Prison Service (IPS) operates as an executive agency within the Department of Justice and Equality. It is headed by a Director General currently supported by 3 Directors. The IPS deals with male offenders who are 17 years of age or over and female offenders who are 18 years of age or over. It is administered centrally with its headquarters located at Longford.

There are 14 institutions in the Irish Prison System consisting of 11 traditional "closed" institutions, two open centres, which operate with minimal internal and perimeter security, and one "semi-open" facility with traditional perimeter security but minimal internal security (the Training Unit). The majority of female prisoners are accommodated in the purpose built "Dóchas Centre" with the remainder accommodated in Limerick Prison.

The Irish Prison Service budget is circa. 310 million per annum and has a staff compliment of 3,298. As of 09/04/16 there were 3760 prisoners in custody with a bed capacity of 4202 which allows for the safe and secure custody for all categories of prisoner. This equates to an occupancy rate of 89%. There were 411 persons on Temporary Release.

The Prison Service will continue the road map outlined in the IPS strategy 2012-2015

1. Elimination for slopping out.
2. Improve accommodation

3. Enhancing sentence planning and sentence management for prisoners
4. Enhancing drug treatment and support for prisoners
5. Enhanced rehabilitation
6. Staff-prisoner interactions – Introduction of a Prison based Dignity and Respect Programme
7. Mental health - further enhancement and development of HSE provided mental health in-reach services

The Prison Service will introduce and implement a new strategic Plan 2016 - 2018

1. Strategic Action 1: For Staff
2. Strategic Action 2: For the Prisoner
3. Strategic Action 3: For the Organisation
4. Strategic Action 4: For the Victim
5. Strategic Action 5: Interagency/Community Relationships

Cork:

Construction of a new prison in Cork commenced in January 2014 and the facility opened fully on 12 February 2016. It has the capacity to accommodate 296 prisoners

Limerick:

The planning procedures required to facilitate the construction of a new cell block of 103 cells and a new female prison unit consisting of 50 cells and eight transition units was completed in February 2016.

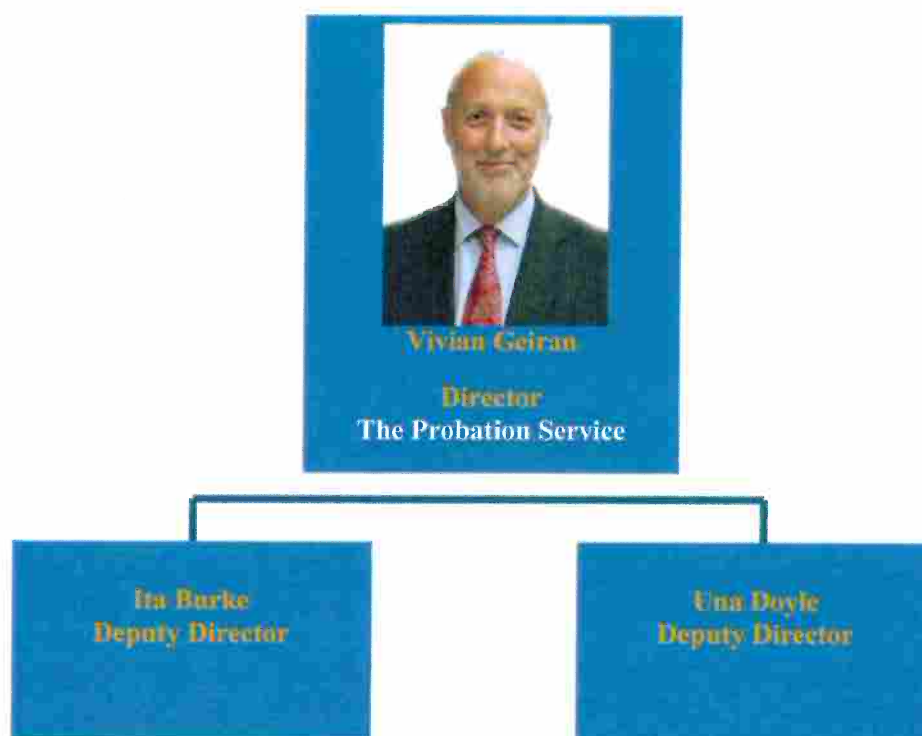
When completed in late 2019 the new development will result in the first fully integrated justice sector facility in the State, include Courts Service, Prison Service and Probation Service.

Portlaoise:

The Irish Prison Service is at an advanced stage in the preparation of a business case for the construction of a new maximum security unit at Portlaoise prison to replace the existing very outdated "E" block which is used to house high security prisoners. The proposed new Block will also respond to the gangs and immerging radicalisation challenges facing the Prison Service.

Taken in tandem with the Limerick development described above, this new development will result in the final elimination of the practice of "slopping out" across the entire of the Irish Prison estate.

The Probation Service



Responsibilities

Vivian is a member of the Management Board and Director of the Probation Service which is an agency of the Department with a national remit whose role is to contribute to public safety through the management of community sanctions and measures. This is achieved through the effective assessment and management of offenders and by working closely with a wide range of statutory, community and voluntary organisations to deliver services.

The Service has 395 staff located in over 35 community based offices in every county, as well as having staff based in all fourteen prisons. Probation Service staff provide probation supervision, community service, community return, offending behaviour programmes and specialist support services both to adults and young offenders on a national basis. In 2014 the Service worked directly with 14,000 offenders in the community. On any one day, the Probation Service is managing in excess of 10,000 offenders in the community and in custody, working closely with the Courts Service, the Irish Prison Service (IPS), An Garda Síochána, the Irish Youth Justice Service (IYJS), the Parole Board and many organisations in the community.

The Probation Service Strategy 2015-2017 sets out its strategic direction, identifying and highlighting Probation Service priorities and providing a high level framework for its annual work plans. Key goals identified are:

1. Promotion and delivery of Community Sanctions and Offender rehabilitation.
2. Strengthening the Service to the Courts.
3. Collaboration with Criminal Justice Partners.
4. Developing a more victim-sensitive approach.
5. Engaging with the Community.

Priorities and Issues:

Having regard to the *Strategic Review of Penal Policy (July 2014)* and the *Probation Service Strategy 2015-2017*, priorities for further developing the availability of community sanctions over the next 3-5 years include:

- **Integrated Offender Management** including cross functional and joint agency collaboration between the Probation Service, An Garda Síochána and the Irish Prison Service in the management of prolific offenders, the provision of targeted community based programmes to tackle violent offenders and burglars; - The Joint

Agency Response to Crime, JARC has been operating in four Dublin locations. It is planned to extend the programme to a further three locations outside Dublin this year.

- **Cost-effective direct alternatives to custody**, including the on-going work outlined in the *Joint Irish Prison Service/ Probation Service Strategy* i.e. further expansion of the Community Return Scheme and post custody supervision arrangements with the Irish Prison Service.
- **Expansion of Community Service** with the introduction of the Fines (Payment and Recovery) Act, 2014 and the development of a scheme of Integrated Community Service, (to maximise its rehabilitative impact).
- **Victim–offender mediation**, as part of the Probation Service response to the implementation of the EU Directive addressing the rights, supports and protection of victims of crime.
- **Targeted age appropriate interventions, both in the community and in detention, to divert young persons / young adults from the criminal justice system**, in collaboration with the Irish Youth Justice Service.
- **Service user engagement** in the on-going development and delivery of service.
- Development and implementation of **Probation Service practice standards and inspection**.
- **ICT, Data Management and Information Sharing** by expanding our ICT capacity and increasing efficiencies through the creating of common systems with our Criminal Justice Partners to improve data collection, management and information sharing for the effective management of offenders.



