



**An Roinn Dlí agus Cirt  
agus Comhionannais**  
Department of Justice  
and Equality

**Briefing document for Minister**

**June 2020**



# Contents

<b>MANAGING THE MANDATE</b>	<b>10</b>
<i>Overview of the Department</i>	10
<i>Our strategic objectives</i>	11
<b>DEPARTMENT STRUCTURE</b>	<b>12</b>
<b>OVERVIEW OF PILLARS AND FUNCTIONS</b>	<b>13</b>
<i>Civil Justice and Equality Pillar</i>	13
<i>Criminal Justice Pillar</i>	14
<i>Central Pillar</i>	15
<i>Pillar Functions</i>	16
Policy	16
Legislation	16
Governance	16
Operations & Service Delivery	16
Immigration Service Delivery (Civil Justice Pillar only)	17
<i>Central Functions</i>	18
Corporate	18
Transparency	18
European Affairs	18
<i>Senior Management Structures</i>	19
<i>Corporate Structures</i>	19
Department Board	20
<b>CURRENT PRIORITIES</b>	<b>21</b>
<i>Civil Justice and Equality Pillar</i>	21
<i>Criminal Justice Pillar</i>	23
<i>Central Pillar</i>	25
<b>Financial Allocations</b>	<b>27</b>
<b>Human Resources</b>	<b>32</b>
<b>Justice and Equality Sector Key Issues</b>	<b>33</b>
<b>Civil Justice and Equality</b>	<b>34</b>
<i>Civil Justice and Equality: POLICY</i>	34
<i>Access to Justice, Regulation and Reform Unit</i>	35
Family justice / Family Court System	35
Cost of Insurance Working Group	36
Response to the Review of the Administration of Civil Justice	38
Discount Rate in Personal Injury Cases	39



Judicial Appointments and JAAB	91
Hammond Lane	93
<i>Legal Services Reform:</i>	95
<i>"Ireland for Law"</i> - International Legal Services Initiative	95
<i>Effective Governance of State Bodies:</i>	97
Legal Aid Board	97
Legal Services Regulatory Authority	99
Irish Human Rights and Equality Commission (IHREC)	101
Property Services Regulatory Authority (PRSA)	103
National Disability Authority (NDA)	104
Insolvency Service of Ireland (ISI)	106
Irish Film Classification Office (IFCO)	108
Data Protection Commission (DPC)	109
International Protection Appeals Tribunal (IPAT)	110
<i>Courts Modernisation and Reform:</i>	111
Courts Service Long-Term Strategic Vision 2030	111
Review of the Administration of Civil Justice	114
Courthouses	115
New Gambling Regulator	118
Abhaile Scheme	118
Conclusions	120
<i>Civil Justice and Equality: OPERATIONS &amp; SERVICE DELIVERY</i>	122
████████████████████████████████████████	123
Magdalens	124
Stardust	124
Recovery of Maintenance from Abroad	125
Supporting Immigration Service Improvements	125
Funds	126
Coroners Support	127
Refugee Resettlement	127
Study on Familicide and Domestic Homicide Reviews	129
<i>Civil Justice and Equality: IMMIGRATION SERVICE DELIVERY</i>	130
<i>Deliver Key Immigration Services</i>	132
Case management and processing	132
Common Travel Area and UK leaving EU membership	132
Maintain border controls and enforcement of immigration law	132
<i>International Protection</i>	133
Application processing	133
Services for asylum applicants	135
<i>Improving Immigration Service Delivery</i>	138
Improved processes and systems	138
<i>Improve Direct Provision Services</i>	138
<b>Criminal Justice</b>	<b>140</b>
<i>Criminal Justice: POLICY</i>	140

Criminal Justice Efficiencies Working Group	142
<i>Supporting Prisons and Offender Management</i>	143
Addressing Overcrowding in Prisons	143
Interaction of persons with mental health issues with the Criminal Justice System	145
<i>Supporting Community Safety</i>	146
Develop a Community Safety Policy	146
Drogheda and Coolock/Darndale	147
<i>Ongoing Policy Reviews</i>	149
Review of Ireland's anti-corruption structures	149
Review of the Fines (Payment and Recovery) Act 2014	149
Review of Section 7A of the Criminal Law (Sexual Offences) Act 1993 (payment etc. for sexual activity with prostitute)	150
Develop a Youth Justice Strategy	150
<i>Meeting our International Obligations</i>	152
Trafficking in Persons Report	152
Transposition of the Firearms Directive	152
<i>Generating Efficiencies through Collaboration in the Criminal Justice System</i>	154
Criminal Justice Sectoral Strategy	154
Role of AGS in prosecution decisions	154
<i>Crime Prevention</i>	155
Drug related intimidation	155
[PfG]	155
Cooperation with An Garda Síochána and Insurance sector on insurance fraud investigations (CIWG recommendation)	157
<i>Supporting Offender Management</i>	158
Joint Agency Response to Crime	158
Y-JARC	158
Action Plan for the Management of Offenders (2019-21)	159
<i>Combating Organised Crime</i>	160
Criminal Assets Bureau	160
Greentown research project	160
<i>Child Protection</i>	162
Garda Vetting	162
<i>Roads Policing</i>	164
Road Traffic Enforcement	164
<i>Youth Justice</i>	165
Garda Youth Diversion Projects	165
<i>Ongoing Policy Reviews</i>	166
Review of Spent Convictions	166
Firearms licensing	167
Victims Forums	168
<i>Victims Charter</i>	168
<i>Implementing National Strategies</i>	170

National Drugs Strategy	170
Violence against Women	172
Mid-term review of national strategy	172
<i>Meeting our International Obligations</i>	174
Budapest Convention on Cybercrime	174
Terrorist Content Online	174
EU E-Evidence Package	174
<i>Migrant Smuggling</i>	175
<i>Artificial Intelligence</i>	176
<i>Security and Northern Ireland</i>	177
Renewal of existing legislative provisions	177
Amendments to the law on investigatory powers to support ongoing efforts to combat terrorism and serious crime	177
CoFPI recommendations on national security	177
Supporting EU and international efforts to counter terrorism	178
Retained communications data	178
Legacy provisions of the Stormont House Agreement (SHA)	178
North-South Security and Criminal Justice Co-Operation	179
<i>Criminal Justice: LEGISLATION</i>	180
<i>Transposition of EU Instruments – managing infringements</i>	181
Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2020	181
Criminal Justice (Theft and Fraud Offences)(Amendment) Bill 2019	181
Criminal Justice (Counterfeiting) Bill 2020	181
Criminal Justice (Mutual Recognition of Decisions on Supervision Measures) Bill 2019	181
Criminal Justice (Mutual Recognition of Custodial Sentences) Bill 2020	182
<i>Key Private Members Bills before the Houses that may be subject to restoration</i>	182
Perjury and related offences Bill 2018	182
Harassment, Harmful Communications and Related Offences Bill 2017	182
Criminal Justice (Rehabilitative Periods) Bill 2018 PMB	182
<i>Other key bills/issues</i>	183
Criminal Justice (Repeal of Certain Provisions in Firearms and Misuse of Drugs Acts) Bill 2020	183
Smuggling of Persons Bill	183
Communications (Data Retention and Disclosure) Bill 2020	183
Hate Speech and Hate Crime Legislation	183
European Convention on Human Rights (Amendment) Bill	183
Optional Protocol to the UN Convention against Torture (OPCAT)	184
Police Powers Bill	184
Garda Síochána (Digital Recording) Bill	184
Criminal Procedure Bill	184
Criminal Justice (Miscellaneous Provisions) Bill 2020	185
Lanzarote Convention	185
Garda Síochána (Compensation) Bill	185
<i>Other planned legislation/issues going forward</i>	186
Criminal Justice (Community Sanctions) Bill	186
Criminal Justice (Passenger Name Records) Bill	186

Criminal Justice (Terrorist Offences) Bill	186
Cybercrime Bill	186
European Arrest Warrant Act (Amendment) Bill	186
Explosives Bill	186
International Criminal Court (Amendment) Bill	187
Sex Offenders (Amendment) Bill	187
Transfer of Sentenced Persons (Amendment) Bill	187
Review of protections for vulnerable witnesses in the investigation and prosecution of sexual offences (O'Malley Review)	187
<i>Criminal Justice: GOVERNANCE</i>	188
<i>Garda Síochána issues</i>	189
a. Garda Workforce	189
b. Policing Reform	190
c. New Garda Stations – Public Private Partnership (PPP)	194
d. Military Road – New Garda Security and Crime Operations Centre	195
e. Implementation of the Schengen Information System II	196
<i>Irish Prison Service issues</i>	198
a. Simpson Case	198
b. New internal governance structures in IPS	199
<i>Establishment of Parole Board (Pursuant to Parole Act 2019)</i>	200
<i>Forensic Science Ireland – new laboratory at Backweston, Co. Kildare</i>	201
<i>Enhanced governance arrangements for Criminal Justice agencies</i>	202
<b><i>Board appointments</i></b>	202
<i>Criminal Justice: SERVICE DELIVERY</i>	203
<i>Criminal Injuries Compensation Tribunal</i>	204
<i>Mutual Legal Assistance</i>	205
<i>Criminal Legal Aid</i>	205
<i>Anti-Money Laundering</i>	206
<b>Central Functions</b>	<b>207</b>
CORPORATE	207
TRANSPARENCY	210
EUROPEAN AFFAIRS	212
EU Justice and Home Affairs Councils	213
BREXIT	214
Building Alliances	216
Appendix 1: Justice Sector Organisations	217
Appendix 2: Boards and governance groups	221
Management Board	222
Executive Boards (Criminal Justice and Civil Justice and Equality)	223
Management Board Agency Subgroup	224

Management Board Culture Sub Group	225
Portfolio, Programme and Project (P3) Oversight Committee	226
Risk Committee	227
Financial Management Committee	228
Strategy and Business Planning Committee	229
Capital Projects Governance Committee	230
Diversity Inclusion and Public Sector Duty Committee	231
Senior Management Team	232
Audit Committee	233
<i>Appendix 3: Management Board and contact details</i>	234
<i>Appendix 4: Contact Details for Principal Officers</i>	239
<i>Appendix 5: Terms of Reference – Review of Section 7A of the Criminal Law (Sexual Offences) Act 1993</i>	244
<i>Appendix 6: A Policing Service for the Future – 2020 Priorities</i>	246
<i>Appendix 7: Criminal Justice Priorities by Function</i>	247
<i>Appendix 8: Tribunals, Inquiries and Commissions of Investigation</i>	249
<i>Appendix 9: Civil and Criminal legislation</i>	252
<i>Appendix 10: Transposition of EU Measures and Table of Infringements</i>	257
<i>Appendix 11: Lead Commitments for the Department of Justice and Equality, Draft Programme for Government</i>	273
<i>Appendix 12: Department of Justice and Equality buildings</i>	278

# MANAGING THE MANDATE

## Overview of the Department

### MISSION AND PURPOSE OF THE DEPARTMENT

The Department's mission as set out in the *Strategy Statement 2016 to 2019* is "Working together to advance community and national security, promote justice and equality and safeguard human rights".

Our vision is for a safe, fair and inclusive Ireland.

### 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, 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.

### BREXIT

The Department is fully involved in the preparations for Brexit, particularly in the context of the Common Travel Area and maintaining policing and justice cooperation.

## Our strategic objectives<sup>1</sup>

### Our Vision, Mission Statement and Our Six Strategic Goals



<sup>1</sup> A new strategy statement is currently being prepared and is likely to be finalised by Autumn 2020. The Strategy will also provide for the implementation of the Department's commitments under the Programme for Government and also where the Department will support cross-cutting priorities included in the Programme for Government.

The Department's commitments under the Programme for Government are referenced throughout this document and set out in **Appendix 11**.

# DEPARTMENT STRUCTURE

As of autumn 2019, the Department has fundamentally restructured and has moved to a new functional organisation model. The Department is now aligned under two pillars, **Civil Justice & Equality** and **Criminal Justice**, each led by a Deputy Secretary General. Each pillar contains the following functions: **Policy**, **Legislation**, **Governance**, and **Operations & Service Delivery**.

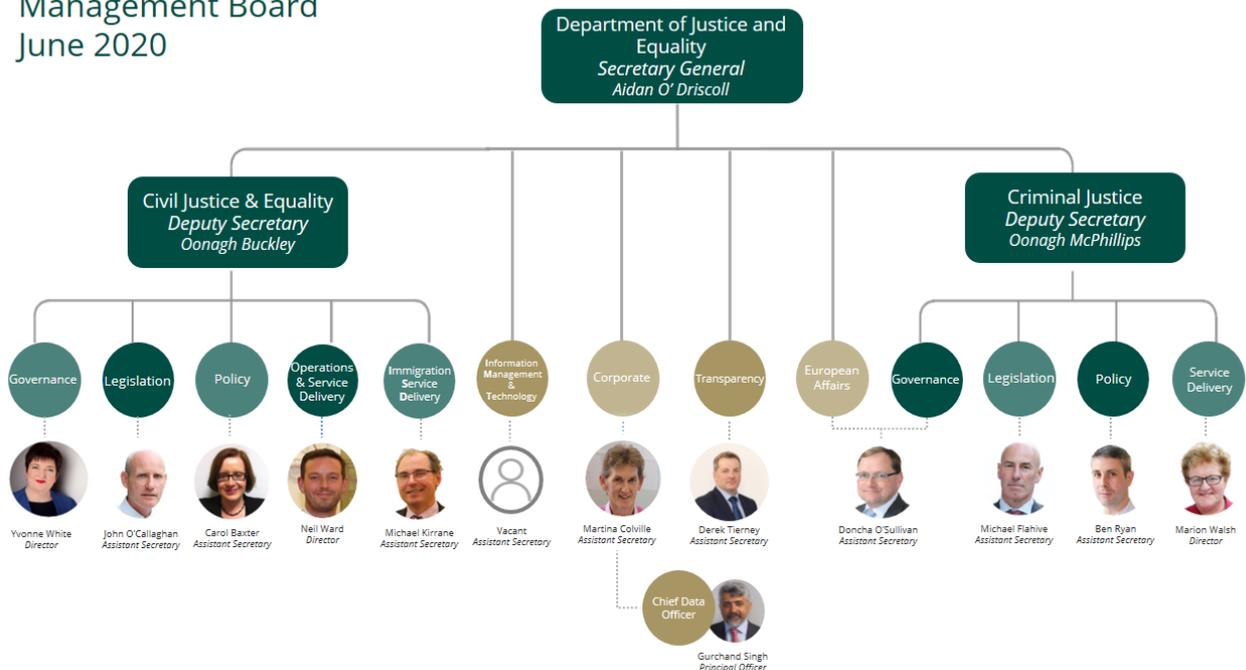
In addition, the **Immigration Service Delivery** function located in the Civil Justice & Equality pillar manages the delivery of immigration and international protection services for the Department and the State.

Supporting the work of both pillars are the enabling functions of **Corporate**, **Transparency**, and **European Affairs**.

The process of Transformation involved changing how we do our work. The Department moved from a conventional subject-based model (organising ourselves by what we *know*) to a functional model (what we *do*).

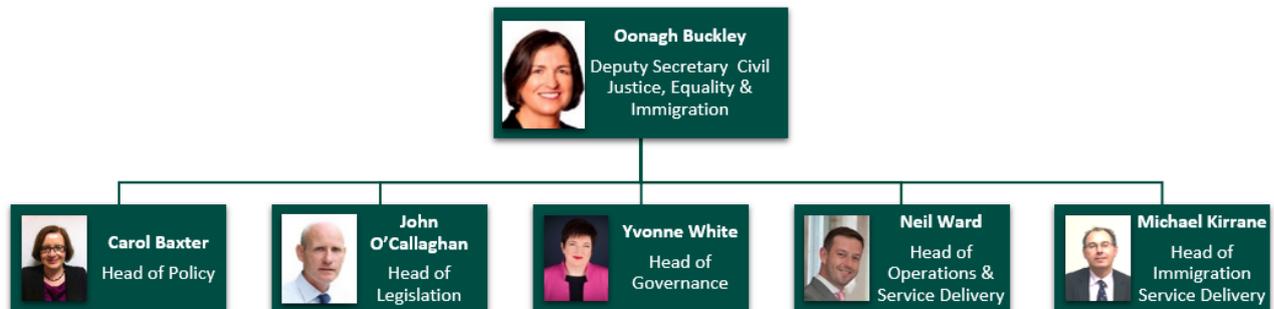
This new structure is designed to enable more flexibility, better service to our customers, greater transparency and accountability and evidence-led strategic planning and policy development, while remaining loyal to traditional civil service values of integrity, impartiality and professionalism. Much of the work of the Department relies on collaboration between the pillars and functions.

## Management Board June 2020



# OVERVIEW OF PILLARS AND FUNCTIONS

## Civil Justice and Equality Pillar



As Deputy Secretary for the Civil Justice and Equality Pillar, **Oonagh Buckley** supports and deputises for the Secretary General and is responsible for:

- Setting a clear vision for the Civil Justice and Equality pillar and directing a programme of reform and modernisation in civil justice, with the aims of promoting access to justice, taking forward the Government's legislative programme, meeting international obligations, and advising on legislative initiatives in the Justice and Equality field generally;
- Overseeing the development of strategic and legislative measures to promote equality, inclusion and integration in Irish society, and promote a fair and balanced responsive immigration system, working closely with a wide range of Government and civil society actors; and
- Assisting the Secretary General to set a clear vision for the Department through the development of strategy, policy, objectives and targets for all aspects of the work of the Department and to deliver on the extensive programme of organisational change being implemented in the Department.

## Criminal Justice Pillar



As Deputy Secretary for the Criminal Justice pillar, **Oonagh McPhillips** supports and deputises for the Secretary General and is responsible for:

- Setting a clear vision for the Criminal Justice pillar through the development of strategy with particular focus on effective collaboration across the criminal justice system and with other partners across Government departments and agencies, while upholding the independence and accountability of individual stakeholder organisations;
- National security and North-South/East-West cooperation on criminal and security matters;
- Overseeing the Department's implementation of the radical change set out in the 2018 report of the Commission for the Future of Policing in Ireland; and
- Assisting the Secretary General to set a clear vision for the Department through the development of strategy, policy, objectives and targets for all aspects of the work of the Department and to deliver on the extensive programme of organisational change being implemented in the Department.

## Central Pillar

The central pillar functions – Transparency, Corporate and European Affairs – support and enable the strategic and operational goals of the Civil Justice and Equality and Criminal Justice pillars.



## Pillar Functions

Under the Department's restructuring to the new functional model, the following sets out descriptions of the functions within the pillars.

### Policy

The Policy function develops long term, evidence-based policy through research and analysis of information and data from multiple sources. It takes a proactive and strategic view of Justice and Equality Policy formulation and review, and enables the Department to provide 'best-in-class' advice to the Minister and Government in the long-term interest of all citizens.

The Policy function is split into two main areas. **Strategic Policy, Planning and Research** establishes the Department's policy agenda, advises on policy priorities and oversees the policy lifecycle. The team is also responsible for policy-related research and evaluation activities and managing project collaborations, policy tracking and administrative requirements of the policy function. The **Subject Matter Resource and Applied Policy** team leads the development of policy on specific policy themes. The team drafts, consults on and manages the approval of EU/International and applied policies. Subject Matter Resource within this team works collaboratively across the Policy function and across the Department, providing knowledge on specific policies and represents the Department externally and at EU/International level.

### Legislation

The legislation function is responsible for drafting both primary and secondary legislation and creating and moving Bills through the Attorney General's Office and the Oireachtas. Through consultation with relevant stakeholders, the legislation function deals with both Irish law and the transposition of EU and International law. It advises and works closely with other functions to ensure that relevant implications are considered at all stages of the legislative process

### Governance

The Governance function is the oversight function for the 26 agencies under the aegis of the department. Working collaboratively, the function ensures that agencies have a clear strategy, meet agreed standards of performance, transparency and governance, and manage their resources appropriately. The Governance function supports independent agencies to perform effectively and adopt a consistent approach based on recognised standards, which can be tailored to each Body as appropriate to ensure clarity, fairness and accountability.

A full list of the statutory and non-statutory Bodies under the Department's aegis is at Appendix 1.

### Operations & Service Delivery

Operations and Service Delivery is a core function which delivers frontline services for the Department, as well as enabling all other functions to operate effectively within a fast-paced

and changing world. The **Operations** teams (located in the Civil Justice pillar) are responsible for all planning, risk management, project & change management. The Operations teams also focus on continuous improvement within the Department by setting and tracking key performance indicators and goals, as well as outside the Department by ensuring all customers experience consistent customer service. The **Service Delivery** teams manage the delivery of efficient, robust and customer-centric frontline services for the Department, consulting with relevant stakeholders, and identifying opportunities for continuous improvement.

### Immigration Service Delivery (Civil Justice Pillar only)

The purpose of the Immigration Service Delivery function in the Civil Justice and Equality Pillar is to manage the delivery of efficient, robust and customer-centric frontline immigration services for the Department and the State, whilst maintaining an ongoing focus on the identification of opportunities for continuous improvement of immigration services to customers.

The function enables staff to focus on enhancing outputs and outcomes for customers, while ongoing collaboration with other functions will ensure that service design and customer experience improvements will be at the heart of immigration services.

## Central Functions

### Corporate

The Corporate pillar (finance, HR, etc.) drives and manages organisation-wide activities to enable the Department to achieve its strategic goals and deliver effective, responsive Department processes and services. The Corporate pillar develops and implements the approach, solutions and infrastructure across a number of diverse areas: technology, financial and people planning, procurement, legal, corporate governance, data and records, compliance and audit controls, research and analytics.

### Transparency

The Transparency function is responsible for sourcing, assessing and communicating all information required by the Minister and the senior management of the Department, as well as ensuring consistent standards of internal and external communications. The function integrates information, analysis and communications from across the Department to create coherent narratives on Justice and Equality themes. It proactively determines where there is a need for information to be communicated or published, as well as responding in an agile way to incoming requests.

The Transparency function uses a variety of channels, leveraging technology and real-time information, to ensure the Minister upholds their commitment of democratic accountability to citizens, the Oireachtas, the media and other stakeholders.

### European Affairs

European Affairs are responsible for co-ordinating and monitoring the Department's European and some international business, particularly cross-cutting issues which may involve a number of functions and departments. It supports the Minister at JHA Council of Ministers meetings. In addition, the function works with other areas of Government to shape Ireland's strategic approach to the Future of Europe and the EU Leader Agenda, and plays an active role in encouraging greater engagement and collaboration with European counterparts on relevant Justice and Equality issues. While the team are based in Dublin, they work closely with staff in Brussels and Strasbourg seconded to Ireland's Permanent Representation to the EU. The function also supports both the Minister and the Department in discharging the Department's EU and Council of Europe responsibilities and in communicating and representing Ireland's interests internationally.

## Senior Management Structures

The structures can be summarised as follows:

1. The **Minister** decides policy and is legally the corporation sole<sup>2</sup> 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 Secretaries** are the next most senior Civil Servants and deputise for the Secretary General as and when required. One Deputy Secretary is has responsibility for the Criminal Justice pillar and the other for the Civil Justice and Equality pillar.

## Corporate Structures

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

Structure	Frequency
<i>Formal Meetings: Boards</i>	
Minister/Management Board Meeting (MinMAC)	Monthly
Department Board (senior management team)	Monthly
Management Board	Fortnightly
Criminal Justice Executive Board	Fortnightly
Civil Justice and Equality Executive Board	Fortnightly
<i>Formal Meetings: Governance Groups</i>	
Portfolio, Programme & Project Governance Committee	Quarterly
Risk Committee	Quarterly
Financial Management Committee	Monthly
Strategy and Business Planning Committee	As required
Management Board Agency Sub-Group	As required
Audit Committee	Quarterly
Capital Projects Governance Committee	As required
Diversity, Inclusion and Public Sector Duty Committee	As required
Management Board Culture Sub-Group	As required
Senior Management Team	Monthly
<i>Less Formal meetings</i>	
Divisional meetings	Monthly
Divisional Business Review meeting	Quarterly
Senior Management Team	Quarterly

Detailed information about the boards and governance groups is at **Appendix 2**.

Contact information for Management Board members is at **Appendix 3**.

<sup>2</sup> Minister and Secretaries Act 1924 - 2011

## Department Board

### Chair – Secretary General

#### Objectives

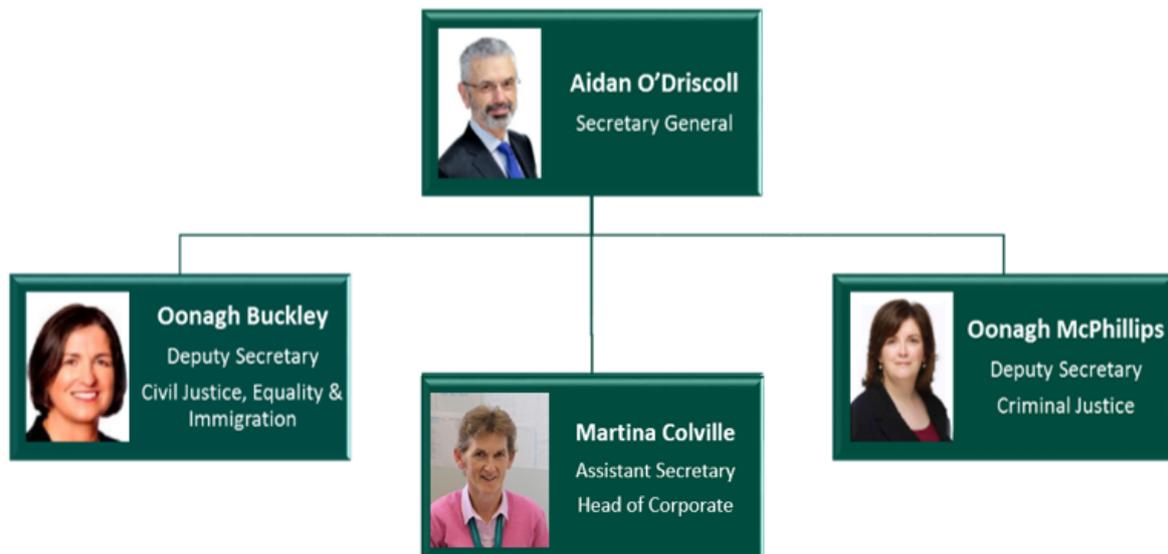
- Set and agree the long term strategic direction of the Department and ensure strategic alignment across both pillars together with Corporate and Transparency
- Provide oversight of the strategic management and distribution of the Department's resources, prioritising resources where they are needed most
- Leading and monitoring the overall process for change and innovation for DJE
- Such other matters as the Chair decides

#### Frequency

- Approximately monthly

#### Members

- Secretary General (Chair)
- Deputy Secretary, Criminal Justice
- Deputy Secretary, Civil Justice and Equality
- Head of Corporate



## CURRENT PRIORITIES

Much of the work within and across pillars is the result of close working and collaboration between different functions, as required by the functional organisation model.

The Department's current priorities are set out below by function and will be achieved in a collaborative manner. For example, reform of direct provision will involve collaboration between the Civil Justice Policy and Immigration Service Delivery. Similarly, Garda reform will require close cooperation between Governance, Policy and Legislation functions.

The Department's commitments under the draft Programme for Government are referenced throughout this document and set out in **Appendix 11**.

### Civil Justice and Equality Pillar

- Develop evidence-based and strategic policies on migration, immigration and international protection, in collaboration with IPAS and ISD *[PfG]*.
- Set out the strategy, develop evidence-based policies and support the Courts Service in the delivery of new digital means for improving access to civil justice and courts reform, taking account of Justice Kelly's report on the administration of civil justice, which is expected to be completed in Q3 2020, and family justice reform *[PfG]*
- Progress legislation<sup>3</sup>, including:
  - Legislation to assist Courts in managing the effects of Covid19
  - Assisted Decision Making Capacity – Implementation and Amending Legislation *[PfG]*
  - Disability (Miscellaneous Provisions) Bill *[PfG]*
  - Family Court Bill *[PfG]*
  - Courts and Civil Liability (Miscellaneous Provisions) Bill *[PfG]*
  - Judicial Appointments *[PfG]*
  - Property Services Regulation (Amendment) and related European Pre-Infringement Proceedings
- Commence the establishment of new organisations arising from priority legislation *[PfG]*

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<sup>3</sup> **Appendix 9** sets out the work ongoing on civil legislation.

- Fulfil international reporting obligations on disability, human rights and gender (UN CEDAW<sup>4</sup>, UPR<sup>5</sup> and CRPD) [Pfg]
- Embed the Judicial Council to promote and maintain public confidence in the judiciary and the administration of justice.
- Support the performance of civil justice sector agencies, including developing and embedding the new governance arrangements, strategic resourcing, and making appointments to the Judiciary and relevant Boards.
- Conclusion of the Magdalen Restorative Justice Scheme
- Resettlement of 650 refugees to Ireland (including 100 through the Community Sponsorship Programme) [Pfg]
- Timely responses to all child abduction and maintenance recovery requests for assistance
- Development of new community-level integration supports. [Pfg]
- Build a culture of innovation in the Department through the establishment of a cross-grade Innovation Network, effective oversight and delivery of a project portfolio, and the development of a service design methodology and toolkit for the Department.
- Apply effective governance standards to all funding of community and civil society organisations administered by the Department

#### Immigration Service Delivery

- In conjunction with the HSE, put in place measures to minimise the risks associated with Covid19 in accommodation centres (Direct Provision and EROCs)
- Meet demand for services by focusing on efficient and effective processing and improved Immigration Service Delivery including investment in systems and people and updating of policies and approach.
- Improve system of direct supports for International Protection applicants including implementing recommendations of Advisory Group and IDG on Direct Provision, and expedite decisions on applications for International Protection. [Pfg]

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<sup>4</sup> UN Convention on the Elimination of all forms of Discrimination Against Women

<sup>5</sup> UN Universal Periodic Review

## Criminal Justice Pillar

- Garda Reform (*A Policing Service for the Future*) – covering a large number of projects in Governance, Legislative and Policy functions<sup>6</sup>, including
  - Policing and Community Safety Bill – new governance and coherent oversight structures, Independent Examiner for security legislation and national and local structures to drive delivery of community safety to be agreed [PfG]
  - Body worn cameras and other technology Bill
  - Garda Powers Bill – search arrest and detention [PfG]
  - Shedding non-core functions including prison escorts, court security and prosecution function (working group to be set up) [PfG]
- Brexit – main criminal justice issues for the Department include data protection, extradition, Schengen Information System II, Passenger Name Recognition and ECRIS (automated exchange of criminal records)
- Security – developing strategic policies and legislation to enhance capability; further develop North-South cooperation in combatting terrorist activity and establish institutions to address the legacy of the Northern Ireland conflict [PfG]
- Criminal Courts – working with the judiciary and the Courts Service to identify measures to safeguard criminal trials in view of COVID related restrictions, as well as exploring alternatives to prosecution for low-level offences.
- Achieving connection with the Schengen Information System ('SIS II'), providing An Garda Síochána with real-time access to the IT system supporting EU-wide law enforcement.
- Development of strategies including Community Safety (whole of government), Criminal Justice Sector (only), Youth Justice in the course of 2020 [PfG]
- Major Capital Projects on the criminal justice side include:
  - Forensic Science Ireland's new laboratory facility in Backweston, County Kildare (expected completion 2021/2022);
  - Military Road (relocation of An Garda Síochána from Harcourt Square, expected completion 2022);
  - Redevelopment of Limerick Prison (due for completion in 2021);
  - Garda ICT Programme (ongoing)
  - Garda PPP bundle (new stations at Macroom and Clonmel); (not yet commenced)

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<sup>6</sup> A full list of actions to be undertaken by the Department this year is at **Appendix 7**

- Response to /implementation of upcoming Reports, including by Tom O'Malley on the conduct of rape and sexual assault trials (anticipated shortly) [PfG]; Hamilton Committee on Corruption;
- Parole Board – implementation of 2019 Act [PfG]
- Progress legislative programme – with particular emphasis on urgent measures to facilitate increased use of video link; EU transposition priorities, legislation in relation to Garda reform, efficiencies in the criminal justice system (Criminal Procedures Bill), Hate Crime/Hate Speech (see **Appendix 9**) [PfG]

## Central Pillar

### Transparency

- Oversee support arrangements to Ministers in delivery of their duties via a high quality Ministerial briefing process, the Private Offices, an effective ministerial liaison service and a wider Transparency function that provides a high-quality service through the delivery of factual, quality and timely content for the Minister, the Department and the Public. (Q1-Q4)
- Oversee the development (Q2) and delivery (Q3-Q4) of a Stakeholder Communications & Engagement strategy
- Oversee the development (Q2) and delivery (Q3-Q4) of an Internal Communications Plan
- Work with Key Corporate Functions to update policies (Q3) and identify technologies (Q4) to store, retrieve, manage and share records, data & information
- Lead the proactive external publication (Q4) of Justice & Equality sector data and information in the public interest
- Oversee the cross functional development of the Department's input to the Decade of Centenaries Inter-Departmental Working Group (Q2)

### European Affairs

- Input into Negotiations on the Future Relationship between the EU and the UK, key priorities – Data Protection; Extradition; PRUM; Passenger Name Records; ECRIS; Europol/Eurojust
- Engage in focused work on relationship/alliance building with a range of EU Member States (Nordic/ Civil law/Presidencies)
- Complete implementation of current EU acquis, with particular focus on SIS II and Schengen acquis
- Carry out examination of strategic/long term priorities in the JHA space – incl. civil law system, Schengen, CTA

### Corporate

- Implement new working arrangements to respond to Covid 19, including temporary reassignment of staff within the Department
- Complete new Strategy Statement for the Department (Q3)
- Agree 3 year ICT Strategy and put in place implementation arrangements (Q3)
- Address significant funding issues on Justice Vote, including arising from Covid 19, and revise financial management information consistent with new organisational model (Q3)

- Carry out 3 year workforce planning exercise, to support new organisational model, including L&D and mobility needs (Q3) *[PfG]*
- Finalise records management policy, including systems for audit and retrieval (Q4), complete phase 1 rollout of e-docs (Q3) and initiate rollout to remaining areas of the organisation (Q4)
- Implement research and data strategy in support of policy making and service design functions (Q1-Q4)

## Financial Allocations

### SUMMARY

- Gross Budget **€2.99 billion**
- 7 Votes, of which Garda accounts for 63%

The Justice Vote Group currently consists of 7 Votes:

- An Garda Síochána
- Department of Justice and Equality
- Irish Prison Service
- Courts Service
- Data Protection Commissioner
- Irish Human Rights and Equality Commission and
- Policing Authority.

The breakdown between the votes is as follows:

Vote	Current €000	Capital €000	Total €000	Estimated staff numbers by end 2020
Garda	1,762,947	116,500	1,879,447	18,653
Justice and Equality	495,690	39,901	535,591	3,055
Prisons	345,674	46,689	392,363	3,389
Courts	90,361	66,017	156,378	1,090
Data Protection Commissioner	16,916	-	16,916	176
Irish Human Rights and Equality Commission	6,714	100	6,814	65
Policing Authority	3,413		3,413	39
<b>Total</b>	<b>2,721,715</b>	<b>269,207</b>	<b>2,990,922</b>	<b>26,467</b>

## Agency Budgets within the Department of Justice and Equality Vote

Agency	2020 Budget €000	Estimated Staff numbers at end 2020
Forensic Science Ireland	56,991 (includes €40m capital for new laboratory)	193
Office of the State Pathologist	983	8
Probation Service	48,936	426
Criminal Injuries Compensation Tribunal	4,016	4
Criminal Assets Bureau	9,090	93
Garda Síochána Inspectorate	1,306	13
Garda Síochána Ombudsman Commission	11,181	126
Inspector of Prisons	1,200	11
Mental Health (Criminal Law) Review Board	401	2
Parole Board	577	8
Private Security Authority	3,799	46
Judicial Council	1,251	4
Legal Aid Board	42,207	440
Insolvency Service of Ireland	7,510	78
International Protection Appeals Tribunal	3,850	49
Irish Film Classification Office	702	6
Legal Services Regulatory Authority	1,001 (repayable funding provided but ultimately will be self- funding from levy on legal profession)	
Property Services Regulatory Authority	2,276	32
National Disability Authority	4,844	35
Gambling Regulatory Authority	100 (start-up funding only)	n/a as yet to be formally established
Judicial Appointments Commission	251 (start-up funding only)	n/a as yet to be formally established

## **Financial Position – Justice Vote Group**

### **Estimates 2020**

- Similar to most vote groups the estimates for 2020 have not been passed in the Oireachtas as yet. The Justice group continues to operate under the 4/5ths rule (i.e. authority to spend up to 4/5<sup>th</sup>'s of last year's allocations). Our expectation is that the estimates will be presented in the Dáil in early July. This is necessary to ensure the authority is in place to spend beyond the 4/5th allocation when required over the next couple of months.
- The estimates to be presented will be those as published last December. The only exceptions made by Government, relate to votes such as Health, Employment Affairs and Social Protection where specific Government approved funding measures have been provided in response to the Covid crisis.
- Due to the pressures outlined below it will be necessary to revisit the Justice vote Group allocations in the Autumn and it is likely that supplementary Estimates will be required particularly in relation to the Justice and Equality Garda, and Courts Votes. The supplementary estimates may be required in the October /November timeframe rather than closer to the year end.

### **Vote Group summary at end of May 2020**

- There is a gross overspend of €51 million in current expenditure; an underspend of €35 million in capital and a surplus in receipts year to date of €9 million leaving a net overrun of €7 million (€8m end April).

### **Main Budgetary pressures**

#### **International Protection accommodation**

- It was acknowledged in Budget 2020, that the funding requirements and policy responses in relation to International Protection accommodation would need to be kept under review on a whole –of-Government basis.
- The budgetary provision in 2020 is €80.6 million. Expenditure in 2019 was €130 million and by end of June the 2020 allocation will be exceeded. The 2020 allocation will be exceeded by end of the end of June.
- While this budgetary situation was an issue prior to the impact of Covid 19; the impact on cost has been exacerbated by the need to secure additional hotel spaces

to help reduce contacts within centres and provide, in conjunction with the HSE, self-isolation facilities in a number of locations, and the purchase of necessary PPE, sanitiser etc. to help reduce the risk of an outbreak in centres.

- The Covid impact is the main factor for increasing this Departments projected cost of €170 million at Budget 2020 time to an updated cost estimate of circa €200 million. This is an overrun of circa €120m (budgetary provision €80.6m) and one of the main reasons for a supplementary estimate requirement later in the year.

#### **Garda Vote – Covid 19 additional costs**

- The additional pressures on the Garda vote are mainly COVID 19 related and are estimated to total approximately €44 million as follows;
  - Additional payroll costs associated with revised roster €18 million (to end Sept)
  - Additional payroll costs due to earlier attestation of two classes - €4.5 million
  - Additional PPE equipment circa €14 million (to end Dec)
  - Additional Fleet purchases €3 million (90+vehicles)
  - Hire of additional vehicles €1.5 million
  - ICT and other €3 million

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

#### **Courts Vote – Impact of Covid 19 on Fee income**

- The Courts Service income has been severely impacted by the COVID emergency. The full impact will not be known until later in the year but there could be a shortfall of €17 million (40%) in fee income which would be unsustainable for the Courts Vote.
- In the region of €9 million is accounted for in the fall off in fee income from special exemption orders (SEO's) for the licensing trade and hospitality industry. In addition, the Courts Service is projecting that the equivalent of 3 months civil business (April, May and June) will be lost due to Covid-19, with a forecast shortfall in income of circa €8.0m.

#### **Prisons Vote - Impact of Covid 19**

- Additional COVID 19 related costs in the Prisons are currently estimated to be in the region of €4 to €5 million in total. These are preliminary costings and it really depends on the length of the emergency crisis and the impact on the Prisons. The

costs mainly relate to PPE equipment, additional video link facilities for remote Court attendance and additional payroll costs to cover for officers in isolation.

### **Other potential budgetary issues**

- **Prisons** – compensation claims in relation to lack of in-cell sanitation. The overall costs are currently being quantified in relation to a proposed settlement scheme by the States Claims Agency (SCA) but will give rise to budgetary issues as additional provision is likely to be required in the Prisons vote. Payments will arise over more than one financial year.
- **Justice and Equality Vote** – there are significant backlogs of cases under the Criminal Injuries Compensation Scheme which when processed are likely to give rise to significantly more expenditure than the cash limited amount of €4 million per annum. This is likely to give rise to a budgetary challenge in the current financial year and until such time as the backlog in cases is processed.

### **Capital Expenditure**

- The capital exchequer capital allocations available to the Group under Project 2040 are as follows;

2020 €269 million

2021 €218 million (including €10m due to be returned to the Vote Group)

2022 €216 million

There is also a PPP allocation of €150 million available for the Courts (Hammond Lane) Family Law Court and Garda Station developments.

- The largest building projects currently underway across the sector currently are the Forensic Science Laboratory, the redevelopment of Limerick prison and the replacement facility in Military Road Dublin for the Garda Harcourt Square premises.
- There are likely to be underspend on these projects in 2020, mainly due to the Covid restrictions and while this will offset some of the additional Covid related and other budgetary overruns (outlined above) in other areas; the additional capital funding will be required in other years to complete the projects.

## Human Resources

### STAFF NUMBERS

Core Department, Agencies and the Irish Prison Service Administration staff:

Data as of 22nd June 2020	
Grade	Number
Secretary General	1
Deputy Secretary	2
Assistant Secretary	14
Principal Officer	104
Assistant Principal	242
Higher Executive Officer	322
Administrative Officer	67
Executive Officer	556
Clerical Officer	881
Service Officer	42
Professional/Technical	498
Non-PayScales Industrial	1
Non-PayScales Political Staff	2
	2732

\* These figures include professional and technical grades, mainly based in Probation Service and Forensic Science Ireland

# Justice and Equality Sector Key Issues

## INTRODUCTION

The pages following cover the key issues identified in the Department, setting out the key immediate/important issues within each pillar and function, along with the medium/long term issues and anticipated challenges i.e. 6 months onwards.

# Civil Justice and Equality

## Civil Justice and Equality: POLICY



**Carol Baxter**

Assistant Secretary  
Head of Civil Justice and  
Equality Policy

### Principal Officers



**Jane Ann Duffy**  
Strategic Policy,  
Planning and  
research



**Úna Ní  
Dhubhghaill**  
Inclusion, Equality  
and Gender  
Equality



**David Costello**  
Migration



**Regina Terry**  
Access to Justice,  
Regulation and  
Reform

## Access to Justice, Regulation and Reform Unit

### IMMEDIATE PRIORITIES AND ISSUES

#### Family justice / Family Court System

[PFG]

The proposals in the General Scheme of a Family Court Bill, which are being developed by the Civil Justice and Equality Legislation function team, provide for the development of a dedicated family court system. This will overhaul the current court structures to provide for a dedicated system with a number of Family District and Circuit Court centres of excellence, located in strategic locations throughout the country. It is envisaged that the new family court system will facilitate the development of specialist judicial expertise and case law in the family law field and would be broadly in line with the key structural recommendations of the Law Reform Commission in its 1996 Report 'Family Courts'.

On a policy level, the proposals involve a significant input by the Access to Justice team in the Civil Justice and Equality Policy function to ensure an effective and coherent policy framework is in place. This policy response will be central to enabling the envisioned change, to guaranteeing better outcomes for all those seeking relief from the family courts system, and to ensuring modern, effective and appropriate access to justice for all.

While it is proposed that the Family Court legislation will provide for a set of guiding principles to help ensure that the Court will operate in a user-friendly and efficient manner, the Department's policy response is to ensure that these principles are manifested in the implementation of the legislation.

The policy approach aims to develop mechanisms to encourage and facilitate the resolution of issues in family law disputes by means of alternative resolution methods, such as mediation, collaborative legal practice, or arbitration. It is important to note that this would not apply in cases which involve domestic violence. There will also be an increased focus on the development of measures to facilitate the engagement of the Family Court in case management practices aimed at achieving timely outcomes for the parties. [REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

Central to the development of policies in this area will be work that ensures that the new family courts will operate in a manner that is user-friendly for the parties (including taking account of the needs of those with disabilities and lay litigants), identifies the issues in dispute, minimises (as far as possible) conflict between the parties and is just, swift and more likely to limit the extent of costs of those proceedings. There will also be a necessary focus in this work on how the Courts will uphold the constitutional rights of the child, in terms of the

child's best interests and consideration of the views of the child in family law and public law childcare matters.

The effective development of the family courts system requires a collaborative approach across the Legislation, Governance and Policy functions in the Civil Justice and Equality Pillar. At the strategic level, Civil Justice and Equality Policy will be a key part of the proposed Family Law Service Oversight Group, to be chaired by Deputy Secretary General Oonagh Buckley. This group is being established to co-ordinate the delivery of the various elements of the overall Family Courts Project by constituent bodies, e.g., Government Departments, Courts Service, Legal Aid Board/ Family Mediation Service.

This is a Programme for Government commitment.

### Cost of Insurance Working Group

*[PFG]*

The Department has been an active participant in the Cost of Insurance Working Group (CIWG), the objective of which is to identify and examine the factors influencing the cost of insurance, and to recommend short, medium and longer term measures to address the issue. The Group published its Report on the Cost of Motor Insurance in January 2017 and its Report on the Cost of Employer and Public Liability Insurance in January 2018. The Department has taken a number of actions designed to address insurance costs including:

- The publication of guidelines for the reporting of allegations of fraudulent insurance claims to An Garda Síochána;
- The inclusion of a new claim fraud category on the Garda PULSE system which will enable the production of better statistics on fraudulent claims;
- The establishment of an Insurance Fraud Database Working Group which is working to establish an integrated insurance fraud database;
- The introduction, by the Garda Commissioner, of a focused model aimed at tackling insurance fraud at divisional level throughout the country;
- The amendment of sections 8 and 14 of the Civil Liability and Courts Act 2004 to improve their effectiveness against fraudulent claims.

In addition, the Judicial Council formally came into being on 17 December 2019 and held its first meeting on 7 February 2020. Part of the functions of the Council will be the adoption of guidelines for awards in personal injuries cases. The work on drafting such guidelines will be carried out by the Personal Injuries Guidelines Committee which is chaired by Justice Mary Irvine. The Committee was formally established on 28 April, 2020 and held its first meeting

on 7 May, 2020. It is due to report back to the Judicial Council within six months of its establishment.

At the request of the Minister, the Law Reform Commission is examining the possibility of developing constitutionally sound legislation to delimit or cap the amounts of damages which a court may award in respect of some or all categories of personal injuries. Submissions were sought from interested parties on the matter. The consultation has now closed and it is expected that the Final Report will be published later this year.

Both of the above matters are referenced in the new Programme for Government.

Two further actions proposed by the CIWG are being progressed by the Department.

#### 1. Introduction of Pre Action Protocols for clinical negligence cases

The Legal Services Regulation Act 2015 provides for the introduction by Ministerial Regulation of pre-action protocols in clinical negligence actions. The Regulations will provide for requirements that must be complied with by the parties to clinical negligence actions before such actions are brought, including disclosure of records, early identification of the issues in dispute and encouraging the early settlement of clinical negligence actions. The regulations will apply to all clinical negligence actions prior to the commencement of proceedings. The Department (CJE Legislation Unit) and the Office of the Parliamentary Counsel are discussing the content of the Regulations with a view to moving this work forward as a matter of urgency.

The matter of Pre Action Protocols has been highlighted by the recommendations of the Expert Group, chaired by Justice Meenan, which examined the laws of tort and the system of managing clinical negligence claims. The Expert Group made a number of recommendations that touch upon the work of the Department, many of which are connected with the work already taking place in relation to pre-action protocols.

[REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes).

#### 2. Office of the Legal Costs Adjudicator

The Office of the Legal Costs Adjudicator (OLCA) has replaced and taken over the functions of the former Office of the Taxing Master as provided in Part 10 of the Legal Services Regulation Act 2015. The OLCA came into operation with effect from 7 October 2019. The new Chief Legal Costs Adjudicator and a Legal Costs Adjudicator were appointed with effect from that

date. The Office has also taken on the residual caseload of the old Office of the Taxing-Master which it replaced and modernised under statute.

These appointments are part of a range of legal costs transparency and reform measures which have come into operation under Part 10 of the Legal Services Regulation Act 2015. These measures make extensive provision for a new and enhanced legal costs regime that will bring greater transparency to how legal costs are charged by legal practitioners. In particular:

- Solicitors and barristers will be obliged to provide more detailed information about legal costs to their clients in the form of a Notice, written in clear language, which must be provided when a legal practitioner takes instructions. The Notice must disclose the costs that are involved, or, where this is not known, the basis upon which such costs are to be calculated.
- A cooling-off period is to be allowed for the consideration of costs by the client.
- When there are any significant developments in a case which give rise to further costs, the Act provides that a client must be updated and given the option of whether or not to proceed with the case.

The impact of the introduction of the OLCA on legal costs will be monitored in the course of 2020.

The recently published Programme for Government includes a number of commitments on insurance issues which will impact on the Department. These include the establishment of a Cabinet Subcommittee on the issue of insurance costs and the possible introduction of legislation which would strengthen waivers and notices in the context of civil liability to increase protections for a range of groupings.

## MEDIUM/LONG-TERM PRIORITIES AND ISSUES

### Response to the Review of the Administration of Civil Justice

[PfG]

In March 2017, it was announced that a Group, to be chaired by the President of the High Court, Mr. Justice Peter Kelly, would be established to review and reform the administration of civil justice in the State. It is understood that the *Review of the Administration of Civil Justice* will be completed shortly. The review involves a detailed examination of the current administration of civil justice in order to make recommendations aimed at improving how civil cases are managed with a view to improving access to civil justice in the State.

The remit of this Review is confined to contentious litigation. It also excludes family law litigation as this is being addressed in the forthcoming Family Courts Bill.

The group is examining a number of thematic areas. Particular themes which are being considered by the review group, and which are likely to require a significant policy response in the first instance, are those relating to *access to justice, including facilitating Court users, litigation costs, jurisdiction and procedure, the use of alternative dispute resolution methods and multi-party litigation.*

When the review is finalised and submitted to the Minister, the Civil Justice and Equality Policy function will undertake an in-depth analysis of the report with a view to further evaluating the priority measures for which a policy response will be necessary.

This review will be complemented by a series of other policy measures, including undertaking a review of courts of limited and local jurisdiction to see how they can operate more effectively and efficiently.

Implementation of reforms to the administration of civil justice in the State guided by the report of the Group is a commitment in the Programme for Government

### Discount Rate in Personal Injury Cases

While related to the work of the Cost of Insurance Working Group, the proposed review of the discount rate is more long term in nature.

The discount rate is used in a small number of very severe personal injury cases where substantial compensation is awarded. The purpose of the discount rate is to convert an assumed future stream of income into a present lump sum. In the case of a personal injury award, this lump sum when invested at a particular rate of return will theoretically provide a person with the appropriate level of compensation for their level of injury as determined by the Courts. The idea is to strike a rate that reflects, from an objective perspective, what a person might be reasonably expected to generate on this money over a period of time and which ensures that the level of compensation paid is appropriate.

Section 24(1) of the Civil Liability and Courts Act 2004 gives the Minister for Justice and Equality the power to prescribe by regulation “the discount rate that shall apply for the purposes of the assessment of damages in respect of future financial loss”.

To date the power has not been exercised by a Minister. Instead the rate has been set at the discretion of the Courts.

The discount rate was set at 3% in 2003 in the *Boyne v Bus Átha Cliath* case. A Court of Appeal decision in the case of *Gill Russell v HSE* [2015] IECA 236 wherein the Court ruled in this instance that the discount rate should be reduced to between 1 and 1.5% depending on the head of damage concerned has changed the landscape considerably.

The impact of this judgment on the quantum of lump sum settlement awards is significant. The State Claims Agency has estimated that the application of this level of a discount rate will increase the cost of meeting medical negligence claims by approximately €100m per annum.

The Cost of Insurance Working Group considered that there would be value in reviewing the manner in which the rate is set.

A consultation document has been agreed between the Department, the Department of Finance and the State Claims Agency. The document invites submissions from stakeholders regarding the manner in which the discount rate should be set and the risk factors that should be taken into account.

In engaging in a public consultation on the issue, the intention is not to change the fundamental principle that a claimant should be fully compensated but to ask a series of questions about what, if anything, needs to be done in order to update the current system of setting the discount rate.

The consultation was launched on 10 June 2020 and submissions have been invited by email by 5 August 2020.

## Migration Unit

### IMMEDIATE PRIORITIES AND ISSUES

#### Reform of the Direct Provision system

[PFG]

The Minister for Justice and Equality and the Minister of State for Equality, Immigration and Integration, in a statement on 5 June, made clear that they believe that a root and branch reform of the Direct Provision system and the policy behind it is required. To this end an advisory group chaired by Dr Catherine Day, which was announced in December 2019, is now expected to provide its final report in September 2020. The group has been tasked to examine, unconstrained by current or past policy, the provision of state supports, including accommodation to the people in the international protection (asylum) process. A briefing note prepared by Dr Day, which includes a list of measures identified so far that would improve the situation of those currently in Direct Provision, was shared by the Minister and the Minister of State with all Oireachtas members. [REDACTED]

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Significant improvements have been made to the Direct Provision system in recent years including access to the services of the Ombudsman and the Ombudsman for Children; agreed National Standards for accommodation providers; the introduction of labour market access; and the continued roll-out of self-catering facilities for residents (now available to more than half of all residents). An Interdepartmental Group chaired by a senior official of the Department of Justice and Equality, was established in 2019 to ensure that all Departments are proactively delivering on their responsibilities in relation to these matters. This group reviewed the management of services for applicants for international protection and considered further short-to-medium term options which could be implemented to improve the system. Its report has been finalised and is ready to be submitted to a new Government.

In the announcement on Friday, 5 June 2020, the Ministers also indicated that the Department of Justice and Equality will undertake a review of its actions in the early stages of the pandemic in order to derive lessons to inform actions in any subsequent phases of the disease. [REDACTED]. To

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

ensure it is done as quickly as possible, this review is being conducted internally with inputs being gathered from residents, HSE and other relevant parties. The review is being led by Neil Ward (Head of Operations and Service Delivery).

**Membership and Terms of Reference of the Advisory Group on the Provision of Support, including Accommodation, to Persons in the International Protection Process**

The Advisory Group is chaired by the former European Commission Secretary General, Ms Catherine Day who is joined on the Group by Mr Frank Daly (former Chairman, Revenue and the National Asset Management Agency); Ms Fiona Finn of NASC, the Migrant and Refugee Rights Centre; Mr Nick Henderson, Irish Refugee Council; Mr Bulelani Mfaco, Movement of Asylum Seekers in Ireland; Mr Conn Murray, former Limerick City and County Council Chief Executive; Ms Niamh O'Donoghue, former Secretary General, Department of Employment Affairs and Social Protection; and Dr Frances Ruane, former Director, Economic and Social Research Institute. The Department is also represented on the Group.

## Review of Access to the Labour Market for Persons Seeking International Protection

[PfG]

### **Issue**

A Supreme Court judgment in May 2017 found that an absolute prohibition on the right to seek employment for persons in the protection process is unconstitutional where there are no time-limits as to when the application process will be concluded (as is the case in Ireland). Following the approval of Government, an Inter-Departmental Taskforce was established to examine the implications of the judgment and to propose appropriate solutions to Government.

The Minister for Justice and Equality presented the Report of the Taskforce to Cabinet on 21 November 2017. The Government agreed to endorse the report and to support its recommendations, including its key recommendation that the State should respond to the judgment by opting-in to the EU (recast) Reception Conditions Directive (2013/33/EU). The EU Directive provides that international protection applicants shall have access to the labour market where no first instance decision has been made on their application within 9 months of the application being lodged and the delay cannot be attributed to the actions of the applicant. Following Government approval, the Oireachtas agreed on 23 January 2018 to the Motions approving Ireland's opt in to the Directive. The European Communities (Reception Conditions) Regulations 2018 S.I. No. 230/2018 on 30 June 2018 transposed the Directive into national law. The Regulations provide a wide access to both employment and self-employment in almost all sectors and categories of employment.

### **Why is a review of access to the labour market for persons seeking international protection required?**

The need for a review of access to the labour market was highlighted in the recent draft report of the Inter-Departmental Group on Direct Provision [the report has yet to be published], noting that the access to the labour market has now been operating for over a year.

[REDACTED]

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## State of Play

At the end of 2019 the Department commenced work on a review of access to the labour market for international protections applicants with a view to providing informed recommendations to the Minister.

To date the review involved consultation with other divisions within the Department of Justice and Equality and with some key external stakeholders such as Ibec. It also involved a review of the submissions on labour market access made to the Joint Oireachtas Committee on Justice and Equality in connection with its report on Direct Provision and the International Protection Process published in December 2019. Material is also included on the comparative position on access to work by international protection applicants in other EU Member States and the UK.

A draft report has been completed and approved by the Management Board. This draft report has recently been circulated to the relevant Departments for their comments and observations. The two main recommendations are

[REDACTED]

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S29(1)(a) of  
FOI Act 2014,  
deliberations of  
FOI bodies  
(deliberative  
processes);  
S31(1)(a),  
parliamentary,  
court and  
certain other  
matters.

## Inspection of International Protection Accommodation

The Department of Justice and Equality (DJE) is seeking to establish an independent inspection process to oversee the provision of accommodation to international protection applicants and to assess whether service providers are providing high-quality, safe and effective services and supports for residents in the protection system in accordance with the national standards.

The national standards for accommodation offered to people in the international protection process were developed by the Department and representatives of the organisations involved in the McMahon working group and were published on 15<sup>th</sup> August 2019. The Health Information and Quality Authority (HIQA) provided guidance during that process on how to develop high quality implementable standards in direct provision accommodation.

### **Inspection Requirement**

The standards apply to all direct provision accommodation centres contracted by the International Protection Accommodation Service (IPAS) – formerly the Reception and Integration Agency (RIA) – including state owned centres and emergency accommodation provision.

HIQA holds unique expertise in inspecting the provision of residential accommodation, particularly to persons who may be vulnerable. HIQA is an independent authority that exists to improve health and social care services for the people of Ireland. The Health Act 2007 established HIQA. Section 8 of the Act provides for the functions of the Authority to include:

- Setting standards on safety and quality and monitor compliance with these standards in relation to services provided in accordance with:
  - The Health Acts 1947 to 2007 with some exceptions
  - The Child Care Acts 1991 and 2001
  - The Children Act 2001
  - Services provided by a nursing home as defined in the Health (Nursing Homes) Act 1990

### **State of Play**

[REDACTED]

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[REDACTED]

The plan is that the new inspection regime will be rolled out on an incremental basis with effect from 1 January 2021.

### Undocumented Migrants – International Protection

[PFG]

The Department is developing an immigration scheme which will provide residence status – subject to defined criteria - to undocumented minors and their accompanying family members in the State. Consideration is also being given to the scheme covering the regularisation of certain undocumented migrants who are resident long-term in the State and who can be seen to have provided valuable service to the State in areas such as the social care sector. The latter proposal is still a policy option being considered.

Any such proposals will be developed in light of the relevant provisions of the new Programme for Government which provides as follows:

#### ***“Immigration and Integration***

*We will:*

*Create new pathways for long-term undocumented people and their dependents, meeting specified criteria to regularise their status within 18 months of the formation of the Government, bearing in mind EU and Common Travel Area commitments.”*

#### **Background and further details**

The Migrant Rights Centre Ireland (MRCI) has been campaigning to regularise the status of children and young people of adults who:

1. Entered the State legally (with their family members) and their time bound permission subsequently ran out.
2. Were born in the State to parents who became undocumented or who may never have been documented.

The MRCI estimate that there are some 2,000 undocumented minors in the State. The Department has no way of validating this estimate, but has been engaging with MRCI on the issue in 2019 and in 2020 (a meeting with MRCI’s Director, Ms Edel McGinley, took place on

10th February 2020). The MRCI presented an outline proposal to deal with legacy cases of people who have been undocumented for six years or more for consideration. They have since published the findings of a MRCI survey, 'Growing up undocumented in Ireland'. The MRCI proposal details two separate criterion:

1. for undocumented children and young people born in the State, and;
2. for undocumented children and young people born abroad but living in the State.

For children born within the State, MRCI proposed regularisation based on a criterion relating to length of time in Ireland whereby half the parent's length of time plus the residency of the oldest child in the State exceeds 6 years. For children born outside the State, MRCI proposed regularisation based on a criterion relating to length of time in Ireland whereby half the parent's length of time plus the residency of the oldest child in the State exceeds seven years. While it is recognised that undocumented children and young people are generally in this position due to the actions of their parents and through no fault of their own, EU and Common Travel Area implications will need to be assessed and any proposal will require detailed policy and legal scrutiny to ensure it does not undermine the integrity of the immigration process.

The Immigration Service Delivery function of the Department (ISD) launched a scheme in October 2018 to regularise the status of non-EEA nationals who held a student permission during the period 1st January 2005 – 31st December 2010 that had expired. Over 3,100 applications were received primarily from former students and their family members and over 2,200 applications were successful in regularising their immigration status. The Scheme concluded on 20 January 2019 and will be considered, alongside other schemes, in a future policy on undocumented migrant children.

### **State of Play**

A draft policy paper is being developed and research has also been carried out to ascertain best practice in relation to the regularisation of undocumented migrants in other EU jurisdictions. In addition to this research, detailed engagement will also be needed with key stakeholders. Legal advice will be required from the Attorney General's Office. A consideration paper for the new Minister will be provided in the near future.

## MEDIUM/LONG-TERM PRIORITIES AND ISSUES

### Reform of Immigration Stamps

The Department of Justice and Equality administers a wide range of programmes, schemes and policies to encourage and facilitate legal migration and presence in the State.

Under the Immigration Act 2004, all non-EEA nationals are required to register their presence in the State after 90 days, and receive the appropriate registration Stamp on presenting to a registration officer. A Stamp is an endorsement in an applicant's passport that indicates the reason, duration, and conditions attaching to a period of residence granted by the Minister for Justice and Equality.

Depending on the Stamp/permission received, it can lead as a pathway to citizenship naturalisation or to other forms of longer-term residence. Stamps/permissions and the length of duration can also entitle a person to none, some or all of the benefits of the State.

#### **Why does the Stamp regime need to be reformed?**

Currently there are 12 Stamps aligned to 32 permissions granted to reside, work or study in the State. This can cause delays in registration if it is not clear to the Registration Officer, which stamp and conditions apply. Also because of the very specific conditions attaching to each Stamp it is often necessary to introduce a new Stamp every time a new scheme is introduced, thereby adding to the complexity.

#### **State of Play**

A review of the Stamp regime was carried out in Q3 2018 with a view to streamlining the number of Stamps provided to non-EEA nationals who have been permitted entry to the State in order to more clearly reflect their reason and duration for being in the State and the benefits, if any, accruing. Any new system should also be flexible enough to accommodate any new scheme introduced without having to develop a new Stamp.

Following the review, it was proposed to align the Stamps into four succinct categories based on length of stay and then apply the permission(s) granted. In using these categories there will be no requirement to amend the 32 permissions currently granted by the Immigration Service Delivery area of the Department and the decision maker in issuing the permission can define the appropriate Stamp and duration in the passport. The new categories will make it easier to identify reckonable residence for Citizenship applications and will provide that the

length of stay and the permission granted are the determining factors to what, if any, benefits the non-EEA national can access.

### **Further action required**

Some redefining and fine tuning of the proposal is still required. Any change to the re-categorising of the Stamp permission will need to be implemented in tandem with the introduction of the new Garda Immigration IT System (GNIBis), which is still being developed.

## Equality Strategic Policy Planning and Research Unit

### IMMEDIATE PRIORITIES AND ISSUES

#### Disability Policy – Ireland’s 1st State Report under the Convention on the Rights of Persons with Disabilities

*[PfG]*

This Convention came in to force in Ireland on 19 April 2018. Ireland was the final EU Member State to ratify the Convention.

The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. The Convention provides that people with disabilities should have the same rights as everyone else and should be provided with the practical supports to make that aspiration a reality. It requires us to change our approach to services for people with disabilities by putting the person’s civil and human rights first and putting the resources in place to that end.

The UN CRPD operates in a similar manner to other UN Human Rights treaties. The State is required to prepare a comprehensive report on the implementation of the Convention in Ireland and this will be followed by a public appearance before the CRPD Committee in Geneva.

Ireland is preparing its first State Report for submission by the end of Quarter 4 this year. The Department of Justice and Equality is responsible for preparing the Report, in consultation with other Departments and Agencies who have responsibility for implementing the Convention. In preparing the Report, we will also consult with stakeholders, including people with disabilities, and the wider public. The Report will be brought to Government for approval by the Minister for Justice and Equality in advance of its formal submission to the Committee by Ireland’s Permanent Representative to the UN in Geneva.

The report will set out how Ireland is implementing the Convention. It will describe progress in a number of areas and acknowledge where further action is required for Ireland to comply fully with the Convention.

## Anti-Racism Policy – Establishment of Anti-Racism Committee

*[Pfg]*

In June 2020, the Minister appointed the ordinary members of a new Anti-Racism Committee that was announced in 2019. Professor Caroline Fennell, UCC Professor of Law and Commissioner with the Irish Human Rights and Equality Commission, was appointed Chair of the Committee in December 2019. The Committee held its inaugural meeting on Thursday 18 June 2020.

The Committee has a mandate to review current evidence and practice and make recommendations to Government on how best to strengthen its approach to tackling racism. The purpose of the Committee is to develop an understanding of the nature and prevalence of racism in Ireland and to work towards achieving a social consensus on actions required, by State and non-State actors. Its Terms of Reference are as follows:

- To review the current evidence on racial discrimination in Ireland;
- To examine international practice in combating racism;
- To hold stakeholder dialogues to identify the views of wider civil society; members of the public; members of the Oireachtas; the business sector; media and other relevant parties;
- To produce an interim report to Government not more than three months after its first meeting identifying priority issues and a programme of work for the Committee;
- Having regard to the review of evidence, international practice, research commissioned and the outcome of stakeholder dialogues, to provide a draft antiracism strategy, containing a clear action plan, at the end of one year that:
  - identifies priority issues to be addressed;
  - makes recommendations on strengthening the Government’s approach to combating racism, building on the actions currently included in the Migrant Integration Strategy and the National Traveller and Roma Inclusion Strategy;
  - generates ideas for reducing racist abuse in the public space.

The Committee comprises people from diverse backgrounds, including those with lived experience of racism. The intention is that its work will be grounded in the lived reality of people’s lives and that the recommended Action Plan will be action-oriented and practical. Its members come from a wide range of sectors and backgrounds, recognising that racism can occur in many aspects of life and that broad experience and expertise need to be harnessed to develop an effective action plan. The following are the Committee members [see Appendix for full biographies]:

- (1) Chair, Caroline Fennell
- (2) Shamsun Nahar Chowdhury
- (3) Meadhbh Costello

- (4) Anastasia Crickley
- (5) Tom Enright
- (6) Sindy Joyce
- (7) Úna-Minh Kavanagh
- (8) Patricia King
- (9) Nana Nubi
- (10) Ciarán Ó Catháin
- (11) Shane O'Curry
- (12) Bashir Otukoya
- (13) Linus (Boidu) Sayeh
- (14) Eugenia Siapera
- (15) Margot Slattery
- (16) Owen Ward

This Committee will conduct dialogues with stakeholders from a range of sectors, including the public sector; members of the Oireachtas; employment and the workplace; Civil Society (including local communities; voluntary sector and sporting organisations); Media (including online); Education sector; and Organised religion.

Additional dialogues may be conducted at the discretion of the Chair. The Committee may establish Sub-Committees (comprised of members and non-members) to consider particular sectoral issues in detail. The Committee will also have the capacity to engage with experts in the field and commission independent research to support its work.

The Committee has been asked to provide a preliminary report to Government no later than three months after its first formal meeting, with a full report, meeting the Terms of Reference, due at the end of one year. The Committee could then remain in place to oversee the implementation of what the Government has identified as priority actions.

The Committee will have a secretariat provided by the Department of Justice and Equality (Civil Justice and Equality Strategic Policy Planning and Research Unit).

## International Human Rights Reporting - Universal Periodic Review

The Universal Periodic Review (UPR) is a five yearly human rights reporting cycle for UN Member States that commenced in 2008 under the auspices of the UN Human Rights Council. It was created through the UN General Assembly in 2006 and is and is a State-driven process. It provides an opportunity for each Member State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. It runs parallel to the reporting obligations under specific human rights conventions. Ireland underwent its second cycle review in 2016 and at the conclusion of that process, committed to submit an optional Interim Report between the second and third cycles. The UPR Interim Report 2020 and accompanying Memorandum for Government went before Cabinet on the 19<sup>th</sup> June 2020. Following Government approval, the Report will be submitted formally to the United Nations via Ireland's Permanent Representation to the UN in Geneva.

The interim report highlights significant progress made in a number of areas over the reporting period. These include ratification of the International Convention on the Rights of People with Disabilities in 2018; ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) in 2019; enactment of the Termination of Pregnancy Act 2018, allowing for the provision of abortion services and associated supports; removal of the offence of Blasphemy from the Statute Book in 2019; State recognition of Traveller ethnicity in 2017; removal of the defence of reasonable chastisement in relation to the corporal punishment of children following commencement in 2017 of all parts of the Children First Act 2015; and the adoption between 2017 and 2019 of a suite of equality strategies providing a framework for Government efforts to advance the equality and inclusion of certain protected groups.

As the report was drafted before COVID-19, the pandemic is not reflected in the contents. A full human rights assessment, including the impact of COVID-19 will appear in the full third cycle UPR report, due for submission to the UN in July 2021 (see below).

Preparation has begun for Ireland's National Report for the 3<sup>rd</sup> Cycle of the United Nations Universal Periodic Review (UPR). This Report is due to be submitted to the UN in **February 2021**.

The UPR review process involves several stages. The first stage will be submission of a detailed Report to the UN in February 2021 describing progress in implementing the recommendations made during Ireland's last review in 2016. Ireland will then be reviewed in a three-hour Working Group session in April or May 2021 (the Minister will Chair an Interdepartmental Delegation to Geneva for this purpose). Following this review, the Working Group will produce a review document containing recommendations by fellow

member States, and Ireland will be invited to either accept or note the recommendations. This will then be formally adopted by the UN at a plenary session of the Human Rights Council. States are encouraged to execute the recommendations, however compliance is strictly voluntary and not legally binding. The third cycle of the UPR examinations began in 2017 and runs until 2021. Ireland will be one of the last states to be reviewed.

When Ireland is next examined under the UPR process, in October-November 2021, it is anticipated that the Committee will focus on two areas where further action is needed to meet the recommendations to which Ireland agreed when last examined in May 2016. These are to ratify the Optional Protocol to the Convention Against Torture and to implement the institutional structures underpinning the Convention on the Rights of Persons with Disabilities. Work is being undertaken to meet these recommendations, which will involve legislative change and the development of new institutional responses to safeguard rights.

Preparation of the National Report will involve detailed consultation with all Departments and Agencies responsible for carrying out the previous recommendations, or with wider competence on human rights matters. Public and stakeholder consultation will also be conducted in the second half of 2020. As part of the review in 2021, the Working Group will also consult with civil society bodies and the Irish Human Rights and Equality Commission in drawing up its recommendations.

## MEDIUM/LONG-TERM PRIORITIES AND ISSUES

### Strategic Policy Development Programme

The Civil Justice and Equality Strategic Policy Team is commencing three major Strategic Policy projects in 2020. These projects are discrete pieces of long-term policy work based on the broader policy responsibilities of the civil justice and equality policy function. The Strategic Policy Team proposed six possible research projects to the Civil Justice and Equality Executive Board, which selected three for the team to commence in 2020: 1) developing a long-term migration policy for Ireland; 2) Legal Costs and Access to Justice; and 3) Evaluation Methodologies – a case study of the Equality Strategies.

Developing a long-term migration policy for Ireland is one of the Department’s primary policy priorities. The Department has policies on many individual aspects of the Irish migration system but the system is not currently underpinned by a comprehensive policy framework that identifies the core cross-Departmental priorities, principles and objectives of the State with respect to inward migration. This project, which has now commenced, begins the development of such a framework.

The project on legal costs and access to justice will examine the level of costs incurred in the Irish legal system, and whether these costs act as a barrier to accessing justice for individuals or businesses. Several international and national organisations and individual judges have recently indicated that Ireland is a relatively high cost jurisdiction for litigation and legal services. The project will consider legal costs incurred both inside and outside of court and will be informed by Justice Kelly’s Review of the Administration of Civil Justice. This project is due to commence in Q1 2020.

The third project takes the six Equality Strategies as a case study, and examines the evaluation methods that are currently applied to the equality area, in the context of other jurisdictions and the area of social inclusion.<sup>7</sup> The key objective is to create an evaluative framework for successor Equality Strategies (the existing strategies will be completed at the end of 2020 or 2021). To this end, the project will answer the following important questions: how do we measure the impact of policy interventions, in particular outcomes; many policy interventions in the area of social inclusion focus on implementation and do not prioritise evaluation – how do we turn this around to embed evaluation into strategy design, from the outset. The project will fulfil the Department’s obligations under Our Public Service 2020 ‘ensure the results of evaluation and evidence-base analysis is better integrated into policy, decision-making,

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<sup>7</sup> The National Traveller and Roma Inclusion Strategy (2017-2021); the National Disability Inclusion Strategy (2017-2021); the Migrant Integration Strategy (2017-2020); the National Strategy for Women and Girls (2017-2020); the National LGBTI Inclusion Strategy (2019-2021); and the Comprehensive Employment Strategy for Persons with Disabilities (2015-2024).

planning and design processes'. The findings may have more general applicability, both within policy and in other functional areas of legislation, operational areas, and governance. This project is due to commence in Q3 2020.

### Policy Research Programme

Civil Justice and Equality has a programme of research to provide evidence for policy. This involves commissioned research on equality and inclusion, migration and access to justice.

A key element of this is a multi-annual **Equality and Integration Research Programme with the Economic and Social Research Institute (ESRI)**. This programme commenced in December 2017 and has to date produced the following reports:

- Monitoring Report on Integration 2018 (published November 2018, this is part of a series that monitors the integration of migrants to Ireland every two years across standard indicators of employment, education, social inclusion and active citizenship. It is our primary source of quantitative evidence for integration policymaking.);
- Data for Monitoring Integration: Gaps, Challenges and Opportunities (published March 2019, this was a direct output from the Migrant Integration Strategy);
- Diverse Neighbourhoods: An Analysis of the Residential Distribution of Immigrants in Ireland (published June 2019);
- Origin and Integration: A Study of Migrants in the 2016 Irish Census (published June 2020).

Forthcoming research outputs from this programme are:

- Supporting Integration? International Practices on Civics and Language Courses and Tests: Policy Implications for Ireland (forthcoming June 2020, this will be a direct output from the Migrant Integration Strategy);
- Monitoring Report on Integration 2020 (forthcoming November 2020);
- A further output under the current programme will be agreed by the Programme Steering Board in March 2020, for publication in early 2021.

#### **Other commissioned research currently underway or in commissioning:**

The School of Social Policy, Social Work and Social Justice in UCD is carrying out research on the question of adding the discriminatory ground of socio-economic status to the Employment Equality and Equal Status Acts. This is due for completion at the end of September 2020.

The Department is seeking to commission a study on the Economic Costs of Discrimination and the Benefits of Diversity in the Workplace through the Science Foundation Ireland (SFI) – Public Service Fellowship. Applications are under consideration.

**Planned Research – not yet commenced/commissioned:**

There are a number of other research needs arising from policy development work in Civil Justice and Equality. While some of these may be met through the internal research capacity of the Policy Function, others will need to be externally commissioned. Further detail can be provided.

Disability Policy (medium/long-term)

*[PFG]*

The Department of Justice and Equality co-ordinates national policy on disability, primarily through the implementation of two national strategies – the National Disability Inclusion Strategy (NDIS) 2017 – 2021 and the Comprehensive Employment Strategy (CES) for People with Disabilities 2015-2024. Ireland must now also progressively implement additional commitments under the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), following its ratification in 2018.

National Disability Inclusion Strategy 2017-2021 (NDIS)

*[PFG]*

The **NDIS** takes a whole of Government approach to improving the lives of people with disabilities. The Strategy contains eight themes: Equality and Choice; Joined Up Policies and Public Services; Education; Employment; Health and Wellbeing; Person Centred Disability Services; Living in the Community; Transport and Accessible Places.

Implementation of the Strategy is monitored quarterly by a Steering Committee, which was chaired by Minister of State for Disability Issues Finian McGrath. The Steering Committee includes Government Departments and Agencies and members of the Disability Stakeholder Group (DSG). The DSG provides a forum for stakeholders to present one voice to Government in respect of monitoring the NDIS. It comprises service providers and service users.

At a special Cabinet Meeting on Disability on 9 January 2020, the Cabinet approved a Mid-Term Review of the National Disability Inclusion Strategy prepared by this Department. The Mid-Term Review noted significant progress on key areas of the NDIS since it was adopted in July 2017. The Review was published in March 2020.

## Comprehensive Employment Strategy for People with Disabilities 2015-2024 (CES)

*[PFG]*

The **CES** sets out a ten-year approach to ensuring that people with disabilities who are able to, and want to work are supported and enabled to do so. The CES takes a cross-government to address the barriers to employment of people with disabilities.

Implementation of the Strategy is monitored by an Implementation Group independently chaired by Mr. Fergus Finlay and comprising senior representatives of Government Departments, the National Disability Authority, the Disability Stakeholders Group and representatives of the disability sector. The second action plan (2019-2021) for the Strategy was published in December 2019.

## UN Convention on the Rights of Persons with Disabilities

*[PFG]*

The third element of national disability policy arises from Ireland's ratification of the UN CRPD in March 2018. These obligations will be met over time, with initial priority given to meeting legislative commitments. The commencement of the Assisted Decision-Making (Capacity) Act 2015 is required to abolish wardship and to provide supports that respect the person's will and preferences. In addition, there are a number of legislative changes that need to be progressed including safeguarding persons with capacity difficulties who are deprived of their liberty; reforming the Mental Health Act 2001; improving access for people with disabilities to jury service and removing outdated references to 'persons of unsound mind' from the statute book. Some of these amendments were contained in the Disability (Miscellaneous Provisions) Bill 2016 which had reached Committee Stage in the previous Dáil.

CRPD also requires State parties to actively involve people with disabilities in policy development. This will require a major change in the way Government Departments and Agencies carry out their work. The Department has developed a consultation and participation model to build capacity within the NGO community so that people with disabilities can participate fully. A process to select partners to operationalise key elements of this model is now underway and the model will be utilised for consultation on the UN CRPD Initial State Report.

As the designated National Focal Point and Co-ordination Mechanism for CRPD, this Department will draft an implementation plan to co-ordinate the implementation of the Convention across Government. This was an additional commitment contained within the

Mid-Term Review. Implementation of the Convention will be monitored through the NDIS framework.

The Irish Human Rights and Equality Commission (IHREC) acts as Ireland's Independent Monitoring Mechanism. The Disability (Miscellaneous Provisions) Bill 2016 was to give further effect to the Convention in law and the Bill would have formally provided for the designation of IHREC as the independent monitoring mechanism. As the Bill has lapsed, this matter will be addressed in future legislation, however the position has not changed in that IHREC would be the independent monitoring mechanism.

## **Inclusion, Equality and Gender Equality**

### **IMMEDIATE PRIORITIES AND ISSUES**

#### **Equality Impacts of COVID-19**

The COVID-19 pandemic and social distancing measures have had a disproportionate impact on some of the most vulnerable communities in Ireland, including the Traveller and Roma communities. The Inclusion, Equality and Gender Equality team has been monitoring this impact through the NPHE vulnerable persons subgroup and has provided additional financial supports to address immediate needs.

Work is ongoing to measure the equality impact of the pandemic response and economic recovery measures.

#### **Consultation on Flexible Working**

*[PfG]*

Preparatory work has begun on the development of a national policy on flexible working, to be published in 2020. The Department of Justice and Equality is conducting a public consultation to inform the development of policy in this area, taking into account the needs of families, individuals, employers and the broader economy. An online survey has been conducted and written submissions requested from stakeholders. The findings of the consultation will contribute to consideration of whether or not new legislation is needed, whether existing supports meet the needs of businesses and employees and if additional supports are required.

A follow-up consultation is in planning to assess the impact of COVID-19 on attitudes to flexible working. A date in the Minister's diary will be sought for a consultation event with stakeholders

#### **Oversight of National Equality Strategies**

*[PfG]*

Equality strategies are in place to promote the integration of migrants (Migrant Integration Strategy), gender equality (the National Strategy for Women and Girls 2017-2020, NSWG), inclusion of Traveller and Roma people (the National Traveller Inclusion Strategy, NTRIS) and LGTB+ inclusion. Progress in implementation of each Strategy is overseen by committees

chaired by the Minister of State which meet approximately 3 to 4 times annually and include representatives of civil society, employers, trade unions and relevant Government Departments. Diary dates will be sought for future Committee meetings.

## MEDIUM/LONG-TERM PRIORITIES AND ISSUES

### National Traveller and Roma Inclusion Strategy 2017-2021

*[PfG]*

The Government published the National Traveller and Roma Inclusion Strategy (NTRIS) 2017 – 2021 in June 2017.

The Strategy represents a whole of Government approach to bring about meaningful change and progress for the Traveller and Roma community in Ireland. It brings Government Departments and Agencies together along with representatives of both Traveller and Roma communities to bring a focus to the issues which affect them most in a structured way.

The total number of Travellers in Ireland as enumerated in April 2011 was 29,573 according to Census 2011; this accounts for less than one per cent of the total population of Ireland. ESRI report “A Social Portrait of Travellers in Ireland” found that Travellers stand out as a group that experiences extreme disadvantage in terms of employment, housing and health and that faces exceptionally strong level of prejudice.

The NTRIS contains 149 actions, grouped under ten themes including Cultural Identity; Education; Employment; Health and Accommodation aim to improve the lives of the Traveller and Roma Communities. The majority of the actions in the strategy have started and are on track for completion during the lifetime of the strategy. It is the responsibility of the respective Government Departments and Agencies to deliver on the Actions contained in the Strategy and to provide updates on this through the Steering Committee.

NTRIS was developed through a dynamic consultative process involving Travellers and Roma at each stage of the process. The participation of Travellers and Roma is key to the Committee’s work. NTRIS is being monitored according to a traffic light system which enables progress on each action to be clearly evaluated.

#### **Mid-Term Review**

The Department of Justice and Equality has committed to undertaking a mid-term review of the National Traveller and Roma Inclusion Strategy (NTRIS). As a first step, the Research and Data Analytics team is conducting an evaluation of the NTRIS and provide insight into how

progress can be measured in the future. Following the review, decisions will need to be taken on how best to proceed to support the aims of these areas effectively.

## Migrant Integration Strategy 2017 -2021

*[Pfg]*

The **Migrant Integration Strategy** was launched in February 2017 and runs until end-2020.

The Migrant Integration Strategy sets out the Government's approach to the issue of migrant integration for the period to 2020. Targeting all migrants legally in the State, its 76 actions are delivered by Government Departments, local authorities, local communities, the business sector, sporting and arts organisations and NGOs across a number of policy areas relevant to the integration of migrants, including employment; education and social inclusion. It also addresses racism and xenophobia, representing a whole-of-Government approach.

### **Progress Report**

The Department of Justice and Equality produced a Progress Report to Government, published in June 2019. There has been good progress in the implementation of the Strategy since its adoption in February 2017. As of June 2019, when the progress report was finalised, a total of 54 of the 76 actions fall into the 'on track' or 'completed' reporting categories. Implementation of 17 actions is facing 'minor problems or delays', with 5 actions having encountered 'one or more major difficulties'. No actions have yet to start. Overall, this represents a good rate of progress.

A number of significant milestones that were included as commitments in the Strategy have been reached since its publication. These include the enactment of the Education (Admission to Schools) Act 2018; adoption of Ireland's Second National Intercultural Health Strategy; establishment of the Communities Integration Fund; commencement of an OPMI / ESRI Integration Research Programme; and mapping of data needs for monitoring integration. These are important developments that will support the achievement of the objectives of the Strategy.

### Examples of Progress:

- The Department of Justice and Equality and the Office for the Promotion of Migrant Integration have initiated a range of funding programmes to support integration projects nationwide.
- The Economic and Social Research Institute, on behalf of DJE, has conducted an analysis of integration data available to policymakers and practitioners.
- EU funding for migrant integration and employability projects is provided by the Department of Justice and Equality through the Asylum, Migration and Integration Fund

and the European Social Fund. Following open, competitive calls for proposals in 2016, twenty-five projects were selected and commenced activity in 2017. A total of €7.3 million has been awarded and projects will run from 2017 to 2020.

The Progress Report provided recommendations for all responsible bodies named in the Strategy:

- Commission external data gathering and/or monitoring to measure progress on given actions.
- Consider whether additional actions to combat racism and xenophobia may be required in the Strategy.
- Develop greater synergy and more active links between Local Authority integration work and the implementation of the National Strategy.
- Informed by integration monitoring, develop a programme to advance integration outcomes in adult education (in particular English language acquisition) and employment (access and progression).

In response, the Anti-Racism Committee (see pages 52-53) has been established with a mandate to consider the actions needing to be taken by Government to tackle racism and to enable an effective national monitoring and reporting system to be developed.

### Integration Funding

*[PFG]*

On 7 October 2019, it was announced that €4.5 million is being made available over three years under the European Union Asylum, Migration and Integration Fund (AMIF). This funding is targeted at initiatives to promote the integration of non-EU migrants and to combat discrimination and racism by providing a range of practical supports directly to migrants.

It is anticipated that a competition for funding for national organisations to promote integration will be launched later this year as a successor to the three-year programme of funding which ends this year. This funding programme is designed for national organisations and for larger-scale initiatives.

A Communities Integration Fund has been in place since 2017 which provides small grants (5,000 euro) to community organisations for initiatives to promote integration at local level. Further funding of €500,000 was announced on 19 June 2020, for community integration projects to be carried out in 2020.

## Gender and Equality Budgeting

The Government committed in A Programme for a Partnership Government to ‘develop the process of budget and policy proofing as a means of advancing equality, reducing poverty and strengthening economic and social rights’. The policy paper ‘Equality Budgeting – Proposed Next Steps in Ireland’ published on Budget Day (10 October 2017) outlines the pilot approach for gender budgeting adopted by Government with effect from the 2018 Budgetary Cycle. The approach the Government has taken in introducing Equality Budgeting is for it to be integrated into the existing budgetary process, involving the existing performance budgeting framework and using the processes already in place.

Led by the Department of Public Expenditure and Reform, a pilot programme of equality budgeting was introduced in six policy areas for the 2018 budgetary cycle and extended in Budget 2019. The initiative is being supported by an Equality Budgeting Expert Advisory Group bringing together expert knowledge on how best to progress this important work. This group is comprised of expert stakeholders such as the National Women’s Council of Ireland, IHREC, NESC, the ESRI and a number of Government Departments, including the Department of Justice and Equality.

The pilot programme of equality budgeting for the 2018 budgetary cycle included the policy areas and objectives related to childcare, sports grants, funding for female talent in Irish film, apprenticeships and smoking cessation programmes.

Further policy areas and objectives were included in the expansion to 46 programmes in Budget 2019, broadening its scope to other dimensions of equality including poverty, socioeconomic inequality and disability. These included two projects as follows in the Department of Justice and Equality.

- Women in the Workforce (D/JE) - Increase women's overall participation in the workforce for increased economic independence.
- Refugees (D/JE) - to evaluate effectiveness of the Irish Refugee Protection Programme for certain groups such as women, minors and other vulnerable people.

### **OECD Policy Scan on Equality Budgeting in Ireland**

The Department of Justice and Equality, and the Department of Public Expenditure and Reform requested that the OECD take stock of actions that the Government of Ireland has taken to mainstream equality considerations as part of the budget process. This policy scan exercise aims to provide options and recommendations on future directions for equality budgeting in Ireland, in light of national developments and international experience. The work

has been funded by the Department of Justice and Equality. The report was published on Budget Day, 8 October 2019.

### **Equality budgeting and Covid-19**

The Department of Justice and Equality has asked the Department of Public Expenditure and Reform to consider undertaking an analysis, within the framework of the Equality Budgeting Expert Advisory Group, of the gender implications of the policy responses to stimulate recovery from the Covid-19 pandemic. Guidance on this exercise is being sought from the OECD.

[Website: https://www.gov.ie/en/policy-information/aec432-equality-budgeting/](https://www.gov.ie/en/policy-information/aec432-equality-budgeting/)

<http://www.budget.gov.ie/Budgets/2020/2020.aspx>

## National Strategy for Women and Girls 2017-2020

*[PFG]*

The National Strategy for Women and Girls 2017-2020 (NSWG), adopted by Government and launched in May 2017, provides a whole-of-Government framework through which women's empowerment continues to be advanced, reflecting a key theme running through the Programme for a Partnership Government and the Government's commitments under the Beijing Declaration and Platform for Action (1995) and the 2030 Agenda for Sustainable Development (2016).

The overall goal for the Strategy in the period to 2020 is "to change attitudes and practices preventing women's and girls' full participation in education, employment and public life, at all levels, and to improve services for women and girls, with priority given to the needs of those experiencing, or at risk of experiencing, the poorest outcomes".

Six high-level objectives are set out which aim to advance socio-economic equality for women and girls; to promote their physical and mental well-being; to increase their visibility in society and equal and active citizenship; to promote women's participation in leadership; to combat gender based violence; and to embed gender equality in decision-making.

These objectives are advanced through 139 actions, undertaken by Government Departments and State agencies in cooperation with social partners and civil society as appropriate. Funding for actions included in the Strategy is provided under the voted moneys allocated to the Government Departments with responsibility for each action. Among the planned measures are actions to improve supports for working parents, increase availability of family leave and work-life balance, increase access to quality affordable childcare (see actions 1.1-1.45).

Women's groups, civil society actors, the trade union movement and business representatives were among the stakeholders consulted and who contributed to the development of this Strategy. These stakeholders continue to be closely involved on the Strategy Committee advising on its implementation. As the Strategy is intended to be a living document, the Strategy Committee also advises on adding further actions over the lifetime of the Strategy.

A set of high-level indicators of the situation of women and girls in Ireland relating to the themes of education, labour market participation, poverty, health and wellbeing, violence against women, and leadership, is incorporated in progress monitoring and reporting.

The first progress report under the NSWG was submitted to Government and published in March 2019. Key achievements to date under the Strategy include the ratification of the Istanbul Convention on domestic violence, the repeal of the Eighth amendment, the introduction of two weeks of paid paternity leave for fathers and the launch of the Women

in Sport Policy. As of May 2020, work had begun on 133 of the initial 139 actions, of which 37 had been completed. An independent evaluation of the Strategy will be carried out in 2021.

Following the review, decisions will need to be taken on how best to proceed to support the aims of these areas effectively.

### Gender Equality Issues

*[PFG]*

It is expected that work will need to be undertaken over the next months to prepare for the 25<sup>th</sup> anniversary of the UN Beijing Platform for Action which imposes obligations on states to advance the equality of women and girls across a range of areas. The meeting is currently scheduled to take place in New York on 23 September 2020 on the margins of the general debate of the 75th UN General Assembly session and will involve representation by Heads of Government and Ministers.

The Citizens' Assembly on gender equality, chaired by Dr Catherine Day, is currently examining barriers to gender equality in the areas of caring work, the workplace, pay and gender norms and stereotypes. The Assembly's planned meetings in April and May were postponed due to Covid-19 and the situation kept under ongoing review. It is expected that the Assembly will issue a series of recommendations, particularly with regard to [REDACTED]

[REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberative process.

## Gender Pay Gap

*[PfG]*

The gender pay gap in Ireland was 14.5% in 2017, according to the latest figures available from the CSO and Eurostat.

The 2016 Programme for a Partnership Government included commitments in respect of measures to reduce the gender pay gap, inclusive of increasing investment in childcare, reviewing the lower pay of women, gender inequality for senior appointments and seeking to promote wage transparency by requiring companies of 50 or more to complete a wage survey.

A public consultation was launched on 9 August 2017 on measures to address the gender pay gap. This process closed on 4 October. 38 submissions were made by academics, civil society bodies, trade unions, employer representative organisations, employers, professional representative organisations, and individuals. Of the submissions received, 5 specific factors contributing to the gender pay gap, as cited by respondents, attracted 69% of suggested actions. The top five factors cited were: non-transparency of pay structures; women and caring responsibilities; unconscious bias; occupational/sectoral gender segregation; and childcare.

The Gender Pay Gap Information Bill was published and presented to Dáil Éireann on 8 April 2019. The Bill passed Second Stage on 14 May 2019, and Committee Stage on 27 June 2019 and was awaiting Report Stage. The Bill has lapsed following dissolution of the Dáil in January 2020. A decision will have to be taken as to its reintroduction or the time frame for its implementation given current circumstances. Some decisions are also necessary on policy and enforcement aspects of the Bill (See page 80).

The purpose of the Bill is to require the Minister to make regulations obliging employers to publish information relating to the gender pay gap, initially in firms of 250 or more employees with this threshold reducing to 50 when the legislation is fully operational. The requirement will apply in the private and public sectors once the employment threshold is met. The Bill also provides that employers must set out the measures, if any, being taken to eliminate or reduce any pay gap. This will incentivize employers to take steps insofar as they can to reduce the gender pay gap. Publication of a number of gender pay gap metrics will be required, e.g. mean and median, data on part-time employees, bonus pay, benefits in kind etc. The regulations may also require the publication of information on the percentage of employees in each of the four pay quartiles who are men and who are women and the publication of information by reference to job classifications. The Minister may appoint designated officers to investigate how employers prepare the information for publication to ensure its accuracy. The Irish Human Rights and Equality Commission (IHREC) is given power to apply to the Circuit Court for an order requiring a person to comply with the Ministerial regulations. A person who fails to comply with a Circuit Court order is in contempt of that Court. Also, an individual

employee may make a complaint to the Workplace Relations Commission (WRC) of non-compliance with reporting regulations by their employer. The WRC, if it finds in favour of the employee, may order the employer to take a specified course of action in order to comply.

### Gender Balance on State Boards

There is a long-standing Government objective to achieve at least 40% representation of each gender in the membership of State Boards.

In July 2018, the 40% target was met for the first time in respect of average board membership, when women held 40.7% of the membership of State boards. By December 2018, the average gender balance across all State Boards stood at 41.5% female and 58.5% male members. However, less than half (48%) of individual Boards had met the 40% target.

The Government agreed in December 2018 to convene an inter-departmental group to identify and report on best practices which could be adopted across Government to improve this figure. The Group's recommendations were approved by Government in March 2019. There are 17 recommendations. These addressed a broad range of measures, as follows: reporting on gender balance in Departments' annual reports and by State Boards; outreach to increase the numbers of candidates applying for State Board vacancies; the length of terms served by board members; the information provided to Ministers when making appointments; board governance and culture; nominations by external nominating bodies; mentoring and shadowing programmes; and the development by Departments of packages of measures to promote better gender balance on the boards under their aegis. Work across Departments on implementation is ongoing, and includes the preparation of an implementation plan. A progress report is being compiled on progress made across Departments in implementing these recommendations.

A survey of Departments on 1 December 2019 showed average female representation on State Boards had increased to 43.5%, over half of individual Boards (50.2%) had met the gender balance target, and the number of single-gender boards had fallen to 4 from 11 the previous year. A draft Memorandum for Government setting out the Gender Balance on State Boards as of December 2019 has been prepared for the Minister's consideration.

Document: [Report of the Inter-Departmental Group on Gender Balance on State Boards: Options and Recommendations for Government \(published 08/03/2019\)](#)

## Gender Balance in Business Leadership

In July 2018, the Taoiseach launched the 'Balance for Better Business' initiative. This is an independent business-led Review Group established by the Government to improve gender balance in senior business leadership in Ireland. The Review Group consists of:

- Gary Kennedy, co-chair
- Bríd Horan, co-chair
- Fiona Tierney
- Mark Fitzgerald
- Aongus Hegarty
- Carol Andrews
- Danny McCoy (CEO, Ibec)
- Julie Sinnamon (CEO, Enterprise Ireland)
- Martin Shanahan (CEO, IDA Ireland)
- Dr Orlaigh Quinn (Secretary General, Department of Business, Enterprise and Innovation)

The review group is supported by a wider 'advisory group', which consists of high level executives and CEOs. The Review Group is also supported in its work by the Department of Justice and Equality and by the Department of Business, Enterprise and Innovation.

The Review Group focused in this first report, launched in May 2019, on Irish-registered companies listed on the Stock Exchange and set progressive targets over a 5-year period for the achievement of gender balance on the boards of these companies, with interim annual targets. Targets were set of 33% female directors for ISEQ 20 companies by 2023 and 25% for all other Irish listed companies. They also set a target that by the end of this year no company traded on the Euronext Dublin markets should have an all-male board. The overall percentage of women on Irish publicly listed boards increased in the last year from 14% to 16.4% and two ISEQ 20 companies appointed women to their boards for the first time. The Review Group will address the issue of gender balance on other boards and in senior management in its future work. The second report was published in December 2019, with progress shown and additional targets set.

New statistics published in March 2020 indicated progress had been made against the targets. 26.3% of ISEQ 20 company board directors were female, up from 25.3% in September 2019, and up significantly from 18.1% in February 2018 when Balance for Better Business was originally announced. The figure surpasses the interim target of 25% for the end of 2020 set by Balance for Better Business last year. Other listed companies outside of the ISEQ 20 are up from 12.4% in September 2019 to 15.9%, which was already an increase from 9.6% in February 2018. Overall, all listed companies were up from 19.1% in September last year to 21.5%, and up from 13.9% in February 2018. The percentage of boards with three or more

females increased from 25% to 32%. However, 11 all-male boards remained among the boards of listed companies, with one all-male board among the ISEQ 20 companies.

Documents: Balance for Better Business: [first report \(May 2019\)](#) and [second report \(December 2019\)](#).

Website: <https://betterbalance.ie/>

### The 30% Club Initiative for the Civil and Public Service

#### **Proposed Public Service Network aligned with the 30% Club Ireland**

In March 2019, the Government agreed to establish a Public Sector Network within the 30% Club Ireland. The network will be convened by Deputy Secretary General Oonagh Buckley of the Department of Justice and Equality, and is intended will offer opportunities to promote greater gender balance within the public sector's senior leadership, in addition to sharing good practice on promoting women in leadership between the public and corporate sectors

Since its launch in 2015, the Irish Chapter of the 30% Club (which began in the UK and now has a global reach) has aimed to achieve 30% representation of women on boards and executive management by 2020 in Irish business. It is a group of Chairs and CEOs, including the Secretaries General of several Government Departments, committed to better gender balance at all levels of their organisations through voluntary action. No membership fees apply and members volunteer time and resources as needed.

#### **Women in leadership in the Civil and Public Service**

The National Women's Strategy adopted in 2007 set targets to achieve 33% representation of women at the Assistant Principal grade and 27% at Principal Officer grade. Both targets are now well exceeded, with 51% women at AP grade and 43% at PO. A third of Assistant Secretaries and Deputy Secretaries General are women. At the most senior Secretary General grade, women are only 20% of the number.

The Civil Service Renewal Plan 2014-2019 included a commitment to "improve gender balance at each level by reviewing supports and policies to ensure these are impactful and measurable" (CSRP Action 8.5). A new Civil Service Renewal Plan is in preparation, to align with Our Public Service 2020, published in December 2017. "Developing our people and organisations" is one of the three pillars of the Our Public Service 2020 framework. Under

that pillar, Headline Action 16 aiming to “promote equality, diversity and inclusion” was one of the priority actions selected by the Public Service Leadership Board for immediate implementation in 2019.

Each of the actions of Our Public Service 2020 is progressed by an Action Team. Action Teams comprise sectoral experts led by a member of the Public Service Leadership Board and sponsored by a member of the Public Service Management Group. The Department of Justice and Equality and its agencies provide the leadership and sponsors for Action 16. The Department commissioned a study of study of gender in senior civil service positions in Ireland, at the request of the Civil Service Management Board. Its findings, published in December 2017, suggested availability of flexible working arrangements, high work pressure and a long-hours culture for senior levels were among the key issues deterring women from seeking senior positions in the Civil Service. The study also indicated a number of potential policies and practices that could contribute to increased gender balance at senior levels. These included: access to flexible work arrangements at senior levels across Departments; having a structured period of induction or handover for people moving to more senior roles, reinforced by mentoring and coaching; a systematic approach to career development for all so that civil servants have the chance to develop their skills and competencies across a range of functions; the need to assess the workload and task organisation in senior positions; and on-going monitoring of gender differences.

**Gender Balance in the Senior Civil Service:** numbers as of end February 2019, DPER

<b>Grade</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
Sec Gen <sup>8</sup>	6 (20%)	24 (80%)	30
Second Sec	1 (25%)	3 (75%)	4
Dep/Sec	6 (33%)	12 (67%)	18
A/Sec	84 (36%)	152 (64%)	236
PO	646 (43%)	859 (57%)	1,505
AP	2,333 (51%)	2,281 (49%)	4,614

<sup>8</sup> There are 17 Government Department Secretaries General and 13 Sec Gen equivalents

## Work-Life Balance and Supports for Working Parents and Caring Responsibility

[PfG]

The Department of Justice and Equality is responsible for legislation on family leave while responsibility for the accompanying social insurance benefit is held by the Department of Employment Affairs and Social Protection.

### Transposition of EU Work-life Balance Directive (1158/2019)

The Directive on Work-Life Balance for Parents and Carers aims to increase the participation of women in the labour market and the take-up of family-related leave and flexible working arrangements. It also provides opportunities for workers to be granted leave to care for relatives who need support. By modernising the existing EU legal framework in the area of family-related leaves and flexible working arrangements it is envisaged that parents and carers will be better able to reconcile their professional and private lives, and companies will benefit from more motivated workers. Member States have three years to adopt laws, regulations and administrative provisions necessary to comply with the Directive (2 August 2022).

#### Key Points within the Directive for implementation: Article 5 – Parental Leave

Member States to provide for an individual right to 18 weeks of parental leave per parent, 9 weeks of which must be non-transferable and paid at an adequate level, before the respective child reaches an age (under eight years) to be determined by Member State. The right to request flexible uptake is enshrined in Article 5. This provision must be transposed within 5 years.

The *Parent's Leave and Benefit Act 2019* allows for two weeks paid leave for each parent within 52 weeks of the birth or placement of their child from that date. This is in addition to leave for parents already in place. The duration of the leave can be increased to a maximum of 9 weeks by order of the Minister for Justice and Equality with the consent of the Minister for Employment Affairs and Social Protection and the consent of the Minister for Public Expenditure and Reform. Consideration will have to be given as to whether this measure corresponds to the WLB Directive.

## Adoptive leave and benefit

[PfG]

The *Adoptive Leave Act 1995*, as amended by the *Adoptive Leave Act 2005* provides that an adoptive mother is entitled to avail of adoptive leave from employment without pay. This leave is also available to male sole adopters. Since 1 March 2007 the entitlement is for 24 weeks' adoptive leave, and 16 weeks' additional unpaid adoptive leave after the end of adoptive leave. During their period of adoptive leave an adoptive parent may qualify for adoptive benefit from the Department of Employment Affairs and Social Protection if they have enough PRSI contributions.

The National LGBTI+ Inclusion Strategy 2019-2021 includes an action to “bring forward legislative proposals to provide for adoptive leave and benefit for male same sex adoptive couples”. In October 2019, Government approval was obtained for the priority drafting of provisions on adoptive leave with a view to their inclusion in the earliest appropriate Bill. These provisions would grant all adopting couples, whether same sex or opposite sex, the right to select which of them would be the qualified adopter for the purposes of getting adoptive leave and benefit.

## National LGBTI+ Inclusion Strategy 2019-2021

*[Pfg]*

Ireland's first National LGBTI+ Inclusion Strategy 2019-2021 was published on 28 November 2019 and complements the National LGBTI Youth Strategy published in June 2018.

The development of the Strategy was underpinned by a robust consultation process which took place between October 2018 and February 2019. A series of regional and thematically focused workshops were facilitated by leading LGBTI+ experts. Regional sessions took place in Cork, Dublin, Dundalk, Galway and Limerick. In addition, specific workshop sessions were organised for the intersex community, Travellers, asylum seekers, migrants and refugees and LGBTI+ people with a hearing disability to ensure that the voices of the more marginalised members of the LGBTI+ community were adequately heard. Sessions with volunteers and service providers were convened, and 32 written submissions were also received.

Through these consultations and workshops, and in tandem with literature review and the written submission process, a number of key areas and themes to address in the Strategy were identified. The overall vision informing the Strategy is of a safe, fair and inclusive Ireland where people are supported to flourish and to live inclusive, healthy and fulfilling lives, whatever their sexual orientation, gender identity or expression, or sex characteristics.

The Strategy pursues objectives under four thematic pillars providing a vision of an Ireland where LGBTI+ people are visible and included, treated equally, healthy and feel safe and supported. With a view to making progress towards these high-level objectives, 108 actions were agreed. As a living document, provision has also been made for modification of the Strategy as needs arise during its lifetime. Approximately 37 actions require leadership by the Department of Justice and Equality and/or its agencies. Key actions for the sector include:

- The advancement of legislative proposals to ensure that incitement to hatred and hate crimes against LGBTI+ people are adequately addressed in legislation, accompanied by operational measures to increase the recording and reporting of hate crime. An increase in the funding and capacity of LGBTI+ community services as well as measures to ensure that community development infrastructure more broadly is inclusive and welcoming to LGBTI+ people. Additional funding of €700,000 was secured in the Justice and Equality budgetary allocation for 2020 to support equality and LGBTI+ initiatives, bringing the total funding available to over €900,000.
- Reviews of the Employment Equality and Equal Status Acts to ensure that transgender, non-binary and intersex people have explicit protections within the equality grounds of the equality legislation.

As the Strategy is for a duration of 2.5 years, it is proposed that the first progress report would be published in late 2020/early 2021 and that a review of the Strategy would take place in 2022, following the Strategy's completion.

## Civil Justice and Equality: LEGISLATION



**John O'Callaghan**

Assistant Secretary  
Head of Legislation

### Principal Officers



**Madeleine Reid**

Legislation



**Vacancy**

Legislation



**Kevin Condon**

Legislation



**Tracy O'Keeffe**

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**Brendan  
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Legislation

## IMMEDIATE PRIORITIES AND ISSUES

### **Active legislation and legislative reviews:**

The following list is of legislation and legislative reviews that are currently active in the Function and are at various stages of preparation or passage through the Oireachtas.

These items are short term, that is, 1-2 years from preparation to enactment, subject to government priorities.

#### Defamation Law Review and Amending Bill

*[PFG]*

This is a statutory review, required under s. 5 of the Defamation Act 2009. It was launched with a public consultation, completed in January 2017, which received 41 submissions, many high quality and detailed. The objective for the review is to ensure, in accordance with the Constitution and with the European Convention on Human Rights, that our defamation law strikes the right balance between protecting an individual's good name and privacy, and protecting the right to freedom of expression, taking account of the vital role in our democracy played by a free and independent press.

The main drive for change comes from the print (and public broadcasting) news media, who are campaigning for significant further reforms (and seeking to reflect, in particular, recent changes in English defamation law.) They argue that Irish defamation law remains too costly and unpredictable, exercising a real chilling effect on media freedom of expression, and threatening the economic viability of smaller independent newspapers. Particular demands include abolishing the use of juries in High Court defamation cases, and limiting awards of damages. In addition, reforms are needed to address the new issue of online defamation, particularly via social media. This is a complex area of law, and several other jurisdictions are confronting similar challenges.

This review has been delayed by other urgent legislative priorities, and by important intervening judgements which had to be taken into account. There is now considerable stakeholder impatience, and its completion is a priority. The previous Minister hosted a symposium for stakeholders in November 2019, to launch the review's concluding phase. The expected timeframe is that the report, with options for change, will be submitted to the Minister by 30 March 2020, with a view to the Minister bringing Heads of an amending Bill to Government for approval before the summer recess 2020. Enactment timeframe: will depend on availability and prioritisation of OPC legislative drafting resources.

### Property Services (Regulation) (Amendment) Bill

This is a priority measure, as it responds to queries from the European Commission on the compatibility of elements of the Property Services (Regulation) Act 2011 with EU law. No formal pre-infringement procedures have yet issued: following AGO advice, we are seeking to resolve the Commission's concerns through dialogue, as early as possible.

The 2011 Act established a system of licensing, regulating and supervising property services providers, led by the Property Services Regulation Authority (PSRA). The Act includes key consumer protection measures, such as mandatory professional indemnity insurance and a financial guarantee scheme – for example, to ensure that a booking deposit paid by a purchaser to a licensed estate agent is protected, if the latter becomes insolvent. The Act applies to auctioneers (whether of land or goods); to estate agents involved in the sale, purchase or letting of property; and to property management services.

The Commission queries relate to a complex area of EU law, where Treaty freedoms of cross-border establishment and movement for service providers intersect with the Services Directive (Directive 2006/123/EC) and Professional Qualifications Directive (Directive 2005/36/EC). Our legislation applies the same rules to property service providers from other Member States, as to Irish providers. However, EU law considers that rules designed for Irish providers, including licensing and financial guarantee rules, may risk inhibiting free movement of service providers from other Member States. Our objective is to comply with our EU obligations and enable free movement of service providers, while maintaining consumer protection standards.

Officials are in ongoing dialogue with the Commission, and the Office of the Attorney General, on how to best resolve the Commission's concerns. A draft General Scheme of a Property Services (Regulation) (Amendment) Bill is in preparation, with a view to submission to Government as early as possible in Q2/2020. The timeframe for enactment will then depend on availability and prioritisation of OPC legislative drafting resources.

### Personal Insolvency Review/ Personal Insolvency and Bankruptcy Amending Bill

*[PfG]*

This legislative project combines three elements: transposition of the EU Restructuring Directive (2019/1023), which has to be completed by July 2021; completion of a statutory review of the Personal Insolvency Acts; and some amendments to streamline and modernise procedures under the Bankruptcy Acts 1988-2015.

Under the Personal Insolvency Act 2012, the Minister is required to review the Act's operation, in consultation with the Minister for Finance, and to lay a report before the Oireachtas. In practice, important amending legislation was already enacted in 2015 (allowing a debtor to seek court review where creditors refused a reasonable personal insolvency that

includes the debtor's home mortgage arrears). A public consultation for the statutory review, in 2017, received 12 submissions from stakeholders. They focused mainly on procedural changes, to streamline the Acts' operation and reduce costs and delays. The review report is well advanced, but could not be finalised previously due to other urgent legislative priorities.

The EU Restructuring Directive originated in a European Commission proposal in 2016, aimed at harmonising aspects of Member States' insolvency laws. Following extensive concerns expressed by Member States including Ireland, that proposal was extensively modified and as adopted, the Directive is not considered to require significant changes to Irish personal insolvency or bankruptcy law. However, timely transposition will be desirable, and consultations with stakeholders have started. The intention is to complete the report on the review for the Ministers' approval in autumn 2020, with draft Heads to Government on all three elements by the end of 2020.

### Future Reform of Licensing and Regulation of Gambling in Ireland

*[Pfg]*

The Irish gambling industry is substantial with estimated €10 billion), increasingly online and technologically advanced industry. It must be the subject of a modern, sensible and effective licensing and regulatory approach. An effectively regulated gambling environment will ensure, that gambling will be a safe, fair and entertaining activity for the majority of those who take part in it. It must provide enhanced consumer protection for players while limiting the harmful effects on young people and those who may be susceptible to addiction.

Work on the reform of gambling legislation and regulation will have regard to:

- The Scheme of the Gambling Control Bill 2013;
- The Report of the Inter-Departmental Working Group on the Future Licensing and Regulation of Gambling, March 2019;
- The McCann Fitzgerald Consultancy Report December 2019 (funded by the European Commission) "on the establishment of a modern regulatory environment and authority for all gambling activities licensed in Ireland;
- The interim reform measures contained in the Gaming and Lotteries (Amendment) Act 2019.

The critical issue will be to determine the range of gambling activities to be licenced - the Working Group recommended a small number of licencing categories. Determining the licenced activities will allow the setting of appropriate taxes, licencing fees and contributions to a Social Fund to assist with treatment of problem gamblers.

The reform will include a new independent gambling regulatory authority. Initial seed funding of €100,000 was provided in Budget 2020. The authority is intended to be largely self-

financing through fees and levies imposed on licensed gambling operators. The authority will assume the current responsibilities of local authorities, the District Court, An Garda Síochána and the Revenue Commissioners in the licensing process and administer a new Social Fund, supported by levies on licensed operators.

### Gender Pay Gap Information Bill 2019

*[PFG]*

The purpose of the Gender Pay Gap Information Bill 2019 is to require regulations to be made that will oblige certain employers to publish information relating to the gender pay gap among their employees and, where there is a gap, the measures (if any) being taken to eliminate or reduce it. To this end the Bill amends the Employment Equality Act 1998 and the Irish Human Rights and Equality Commission Act 2014. While the costs associated with the Bill have not yet been quantified, both compliance and enforcement costs will be incurred by the State as an employer, as well as the costs which will arise from the appointment of designated investigation officers, etc.

The gender pay gap is the average difference between the remuneration for men and women who are working. Women are generally considered to earn less than men. The gender pay gap arises from legal, social and economic factors, and is not directly connected with the concept of equal pay for equal work. The gender pay gap reduces economic output and means that women are more likely to be dependent upon welfare payments, especially in old age. Legislation providing for the publication of information concerning the pay gap at the level of the firm is seen as important in improving understanding of the pay gap and incentivising employers to use whatever means they can to reduce it. The Bill, which has completed Dáil Committee Stage, attracted broad support in the last Dáil and, if afforded priority status, it could be enacted by the end of this year.

See page 67 for gender pay gap policy information.

### Judicial Appointments Commission Bill 2017

*[PFG]*

The way in which judges are assessed for appointment needs modernisation, so legislating to do so is recommended.

[REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes).

[REDACTED]

[REDACTED]

### Criminal Justice (Legal Aid ) Bill 2017

[PfG]

A preliminary Draft General Scheme of a Criminal Justice (Legal Aid) Bill has been prepared and has been the basis for initial consultations with the Legal Aid Board and the Courts Service. [REDACTED]

- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]

Redacted under S29(1) (a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

[REDACTED]

### Adoptive Leave and Lactation Breaks

The Adoptive Leave Act 1995 provides that an adoptive mother is entitled to avail of adoptive leave from employment, and may be entitled to adoptive benefit (in respect of the leave). Adoptive leave and benefit is also available to a “sole male adopter” as defined under the Act<sup>9</sup>. However, a lacuna in the 1995 Act was identified by the Department, insofar that these entitlements do not apply to male same-sex adopting couples, as neither member of a couple can be the adoptive “mother” for the purposes of the 1995 Act.

In October 2019, Government approval was obtained for the priority drafting of provisions on adoptive leave with a view to their inclusion in the earliest appropriate Bill. These

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provisions would grant all adopting couples, whether same sex or opposite sex, the right to select which of them would be the qualified adopter for the purposes of getting adoptive leave and benefit.

In addition, the Government also agreed to extend the entitlement to lactation breaks for breastfeeding employees (mothers) from 26 weeks (at present) to 104 weeks (2 years) post birth.

The Office of Parliamentary Counsel is currently drafting amendments to address both issues, subject to the finalisation of a number of outstanding policy concerns relating to lactation breaks.

### Disability (Miscellaneous Provisions) Bill 2016

[PfG]

Published in December 2016, the Bill's stated purpose was to address the remaining legislative barriers to Ireland's ratification of the UN Convention on the Rights of Persons with Disabilities (UNCRPD). The opportunity was also taken to progress other miscellaneous amendments to statute law. The Bill amends:

- the Juries Act to accommodate (i) deaf persons who need the services of a sign language interpreter and (ii) persons with mental illness being subject to a functional capacity test
- the Electoral Act to repeal the prohibition on a person of unsound mind from standing for election to the national and European parliament
- the National Disability Act to (i) change the status of NDA staff from public to civil servants, in line with all other bodies in the Justice Vote and (ii) to provide information and advice including statistics to the Irish Human Rights and Equality Commission (IHREC)
- the Equal Status Act to elaborate the principle of refusal of "reasonable accommodation" on grounds of cost
- the Disability Act to bring civilian staff of the Garda Síochána within the scope of Part V of that Act which contains measures applicable to the public service including employee quotas
- the IHREC Act to create a statutory basis for IHREC to (i) keep under review the law and practice relating to the protection of persons with disabilities, and (ii) to that end appoint an advisory committee, and (iii) apply to the Court of Appeal to appear as *amicus curiae* (friend of the court).

Second Stage (Dáil) took place on 31 January and 1 February 2017. Committee Stage took place on 30 January 2019. At Committee, the Chair of the Oireachtas Justice Committee overruled the Ceann Comhairle's ruling on certain amendments. The Minister of State

subsequently wrote to the Ceann Comhairle who responded acknowledging that there was a procedural issue that falls to be addressed as a result of the agreement of certain Committee Stage amendments constituting a charge on public funds contrary to Standing Orders. No date could be set for Report Stage until the matter was resolved, and the Bill remained stalled prior to lapsing.

Notwithstanding the stated aim of the Bill, Ireland ratified the UNCRPD in 2018 with reservations and it has entered into force here, but not the Optional Protocol that enables persons to complain to the UN if they feel their rights are not being met.

### Proposed Irish Nationality and Citizenship Amendment Bill

A bill to amend the Irish Nationality and Citizenship Act 1956 to address in statute law the meaning of “continuous residence”.

A condition for naturalisation is that the applicant has had, immediately before the date of the application, a period of one year’s “continuous residence” in the State. In addition, an applicant not relying on marriage or civil partnership with an Irish citizen must have a total residence in the State amounting to four years during the eight years immediately before the one year’s “continuous residence”. Where an applicant relies on marriage/civil partnership, that reduces to two years during the four years immediately before the one year’s “continuous residence”.

In practice, INIS allows up to 6 weeks of absences in the final year immediately before application, and longer in exceptional circumstances. On 11 July 2019 in *Jones v Minister for Justice and Equality* the High Court held that an applicant must be continuously present in the State for the year immediately before the application, and that person’s residence must be unbroken.

On 25 July 2019 Government

- Approved the drafting of the Bill on a priority basis, along the lines of a General Scheme (unpublished to date), and
- Should the legislation be necessary, authorised the Minister to arrange for the seeking of a waiver of pre-legislative scrutiny of the General Scheme from the Business Committee having regard to the urgency of the proposed legislative amendment.

However, on 14 November 2019, the Court of Appeal overruled the High Court’s interpretation and held that “continuous residence” for one year is a materially different concept from “residence” or “ordinary residence”. The Court held that the concept attaches significant importance to physical presence in the State, and an application may be refused if there are significant absences. It said the practice and policy to allow applicants six weeks absence for work and other reasons, and more time in exceptional circumstances, is

reasonable and balanced having regard to societal norms, providing reasonable and flexible criteria for compliance with the “continuous residence” requirement.

The Court of Appeal ruling enabled the processing of naturalisation applications (which had been put on hold post *Jones* High Court decision) to resume in line with the six-week policy. However, preliminary informal advice from Senior Counsel is that the Court of Appeal judgment is fragile and risks being overturned in the Supreme Court in the future.

Following consultations with the Attorney General’s Office, the Department is considering

[REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes).

## Civil Justice and Equality: GOVERNANCE



**Yvonne White**

Director  
Head of Governance

### Principal Officers



**Richard Fallon**

Performance



**Gerard McDonagh**

Governance

## IMMEDIATE PRIORITIES AND ISSUES

### **Judiciary and Courts:**

Key objectives in this area include:

- Supporting and enabling a fully functioning Judicial Council.
- Completion of appointments of remaining judges to the Courts to fill existing vacancies.
- Supporting the effective delivery of new Family Law Courts project at Hammond Lane by the Courts Service and Governance aspects of the planned Family Law Bill.
- Planning for judicial vacancies anticipated during 2020 including six retirements scheduled for 2020 in conjunction with Minister and the *Judicial Appointments Advisory Board* (JAAB) to ensure that the judiciary is equipped to deliver on its constitutional responsibilities.
- Completing of recruitment and appointment of an additional Legal Costs Adjudicator in Q1 2020 and the filling of non-judicial vacancies arising in support of the Courts Service and the administration of justice.
- Establishing a new *Judicial Appointments Commission* subject to restoration of the relevant Bill to the Order of Business and its successful enactment and the resourcing of the JAAB in the interim.

#### Judicial Council

[PFG]

- **Current Status: *Judicial Council formally established 17 December 2019. First Council meeting held on 7 February 2020. Working Group continuing to progress final establishment measures including the appointment of lay members to Judicial Council Committees and clarification of funding model.***
- The Judicial Council was formally established on 17 December 2019. The first meeting of the Judicial Council was held on 7 February 2020. The first meeting of the Judicial Council Board is scheduled for 2 March 2020.
- The primary function of the Council, which is comprised of all members of the judiciary, will be to promote and maintain excellence in the exercise by judges of their judicial functions and high standards of conduct among judges, in order to support public confidence in our judiciary. The Board of the Council will be responsible for carrying out the functions of the Council on a day-to-day basis.

- The Chief Justice appointed an Interim Secretary, Mr. Kevin O’Neill (formerly High Court registrar) to the Judicial Council in September 2019. DPER sanction to grade the post of Secretary at Assistant Secretary level has been approved. Appointment of a Secretary to the Judicial Council is a matter for the Judicial Council Board.
- A Working Group, comprising officials from this Department and the Judicial Council, is meeting regularly to progress the final practical arrangements associated with establishment. These include matters such as staffing for the Council, appointment of lay members to committees, budgets, accommodation and IT.
- Under statute, the Council is required to establish a number of Committees which will be responsible for a range of matters. These include the Judicial Conduct Committee, the Judicial Studies Committee, the Judicial Support Committees, the Sentencing Guidelines and Information Committee, and the Personal Injuries Guidelines Committee.
- It is anticipated that the Judicial Conduct Committee and the Sentencing Guidelines and Information Committee will be formally established on 30 June 2020 and will then hold their first meetings in July 2020.
- Members designate have been appointed to the Personal Injuries Guidelines Committee, chaired by the Hon. Ms. Justice Mary Irvine, and work has already begun in regard to preparation of the relevant guidelines. It is anticipated that this Committee will be formally established on 1 April 2020. These guidelines have attracted a significant amount of political and media interest in relation to their potential impact on the cost of insurance, although they are only one aspect of this complex issue.
- In terms of full establishment of the Council, once lay members have been appointed (a process that is underway) the outstanding aspects of the legislation in relation to complaints mechanisms can be commenced. The budget is considered to be sufficient to meet these objectives.
- At the same time, the Department will keep the matter under review, and should the need for additional funding arise later in 2020, will consider all available options to make additional funding available to the Council.
- A number of the manifestos have included suggestions for judicial training e.g. on family law, and sexual assault. The Judicial Council will be the primary means of supporting judicial training priorities.

## Judicial Appointments and JAAB

[PFG]

- **Current Status: *There are currently 2 existing vacancies (1 Supreme Court, 1 Court of Appeal) and 3 pending vacancies (1 Court of Appeal, 1 High Court, 1 District Court)***
- Judicial Appointments Process:
  - 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.
  - The Minister writes to JAAB (the independent Judiciary Appointments Advisory Board chaired by Chief O’ Shea) in regard to an existing or pending vacancy.
  - JAAB provides a list of recommended candidates.
  - The JAAB list is considered along with any expressions of interest received from serving judges in elevation to a higher jurisdiction and information on previous appointments including diversity objectives.
  - The Minister brings a Memorandum to Government. Government agrees a nominee.
  - The Nominee is appointed by the President and the appointment warrant is also signed by the Taoiseach
  - The new Judge is sworn in by the Chief Justice within 10 days of their appointment date, in accordance with the Constitution.

### Current vacancies:

- **1 existing in Supreme Court** – arising from retirement of Ms. Justice Finlay-Geoghegan in June 2019. (Your predecessor as Minister received a request from the Chief Justice on 7 February to fill this position as soon as possible)
- **1 existing in Court of Appeal** – arose upon retirement of Mr. Justice McGovern on 15 March. JAAB list has been received in this regard.
- **2 existing in the Circuit Court** – arising from the passing of His Hon. Judge John Hannan on the 21 February 2020 and the retirement of His Honour Judge Gerard Keys on 22 May 2020. The Minister wrote to the JAAB on 29 May 2020 in relation to filling these vacancies.
- **1 existing in District Court** – arose following the retirement of Judge Coughlan on 30 March. JAAB list has been received in this regard.

### Judicial Appointments Advisory Board (JAAB)

- Established pursuant to Section 13 of the Courts and Courts Officers Act 1995.
- The purpose of the Board is to identify persons and inform the Government of the suitability of those persons for appointment to judicial office.
- The JAAB is comprised of the Presidents of each Court, the Attorney General, a nominee from both the Law Society and the Bar Council, and three Ministerial nominees.

- There is currently one vacancy for a Ministerial nominee. The terms of appointment of the other two Ministerial nominees will expire in June 2020. A policy decision is required as to whether appointments should be made to the JAAB in the context of the potential progression of the Judicial Appointments Commission Bill, should the new Government wish to progress this Bill, or an alternative.

- Number of Judges by jurisdiction:

Supreme Court (10 posts)	Chief Justice and 9 ordinary judges
Court of Appeal (16 posts)	President and 15 ordinary judges
High Court (38 posts)	President and 37 ordinary judges
Circuit Court (38 posts)	President and 37 ordinary judges plus 2 serving specialist judges
District Court (64 posts)	President plus 63 ordinary judges
Total judicial posts	166

- The number of Judges is set out in the constitution. While 6 additional judges were appointed this year, the issue of

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

- Judicial Appointments Commission

In the event that the Judicial Appointments Commission Bill were to be restored to the Order of Business as part of any new Programme for Government and successfully brought to enactment, the Civil Governance Function would support the establishment and operation of the new Commission in keeping with the relevant governance standards.

## Hammond Lane

[PFG]

- **Current Status: Courts Service and OPW reviewing options for provision of Family Courts in Hammond Lane within [REDACTED] budget.**
- The Hammond Lane project is included in the multi-annual capital expenditure programme for 2016 - 2021 and in the National Development Plan for 2018 - 2027. The Plan states, "The Exchequer funding in the period 2018 to 2027 will fund the projects/programmes in the Justice sector", including the, "Family Law and Children's Court Complex on Hammond Lane."
- The Department of Justice and Equality has been allocated a total budget of €150 million for Justice Sector PPP projects to include Garda Station projects as well as the Hammond Lane [REDACTED]
- From a Departmental perspective, we are anxious to ensure that the Courts Service maximises the opportunity to use the significant funding allocation of [REDACTED] and an ideal site in the vicinity of the Four Courts to progress the key objectives of developing a family law centre and children's court.
- The Courts Service originally proposed a project that goes beyond the Family Law Centre & Children's Court and includes a new Supreme Court and other offices and facilities. The proposal would absorb the entire capital budget – meaning no funding for Garda stations. D/PER has indicated that no further funding will be made available.
- The Courts Service Board has endorsed an approach which would seek to maximize the family court facilities which can be provided within the [REDACTED] provided and has asked the OPW to identify how requirements for children court improvements could otherwise be addressed.
- In a letter to the Secretary General dated 6 February, the Courts Service CEO noted that:
  - a. OPW have confirmed that sufficient space exists for a new Children's Court within the boundary of the existing Children's Court and the adjoining traffic court building. Costs for such a development are awaited.
  - The original plans for Hammond Lane included the relocation [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
  - c. At the most recent meeting of the Courts Service Board on 3 February the Board requested that the CEO continue to explore opportunities to maximise Family Court facilities in Hammond Lane within the budget allocation.

Redacted under S36(1)(b)&(c) of FOI Act 2014, commercially sensitive information

Redacted under S36(1)(b)&(c) of FOI Act 2014, commercially sensitive information

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Redacted under S36(1)(b)&(c) of FOI Act 2014, commercially sensitive information

Redacted under S36(1)(b)&(c) of FOI Act 2014, commercially sensitive information; S29(1)(a), deliberations of FOI bodies (deliberative processes).

- d. The Civil Justice and Equality Governance Function will also support the development of appropriate governance frameworks under the planned Family Law Bill.

## Legal Services Reform:

[PfG]

Key objectives in this area include:

- Successful delivery of the “Ireland for Law” international legal services initiative in conjunction with other Departments, IDA Ireland and the legal community as part of our national response to Brexit.
- Appointing new Legal Practitioners’ Disciplinary Tribunal
- Appointing new Advisory Committee on the Grant of Patents of Precedence.
- Completing of new legal services advertising regulations by the Legal Services Regulatory Authority by end Q1 2020.
- Coordinating Department’s response to the statutory reviews by the Legal Services Regulatory Authority in relation to the possible merging of the legal professions, the provision of legal services professional education and the operation of the Legal Services Regulation Act 2015.

### “Ireland for Law” - International Legal Services Initiative

On 9th May 2018 the Bar of Ireland and the Law Society (with the support of the Dublin Solicitors Bar Association and the wider legal community) published their proposal entitled **“Promoting Ireland as a leading centre globally for international legal services”**.

The proposal’s stated aim is to assist the Irish Government in its “key priority” to “minimise the impact on trade and the economy” of Brexit. It is made with a view to being an integral part of a broad national economic response to Brexit and also, independently, to support existing Foreign Direct Investment (FDI) and generate increased Irish employment and tax revenue.

The proposal has been supported in its development since 2017 by Minister Flanagan and officials of his Department and by the Departments of the Taoiseach, Business Enterprise and Innovation, Public Expenditure and Reform and of Foreign Affairs and Trade. It has also been strongly supported from the outset by IDA Ireland.

It has the strong support of the Chief Justice and the judiciary and the Attorney General. In January 2019 the Government formally agreed to support the initiative.

The Implementation Group held its first meeting on 25<sup>th</sup> October 2019 under the Chair of former Taoiseach John Bruton and its membership otherwise comprises –

*The Bar of Ireland*, Paul McGarry SC, Patrick Leonard SC

*The Law Society* – Michele O’Boyle, President and Mr. Liam Kennedy.

*IDA Ireland* – Shane Nolan, Senior Vice President and Eleanor Treanor

*The Attorney General, Mr. Seamus Woulfe SC.*

*Senior officials of the Departments of An Taoiseach; Justice and Equality; Finance and Public Expenditure and Reform; Foreign Affairs and Trade and of Business, Enterprise and Innovation.*

The Implementation Group met most recently on 31<sup>st</sup> January 2020 and has established its own web-site and is developing a programme of action for the coming year including those events referred to above. Further promotional events are planned for 2020 including with key members of the US legal community in New York (proposed for 18<sup>th</sup> March 2020). This will be one of several opportunities to promote the initiative in the US during this year's Patrick's Day period that will also attract some ministerial and judicial participation.

The key objective of the Implementation Group is to identify the best pathway to promote the use of Irish law and Irish legal services in contracts and transactions by communicating the existing advantages of Irish law, the Irish legal system and the Irish courts. The Group is being supported with initial funding and secretarial support by the Bar of Ireland and the Law Society. This complements those wider supports that will continue to be provided by the Government and IDA Ireland, including through their respective missions and networks abroad and national Brexit strategies.

## Effective Governance of State Bodies:

Key objectives in this area include:

- Completing appointment of new Commissioners of the Irish Human Rights and Equality Commission.
- Completing Oversight and Corporate Governance Assurance Agreements across all relevant agencies and bodies under the Civil Governance remit.
- Completing of all relevant Performance Delivery Agreements.
- Scoping and commencement of a *Periodic Critical Review* of the Irish Film Classification Office.
- Conducting first phase of annual Governance Meeting cycle and completion of all due Annual, Strategic and Financial Reports.
- Resourcing of agencies (e.g. IFCO) and recruitment as planned for 2020
- Developing the newly established Civil Governance Function to ensure that agency structures, systems and skills are in place to underpin performance and compliance including appropriate governance frameworks.

### Legal Aid Board

The Legal Aid Board is the statutory, independent body responsible for the provision of civil legal aid and advice to persons of modest means, in accordance with the provisions of the Civil Legal Aid Act 1995. The Board is also responsible for the delivery of the State funded Family Mediation Service.

The Board operates 30 full-time and 12 part-time law centres. In addition, the Board provides free Family Mediation Services in eight full-time and nine part-time family mediation offices. Mr. John McDaid was re-appointed Chief Executive Officer on 5 December 2019 for a further 3 years.

#### **Funding received**

- The Legal Aid Board is funded by way of a grant - DPER Circular 13/2014 on management of and accountability for Grants from Exchequer Funds applies.
- The **grant for 2020 is €42,207,000**. The grant for 2019 was €40,796,000, with funds carried over from 2018 of €3,790,000 and other income of €3,452,000 (€48,038,000 in total). Other income arises other sources including client contributions, costs recovered and superannuation contributions by solicitors.

Legal Aid Board Allocation - € 000 – By Year	2018	2019	2020
	40,275	40,796	42,207

**Current issues:**

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- Other initiatives to ensure that the cost of Justice is not a barrier to accessing justice which are currently being established include
  - Resourcing the new Office (Oct 2019) of the Legal Costs Adjudicator.
  - Establishing a complaints role and committee in the Legal Services Regulatory Authority (Q1) and the Legal Practitioners’ Disciplinary Tribunal (Q1), which will deal with both solicitors and barristers.

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

## Legal Services Regulatory Authority

[PfG]

The Legal Services Regulatory Authority (LSRA) has completed its initial set-up phase having been established under the Legal Services Regulation Act 2015 with effect from 1 October 2016. In its first year and a half of operation the Authority was required under the 2015 Act to carry out a series of statutory consultations and reports on a number of new legal business models within set deadlines and this impacted on its capacity to develop its functions.

Nonetheless, the Legal Services Regulatory Authority has now come into substantial operational mode. This follows the Commencement Order signed by Minister Flanagan with effect from 7 October 2019 which included the following key reforms of the 2015 Act that came into operation –

- the new public complaints and professional conduct regime supported separately by a new and independent Legal Practitioners' Disciplinary Tribunal (Part 6),
- the roll-out of Limited Liability Partnerships (Part 8).
- the new and more consumer-friendly legal costs transparency requirements on legal practitioners supported by the new Office of the Legal Costs Adjudicators and a Schedule of Legal Costs Principles (Parts 10 and 11)
- the establishment of a new Advisory Committee on the Grant of Patents of Precedence for the conferral of Senior Counsel (Part 12).
- relevant repeals of the Solicitors Acts (Part 13).

Other work by the Authority is ongoing including:

- Completion of its review of the provision of **legal professional education** under section 34 of the Legal Services Regulation Act 2015 on which it has made an initial report held a follow-up Seminar in September. Final Report will be made early in 2020.
- New **legal services advertising regulations** for both solicitors and barristers will be introduced by the Authority in Q1 2020 under the terms of section 218 of the 2015 Act. The Authority will complete its supporting consultations with stakeholders in Q1 2020.
- The Authority has previously completed and published its first **review of the operation of the Legal Services Regulation Act** under the terms of Section 6 of that Act and as laid before the Houses. This makes a number of key recommendations including for legislative amendments and for changes to the statutory levy.
- The Authority has now recruited additional staff (including the re-designation of certain Law Society Staff by the Minister) and secured a new office premises in Manor Street, Dublin (€130,000 per annum) in support of the ongoing roll-out of its remaining functions.

## **Authority**

The Authority comprises 11 members, of which a majority and the Chair are lay persons, put forward by ten prescribed nominating bodies under the 2015 Act to represent a balance of interests between lawyers and those who avail of their services. Appointment has to be approved by Resolutions of the Oireachtas. The Authority is chaired by Dr. Don Thornhill. The initial membership of the Authority was staggered. Five members had three-year terms renewed under the Act in late 2019. Six four-year members will come up for renewal or replacement during 2020.

Dr. Brian Doherty is the first full-time Chief Executive Officer and was appointed on 14 September 2017 for a five year term.

## **Funding and Levy**

The Legal Services Regulatory Authority has been supported in its start-up period by an allocation of €1m under the Justice Vote for each of the years 2016-2019 inclusive with a further such allocation made for 2020. In 2019 it started to operate the statutory levy on legal practitioners by which it is intended to be funded under the 2015 Act. The levy includes the costs of the Legal Practitioners' Disciplinary Tribunal in its annual calculation. While there are a number of legislative amendments that are being considered at Working Group level to enhance the levy funding model provided under the 2015 Act, there are no immediate issues around the resourcing of the Authority. It will now be generating annual levy income in its own right having come into substantial operational mode in October 2019.

## **Current Issues**

- The Legal Services Regulatory Authority established in winter 2019, will report in October on the issues on unifying the solicitor and barrister profession.
- The Legal Services Regulatory Authority will also report on education and training of legal practitioners later this year.
- Under the 2015 Act there shall be established a **Legal Practitioners' Disciplinary Tribunal (LPDT)** which will deal with serious misconduct by both solicitors and barristers and will over time fully replace the respective tribunals previously operated by the legal professional bodies for that purpose once their own historic caseloads have been cleared. It comprises both legal members put forward by the Bar Council and the Law Society and lay members who are in the majority and recruited by the Department - a competition for lay members is close to completion. All members are then nominated by the Minister and appointed by the President of the High Court (as happens with the Solicitors' Tribunal at present).

## Irish Human Rights and Equality Commission (IHREC)

IHREC is Ireland's National human rights institution and national equality body. It is an independent public body with a mandate established under the Irish Human Rights and Equality Commission Act 2014 to protect and promote human rights and equality. Additionally they encourage the development of a culture of respect for human rights, equality and intercultural understanding in the state. Their mission is to build a just and inclusive society that protects and promotes human rights and equality in Ireland.

**Director:** Mr. Laurence Bond, on a five year fixed-term contract, which commenced on the 01 June 2017 and shall continue until 31 May 2022.

### **Funding**

The IHREC has its own Vote with the Director as its Accounting Officer.

#### **IHREC Funding received**

<b>2020</b>	€6,814,000
<b>2019</b>	€6,751,000
<b>2018</b>	€6,703,000

- **Current Status: *Selection process ongoing for Chief Commissioner and 7 Commissioners. Appointment schedule dependent on formation of new Government.***
- The Irish Human Rights and Equality Commission (the Commission) is an independent statutory body, established on 1 November 2014 under the Irish Human Rights and Commission Act 2014.
- The statutory mandate of the Commission is to protect and promote human rights and equality in Ireland and to build a culture of respect for human rights, equality and intercultural understanding. The Commission is Ireland's National Human Rights Institution and National Equality Body.
- The term of appointment of the Chief Commissioner and 7 Commissioners expired on 31 October 2019. In Summer 2019 the Department contacted the Chief Commissioner and the relevant Commission members to explore the option of reappointment to their posts for another term. A number of commissioners responded positively however IHREC ultimately wrote to the Department to request that an open recruitment competition be held in line with the Paris Principles relating to transparency surrounding appointments. This interaction attracted a significant amount of media attention at the time.

- An independent open recruitment competition is was undertaken by the Public Appointments Service to identify suitable candidates to fill these posts. PAS wrote to the Minister on 12 February to indicate that Ms. Sinéad Gibney is their recommended candidate for the Chief Commissioner post.
- On 19 February, Government approved the drafting of resolutions to be put before each House of the Oireachtas recommending the appointment of Ms Sinéad Gibney as Chief Commissioner.
- On 12 June 2020, the Government noted and accepted the recommendations of the Public Appointments Service (PAS) for the appointment of eight candidates to the Irish Human Rights and Equality Commission (IHREC), in line with the process laid out in Section 13 of the Irish Human Rights and Equality Act 2014.
- Members of the Commission are appointed by the President acting on the advice of Government and following the passing of a resolution of each House of the Oireachtas recommending appointment.

## Property Services Regulatory Authority (PSRA)

The PSRA was established on 3 of April 2012 pursuant to the Property Services Act 2011 and is the statutory body with responsibility for licensing and regulating the property service sector in Ireland.

The Authority's mission is to control, supervise and regulate providers of property services and to protect the interests of the public in their interaction with property service providers by ensuring that high standards are maintained and delivered. The agency fulfils its mission through licensing and regulating Property Services Providers. Their remit includes, licensing all such services providers; the provision of a complaints investigation and redress system for consumers; the setting and enforcement of standards in the provision of property services and the maintenance of a compensation fund.

The PSRA is also responsible for three Public Registers namely the Property Price Register, the Commercial Lease Register and the Register of Licensees

### **Authority**

The Authority comprises 11 members and is chaired by Ms. Geraldine Clarke. There will be 5 member vacancies as well as a Chair vacancy by the end of 2020. Ms. Maeve Hogan is the Chief Executive Officer.

### **PSRA Funding received**

<b>2020</b>	€2,276,000
<b>2019</b>	€2,250,000
<b>2018</b>	€2,015,000

### **Current Issues**

#### **Chair of Property Service Appeal Board (PSAB)**

- An issue arose [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] The issue also arose in proceedings recently completed before the High Court on a separate issue which arose between the Board and the PSRA. A public competition to select candidates for the appointment of a new Chair of the PSAB is currently being run by PAS.
- It is also intended to conduct a Periodic Critical Review of the PSRA under the relevant DPER Guidelines later this year building on lessons learned from the first such Review being conducted by the new Civil Governance Function in relation to IFCO.

Redacted  
under S37(1)  
of FOI Act  
2014,  
personal  
information

## National Disability Authority (NDA)

The National Disability Authority is an independent statutory body that provides information and advice to the Government on policy and practice relevant to the lives of people with disabilities. The main function of the NDA is to provide advice and information to the Minister for Justice and Equality on matters concerning policy and practice in relation to people with disabilities and to assist the Minister in the co-ordination of disability policy.

Their other functions include:

- research, developing and collaborating on the development of relevant statistics,
- assisting in the development of standards,
- developing codes of practice and monitoring the implementation of standards, codes and employment of persons with disabilities in the public service.

### **Authority**

The Authority comprises 13 members and is chaired by Ms. Helen Guinan.

### **Director**

The current Director is Ms. Siobhan Barron, whose term will expire shortly. Work is underway to fill the position. A public competition is being held by the NDA to fill the vacancy.

### **NDA Funding received**

2020	€4,844,000
2019	€4,811,000
2018	€4,487,000

### Current Issues

- **Superannuation**

The NDA submitted [REDACTED]

[REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes); S30(1)(c), functions and negotiations of FOI bodies

- **WAD and resources**

The NDA previously submitted a business case to the Department of Communications, Climate Action and the Environment (DCCA) for resources to take on the monitoring role in relation to the EC Website Accessibility Directive (WAD). The NDA [REDACTED]

[REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes); S30(1)(c), functions and negotiations of FOI bodies

- **Staffing issue**

The [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Redacted  
under  
S30(1)  
(b)&(c),  
functions  
and  
negotiations  
of FOI  
bodies

## Insolvency Service of Ireland (ISI)

The Insolvency Service of Ireland (ISI) is an independent statutory body which was established on 1 March 2013 to help restore insolvent persons to solvency.

The principal functions of the ISI are:

- to operate the system to support the three alternatives to bankruptcy – Debt Relief Notice (DRN), Debt Settlement Arrangement (DSA), and Personal Insolvency Arrangement (PIA).
- to administer the estates of bankrupts.
- to regulate authorised practitioners around the country who offer personal insolvency advice and assist debtors in seeking a DRN, DSA or PIA.
- to promote public awareness and understanding of the personal insolvency solutions available to people.
- to prepare and issue guidelines as to what constitutes a reasonable standard of living and reasonable living expenses for debtors.
- to contribute to the development of policy in the area of personal insolvency.

### **Director**

The governance structure of the ISI differs from other agencies. There is no Board or Chairperson. Instead the body comprises Director, Mr. Michael McNaughton, appointed on 30/09/2019 for a 5-year term, and Senior Management Team including Official Assignee Bankruptcy, Mr. Christopher Lehane.

### **Funding received**

<b>2020</b>	€7,510,000
<b>2019</b>	€7,440,000
<b>2018</b>	€6,139,000

### **Current Issues**

- **Unclaimed Dividend Account**

The Unclaimed Dividend Account is provided for in legislation under section 84 of the Bankruptcy Act 1988 (as amended in 2015) and enables the Official Assignee (OA) in Bankruptcy to discharge his statutory functions.

It is not always the case that a bankruptcy estate has immediate monies available to fund a legal action. Where a bankruptcy estate does not have sufficient funds to meet the costs incurred by the OA, the OA shall access funds, subject to High Court approval, from the Unclaimed Dividends Account. It exists due to dividends unclaimed transferred into it, in

addition and primarily due to the investment of those funds lodged into it over a long period. For various reasons, the balance in the account has been falling in recent years.

ISI put forward a number of potential solutions for consideration.

A cross-functional working group comprising Civil Governance, Policy and Legislation, has been established to consider this matter and propose solutions.

- **New Beginning review report**

The Insolvency Service of Ireland is soon to publish a review of participation in the Abhaile Scheme by New Beginning Consultants who represented about 8% of Abhaile's vouchered work. While no major fraud or irregularities were found, the consultants had a more restrictive business model which impeded outcomes and 30 vouchers allocated to them raised issues as a result of which ISI is now being refunded by the consultants (just over €18k worth). Terms and conditions for the Scheme have also been tightened up for the future.

- **Legislative Reform**

*[PfG]*

On 6 August 2019 the ISI provided the Department of Justice and Equality with a submission on the reform of Insolvency Law in Ireland - Personal Insolvency Act 2012 (as amended) and Bankruptcy Act 1988 (as amended).

Civil Legislation (Regulation and Reform) met with the Insolvency Service on 25 September to discuss their proposals for reform of the insolvency legislation. Finalisation of the review of the Insolvency Acts is progressing in tandem with other key legislative priorities.

## Irish Film Classification Office (IFCO)

IFCO was established under the Censorship of Films Act 1923 which then expanded to the Video Recordings Act 1989.

The governance structure of the IFCO differs from other agencies. The body is led by the **Director of Film Classification**, Mr. Gerard Connolly, and he is supported by 5 Assistant Classifiers (3-year contracts).

IFCO also provides a secretariat function for the:

- Classification of Films Appeal Board
- Censorship Boards
- Censorship of Publications Board
- Censorship of Publications Appeal Board

### **IFCO Funding received**

<b>2020</b>	€702,000
<b>2019</b>	€696,000
<b>2018</b>	€580,000

## Data Protection Commission (DPC)

[PfG]

The DPC is the national independent authority in Ireland responsible for upholding the fundamental right of individuals in the European Union to have their personal data protected. The statutory powers, duties and functions of the DPC are established under the Data Protection Act 2018, which gives further effect to the General Data Protection Regulation (GDPR) and also gives effect to the Law Enforcement Directive (Directive (EU) 2016/680).

The GDPR came into force on 25 May 2018 and significantly changed data protection law in Europe, strengthening the rights of individuals and increasing the obligations on organisations. The GDPR is designed to give individuals more control over their personal data.

### **Commission**

The Commission comprises Chief Commissioner Ms. Helen Dixon and 5 Deputy Commissioners. Ms. Dixon was reappointed on 27/05/2019 for a 5-year term.

### **Funding**

A separate Vote has been established for the Data Protection Commission from January 2020 and the Chief Commissioner is now the Accounting Officer.

### **DPC Funding received**

<b>2020</b>	€16,916,000
<b>2019</b>	€15,280,000
<b>2018</b>	€8,914,000

### **Current Issues**

- **Vote and Accounting Officer.** While the DPC has established its own vote there will be a transitional period with regard to HR, Finance, ICT etc. as they move away from the Department Shared Services Framework.
- **Office Accommodation.** The OPW has identified a potentially suitable new-build office on Pembroke Row, with the capacity to accommodate 180 staff. The OPW is currently undertaking its due diligence assessments, and preparing a cost effectiveness analysis report.
- The Department is also considering the appropriate governance framework for the DPC from a legal perspective given its unique independence under national and EU Law.

## International Protection Appeals Tribunal (IPAT)

[PfG]

The International Protection Appeals Tribunal was established in accordance with section 61 of the International Protection Act 2015. The International Protection Act 2015 was commenced on 31 December 2016, at which time the functions of the former Refugee Appeals Tribunal transferred to the International Protection Appeals Tribunal.

The function of the International Protection Appeals Tribunal is to hear and determine appeals on decisions made by the International Protection Officer on applications for protection status in the State. They also determine appeals under the International Dublin System Regulations.

### **Tribunal**

The Tribunal comprises Chairperson, Ms. Hilka Becker, 2 Deputy Chairpersons, Mr. John Stanley and Ms. Cindy Carroll), 3 full-time Tribunal members and 65 part-time members.

### **IPAT Funding received**

<b>2020</b>	€3.8m
<b>2019</b>	€3.733m
<b>2018</b>	€3.5m

### **Current Issues**

After a year of transition in 2017, following the coming into force of the International Protection Act 2015 on the 31<sup>st</sup> of December 2016, the Tribunal started the year 2018 with a caseload of 653. The number of appeals submitted to the Tribunal increased steadily throughout the year, reaching a missing total of 2,127 international protection and Dublin Regulation appeals by the end of December 2018, compared to a total of 887 such appeals reaching the Tribunal in 2017, an *increase of 140%*.

Additionally, following the expansion of the remit of the Tribunal to deal with appeals under the European Union (Reception Conditions) Regulations 2018, the Tribunal received 24 'reception conditions appeals', amounting to a total of 2,151 appeals reaching the Tribunal in 2018.

There are currently 61 active members on the Tribunal with 53 of these due to expire, on a staggered basis, in the second half of 2020. The remaining 8 members are due to expire in early 2021. Under the legislation it is possible for members to be reappointed for a 2<sup>nd</sup> term only, and this option is being considered in line with an open competition to fill any other vacancies.

The Civil Justice Governance Function is currently working with IPAT to identify the most appropriate governance relationships for its functions as an independent quasi-judicial body.

## MEDIUM/LONG-TERM PRIORITIES AND ISSUES

### **Courts Modernisation and Reform:**

[PfG]

Effective participation and delivery of agreed Actions of the Inter-Pillar Group on Court Reform including in relation to

- *Courts Service Long-Term Strategic Vision 2030*
- *Courts Service Organisational Capability Review 2018*
- *Review of the Administration of Civil Justice by Justice Peter Kelly*
- *New Family Courts Project in Hammond Lane and appropriate support for a new approach to family justice policy including the proposed Family Law Bill.*
- *Supporting optimal access to justice so that users are at the heart of the justice system.*

### Courts Service Long-Term Strategic Vision 2030

[PfG]

The Courts Service is one of the Department's largest agencies, established on 9 November 1999. It is responsible for the administration and management of the courts in Ireland. Its primary functions are to manage the courts, support the judges, provide information on the courts system to the public and provide court buildings and facilities for court users.

#### **Board**

There are 18 members on the Courts Service Board which is chaired by the Chief Justice Frank Clark. Mr. Doncha O'Sullivan, Assistant Secretary, is the current Ministerial nominee.

#### **Chief Executive Officer**

Ms. Angela Denning was appointed Chief Executive Officer on 19 September 2019 for a seven-year term.

#### **Funding received**

The Courts Service has received **€156.878 million** in total gross allocation in 2020. It has its own Vote, with the Chief Executive Officer as Accounting Officer.

<b>Allocation</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Courts Service	132,176	138,405	156,878

## Long Term Strategic Vision 2030

The Organisational Capability Review (OCR) of the Courts Service, carried out by DPER in 2018, highlighted the need for a long-term strategy to be created by the Courts Service.

The Courts Service has developed a Long Term Strategic Vision 2030, which has been summarised as follows *“Delivering excellent services to court users; working in partnership with the judiciary and others, to enable a world class courts system”*.

The Courts Service has created a modernisation programme and Modernisation Programme Board to oversee the implementation of this programme that will deliver a user centred, digitally enabled Courts Service over the next ten years.

The key areas of reform are

- Digital services, including e-filing and digital case management
- Build a modern technology infrastructure
- Invest in people by building new skills, capacity and culture
- Invest in modern court venues

The long term vision will have a phased implementation. The Courts Service has provided an initial estimate of costs as follows:

	<b>Phase 1</b>	<b>Phases 2 and 3</b>
<b><i>Digital services</i></b>	██████████	██████████
<b><i>Technology infrastructure</i></b>	██████████	██████████
<b><i>Invest in people</i></b>	██████████	██████████
<b><i>Modern court venues</i></b>	██████████	

Redacted under S29(1) (a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

The next step is for the Courts Service to develop the business case, which will be based on the ten-year strategy as well as a more detailed cost analysis for the first three years of the programme. Another key deliverable is the development of a Target Operating Model which is also due by the end of Q2 2020.

### **Current position:**

- The Minister broadly supported the long-term vision and was keen to see eJustice projects/digital service improvements prioritised over courthouse building initiatives.
- There is a requirement for a detailed costing exercise to be carried out in order to provide an accurate budget for these reforms.
- Implementation of this strategic vision will require a significant multi-annual financial commitment and should be considered in the wider context of costs for reforms across the entire justice sector and the other budgetary demands which arise in Brexit context.

- Other possible areas to progress:
  - new legislation to support court efficiencies (Heads of Bill have been approved);
  - reforms following consideration of Justice Peter Kelly's review of the administration of civil justice (due in quarter 2); and
  - a new approach to Family Justice.
  
- It is also of note that the Courts Service have achieved early efficiencies in the use of adaptive technologies in response to the Covid-19 health emergency, with new Practice Directions issued by the judiciary to ensure continuity of function. These include videolink appearance from prisons from all persons currently in custody; judgments being issued online; avoiding the need for legal practitioners to attend court (all jurisdictions); online training and e-manuals for staff; e-meetings; piloting of hearings by video technology, by consent, of suitable submission-based cases.

## Review of the Administration of Civil Justice

[PfG]

**Current status: A Review of the Administration of Civil Justice will be finalised by Summer 2020.**

The Review is chaired by the President of the High Court, the Hon. Mr. **Justice Peter Kelly**, and comprises representatives from D/JE (DSG Buckley), D/Taoiseach, D/PER, Courts Service, Office of the Attorney General, CSSO, Law Society, Bar Council, and members of the judiciary from each jurisdiction.

A report will be submitted to the Minister and will make recommendations for changes with a view to improving access to civil justice in the State, promoting early resolution of disputes, reducing the cost of litigation, creating a more responsive and proportionate system and ensuring better outcomes for court users.

Draft chapters of the report cover the following topics:

- Jurisdiction and Procedures
- Judicial Review
- Discovery
- Litigation Costs
- Multi-Party Litigation
- IT
- Facilitating Court Users

Recommendations will likely require some amendments to primary legislation but some may also be achieved through amendments to rules of court or implementation of practice directions. Family Law matters are not included in the remit of the group.

The group held an open call for submissions and received over 90 submissions covering a variety of themes. All submissions were considered by the Group before drafting of the final report began.

Financial support for the Review Group is being provided by D/JE – to date (11 February) this has amounted to €35,467. Further costs associated with preparation of the final report and printing are anticipated. The Co-Secretariat function for this Review being provided by D/JE (Civil Governance) and the Courts Service.

This report will be an important and welcome contribution to thinking on the Administration of Civil Justice and will be actively considered by the Department to inform appropriate policy and legislative responses to the recommendations proposed.

## Courthouses

*[Pfg]*

- Under the provisions of the Courts Service Act 1998, management of the courts is the responsibility of the Courts Service, which is independent in exercising its functions.
- The total capital budget for the Courts Service in 2020 is €66.017 million. €15,380 million of which will be allocated for courthouse capital works for a variety of courthouses around the country and which will also allow for ongoing preparatory work on a dedicated Dublin Family Court complex on Hammond Lane.
- In the last two years there has been significant investment in courthouse facilities and courtroom technology in seven locations around the country; Cork, Limerick, Waterford, Wexford, Mullingar, Letterkenny and Drogheda. As well as increasing the number of courtrooms in each location, new facilities include vulnerable witness suites, victim support rooms, legal practitioners rooms, enhances custody facilities, jury rooms and consultation rooms.
- The National Development Plan 2018-2027 provides for the provision of new or refurbished courthouses at the following locations: Wicklow, Galway, Tralee, Portlaoise, Roscommon, North Kildare (Naas), Bray, Navan, An Clochán Liath (Dungloe) and Tuam. The first five venues on this list have been prioritised by the Courts Service Building Committee, after the Hammond Lane project has been completed.
- Following a competitive tendering exercise undertaken by the Courts Service in 2018, a contract was awarded to Aecom Ireland to conduct a nationwide condition survey of approximately 65 court buildings. Work on the project began in January 2019. Reports in respect of 19 of these sites have been received to date and are being examined at present. The reports indicate that the investment required to address identified defects and meet ongoing maintenance requirements at these 19 sites is in excess of €36m over a 20 year period.
- **Roscommon Courthouse:** Following on from discussions with OPW regarding the deteriorating state of Roscommon Courthouse and the recent collapse of an interior ceiling in the jury room of the Courthouse, a decision has been made to close Roscommon Courthouse on a temporary basis from 30th March 2020. OPW at a meeting on the 4th October 2019 had warned that such is that state of the building that mechanical and

electrical works are estimated at a minimum of [REDACTED]. These costs are the minimum estimated and OPW have warned that they could rise. In view of the magnitude of the costs and also the fact the Roscommon Courthouse is one of next five Courthouses scheduled for rebuild/refurbish, OPW are recommending that such works not proceed, but should await refurbishment.

- **Wicklow Courthouse:** The Courts Service envisages bringing forward works to demolish a number of buildings purchased from the Council and an annex to the rear of the Courthouse dating from the 1940s as dry rot has spread extensively throughout the annex. It will be necessary to go through the Part IX planning process in advance of this work as the annex adjoins the historic courthouse. The Service is still awaiting the assistance of the OPW to progress the planning application and thereafter to undertake the necessary works.
- **Galway Courthouse:** A meeting between Land Development Authority, OPW and Courts Service took place on 12th June last on the possibility of the Courthouse being accommodated on a site on Dyke Road, close to the Courthouse. The Service is still awaiting news on the OPW's efforts to engage with the LDA to see whether a courthouse can be integrated into a wider scheme being developed by the LDA & Galway County Council on the site.
- **Tralee Courthouse:** A number of options for the provision of improved courthouse accommodation for Tralee remain under consideration - building a new courthouse on a portion of the Ballymullen Barrack site, refurbish the existing courthouse to the maximum extent possible, the possible acquisition of a site owned by an Post to the rear of the courthouse to enable the refurbishment and extension of the existing courthouse and lastly building a new courthouse on the Island of Geese site. This latter site is now in Council ownership. Kerry County Council have prepared a masterplan for the site and have indicated that they would be willing to make a portion of it available for a courthouse development. The proposal would allow the Courts Service to deliver a modern purpose built courthouse facility on the scale required in the town centre. The disposal of a portion of the Island of Geese site to the Courts Service will require the approval of the elected members of Kerry County Council. This matter has given rise to a number of representations to the Minister and the Courts Service CEO from members of the public and TDs.
- **Portlaoise Courthouse:** The Chief Executive Officer signed a contract on 13th November 2019 to purchase a greenfield site identified by Laois County Council at Kylekiproe for the development of a new courthouse in Portlaoise. The sale is expected to close by end March 2020.

- **Naas Courthouse:** Correspondence, dated 25th November 2019, has been received from Kildare County Council requesting that the Service vest Naas and Athy Courthouses as a matter of urgency. While occupied by the Service, both buildings are still in local authority ownership. Naas Courthouse has not been vested to date due to the uncertainty as to whether or not the building will suit future needs. The provision of a large county town standard courthouse in Naas has been included in the National Development Plan 2018-2017, though no funding has been allocated to the project to date. The current courthouse site is very constrained and it will not be possible to provide for future needs within the current building/site boundaries. [REDACTED]

Redacted under S36(1) (b)&(c), commercially sensitive information

[REDACTED]  
Kildare County Council's preference is for Courts Service to extend and refurbish the existing building.

- **Carndonagh Courthouse:** This courthouse was closed in 2019 following an unfavourable report from OPW professionals who found a number of problems with the building including the condition of the roof, walls, windows and electrics and the possibility of ceiling collapse in certain areas. OPW suggested an estimate of the cost required to bring this building to an acceptable standard is [REDACTED]. It should be noted that the building is owned by Donegal County Council. Since the Office of Public Works inspection, Courts Service has commissioned a condition survey of the building. Court sittings have been temporarily transferred to Bunrana Courthouse, which is approximately 20 minute drive from Carndonagh. There are no plans at present to acquire a temporary venue in Carndonagh by the Courts Service.

Redacted under S36(1) (b)&(c), commercially sensitive information

## New Gambling Regulator

[PfG]

- The Department has been working on a new regulatory approach to gambling including the establishment of a gambling regulator. Initial seed funding of €100,000 was provided in Budget 2020. The authority is intended to be largely self-financing through fees and levies imposed on licensed gambling operators. The authority will assume the current responsibilities of local authorities, the District Court, An Garda Síochána and the Revenue Commissioners in the licensing process and administer a new Social Fund.
- A business case will need to be prepared concerning funding the establishment of the regulator, building on the McCann Fitzgerald Consultancy Report December 2019. Separately work is underway to put in place the operational measures that will permit the commencement of the Gaming and Lotteries (Amendment) Act 2019.

## Abhaile Scheme

[PfG]

- Strategic management at Steering Board and Working Group levels of delivery of the Scheme and its orderly winding-down in 2022 as the national State funded Mortgage Arrears Resolution Service provided free of charge to assist insolvent borrowers who are at risk of losing their homes due to mortgage arrears.

### **Background**

Abhaile is the national State funded Mortgage Arrears Resolution Service was launched in October 2016, under the last Government's commitment in Chapter 5 of the *Programme for Partnership Government*. It is provided free of charge to insolvent borrowers who are at risk of losing their home due to mortgage arrears. The Scheme is focused on providing expert financial and legal advice and assistance to identify, and put into place, solutions to those arrears that will, wherever possible, enable the borrower to remain in their home.

The Money Advice and Budgeting Service (MABS) acts as the Government's 'one-stop shop' for information and guidance on these services and is the universal gateway for accessing Abhaile services. MABS, the Insolvency Service of Ireland, the Legal Aid Board, and the

Citizens' Information Board (CIB) all work together to provide a range of Abhaile services, including targeted communications campaigns.

### Oversight

Abhaile is overseen, in accordance with the Government Decision of 5 July 2016, by a **Steering Board**, co-chaired at Assistant Secretary level by the Department of Justice and Equality (which provides the Legal Aid Board and Insolvency Service of Ireland (ISI) funding) and the Department of Employment Affairs and Social Protection (which funds the Money Advice and Budgeting Service (MABS)). There is also a **Joint Working Group** chaired by the Departments at Principal Officer level.

### Extension and Budget

In September 2019, the Ministers for Justice and Equality and Employment Affairs and Social Protection announced the extension of the Abhaile scheme for a further three years, namely 2020 to 2022 (€15m had been allocated for 2016-2019).

- The projected cost of the scheme over the next three years will amount to €17.27m.
- This will include €3.9 million for each of those years allocated under the Justice Vote.
- A further €7.5 m will fund the extension of the connected Dedicated Mortgage Arrears service within MABS.
- The focus for the extended period will be on an orderly winding down of the Scheme in 2022 by way of completing any outstanding solutions for borrowers who have been advised under Abhaile.
- There will then be a Government review of the Scheme in 2021 which can take account of developments in terms of the level of remaining demand on the Scheme and relevant developments in the housing market.

### Current Issues

- The last government agreed to the extension of the Abhaile Scheme to 2022 with the intention to conclude the scheme at that stage.
- There will be a Review of the Scheme in 2021 and the current policy position is that it should have a specific shelf-life in terms of having met a specific policy need.
- Current trend is showing a decrease in demand on the service but this is susceptible to the dynamics of the housing market and the broader economy including Brexit.

■ There is some [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Redacted under S29(1) (a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

- [REDACTED]
- [REDACTED] Departments advise that the scheme should now be the remit of the Department of Housing at this stage and part of the Department of Housing’s evolution.
  - The Insolvency Service of Ireland is soon to publish a review of participation in the Abhaile Scheme by New Beginning Consultants who represented about 8% of Abhaile’s vouchered work. While no major fraud or irregularities were found, the consultants had a more restrictive business model which impeded outcomes and 30 vouchers allocated to them raised issues as a result of which ISI is now being refunded by the consultants (just over €18k worth). Terms and conditions for the Scheme have also been tightened up for the future.

### Conclusions

The key challenge for the Civil Governance Function, established in August 2019, is to foster supportive yet challenging relationships with the bodies under our aegis to deliver public value.

A number of the agencies do not meet the traditional structure of a ‘body’, e.g. the International Protection Appeals Tribunal, or have strong protections from political/administrative threats to their independence enshrined in EU law, (e.g. the Irish Human Rights Commission and the Data Protection Commission), or under the Constitution as applies in the cases of the Judiciary and the Courts Service.

Nonetheless, a robust governance framework is in place and continues to be developed on an ongoing basis to enable us to set clear standards for our agencies regarding how they govern.

Many of the issues arising within the Civil Justice Governance Function (e.g. courts reform) require cross-functional collaboration given the policy, legislative, criminal and courts aspects. Both formal and informal arrangements are in place to drive and deliver these priorities.

Finally, a number of these agencies have been supported by the Department for historical reasons, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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under S29(1)  
(a) of FOI Act  
2014,  
deliberations  
of FOI bodies  
(deliberative  
processes)



## Civil Justice and Equality: OPERATIONS & SERVICE DELIVERY



**Neil Ward**

Director  
Head of Operations &  
Service Delivery

### Principal Officers



**Emily Jordan**  
Coroners Service  
Operations



**Garrett Byrne**  
Customer  
Insights and  
Service Design



**Aidan O'Brien**  
Funds Admin  
and Service  
Delivery



**Eibhlin Byrne**  
Integration  
Service Delivery



**Vacancy**  
Programme and  
Project  
Management



**Vacancy**  
Project  
Management  
Office

IMMEDIATE PRIORITIES AND ISSUES

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes).

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

## Magdalens

The 2013 Magdalen Restorative Justice Scheme and the 2018 Addendum to that Scheme have now largely concluded. A small number of individual cases await further detail from applicants, and the schemes remain open for new applicants. Arising from recommendations by the Ombudsman, Mary O'Toole S.C. was appointed to review 215 cases where there was a dispute over length of stay. There are 44 of these cases outstanding, and these have been effectively paused due to the outbreak of COVID-19, but can be expected to be brought to conclusion over the coming months.

It will be necessary to consider reviewing the efficacy of the Magdalen Restorative Justice Scheme at that point, and to reach a decision on whether the Scheme and Addendum should continue to remain open for new applications.

A resident of Magdalens institutions and Industrial Schools has undertaken a case against Ireland through the United Nations Committee Against Torture (UNCAT) and UNCAT has deemed the case to be admissible. Ireland's substantive response to UNCAT will require to be submitted by 20th July 2020, and a memo for Government will be submitted to the Minister for approval on this matter by end June.

## Stardust

On 25 September 2019, the Attorney General wrote to the Minister for Justice and Equality to inform him that he has "formed the opinion that fresh inquests into the Stardust deaths are advisable". On 19 December 2019, the Attorney General issued his direction to the Dublin District Coroner that fresh inquests should be held. The Civil Justice and Equality Operations and Service Delivery function has been assigned to establish a project to support the Dublin District Coroner to carry out fresh inquests.

The Operations and Service Delivery function has worked with Facilities Management and the Office of Public Works to secure additional premises which will be suitable for the Coroner and her team to operate the initial phases of the Stardust inquest. Work continues in consultation with OPW to establish an appropriate venue for the public phase of the inquest. Human Resources division has secured the additional staff to support this work. Support will continue to be provided through the project team to assist in the establishment of the Inquest.

The Minister has commenced Section 8 of the Coroner's Act, which permits the Dublin District Deputy Coroner to act simultaneously with the Dublin Coroner for a period of up to two years

and Dr. Cullinane has been designated as the senior Coroner. Dr. Cullinane has begun to sit full time on Stardust since the start of June and aims to be in a position to begin the Public Facing elements of the inquest in early 2021.

### Recovery of Maintenance from Abroad

There is a requirement to sign Ireland up to the 2007 Hague Conventions on the International Recovery of Child Support and Other Forms of Family Matters and this process is ongoing but must be completed by year end so that the interactions with the countries outside the EU (the UK in particular following BREXIT) can be regularised.

## MEDIUM/LONG-TERM PRIORITIES AND ISSUES

### Supporting Immigration Service Improvements

The ISD Service Improvement Plan 2018-2020 focuses on maintaining a safe and secure immigration system; efficient and effective service delivery; redesigning services based on customer needs and investing resources in delivering change. This programme includes pre-clearance schemes to allow customers to apply for residence permissions prior to travelling; the introduction of online forms and payments; renewed focus on eliminating processing backlogs in key areas; the delivery of a new website, and development of a shared service dealing with identity verification.

Programme and Project Management support for the Service Improvement Plan is provided by the Operations and Service Delivery function in close collaboration with the Immigration Service Delivery and Corporate functions. The actions and deliverables within the Service Improvement Plan will be considered in the context of the new IM&T strategy to ensure full alignment of all work.

## Funds

The Funds Administration teams' immediate priorities are to address audit findings around the management of grant funding in the Department. The concentration of almost all the work around management of grants will result in a standard approach to how funding is conducted and will address any adverse audit findings.

This will include moving towards more open calls and expressions of interest for funding and an examination of the value of funding programmes and having objectives more closely aligned to policy.

The following is the list of areas of funding managed by the service delivery team and the programme budget for 2020:

Anti-Human Trafficking	€500,000
Youth Justice Community Projects	€12,604,000
Funding for Services to Victims of Crime	€1,892,000
Crime Prevention Measures	€1,197,000
Prevention of Domestic, Sexual and Gender-Based Violence	€2,069,000
Magdalen Redress Fund	€3,308,000
Refugee and Migrant Integration	€7,055,000
Dormant Account Funds	€8,431,746
Grants to National Women's Organisations (NWCi)	€525,000
Traveller and Roma Initiatives	€3,880,000
Positive Actions for Gender Equality	€4,905,000
Equality and LGBTI Initiatives	€931,000
Asylum, Migration and Integration Fund	€1,769,000
Community Based CCTV	€1,000,000
Safer Internet	€520,000
<b>TOTAL</b>	<b>€50,586,746</b>

## Coroners Support

A Coroners Service Operations team was established in April 2020 to oversee the work of the Coroners Service in Navan, as well as the staff of the Dublin Coroners Court and Mortuary (who are Department civil servants). Critically, this team will lead on the following four strands of work over a 2-3 year period:

- Oversee supports to the Dublin Coroner to establish fresh inquests into the Stardust deaths;
- Lead efforts to negotiate a sustainable agreement with hospital pathologists to ensure the effective delivery of pathology services to the Dublin Coroner;
- Liaising with colleagues in Legislation and Policy functions, devise a policy (and if necessary legislative amendments) for future support of Coroners' services in Ireland;
- Establish appropriate recruitment, payment, support and governance arrangements for all Coroners operating in Ireland.

## Refugee Resettlement

*[PfG]*

A new phase of the Irish Refugee Protection Programme (IRPP) was announced in late 2019 and has been developed within the context of continuing humanitarian crises in a number of countries, and the 74.8 million people of concern to the UNHCR globally. The programme will be administered by the Integration Service Delivery Team within the Civil Justice and Equality: Operations & Service Delivery function.

Refugee resettlement is an essential element of Ireland's commitment to the Global Compact on Refugees. Ireland will welcome up to 2,900 refugees between 2020 and 2023 through a combination of resettlement and community sponsorship under plans unveiled on 17 December 2019.

This will see 650 UNHCR resettlements in 2020, 700 in 2021, 750 in 2022 and 800 in 2023. The arrivals for the first two years will largely comprise Syrian refugees resident in Jordan and Lebanon, along with a pilot group of 150 Eritrean refugees resident in Ethiopia. The European Commission will provide funding of €9m to support the resettlement of 900 people between early 2020 and June 2021.

Resettled refugees are initially accommodated in Emergency Reception and Orientation Centres (EROCs) for a period of approximately six months to allow for initial orientation, language, and health assessments. This also allows local authorities to source accommodation and services for the refugees through Local Authority chaired Resettlement Interagency Working Groups. 23 such groups engaged in the first programme and are expected to play a

further role. The new phase of the IRPP, which will require up to 200 homes each year, will pose some challenges in meeting the housing needs of the refugees. The Department of Justice and Equality has engaged with the Department of Housing Planning and Local Government, and with the County and City Management Association (CCMA) over recent months, and discussions will continue to ensure this additional cohort are distributed across local authority areas in an equitable manner.

A pilot **Community Sponsorship Programme** began in December 2018 and ran until October 2019. The Community Sponsorship Programme has now been formally established as a national programme, and is expected to accommodate at least 100 people each year, reducing the demand for state-provided accommodation solutions. This Programme is referenced in the Programme for Government.

Work is underway to review the operating model for the Integration Service Delivery team, which may result in proposed changes to the current operating model. Linked to this work, we are currently considering whether there are additional integration supports (both for resettled refugees and migrants more generally) which the Department might look to roll-out over the medium term.

## Study on Familicide and Domestic Homicide Reviews

In May 2019, an independent specialist in-depth research study on familicide and domestic homicide reviews was announced.

Norah Gibbons (RIP) was appointed to lead the study, which involves consultation with a wide range of stakeholders including State agencies, family members of victims and NGOs. Since the recent passing of Norah Gibbons, solicitor Maura Butler has been appointed as study lead. The results of this study are expected in Q2/Q3 2020.

The study is examining:

- The adequacy and suitability of current policies, protocols, procedures and practices of state services in supporting close family members of those who die in familicides and
- International best practice in respect of domestic homicide reviews in order to make recommendations in relation to their application in this jurisdiction.

This report will help to inform the State's approach to domestic homicide reviews.

## Civil Justice and Equality: IMMIGRATION SERVICE DELIVERY



**Michael Kirrane**

**Assistant Secretary**  
Head of  
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**David Delaney**

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### Principal Officers



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**Brien  
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Registration  
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**William  
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**Aonghus  
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Citizenship



**Joyce Duffy**  
EU Treaty Rights



**Mary O'Regan**  
International  
Protection Office



**Shane O'Connor**  
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**Mark Wilson**  
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**Brian Merriman**  
International  
Protection  
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**Kenneth  
Kavanagh**  
Repatriation



**Maeve Brett**  
Border  
Management  
Unit



**David Fennell**  
Irish Passenger  
Information  
Unit



**Vacancy**  
Legal Services  
Support Unit

**Border Management Unit:** Maintains border control and implements immigration controls at Dublin Airport, to ensure that persons entitled to enter the State are processed without delay while those who are refused leave to land have their case considered in a fair manner, taking all factors into account.

**Visas:** The Visa division enables legitimate visitors, tourists and long-term applicants to travel to the State whilst ensuring relevant controls are maintained. It also liaises with the Dept. of Foreign Affairs and Trade and its embassies that process visa applications under delegated sanction of the Minister for Justice and Equality

**Citizenship Division** ensures that all applications for citizenship and naturalisation are processed with appropriate due diligence and in accordance with the Irish Nationality and Citizenship Act 1956 as amended. The Division also organises Citizenship Ceremonies to which approved applicants are invited where they will receive a Certificate of Naturalisation and make a declaration of fidelity to the nation and loyalty to the State.

**Domestic Residency and Permissions:** Ensures that the full range of Ministerial responsibilities pertaining to residence and permissions as encompassed by the Immigration Act 2004, as amended, is exercised with appropriate due diligence and that the integrity of the immigration process is protected

**EU Treaty Rights:** Processes applications from EEA Nationals for residence in Ireland under their EU Treaty Rights, and their Non EEA family members to exercise their free movement rights within the territory of the Member States of the EU.

**International Protection Office (IPO):** Processes applications for international protection under the International Protection Act 2015. It also considers, as part of a single procedure process, whether applicants should be given permission to remain.

**International Protection Procurement Services (IPPS):** procures accommodation centres and emergency centres for use by the IPAS to accommodate International Protection applicants; publishes Expressions of Interest and Tenders and manages contracts with successful bidders; manages the inspection process for all centres.

**International Protection Accommodation Services (IPAS):** assigns accommodation and co-ordinates provision of family and education services to persons in the international protection process while their applications for protection are being processed. It also has oversight of all accommodation centres to ensure that the services contracted are delivered to the highest standards.

## IMMEDIATE PRIORITIES AND ISSUES

### **Deliver Key Immigration Services**

#### Case management and processing

Process a wide range of applications and immigration permissions, in accordance with the law and in as effective and efficient manner as possible. The service has seen an increased demand over the past number of years and in 2020 will need to meet increased demand for its services – including projected increases of 3% in border management, 6% visas, 15% registration permissions, 30% International Protection, 10% citizenship, etc. It will do so by focusing on efficient and effective processing and improved Immigration Service Delivery including investment in systems and people and updating of policies and approach.

#### Common Travel Area and UK leaving EU membership

Continue to work with UK Home office to maintain and enhance the Common Travel Area in relation to the free movement of persons entitled to avail of it and to ensure appropriate controls are in place.

Prepare for the end of the transition period when the UK will exit the EU and taking into account the outcome of future negotiations between the EU and the UK, put in place appropriate immigration related schemes and measures that may be necessary, for example for UK nationals coming to Ireland with non-EEA family members who heretofore availed of EU Free Movement rights.

#### Maintain border controls and enforcement of immigration law

Continue to implement immigration controls at ports of entry, particularly at Dublin Airport, to ensure that persons entitled to enter the State are processed without delay while those who are refused leave to land have their case considered in a fair manner taking all factors into account and in accordance with the law.

Where persons are refused immigration permission or are found illegally in the State, ensure their cases are processed in a fair manner taking all aspects of their case into account, to encourage voluntary returns and as a last resort work with the Garda National Immigration Bureau on legal enforcement of deportation and removal orders.

## International Protection

### Application processing

[PfG]

Process applications for IP at first instance with the aim to reduce medium processing times to 9 months or below as soon as possible. Ensure that additional resources designated for the International Protection Office are deployed in the most efficient and effective way possible to increase the output of quality decisions.

**Applications for international protection** (excluding relocation applicants) since the commencement, on 31 December 2016 of the International Protection Act 2015:

2017: 2,402

2018: 3,349 – 39% increase on previous year.

2019: 4,768 – 42% increase on previous year (provisional)

2020 (end February, provisional): 551 – 27% decrease on figures to end-Feb 2019

**Top 5 Countries of application protection** (excluding relocation applicants) since the commencement, on 31 December 2016 of the International Protection Act 2015:

2017: Georgia, Albania, Zimbabwe, Pakistan and Nigeria.

2018: Albania, Georgia, Zimbabwe, Nigeria and Pakistan.

2019: Albania, Georgia, Zimbabwe, Nigeria and South Africa.

2020 (Provisional): Nigeria, Zimbabwe, South Africa, Somalia, Pakistan

**Relocation/Search and Rescue applications:**

2017: 524 (IRPP)

2018: 266 (IRPP) and 58 (SAR)

2019: 14 SAR (Note: Govt. commitment to take up to 100 people under SAR)

2020: 6 (SAR)

International protection cases (all) processed to completion since the commencement of the International Protection Act 2015:

Outcomes under the International Protection Act 2015 and S.I. No. 62 of 2018 - European Union (Dublin System) Regulations 2018						
	First instance International Protection recommendations and Permission to Remain decisions	Refused withdrawn	Legacy Subsidiary Protection	Permission to Remain review	Dublin decisions to transfer	Total
<b>2017</b>	1648	124	150	0	0	<b>1,922</b>
<b>2018</b>	2922	117	52	473	251	<b>3,815</b>
<b>2019*</b>	3,189	220	27	676	817	<b>4,929</b>

\*Figures are provisional.

#### Processing times

Median processing times 2019 (application date to determination date) for Post Commencement Cases in Quarter 4, 2019 were:	
Case Type	Months
Priority Cases	<b>9.4</b>
All other cases	<b>17</b>
Overall	<b>15.1</b>

To assist in reaching a 9-month processing time, the International Protection Office has put in place a range of measure to create processing efficiencies across a number of work streams such as

- Accelerated procedures,
- Implementation of non-cooperation measures,
- Initiatives to speed up the return of completed questionnaires.

## Services for asylum applicants

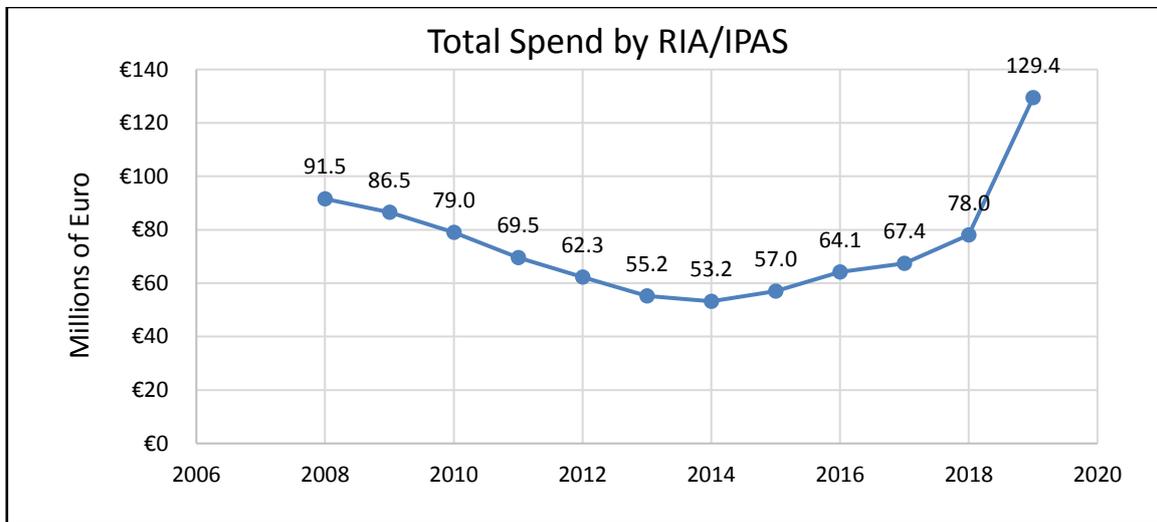
[PfG]

- Provide accommodation to IP applicants (where requested) and, working with a range of agencies and Departments, deliver a wide range of services to applicants in the system.
- Continue to source and open new Direct Provision Centres to meet demand and to reduce as quickly as possible the number of applicants currently resident in Emergency Accommodation. Work with the Housing bodies and Housing NGO's to find permanent accommodation of persons with status so that they can move out of the DP system as quickly as possible. Currently this figure stands at over 1,000.
- Improve the system of direct supports for International Protection applicants including implementation of key recommendations in the Interdepartmental Group Report.
- Support the work of Catherine Day group in its deliberations of the future of the system.

### Current situation:

- Whole-of-Government approach – necessary supports and services provided by DJE, DEASP, Tusla, DES and HSE.
- **6,072** applicants (as of 16/02/2020) in **39** accommodation centres across 18 counties and the National Reception Centre, in Baleskin.
- A further **1,631** applicants are residing in 36 emergency accommodation locations
- Total number of applicants in DP: 7,703 of which over 950 have been granted status.
- The number of applicants in DP rose from **6,148** in early January 2019 to **7,667** in early January 2020, i.e. an increase of **26%**.
- **In 2019 a total of 837 persons with status moved into the community**
- For the period May to December 2019, **2,710 applicants** were provided with accommodation following registration with the IPO.
- The Department aims, subject to demand, to reduce median processing times for first instance decisions **to 9 months by the end of this year.**
- Updated standards – all new accommodation centres are own-door, self-catering.
- **Expenditure in 2019 reached over €128 million compared with €78 million in 2018** (66% annual increase), in the main due to:
  - Significant rise in the number of people seeking protection (up 42% in the f2019;
  - improvements being made to accommodation standards including the rollout of independent living; and
  - Cost of emergency accommodation.

- Budget 2020, €80.6 million allocation + €1m to fast-track applications by the International Protection Office – should help reduce pressure and enable applicants to move from more expensive emergency accommodation to DP Centres with access to full services, etc..
- **Recent improvements** to DP system:
  - Increase in weekly allowance (to €38.80 p/w adults, €29.80 p/w children)
  - Move to independent living; over 50% of residents now have access to cooking facilities
  - New Standards
  - ‘Friends of the Centre’ groups locally
  - Access to the services of the Ombudsman and the Ombudsman for Children.
  - Access to the labour market (over 3,900 applications granted)



Amount spent in January 2020 is €8.9million. (€8.9m x 12 = €106.8m)

### 2017

Budget		
Actual Spend	State Owned <sup>1</sup>	Commercial <sup>2</sup>
	€10,688,463.98	€56,555,978.05
Capacity End of Year	1,160	4,343
Average cost pppd	€25.24	€35.68
Additional Costs <sup>3</sup>	€114,562.74	
Total Actual Spend	€67,359,004.79	

## 2018

Budget		
Actual Spend	State Owned <sup>1</sup>	Commercial <sup>2</sup>
	€10,648,941.18	€67,028,146.19
Capacity End of Year	1,160	4,973
Average cost pppd	€25.15	€36.93
Additional Costs <sup>3</sup>	€316,324.67	
Total Actual Spend	€77,993,412.04	

## 2019

Budget			
Actual Spend	State Owned <sup>1</sup>	Commercial <sup>2</sup>	Emergency
	€10,795,266.01	€81,307,938.69	€35,445,957.42
Capacity End of Year	1,184	5,432	1,512*
Average cost pppd	€24.98	€41.01	€64.28
Additional Costs <sup>3</sup>	€1,859,223.39		
Total Actual Spend	€129,408,385.51		

<sup>1</sup> State Owned cost includes gas bills, fixed costs, additional costs including water charges, preschool, OPW, Electric Ireland/Energia costs.

<sup>2</sup> Includes rate charged and preschool charges

<sup>3</sup> Additional costs are across all types of accommodation & include transport, nappies and grants to NGOs

\* Occupancy figure rather than capacity, due to fluctuating nature of capacity, occupancy is the most accurate reflection

## MEDIUM/LONG-TERM PRIORITIES AND ISSUES

### **Improving Immigration Service Delivery**

#### Improved processes and systems

- Implement a range of service improvement as set out in the Customer Service Improvement Plan 2018 – 2020 including introduction of on-line services, reform of the visa system, improvement of information and services to customers, etc.
- Expand the use of e-Gates at Dublin Airport.
- Expand the number of renewal of registrations through on-line/postal system so that fewer persons need to present in person to maintain their immigration permission.
- Carry out a review on the most appropriate model to extend the role of ISD to carry out immigration related functions on a nationwide basis so that Garda members currently carrying out this work outside of Dublin can be freed for Garda operational duties (COFPI recommendation).
- In conjunction with Corporate (ICT) and Operations Functions, commence the implementation of the Department's ICT strategy currently being finalised.
- Establish a Quality Office within ISD which will examine each scheme to check its accordance with ever evolving legal changes and jurisprudence both from the Irish courts and EU and international law.

### **Improve Direct Provision Services**

*[PfG]*

- Formalise the Vulnerability Assessment Process for International Protection Applicants as per EU Directive 2013/33;

- Commence the implementation of the National Standards for Accommodation Offered to People in the Protection Process, through procurement / contract management, etc.
- In conjunction with the Policy Function implement a range of recommendations of the IDG Group on DP, including review of the right to work provisions and a fair system of charges for persons with income (applicants and persons with status).
- Fully embed the co-located staff from a number of Agencies and Departments so that a whole of Government approach is adopted to the delivery of services.
- Working with the Housing authorities and housing NGO's work to ensure that persons with status can move to permanent accommodation as quickly as possible after receipt of status.
- Continue to improve processes and procedures of the International Protection processing system to speed processing of cases while ensuring quality decision making is maintained.
- Continue to identify and open suitable accommodation of applicants so that persons in emergency accommodation are migrated to Centre accommodation as soon as possible.

### **Longer term accommodation related matters**

*[PfG]*

Ensure greater stability in supply of accommodation by increasing State-owned accommodation portfolio.

# Criminal Justice

## Criminal Justice: POLICY



**Ben Ryan**

Assistant Secretary  
Head of Criminal Justice  
Policy

### Principal Officers



**Yvonne Furey**  
Strategic Policy,  
Planning and  
Research



**Deborah White**  
Penal and  
Policing Policy



**Deaglán Ó Briain**  
Community Safety  
Policy



**Eileen Leahy**  
Economic,  
Transnational  
and Organised  
Crime Policy



**Tara Storey**  
Cyber Security  
Policy



Security and  
Northern Ireland

Redacted  
under  
S32(1)(b),  
law  
enforcement  
and public  
safety

## **IMMEDIATE PRIORITIES AND ISSUES**

### **Strategic Policy, Planning and Research**

The purpose of the Strategic Policy & Planning team is to establish the Department's policy agenda, advise on policy priorities and oversee the policy lifecycle. The Research & Evaluation team manage policy related research and evaluation activities for the policy function and are responsible for taking a forward looking, data based approach to policy research, assessment and evaluation. The Project Collaboration, Tracking and Administration team support cross functional, inter-Departmental and EU/International working. They manage logistics for the Policy function-led working groups, track policy development and allocate administrative resources across the function. A current priority is reviewing measures to facilitate criminal court sittings during Covid-19.

### **Penal and Policing**

The purpose of the Subject Matter Resource & Applied Policy teams is to lead the development of policy on specific policy themes. The team will draft, consult on and manage the approval of EU/international and applied policies. This team deals with: Prisons, Probation, Restorative Justice, Offender management, Sentencing, EAW/extradition, Policing numbers, Policing powers/safeguards & Global best policing practice.

### **Community Safety**

The purpose of the Subject Matter Resource & Applied Policy teams is to lead the development of policy on specific policy themes. The team will draft, consult on and manage the approval of EU/international and applied policies. This team deals with: Domestic Violence, Sexual Violence, Child Abuse, Victims (including VoT), Youth Crime, Hate Crime, Anti-social behaviour, Drug possession, Road Safety enforcement, Crimes against the Person.

### **Economic, Transnational and Organised Crime Policy**

The purpose of the Subject Matter Resource & Applied Policy teams is to lead the development of policy on specific policy themes. The team will draft, consult on and manage the approval of EU/international and applied policies. This team deals with: Corruption, Proceeds of Crime, Money Laundering, Organised Crime, Drug Trafficking, People Smuggling, Human Trafficking, Mutual Legal Assistance, Fraud – Cost of Insurance Working Group, Interpol/Europol/Eurojust, International co-operation.

### **Cyber**

The purpose of the Subject Matter Resource & Applied Policy teams is to lead the development of policy on specific policy themes. The team will draft, consult on and manage the approval of EU/international and applied policies. This team deals with: cybercrime, cyber security, takedown of illegal content, firearms/explosives policy, private security policy, security of elections, artificial intelligence, E-evidence, radicalisation.

## IMMEDIATE PRIORITIES AND ISSUES

### Criminal Justice Efficiencies Working Group

The immediate focus in the context of Covid-19 is on the needs of all criminal courts with a view to maximising the operation of these courts both in the immediate and medium term. A group chaired by the Department and comprising judges of the District, Circuit and High Courts, as well as senior management from the Courts Service, an Garda Síochána, Irish Prison Service, Probation Service and the Office of the Director of Public Prosecutions is working collectively and bilaterally to identify and implement measures and has to support the conduct of jury trials in line with social distancing guidelines, as well as measures to reduce the need for attendance in court through ICT solutions such as the use of video technology for a range of applications. A number of legislative proposals to introduce further efficiencies are also being considered and will be the subject of detailed submissions to the Minister.

## Supporting Prisons and Offender Management

### Addressing Overcrowding in Prisons

[PFG]

Overcrowding has been a priority challenge for the Irish Prison Service (IPS) leading to increased reliance on unstructured temporary release (TR) and lack of capacity to deliver rehabilitative services to persons in custody. Furthermore, this issue has serious implications for the integrity of the broader criminal justice sector with regard to the amount of time spent investigating, prosecuting and hearing cases, if they end in unstructured TR.

The IPS has prepared a detailed analysis of trends in Prison numbers from 2016-2019 which can be made available if requested. Since 2016, the number of persons in custody increased steadily. There was an approx. 10% overall increase from December 2016 to December 2019, including an approx. 50% increase in females in custody. The same period brought an overall 20% increase in the number of committals (excluding fines), including a 30% increase in the number of female committals. There was a 35% increase in the daily average in custody of persons on remand (including serious offences). Indeed, the daily average on trial/remand exceeded capacity by 64% (276) in 2019.

A range of factors driving changes in committal trends including the consistent increase in Garda resources, increase in sentences of less than 12 months and an increase in the number of committals on remand, including an increasing number on remand for serious offences requiring higher levels of security and separation.

In the context of managing COVID-19 in a prison setting a number of emergency policy and operational measures were implemented to limit the potential for transmission within prisons and help contain infection where necessary including: amendment of the criteria for considering TR; Amendment of the administrative arrangements for prisoners granted TR and an increase in 25% remission to 33%.

Prior to the COVID-19 crisis, a number of other measures had also been implemented including:

- IPS Prison Population Management Plan.
- The joint Probation Service-Irish Prison Service Strategy 2014-2016, "An Effective Response to Women Who Offend",
- Increasing the use of community service through the provisions of the Criminal Justice Amendment Act 2011 which requires judges to consider the appropriateness of a community service order in circumstances where an alternative sentence of imprisonment of up to 12 months would be considered.

- In 2019, the Probation Service managed 2,781 Community Service Orders, totalling 379,815 hours work, in lieu of 1,247 years in prison. This equated to over €3.5 million of unpaid work for the benefit of the community. (The figures for 2018 were 2,499 community service orders and for 2017 2,215 orders made).
- The Fines Act allows for appropriately set fines to be imposed and it makes it easier for people to pay them. Where a person defaults it gives the court the tools to recover the fine or to impose community service. The intention of the Act is to greatly reduce committals to prison for the non-payments of fines.
- Implementing the recommendations of the Penal Policy Oversight Group (independent chair Professor Mary Rogan).
- Implementing the recommendations of the Interagency Group for a Fairer and Safer Ireland (independent chair Dr. Ruth Barrington).
- Working with the Department of Health to ensure that cases more appropriately dealt with by mental health services than by the criminal justice sector can be diverted.

Notwithstanding the significant cross justice sector measures underway, it is considered that the underlying issues are complex and cross cutting and require adaptive whole of Government policy and operational collaboration. In terms of next steps, it is envisaged that DJE will drive the development of progressive penal policy guided by the principle of imprisonment as a last resort. It is anticipated that future work in this area will include:

- Contributing to the Penal Policy Implementation Oversight Group;
- Review of the use of community service orders as an alternative to sentences of less than 12 months.
- Exploring the scope for the newly established judicial council to consider related issues through its Sentencing Guidelines and Information Committee;
- Development of a pilot webinar with the Chief Justice as a forum, comprising members of the judiciary, criminal justice agency leaders and academics, to discuss issues of mutual interest including non-custodial alternatives to short sentences .
- Driving the development of diverse community based sanctions, including gender sensitive programmes;
- Developing evidence on the effectiveness of alternative sanctions, such as restorative justice and working with all criminal justice agencies to build capacity;
- Working with Department of Health to develop policy on mental health diversion initiatives across the justice sector;
- Collaborating across Government, NGOs and community based organisations to deliver appropriate 'wrap around' services including housing, health, education, employment and addiction.

## Interaction of persons with mental health issues with the Criminal Justice System

*[PfG]*

The healthcare needs of persons interacting with the criminal justice system including preventative services for those with mental health issues and the continuity of appropriate healthcare into the community is a whole of Government challenge.

Anecdotal evidence indicates that approx. 70% of persons in custody present with mental health issues across a broad spectrum ranging from acute and enduring issues to less severe behaviours.

An Interdepartmental Group tasked with examining issues relating to people with mental illness who come in contact with the criminal justice system concluded its work and produced its second report in December 2018. The Group made 15 cross cutting recommendations and preparations are underway between the DJE and Department of Health (DoH) to publish this report when an implementation mechanism has been finalised.

Following its visit to Ireland in September, 2019, the European Committee for the Prevention of Torture (CPT) acknowledged a number of positive developments since its previous visit in 2014 such as a marked improvement regarding provision of healthcare services in prisons. However, by far the most challenging issues raised relate to the care of people with mental health issues.

The Director General of the IPS has worked closely with DoH to agree a shared ownership approach to this acute problem and develop a joint action plan. Notwithstanding this, it is considered that a broad based approach is required to tackle this complex and multi-faceted issue.

In December 2019 DJE proposed the establishment of a DoH-led High level Task Force to consider the issues in detail. It is envisaged that further engagement will take place this year between both Departments to address the cross cutting issues. (Task Force to be established - draft Programme for Government)

## Supporting Community Safety

### Develop a Community Safety Policy

[PFG]

As recommended by the *Commission on the Future of Policing in Ireland (CoFPI)* in December 2018, the Government approved the development of a Policing and Community Safety Bill to replace the Garda Síochána Act 2005. A Community Safety Policy Paper has been developed to inform the drafting of the Bill. It is intended that the Bill will redefine the functions of An Garda Síochána (AGS) to include community safety and to place an obligation on relevant Departments, State agencies and local authorities to cooperate with agencies in the criminal justice system in relation to carrying out this function.

Community Safety is about people being and feeling safe in their community. It relates to quality of life and the ability of people to fully participate in society without fear or hindrance from crime and disorder. It aims not just to prevent crime but also, more broadly, to reduce the harms that local communities face. It encompasses a wide range of areas which can include the responsiveness of emergency services, drug prevention, alcohol and substance abuse, domestic violence, youth crime, anti-social behaviour, mental health issues, hate crime and the built environment.

A suggested community safety framework to ensure strong community engagement, inter-agency cooperation and accountability will also be developed with supporting structures at national and local level.

### Establishing Community Safety Pilots

As part of the development of the Community Safety Policy, it is proposed to pilot Safety Committees in a minimum of three sites. Safety Committees will be formed in local authority areas and they will be tasked with implementing multi-agency responses to the community safety and harm prevention issues that local communities identify as most important to their quality of life. Permanent membership will include local authority representatives, elected local representatives, members of relevant agencies from the criminal justice, health and social services sectors (currently not represented on the JPCs), and community representatives. The community should have access to the services required to respond to the safety needs identified by the community.

[REDACTED]

Redacted under S32(1), law enforcement and public safety; S29(1), deliberations of public bodies

[Redacted]

### Drogheda and Coolock/Darndale

In late 2019/early 2020, a series of criminal incidents in Drogheda and the Coolock/Darndale area of North Dublin arose out of a dispute between two Organised Crime Groups (OCG) both of whom are heavily involved in the sale and supply of illegal drugs in the North East. A large number of incidents, including attempted murder, false imprisonment, serious assaults, petrol bomb attacks, criminal damage and Intimidation, have occurred within the Drogheda and adjoining Garda Districts since 2018. To date four murders are suspected to be linked to the dispute. In January, an attempt on the life of one of the persons involved in the ongoing dispute resulted in a shooting-related injury to an innocent third-party. Also related to the ongoing feud was the murder and mutilation of a 17 year old in January. A murder investigation has been set up at Drogheda Garda Station to co-ordinate this matter.

#### Response in Drogheda

[Redacted]

Redacted under S32(1), law enforcement and public safety

The Department of Justice and Equality is in the process of [Redacted] and identify opportunities to connect and support existing services in the area. The purpose is to identify actions which can be taken to support the community in the areas of community safety, coordination of services, community development needs, education and employment for young people,

Redacted under S32(1), law enforcement and public safety S 29(1) (a), deliberations of FOI bodies (deliberative processes)

improving the physical environment and child services. The expert will make recommendations in relation to short-term and long-term responses to the challenges faced by communities in this area.

[Redacted text block]

Redacted under S32(1), law enforcement and public safety

[Redacted text block]

Redacted under S32(1), law enforcement and public safety

## Ongoing Policy Reviews

### Review of Ireland's anti-corruption structures

As part of the Government's "Measures to enhance Ireland's corporate, economic, and regulatory framework" strategy document, it was agreed that the Department of Justice and Equality would lead a review of anti-corruption and anti-fraud structures to ensure that all state bodies with a role in the prevention, detection, investigation and prosecution of fraud and corruption are working effectively together. The terms of reference for this review were agreed by Cabinet in July 2018 and Mr. James Hamilton, former Director of Public Prosecutions and a member of a number of international anti-corruption bodies was appointed as the chair. The Review Group is due to present its findings in mid-2020.

It is expected the Review will recommend:

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Redacted under S29(1) (a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

### Review of the Fines (Payment and Recovery) Act 2014

Enacted on 1 Jan 2016, the primary purpose of the [Fines \(Payment and Recovery\) Act 2014](#) was to provide for alternatives to imprisonment for the non-payment of fines. These alternatives include attachment of earnings, debt recovery proceedings and community service, which are decided upon at enforcement hearings (section 7 of the Act).

The Act was an important reform of the State's approach to court imposed fines. While the policy objective under the 2014 Act of eliminating the high numbers imprisoned for unpaid fines is largely being achieved, the data demonstrates that high volumes of fines remain unpaid, very few penalties are being applied, while court processes and Garda operations are being affected detrimentally.

A number of serious issues have arisen since enactment, including low appearance rates at enforcement hearings and low uptake of instalment plans, which has led to an increased proportion of defaulters and a subsequent increase in the level of bench warrants being issued.

A Departmental High Level Group – which also includes representatives from the Courts Service, the Office of the Attorney General, An Garda Síochána, the DPP, the Irish Prison Service and the Probation Service – is currently examining how to maximise the effectiveness of the collection process in the context of the legislation and its implementation. This review will focus on process and impacts since enactment, while also analysing fine recovery mechanisms in other jurisdictions. The group met most recently in mid-January and is currently developing a work plan to ensure the matters identified thus far are addressed.

[Review of Section 7A of the Criminal Law \(Sexual Offences\) Act 1993 \(payment etc. for sexual activity with prostitute\)](#)

*[PfG]*

Conduct the review of section 7A of the Criminal Law (Sexual Offences) Act 2017 which criminalised the purchase of sexual services.

This section is due to be reviewed in 2020 and a report to be laid before each House of the Oireachtas. This report will include an assessment of the impact on the welfare of those who engage in sexual activity for payment, as well as information on prosecutions and convictions.

Maura Butler (formerly of the Law Society) has been engaged to conduct the review.

The Terms of Reference are available at **Appendix 5**.

[Develop a Youth Justice Strategy](#)

*[PfG]*

A draft of the new Strategy has been developed under the guidance of an expert Steering Group, and with the benefit of consultation with key agencies and stakeholders. Following sign-off by the Steering Group, the draft Strategy has been published for public consultation, with a view to submitting a finalised Strategy for Government approval later this year. The on-line public consultation process, which closes at the end of June, will inform a further round of engagement with key stakeholders in the autumn, to help finalise the detail of the Strategy document.

The Strategy will operate within the National Policy Framework for Children and Young Adults, *“Better Outcomes Brighter Futures”*, which is coordinated by the Department of Children and Youth Affairs and which is due for renewal in 2020/21.

The Strategy will include a range of cross-Departmental and inter-agency objectives with an overarching aim of preventing children and young people from becoming involved in offending behaviour, diverting young offenders away from the Criminal Justice System, with detention being used only as a last resort.

A key aspect of the Youth Justice Strategy will be enhancement and extension of the Garda Youth Diversion Projects (GYDPs) which support the statutory **Garda Diversion Programme**, which operates under Part 4 of the Children Act 2001 (as amended). The objective is to ensure that the service provided by the projects is available in all areas of the State, and that the work of the projects in family support, early intervention and engagement with more challenging children is extended further.

The scope of the Diversion programme is illustrated by 2017 figures, which show that 10,607 children were referred for consideration under the programme. Of these 1,402 (13%) were deemed unsuitable, usually relating to more serious offences. Over the past ten years, the percentage deemed unsuitable has remained between 13% and 17%. Some 4,000 young people work with the GYDPs in any one year.

## Meeting our International Obligations

### Trafficking in Persons Report

The Trafficking in Persons Report, or the TIP Report, is an annual report normally published in June by the U.S. State Department's Office to Monitor and Combat Trafficking in Persons. It ranks governments based on their perceived efforts to acknowledge and combat human trafficking.

Ireland received a Tier 1 placement from 2011 to 2017, but was downgraded to Tier 2 in the 2018 and 2019 TIPs Reports. Tier 2 applies to countries which are deemed to fall short of full compliance with the US Trafficking Victims Protection Act (TVPA) of 2000, but are making significant efforts to achieve compliance. The US State Department's Office is due to release its report for 2020.

Ireland has also come under significant criticism, both nationally and internationally, regarding the fact that An Garda Síochána performs a dual role in investigating human trafficking offences while also being responsible for the identification of potential victims. A health-service led strategy for the identification of victims of trafficking has been proposed at Ministerial level but further discussion will be necessary to tease out operational details.

The Irish Human Rights and Equality Commission (IHREC) is being designated as Ireland's independent National Rapporteur for Anti Human Trafficking under Article 19 of the EU Directive. The National Rapporteur's responsibilities will include monitoring the implementation of anti-trafficking policy and playing a key role in the collection of data on human trafficking at national level. This is subject to legislative change which is currently being finalised.

### Transposition of the Firearms Directive

Complete transposition of the Firearms Directive and reduce level of exposure to fines arising from notified infringement proceedings. The main provisions of the Firearms Directive have been transposed by S.I. No. 420/2019 - European Communities (Acquisition and Possession of Weapons and Ammunition) (Amendment) Regulations 2019.

However there is a derogation for Article 4(3) on the regulation of dealers and brokers and for Article 4(4) on data management systems for the tracing of firearms, both of which had a transposition deadline of 14 December 2019. Draft Regulations to transpose Article 4.3 and part of Article 4.4 (maintenance of register by dealer and broker) have already been prepared by the Criminal Justice Legislation Function but the transposition of Article 4.4 cannot be

completed without the agreement of An Garda Síochána to undertake data filing functions and to act as alarm and signal national focal point.

[REDACTED]

Redacted under S29(1) (a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

required to permit the transposition of Articles 4.3 and 4.4 of the Firearms Directive, it has not been possible to complete the transposition of the Directive. Ireland has received a Letter of Formal Notice from the European Commission indicating that we are now in an infringement process for not fully transposing and putting into effect the Directive, which could give rise to very significant fines for Ireland if the matter is not progressed.

[REDACTED]

Redacted under S29(1) (a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

The implementing Directive for the Firearms Directive requires each Member State to appoint a national focal point which would liaise with other national focal points as to which alarm/signal weapons have already been checked and certified as being in compliance in order to obviate the need for multiple inspections of the same items in different jurisdictions. These weapons are considered to be firearms within this jurisdiction and would be subject to the consequent restrictions under the Firearms Acts 1925-2009. It is the Department's position that [REDACTED]

[REDACTED]

Redacted under S29(1) (a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

## MEDIUM/LONG TERM PRIORITIES

### **Generating Efficiencies through Collaboration in the Criminal Justice System**

#### Criminal Justice Sectoral Strategy

The Criminal Justice Strategic Committee was founded in 2015 to drive co-operation and inter-agency reform across the criminal justice sector. The Committee is chaired by the Department and includes the Heads of An Garda Síochána, the Courts Service, the Irish Prison Service, the Probation Service, the Legal Aid Board, Forensic Science Ireland, the Policing Authority and the Director of Public Prosecutions.

A subgroup has been established to develop a Criminal Justice (CJ) Sectoral Strategy and implementation plan, to be submitted for the Committee's consideration/approval by September 2020.

The development of a collaborative, cohesive sectoral strategy is particularly timely, and will be an important element in the development of the wider national, whole-of-Government approach to community safety. It also builds on important intra sectoral initiatives including the Penal Policy Review (2014), the JARC (2015 – date) and, more recently, the Action Plan for the Joint Management of Offenders 2019-21.

#### Role of AGS in prosecution decisions

Under the implementation plan *A Policing Service for the Future*, a review of the role of AGS in the public prosecution system is to be carried out. Following consultation with the DPP and the AGO, a Review Group, with an independent chair (former SG to the Government Dermot McCarthy) has been established to take the recommendations forward.

Draft Terms of Reference (ToR) for the Group have been developed in consultation with the Garda Commissioner, DPP, AGO and the Chair. It is proposed that the Group will examine the recommendations in detail including with respect to an estimate of associated costs and governance. The Group will also identify any legislative changes that may be required to give effect to the recommendations. It is also proposed the Group will develop a high level implementation plan. It is anticipated the Group will make an interim report to Government (through the Department of the Taoiseach, to take account of the DPP's independence) by the end of 2020 and a final report in the course of 2021.

## Crime Prevention

### Review and expand the community CCTV Scheme

*[PfG]*

The Department of Justice and Equality has, since 2017, administered a grant scheme for Community CCTV schemes. (Pobal administered an earlier scheme for Department.) The scheme is funded via the Garda Vote.

Take-up of the scheme had been lower than the Department would have liked, and there have been some issues concerning the requirement for local authorities to act as data controllers.

The situation has improved following detailed engagement by the Department with local authorities, through the CCMA/LGMA, and clarifications from the Data Protection Commissioner.

The Department has sought and received sanction from D/PER to continue the grant aid scheme for another year in 2020. It is also intended to commence a review of the scheme.

### Drug related intimidation

*[PfG]*

An Garda Síochána and the National Family Support Network (NFSN) developed "the Drug Related Intimidation Reporting Programme" to respond to the needs of drug users and family members experiencing drug related intimidation, which is a serious issue in communities.

While the reporting programme is widely welcomed by all stakeholders, addressing the issue continues to be a challenge. Accordingly, one of the actions being progressed under the current National Drugs Strategy is concerned with strengthening the effectiveness of the Reporting Programme. Both An Garda Síochána and the National Family Support Network have each concluded their own separate evaluations of the Drug Related Intimidation Reporting Programme and have jointly agreed a number of actions in relation to the programme going forward.

These include actions relating to training existing members and new recruits from An Garda Síochána, organising a conference for designated inspectors to share knowledge and experience relating to drug-related intimidation and holding a joint agency conference to include designated inspectors and agencies working in the drugs area. There will also be an internal programme of communication regarding the programme within An Garda Síochána, as well as external promotion of the programme through media, external contacts and various

forums. The National Family Support Network will continue to run training in the field of drug-related intimidation.

### GRECO Evaluation

The Council of Europe's Group of States against Corruption (GRECO) 4<sup>th</sup> round evaluation examined the theme of Corruption prevention in respect of members of parliament, judges and prosecutors and was completed in 2014. Progress in respect of the recommendations contained therein was assessed in both 2017 and 2018 as 'globally unsatisfactory'. Recommendations addressed themes such as replacing the existing ethics framework with a uniform and consolidated version; regular training for members of parliament on issues such as ethics, corruption and conflicts of interest be provided; and that the current system for the selection, recruitment, promotion and transfers of judges be reviewed. A further assessment of Ireland's progress in implementing the [REDACTED] is due to take place in September this year.

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A fifth round evaluation process under GRECO has commenced and deals with Preventing Corruption and Promoting Integrity in Central Government and Law Enforcement Agencies. This process commenced in 2017 and the Ireland evaluation report is due to be published early next year. The evaluation process will include an on-site visit to Ireland in October.

### Insurance Fraud Database

[Pfg]

The establishment of an insurance fraud database is a recommendation from the Cost of Insurance Working Group (CIWG).

The purpose of the recommended database is to reduce levels of fraud by providing access to details of incident data which can be used to detect patterns of potentially fraudulent behaviour. The Department of Justice and Equality established a working group to progress the related action points. The Group is made up of representatives from this Department, the National Economic Crime Bureau (GNECB), Insurance Ireland and the Motor Insurers' Bureau of Ireland (MIBI). Consultation has taken place with the Office of the Data Protection Commissioner and discussions are ongoing with the Department of Finance and Insurance Ireland as to how the insurance fraud database could operate while being compliant with data protection regulations.

Cooperation with An Garda Síochána and Insurance sector on insurance fraud investigations (CIWG recommendation)

*[PfG]*

The Garda Commissioner decided for operational reasons that insurance fraud should be investigated at the divisional level within An Garda Síochána (AGS), rather than through the establishment of a centralised insurance investigation unit. This approach is aligned with a general divisional-focused Garda model.

While the Commissioner concluded that he was not in a position to approve an initiative proposed by the insurance industry that it fund a dedicated insurance fraud unit within AGS, he is open to the consideration of other industry-funded proposals, which could assist AGS in the fight against insurance fraud. The Department compiled a report on potential avenues for further cooperation between AGS and the insurance industry which is being considered by AGS. Once the views of AGS have been received, it will submit this report to the CIWG for consideration prior to any formal engagement with industry.

## Supporting Offender Management

### Joint Agency Response to Crime

The Joint Agency Response to Crime ('JARC') was officially launched in November 2015 and is currently operating across seven projects. JARC is a strategic multi-agency initiative involving an intensive, highly collaborative approach to the supervision and rehabilitation of prolific repeat offenders in particular in areas of Dublin, Dundalk, Waterford and Limerick.

Its three lead agencies (An Garda Síochána, the Irish Prison Service and the Probation Service) with the active support of the Department of Justice and Equality, and in partnership with other State bodies and community-based organisations – work together in a close and highly structured manner to steer these recidivist offenders away from criminality.

Under JARC, prolific repeat offenders causing the most harm in certain communities are identified and selected as 'clients' under one of several offender management programmes. Each programme is delivered on the ground by an operational team of frontline Gardaí, probation officers and prison officers, who work closely with each client to address the factors behind their offending and to direct them away from criminality.

JARC offers its clients tailored supports and practical help with addiction, educational, training or other needs. It is thus implemented in partnership with various community-based organisations and with the support of other Government Departments and State agencies.

Independent evaluations of the three pilot Dublin-based JARC programmes were completed in 2018. Results were encouraging, indicating that the pilot programmes had helped to reduce both the frequency and severity of reoffending and had helped some clients to move away from crime.

A working group on the evaluation of the JARC programme has recently been established, with a formal evaluation of all adult JARC programmes expected by mid-2021.

### Y-JARC

*[PfG]*

The Youth – Joint Agency Response to Crime Initiative (Y-JARC) is a pilot multi-agency approach to manage and address the prolific offending and criminal behaviour of young people aged 16 to 21.

Two pilot projects were launched in July 2017 – [REDACTED]  
[REDACTED] The programmes provide an operational approach

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for enhanced levels of co-ordination and co-operation between An Garda Síochána, Probation Service, Irish Prison Service, Oberstown Children Detention Campus, and Tusla.

### Action Plan for the Management of Offenders (2019-21)

In December 2019, the Action Plan for the Joint Management of Offenders (2019-21) was published. This is an Action Plan agreed by the Department of Justice and Equality the Probation Service the Irish Prison Service and An Garda Síochána.

The Action Plan is intended as a concise and focused framework to develop further the productive partnership, which our organisations have built through the Joint Strategy on the Management of Offenders (2016-18) and underlying initiatives, such as the Joint Agency Response to Crime (JARC) and the Sex Offender Risk Assessment and Management (SORAM) programmes.

The aim of this Action Plan is to enhance community safety through collaborative management of priority offenders. For the purposes of the Plan, 'priority' relates primarily to convicted offenders who:

- Have caused serious harm to their victims and/or their communities;
- Have been assessed as having a continued high risk; and
- Can be most effectively managed through structured collaboration and joint action between the policing, probation and penal authorities.

Each organisation has agreed to a timeframe to complete their commitments to the collaborative management of priority offenders and supporting measures and these will be completed by mid-2021.

## Combating Organised Crime

[PfG]

An Garda Síochána is tackling organised criminal activity through a range of targeted measures designed to disrupt and dismantle the operations of criminal organisations. These measures include utilising, to the greatest extent possible, advanced analytical and intelligence methodologies.

Additional resources coming on stream have enabled the Garda Commissioner to assign extra resources to the specialist units, including the Armed Support Unit, Garda National Drugs and Organised Crime Bureau, the National Bureau of Criminal Investigation, and the Criminal Assets Bureau.

Multi-disciplinary approaches are used by An Garda Síochána to ensure the activities of individuals and groups involved in criminal enterprise are effectively targeted. Such approaches also include the use of money-laundering legislation and the powers available to the Criminal Assets Bureau under the proceeds of crime legislation. Other measures taken to tackle organised crime is strengthening of legislation where required; the establishing of a second Special Criminal Court in 2016, and the establishing of Garda Armed Response Units in all Garda regions which are available to support all divisions countrywide.

### Criminal Assets Bureau

A desk-top review of the Proceeds of Crime legislation and the related Criminal Assets Bureau Act has been undertaken, which examined the legislative supports underpinning CAB operations and considered possible improvements. A report has been drafted and the Department is consulting with relevant agencies on its recommendations prior to the report being finalised and submitted to the Minister.

### Greentown research project

The “Greentown Report”, about the influence of criminal networks on children in Ireland, was produced by the REPPP Project, (Research Evidence into Policy, Programmes and Practice), at the School of Law in the University of Limerick (UL), and was published in December 2016.

The Greentown Report outlines how the influence of criminal networks increases the level of offending by a small number of children and entraps them in offending situations. The

Greentown research has verified that criminal networks operating in many areas operate coercive control over young children.

The next step is to commence pilots in two sites: [REDACTED] [REDACTED] to implement the specially designed intervention programme commencing in 2020. This is being pursued by DJE, DCYA and the REPPP team in consultation with An Garda Síochána. The implementation of the trial projects is being funded by DCYA via the Dormant Accounts Funds. A total of €4.2m has been allocated for this purpose over three years with €1.42m of that available in the current year. Tenders have been received from Community Based Organisations interested in being the voluntary sector partner in these pilots and a partner will be selected later this month or early July.

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## Child Protection

### Garda Vetting

The primary purpose of the employment vetting carried out by the National Vetting Bureau is to seek to ensure the safety of children and vulnerable adults. It is carried out by An Garda Síochána in accordance with the provisions of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016. The Garda National Vetting Bureau works with over 26,000 relevant organisations (i.e., organisations who engage persons who will have access to, or contact with, children or vulnerable persons). In 2019, the Bureau issued 491,181 vetting disclosures.

### Re-vetting provisions

[REDACTED]

[REDACTED]

[REDACTED] Re-vetting will apply to persons, such as teachers, who have not changed employment for a number of years. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Redacted under S31, parliamentary, court and certain other matters; S29(1), deliberations of public bodies

### Appeals Mechanisms

There is a need to review the existing mechanism for appeals in relation to vetting, whereby a designated solicitor reviews the Garda process. There is the broader question of developing a single administrative appeals mechanism for civil and criminal justice processes. There are a range of processes in the Justice area that might benefit from single appeals mechanism to provide a more robust and transparent appeals process [REDACTED]

[REDACTED]

[REDACTED]

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### Private Security Authority and Vetting of Event Security

The Private Security Authority (PSA) is an independent agency under the Department's remit responsible for the licensing and regulation of the private security industry in Ireland. These include the release of 'soft' information by An Garda Síochána to the PSA under Section 34 of the Private Security Authority Act 2004, as amended, relating to vetting applications by

individuals in the event security sector. Following on from the introduction of the National Vetting Bureau (Children and Vulnerable Adults) Act 2012, as amended, the Bureau no longer notify TUSLA/HSE if a vetting request from the PSA relates to a person who has been the subject of a child abuse allegation.

[Redacted]

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[Redacted]

[Redacted] Regulations to permit the licensing of event security employees were drafted and will enter into force when signed by the Minister.

[Redacted]

Redacted under S31, parliamentary, court and other matters

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## Roads Policing

### Road Traffic Enforcement

Policy in this area is the responsibility of the Department of Transport, Tourism and Sport (DTTAS) with An Garda Síochána having an enforcement function. The Department supports DTTAS and the Road Safety Authority in the work of relevant inter-departmental groups, and monitors any issues which might have policy implications for the Department or raise operational issues for the Gardaí, (e.g. Speed Cameras, Processing of Fixed Charge Penalties)

### Antisocial misuse of scrambler and quad bikes

[PfG]

The DJE established a cross agency group to review current legislation, enforcement, vehicle registration and approaches adopted in other jurisdictions.

The cross agency group met most recently in December 2019, when DTTAS agreed to explore additional legislative amendments – such as those available in the UK – which could potentially achieve the same goal sought by An Garda Síochána without negatively impacting on current legislation.

AGS has agreed to conduct an assessment of enforcement effectiveness [REDACTED] [REDACTED] DJE is exploring improved awareness raising campaigns and the possibility for expanding youth diversion schemes to help divert young people away from this activity which is underway.

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## Youth Justice

### Garda Youth Diversion Projects

*[PfG]*

Garda Youth Diversion Projects (GYDPs) are community based, crime prevention initiatives which primarily seek to divert young people who have become involved in offending behaviour towards more pro-social choices. The projects are particularly targeted at 12-17 year olds in communities where a specific need has been identified and where there is a risk of them becoming further involved in the criminal justice system. Young people are normally referred to GYDPs by Gardaí but may be referred by others such as school principal, parents or self-referral.

Currently there are some 105 projects, which are funded by the Department, with a budget of about €18 million. The intention is to further develop the service so that it is available to every child in the State who could benefit from it and that the projects undertake early intervention and preventative work, provide family support to the parents of young people participating in the projects and that the role of the projects in relation to harder-to-engage young people is enhanced and extended.

The ongoing development of practice in GYDPs is being supported by an Action Research Project led by the University of Limerick, working directly with front-line Youth Justice Workers from local projects. The Department also supports pilot projects to help develop better approaches in areas such as engagement with hard-to-reach or more challenging children as well as family support and other preventative interventions.

Based on initial outcomes from the Action Research Project and evaluations of a number of pilot projects it is intended to develop proposals to expand the existing services, to ensure national coverage and a stronger focus on difficult issues such as the hard-to-reach cohort. Expansion of services will have resource implications, but such community-based interventions are less costly than additional enforcement or detention measures.

The work of Phase 1 of the Action Research project will be complete at end-2020.

## Ongoing Policy Reviews

### Review of Spent Convictions

[PfG]

The rationale for a spent conviction legislative regime is rooted in the principles of rehabilitative justice and the generally accepted acknowledgement that after a certain period of a time, individuals deserve a ‘second chance’ and the opportunity to move on without disclosing a criminal conviction.

A review of Spent Convictions Policy is underway arising from the introduction of the *Criminal Justice (Rehabilitative Periods) Bill 2018* by Senator Lynn Ruane in December 2018. The primary intention of the Bill is to make substantive amendments to the *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* to provide for broader access to spent convictions, recognition of the specific rehabilitative needs of young people and an upper rehabilitative period of three years for personal possession offences under the Misuse of Drugs Act 1977.

The Private Members Bill passed Committee Stage in the Seanad in November 2019 with cross party support.

While the Government did not oppose the Bill in principle at Committee Stage, it was emphasised that amendments may be brought forward at a future date to address any issues arising as a result of a detailed examination of the Bill, particularly in the context of the impact of any changes on Vetting legislation.

The Department collaborated with Senator Ruane in relation to the scope of the research currently underway including research into spent conviction systems in other jurisdictions to ascertain their effectiveness. The objective is to deliver a balanced, fair evidence-based approach taking into account overall community safety and offender rehabilitation. It is anticipated that policy proposals will be developed in the course of 2020.

### Responding to Child Sexual Abuse – Implementation Review of Garda Inspectorate Report

The Garda Síochána Inspectorate report “Responding to Child Sexual Abuse – A Follow-up Review” followed up on progress made in relation to recommendations in its 2012 report and identified areas where further progress was needed. In accordance with the Government decision dated 27 February 2018, an independently chaired inter-agency Implementation Group was established to examine and drive forward the implementation of recommendations in the follow-up report. Chaired by Ms. Caroline Biggs SC, the Group’s membership comprises senior officials from the Departments of Justice & Equality, Children

& Youth Affairs, and Public Expenditure & Reform, as well as senior officers from An Garda Síochána and Tusla. The Implementation Group was set up for an initial period of 12 months from the date of its first meeting on 11 June 2018 and this period has since been extended. The first progress report of the Implementation Group was completed in October 2018 and published in January 2019. Further progress reports will be published as they become available.

### Firearms licensing

Arising from a review of firearms licensing, approval was given in late 2017 to advise the Board of the Private Security Authority (PSA) that it was the intention to confer on them additional functions in relation to firearms licensing which would establish a National Firearms Licensing Unit (NFLU) within the PSA to administer the firearms licensing process in cooperation with An Garda Síochána.

A Working Group was established in 2018 to progress this issue, as well as the establishment of the Firearms Assessment and Appeals Authority, which will establish standards for licensable firearms and hear appeals against rejections of applications for firearms licences. The Working Group has engaged in consultation with stakeholders including the PSA, An Garda Síochána, the Department of Public Expenditure and Reform, as well as the Office of the Attorney General.

[REDACTED]

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It is the intention to re-examine the issue of who is the appropriate body to undertake firearms licensing and submit further recommendations to the Government for approval during the course of 2020.

## Victims Forums

There is a need to enhance our engagement with stakeholders in relation to particular victims of crime. Therefore, it is intended to establish two forums to discuss and engage with victims' rights groups. These two forums would cover Victims of Human Trafficking and Crime Victims generally (in addition to the existing Monitoring Committee which serves a forum in relation to sexual, domestic and gender-based violence issues). An initial meeting to discuss the role of a possible Human Trafficking Forum had to be deferred due to Covid-19 restrictions and is now being arranged for a date in early July (tbc).

## **Victims Charter**

*[PfG]*

In advance of European Victims of Crime Day (22 February), a new and expanded Victims Charter was launched on 21 February this year. The previous version of the Charter dates from 2010.

The rights of victims of crime are primarily set out in the Criminal Justice (Victims of Crime) Act 2017. The Department of Justice and Equality has updated the Victims Charter to take account of this law and to enable victims of crime easily find information about services available to them.

The Charter sets out information on the services offered by the State as well as voluntary groups who work with victims of crime. It sets out how to get in touch with those services and what supports they can offer to victims of crime.

The Charter describes the criminal justice system from the perspective of a victim of crime, so that they can understand what to expect from their interaction with it.

The Victims Charter is available on the dedicated website [www.victimscharter.ie](http://www.victimscharter.ie) which is updated and maintained by Transparency.

For the first time, information on consular assistance available from the Department of Foreign Affairs and Trade to support Irish victims of crime abroad is also included.

The new and expanded Charter outlines the rights of victims throughout the different stages of the criminal justice system, following the reporting of a crime. It provides information on the services available to victims and sets out:

- the role of each relevant service;
- what victims can expect from that service (the services they offer victims and how they can expect to be treated); and
- what a victim can do if a service does not meet their expectations.

A victim in this context (as provided for in the 2017 Act) refers to:

- a person who has suffered harm, including physical, mental or emotional harm or economic loss, which was directly caused by a criminal offence; or
- a family member of a person whose death was directly caused by a criminal offence and who has suffered harm as a result of that person's death. (This does not include family members who have been charged with or are under investigation in connection with the death).

The new and expanded Victims Charter was updated by the Department of Justice and Equality in partnership with all relevant State agencies as well as voluntary and non-governmental organisations active in provision of services to victims.

In addition to detailed written exchanges, a consultative workshop, facilitated by the Centre for Crime, Justice and Victim Studies at the University of Limerick, took place on 18 December 2019, to ensure that the Charter met the needs of victims and appropriate arrangements for dissemination were arranged for.

The National Adult Literacy Agency (NALA) provided its assistance in review of the draft, to ensure that it is clear and accessible to all.

This website will be developed further over the coming months to include enhanced features including the option to search by location, as well as providing further information and infographics detailing what victims can expect from the criminal justice system.

Additional steps are also planned for further dissemination of the Charter, including awareness raising on social media and the distribution of information leaflets and publicity materials to Garda stations, libraries, emergency rooms and other locations.

## Implementing National Strategies

### National Drugs Strategy

The national drugs and alcohol strategy, "Reducing Harm, Supporting Recovery - A health led response to drug and alcohol use in Ireland 2017 - 2025" was published in July 2017. A number of actions under the strategy are relevant to the criminal justice area. The Department of Justice and Equality participates on two Committees established to oversee the implementation of the strategy - the National Oversight Committee (NOC), chaired by the Minister of State at the Department of Health and comprised of senior officials from departments, agencies and representatives from voluntary groups etc., and the Standing Sub-Committee of the NOC which operates at a level below this.

### Alternative approaches to the possession of drugs for personal use

The government established a working group to consider alternative approaches to the possession of drugs for personal use in late 2017. The formation of this group was a key action in the National Drugs Strategy, *Reducing Harm Supporting Recovery*.

The Group reported in April 2019 and its report considered a range of approaches from depenalisation to decriminalisation and identified five policy options. Of these, the report recommends three policy options:

- **Adult Caution:** The existing Adult Caution Scheme is a discretionary alternative to prosecution, whereby a person found in possession of drugs for personal use could be given a formal caution by An Garda Síochána, who could also provide the individual with a health and social services information leaflet
- **Multiple Adult Cautions:** Subject to the agreement of the DPP, a person could be given the benefit of an Adult Caution by An Garda Síochána more than once
- **Diversion to Health Services:** People found in possession of drugs for personal use would be diverted to the Health Service Executive for a health screening and brief intervention with a health professional known as SAOR (Support, Ask and Assess, Offer Assistance and Referral). Where necessary, high-risk drug users will be offered onward referral for treatment or other supports

It was decided to implement a Health Diversion Approach. Under this new system, when a person is found in possession of drugs for personal use the following will apply:

- on the first occasion, An Garda Síochána will refer them, on a mandatory basis, to the Health Service Executive for a health screening and brief intervention

- on the second occasion, An Garda Síochána would have discretion to issue an Adult Caution.

## Violence against Women

[PfG]

Mid-term review of national strategy as a mechanism to address delays in delivery of agreed actions, development of new strategy 2021- and overall funding levels/new PfG priorities.

The Second National Strategy on Domestic, Sexual and Gender-based Violence 2016 – 2021 is a whole of Government response to Domestic and Sexual Violence and contains a range of actions to be implemented by Government Departments and agencies.

Establish a sub-group to conduct a series of meetings to be completed by end of March (delayed due to Covid-19). This subgroup will oversee following actions:

- the Department of Justice and Equality will prepare a list of active actions in the Strategy grouped by lead Department and agency as follows;
  - DCYA/Tusla
  - D/Education
  - An Garda Síochána
  - Courts Service/DJE
  - HSE
  - D/Housing and local authorities
- each lead Department/agency will host a half day meeting with nominated representatives of the Monitoring Committee prior to end-March 2020 for the purpose of
  - reviewing progress to date;
  - identifying actions that need to be revised (including those that cannot be progressed in a timely manner as currently drafted, or are otherwise out-of-date);
  - assessment of possible responses to blockages to further/timely progress;
  - identifying priority issues to be addressed in the next Strategy;
- the proposed approach set out above will be submitted to the relevant Senior Officials Group and Cabinet Committee for approval and regular progress reports in relation to planned meetings will also be submitted for information and for discussion on issues emerging.

### Policy and research support for Strategy and Monitoring Committee

Finalise the terms of reference for an expert partner such as an NGO or academic stakeholder to provide specialist support to the Department and the Monitoring Committee of the Second National Strategy in relation to the monitoring of the existing Strategy and the development of its replacement. This will include examination of how progress on actions is reported, analysis of progress to date and of priority issues to be addressed, expert advice on moving

to an outcome-focussed framework, and support for wider public consultation. This will be open to application from members of the Strategy's monitoring committee.

## Meeting our International Obligations

### Budapest Convention on Cybercrime

Ireland is committed to ratification of the Council of Europe Convention on Cybercrime ('the Budapest Convention'). Ireland's National Cyber Security Strategy 2019-2024 commits to ratification by Q2 2021.

The Convention has been ratified by all other CoE Member States other than Sweden, which is in a similar position to Ireland, and the Russian Federation, which is strongly opposed to the Convention. The Convention has also been ratified by many non-CoE Member States, including the United States, Canada, Australia and Japan.

The vast majority of the Convention's substantive provisions are provided for in Irish law but several of its procedural provisions have not yet been implemented in Irish law. Work is ongoing to progress these issues.

### Terrorist Content Online

The Department is engaged in ongoing negotiations of the proposed EU Regulation on Preventing the Dissemination of **Terrorist Content Online**. This is currently in trilogue process under the Croatian Presidency of the European Council who aim to finalise the file by the summer. Once agreed, Ireland will only have 12 months to implement the provisions of the Regulation which include the establishment of a Competent Authority for the purposes of undertaking the functions of the Regulation. The Department is engaging with An Garda Síochána in relation to these functions and the establishment of such a body.

### EU E-Evidence Package

This package proposes to improve cross-border access to electronic evidence for criminal investigations by allowing the appropriate authorities in Member States to issue orders directly to service providers located in any other Member State to compel the preservation and production of electronic evidence.

To date, Ireland has strongly advocated for the system envisaged in the Commission’s initial proposal, which would provide for much more efficient access to electronic evidence than is presently available, with strong safeguards for fundamental rights.

While the Council has adopted its General Approach, the trilogue process has yet to begin.

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The trilogues are not expected to commence until autumn 2020.

### Migrant Smuggling

[PfG]

Ireland signed the UN *Smuggling of Migrants Protocol*, on 13 December 2000 and the Protocol entered into force on 28 January 2004. Ireland intends to ratify the protocol and the necessary provisions will be included in the Smuggling of Persons Bill, which is on the outgoing Government's Legislative Programme. The General Scheme of the Bill is expected to be published shortly. When enacted, this legislation will also provide for the transposition of the Directive 2002/90/ECF ‘defining the facilitation of unauthorised entry, transit and residence’ and the Framework Decision 2002/946/JHA ‘on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence.’

Migrant smuggling is widely regarded as a “high profit, low risk” business. Policy should however, aim to turn it into a “high risk, low profit” business. The Department is in the process of establishing a sectoral working group to develop and articulate a national people smuggling strategy to enable us to combat and respond to people smuggling in a more co-ordinated manner. It is intended that the group would initially comprise representatives from Immigration Service Delivery, Criminal Justice Policy, the Garda National Immigration Bureau (GNIB), Garda National Drugs & Organised Crime Bureau, Border Management Unit and Criminal Justice Legislation.

## Artificial Intelligence

The area of Artificial Intelligence (AI) and emerging technologies is at an early stage of development in the criminal justice policy field.

Officials are contributing to the development of the **National AI Strategy** by the Department of Business, Enterprise and Innovation. The Department provided a submission to this [REDACTED]

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The Department is monitoring developments at EU-level following from the February 2020 publication of the EU White paper on Artificial Intelligence. The Department contributed to a whole-of-government submission to a recently concluded EU-wide consultation. This submission was coordinated by the Department of Business, Enterprise and Innovation, and was issued to the European Commission earlier this month (June).

## Security and Northern Ireland

### IMMEDIATE PRIORITIES AND ISSUES

#### Renewal of existing legislative provisions

[PfG]

Certain provisions of the Offences Against the State (Amendment) Act 1998 (counter-terrorism) 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 2020. Resolutions passed by the Oireachtas will be required as a matter of urgency if the provisions are to be continued in force for a further 12 months. The Garda Authorities consider these provisions to be essential.

#### Amendments to the law on investigatory powers to support ongoing efforts to combat terrorism and serious crime

Proposals to update the law in respect of investigatory powers (notably the powers to intercept communications) available to An Garda Síochána, particularly with regard to modern means of communications, are being prepared and will require to be progressed as a matter of priority. Modernising our authorities' capabilities in this regard is a priority.

#### CoFPI recommendations on national security

The Commission on the Future of Policing in Ireland (CoFPI) made a number of recommendations for the future development of the National Security Framework.

The main consideration for the Commission is to ensure that the intelligence arrangements for the State are fully integrated and are appropriately organised to meet the modern security challenges. Amongst the recommendations made by the Commission are a number of key recommendations for this Department to progress as part of the policing reform programme, most notably –

- *In the context of the changing threat environment, that the capabilities and resources of An Garda Síochána in the area of security and intelligence should be augmented.*
- *The establishment of the role of an Independent Examiner for security legislation to provide oversight of national security legislation and its operation. Legislative*

*provisions are being prepared for inclusion in the Policing and Community Safety Bill.*

- *A review of the legal framework within which State agencies operate in the area of national security.*

### Supporting EU and international efforts to counter terrorism

The national security environment that Ireland faces now is more dynamic and varied and more linked to international influences. International efforts to counter terrorism are high on the agenda of many of the international bodies of which Ireland is a member. The significantly increased threat from international 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. Participation in these bodies and efforts to further international co-operation in this area is a key priority.

Additional resources to enhance 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 key medium/long term issues will be the subject of review.

### 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 European Court of Justice rulings. Amendments to the law will be necessary and work is ongoing in this regard. Ireland has intervened in a number of preliminary reference cases before ECJ in relation to matters arising from previous ECJ rulings and is awaiting judgment in these cases. The Irish Supreme Court has also referred a number of questions to the ECJ in a high profile domestic case concerning access to telephony data. ECJ proceedings in this case are expected to commence early in the new year.

### Legacy provisions of the Stormont House Agreement (SHA)

The Stormont House Agreement 2014 (SHA) provides for the establishment of a suite of new institutions that are designed to address the legacy of the conflict in Northern Ireland. The

SHA was agreed by both Governments and the parties. Implementation of the SHA has been a complex exercise.

The recent UK announcement dealing with legacy cases, and its implications for the SHA work, is currently the subject of discussions. Further detailed discussions with the UK Government and involving the Northern Ireland Office, Department of Foreign Affairs and Trade, and this Department will be necessary in this regard.

The Irish Government has already provided for an important element of giving effect to co-operation commitments under the Stormont House Agreement in bringing forward the Criminal Justice (International Co-operation) Act 2019. The Act introduced new provisions which expand the power of the Garda Commissioner to enter into cooperation agreements encompassing non-police bodies, such as Coroners.

Work on the introduction of the proposed all-island Independent Commission on Information Retrieval, for which this Department has responsibility to legislate and is the subject of an Intergovernmental Agreement, is also underway. Parallel legislation in the UK is also required to bring this into effect, so the legislation will need to be synchronised across both jurisdictions.

### North-South Security and Criminal Justice Co-Operation

[PFG]

There is close and ongoing contact with counterparts in Northern Ireland in respect of co-operation in criminal justice and security matters [REDACTED]

Redacted under S33(1), security, defence and international relations

[REDACTED] There is a long-standing framework of criminal justice co-operation, involving the two Justice Departments and the criminal justice agencies North and South that is overseen by the two Justice Ministers, [REDACTED]

Redacted under S33(1), security, defence and international relations

[REDACTED] There is a comprehensive programme of ongoing actions taking place across the range of justice issues. There is a close, ongoing relationship with counterparts in the Northern Ireland Office in respect of the security challenges from republican paramilitary groups that are common to both jurisdictions. [REDACTED]

Redacted under S33(1), security, defence and international relations

[REDACTED] with ongoing co-operation with Home Office counterparts in the context of the UK's exit from the EU.

## Criminal Justice: LEGISLATION



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## IMMEDIATE PRIORITIES AND ISSUES

### **Transposition of EU Instruments – managing infringements**

There are a number of Bills that are being or have been drafted by the Office of the Parliamentary Counsel which are required to be enacted to implement EU law. Some of these are beyond the transposition date and, in some cases the European Commission has commenced infringement proceedings.

Further information on the transposition of EU Instruments, the infringements process and detailed information about the Department's live infringements is at **Appendix 10**.

#### Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2020

This Bill will transpose the criminal justice elements of the EU's 5<sup>th</sup> anti-Money Laundering Directive. The Bill has yet to be published. It was due to have been transposed into Irish Law by 10 January 2020. While infringement proceedings have not yet been commenced in respect of this Directive, it is anticipated that the European Commission will be very active in pursuing full transposition by the Member States.

#### Criminal Justice (Theft and Fraud Offences)(Amendment) Bill 2019

This Bill will transpose the EU Directive on Fraud against the Union's financial interests by means of criminal law (known as the PIF directive). The transposition deadline for the directive was 6 July 2019 and infringement proceedings have been commenced. The Bill was published on 3 January 2020.

#### Criminal Justice (Counterfeiting) Bill 2020

This Bill will transpose the EU directive on the protection of the euro against counterfeiting by criminal law. The general scheme of the Bill was approved by the Government in July 2019. The Bill is expected to be ready for publication imminently. It was due to be transposed by May 2016.

#### Criminal Justice (Mutual Recognition of Decisions on Supervision Measures) Bill 2019

This Bill is required to transpose the EU Framework decision on the application of the principle of mutual recognition of decisions on supervision measures as an alternative to provisional detention. Legislation to give effect to this 2009 Council Framework decision was due to be enacted by December 2012 and infringement proceedings have been commenced. The Bill was published in July 2019. It has completed its passage through the Seanad and is awaiting committee stage in the Dáil.

### Criminal Justice (Mutual Recognition of Custodial Sentences) Bill 2020

This Bill will transpose the 2008 Council Framework Decision on the application of the principle of mutual recognition of judgements in criminal matters imposing custodial sentences or measures involving deprivation of liberty. It will provide for the transfer of sentenced persons between Member States where the affected person has not given consent. A revised general scheme for this Bill was approved by Cabinet on 12<sup>th</sup> June. Infringement proceedings have been commenced.

## **Key Private Members Bills before the Houses that may be subject to restoration**

### Perjury and related offences Bill 2018

*[PfG]*

This Bill was introduced as a Private Members Bill by Independent Senator Padraig Ó Céidigh in October and completed its passage through the Seanad in June 2019. A money message was issued by the Government and second stage in the Dáil was completed in December 2019. Although introduced as a PMB, this Bill was adopted as a Government Bill by the outgoing Government.

### Harassment, Harmful Communications and Related Offences Bill 2017

*[PfG]*

This Private Member's Bill was introduced by Deputy Brendan Howlin in 2017 following the publication of a Law Reform Commission Report on Harmful Communications and Digital Safety. The Bill proposes amending existing offences dealing with harassment and sending threatening, indecent or obscene messages to ensure that communications to or about a person through any medium are covered. It also proposes the introduction of new offences to deal with sending, distributing or publishing intimate images without consent. It was agreed in 2018 that the Government would support and amend this legislation. Committee Stage amendments are almost ready for Government approval. The next stage would be securing a money message for this to proceed.

### Criminal Justice (Rehabilitative Periods) Bill 2018 PMB

*[PfG]*

This PMB sponsored by Senator Lynn Ruane was introduced to the Seanad in December 2018. This Bill will expand the range of convictions which may be regarded as spent convictions and provides for a more flexible degree of proportionality in determining the timelines pertaining to when different categories of conviction can become spent. It passed Seanad Committee Stage in November 2019.

## Other key bills/issues

### Criminal Justice (Repeal of Certain Provisions in Firearms and Misuse of Drugs Acts)

#### Bill 2020

This Bill will provide for the repeal of mandatory sentences for 2<sup>nd</sup> or subsequent firearms and misuse of drugs offences as required by the Supreme Court decision in *Wayne Ellis v. DPP*.

### Smuggling of Persons Bill

[PFG]

This Bill will transpose a 2002 EU directive and is relevant to Ireland's participation in the Schengen Acquis.

### Communications (Data Retention and Disclosure) Bill 2020

This Bill will provide for revised data retention legislation which will take account of both domestic and ECJ jurisprudence.

### Hate Speech and Hate Crime Legislation

[PFG]

This is a cross-functional project led by Criminal Justice Legislation. An extensive public consultation has just been conducted on reform of the 1989 Prohibition of Incitement to Hatred Act, Ireland's only existing legislation in the area of hate speech or hate crime. Separately, a research project examining the effectiveness of different approaches to legislating for hate crime in six comparable jurisdictions has been completed.

Next steps are: Publication of research on approaches in neighbouring jurisdictions and publication of a comprehensive report detailing the outcome of the consultation and highlighting key conclusions which will inform the new legislative approach.

This is a highly emotive area of law. The idea of legislating for hate speech has been the subject of public protest and counter-protest in recent months, with strong views on both sides of the debate. There is widespread consensus around the need for the State to legislate effectively to deal with the harm of hate speech and hate crime, however any legislation needs to be developed with careful attention to harmonising its protections with the fundamental human rights to freedom of expression and association.

### European Convention on Human Rights (Amendment) Bill

This Bill will provide a remedy where an individual's ECHR Article 6 and Article 13 rights are infringed. Article 6 provides for a right to a fair trial within a reasonable time period. Article 13 provides a right to a remedy at national level where an individual's rights under the European Convention have been violated. Legislation is required to put in place a remedy to respond to the *McFarlane v. Ireland* judgement of the European Court of Human Rights from

2010. The legislation will provide for a right to apply for compensation where a finding has been made that a person's legal proceedings have been unduly delayed. The lack of progress by Ireland has been reported by the Committee of Ministers of the Council of Europe. It has also been referred to in the EU's European Semester process. Ireland reported to the Committee of Ministers in June 2020 that for various reasons, we are not in a position to report progress at this time but that it is our intention to do so by December 2020. It is likely that Ireland will be heavily criticised if no remedy has been put in place. The general scheme of the Bill is currently being finalised.

### Optional Protocol to the UN Convention against Torture (OPCAT)

[PfG]

A general scheme of a Bill is being drafted to enable the ratification by Ireland of the Protocol.

### Police Powers Bill

[PfG]

A general scheme of a Bill is currently being prepared to codify police powers of search, arrest and detention, codify the procedural rights of suspects subject to those powers and provide for statutory codes of practice. This legislation was proposed in the report of the Commission on the future of policing in Ireland to bring clarity and transparency to the complex system of powers currently in place. The general scheme is due to be completed in December 2020.

### Garda Síochána (Digital Recording) Bill

A general scheme of a Bill is currently being prepared to provide for the use of body-worn cameras by An Garda Síochána, as recommended by the Commission on the Future of Policing in Ireland. The Bill will also provide for the expanded use of Automatic Number Plate Recognition (ANPR) technology and Closed Circuit Television (CCTV), as well as live feed access by An Garda Síochána to cameras operated by strategic partners such as Transport Infrastructure Ireland. The General Scheme is at an advanced stage of drafting. The timescale as set out in "*A Policing Service for the Future*" is that the Bill should be published in 2020 and enacted by June 2021.

### Criminal Procedure Bill

[PfG]

This Bill will provide for pre-trial hearings before a jury is empanelled, which is aimed at improving the efficiency of trials, especially complex trials, for example in cases of white-collar crime. It will also provide for the electronic transmission of warrants, and more efficient and widespread use of video-link hearings. This is an important element of the previous Government's white-collar crime package announced in 2017. The Bill is currently being drafted by the OPC.

### Criminal Justice (Miscellaneous Provisions) Bill 2020

The Criminal Justice (Miscellaneous Provisions) Bill provides for a number of miscellaneous matters which have been brought to the attention of the Department by the Garda Síochána, the DPP and the AGO. These include provision for an increase in the penalty for conspiracy to murder from 10 years to life imprisonment; for the Court of Appeal to impose a sentence of imprisonment on a person who was a child (and received a sentence of detention) when originally sentenced but who has reached the age of majority when the appeal is heard; for mutual assistance request for evidential material stored in the “Cloud” to be acted on; for the flagging of alerts on the Schengen Information System (SIS II) where a European Arrest Warrant is not to be acted on in the State and ratification of the Firearms Protocol (UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms). ■■■

Redacted under S29(1) (a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

### Lanzarote Convention

It has recently been confirmed by the Office of the Attorney General that all the necessary steps have been taken to enable the ratification by Ireland of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, known as the “Lanzarote Convention”. ■■■

Redacted under S29(1) (a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

### Garda Síochána (Compensation) Bill

The current legislation dealing with compensation where a member of An Garda Síochána is injured or fatally injured in the course of his or her duties dates back to the 1940s. The general scheme of a new Garda Síochána (Compensation) Bill was published in May 2017. Under the proposed new Scheme, a Garda who claims to have been maliciously injured in the course of duty must submit an application to the Garda Commissioner within six months. Where the injury is found to be malicious, he or she is entitled to compensation. Accepted applications will then be sent to the PIAB, which will process it and make an assessment of quantum. The State Claims Agency will be notified of the assessment and will have an opportunity to accept or reject it on behalf of the Commissioner. It is hoped the new approach will reduce the number of applications proceeding to the High Court. The Bill is currently with the OPC for drafting and is aimed at reducing delays in awarding compensation and achieving financial savings.

## MEDIUM/LONG-TERM PRIORITIES AND ISSUES

### **Other planned legislation/issues going forward**

#### Criminal Justice (Community Sanctions) Bill

This Bill will provide a modern statement of the law governing community sanctions and the role of the Probation Service in the Criminal Justice system. The general scheme of a Bill was approved by Government in 2014 but it has not been prioritised for drafting.

#### Criminal Justice (Passenger Name Records) Bill

Policy requirements are under consideration by Criminal Justice Policy. The purpose of the Bill will be to comply with an EU Council commitment to extend to EU internal flights the requirements of an EU directive addressing external flights into the EU.

#### Criminal Justice (Terrorist Offences) Bill

The Bill will give effect to a 2017 Directive on combating terrorism, directed at the foreign terrorist fighter phenomenon. A draft General Scheme is being prepared.

Following presentation of the proposal to Council in early 2016, in the interests of facilitating early agreement, Ireland did not insist on exercising its right to have 3 months to consider its position in accordance with Protocol 21 of the Treaty. As such, Ireland was not bound by the transposition deadline and will opt-into the measure when the legislation is in place.

#### Cybercrime Bill

The Bill will give effect to those elements of the Council of Europe Convention on Cybercrime 2001 (the “Budapest Convention”) not already in place in order to allow Ireland to ratify the Convention.

#### European Arrest Warrant Act (Amendment) Bill

This Bill will amend EAW and extradition legislation to improve the practical operation of same.

#### Explosives Bill

This Bill will repeal the Explosives Act 1875 and replace it with a modern statutory framework for the control, manufacture, storage, importation, transport and supply of explosives.

### International Criminal Court (Amendment) Bill

This Bill will give effect to the Kampala amendments to the Rome Statute of the International Criminal Court in relation to the crime of aggression.

### Sex Offenders (Amendment) Bill

*[PfG]*

Bill required to update the Sex Offenders Act 2001 in light of the 2010 review into the management of sex offenders.

### Transfer of Sentenced Persons (Amendment) Bill

This Bill amends the Transfer of Sentenced Persons Act 1995 to give effect to a Supreme Court judgement of 2016. The principal issue in the judgment is the significantly different sentencing systems that operate in the UK and in this State. In particular, the judgment raises the issue of how best to adapt and administer under Irish law a foreign sentence that contains features not found in Irish sentences. This Bill is designed to address this issue. Government approved the general scheme in January 2019 and it is currently with the OPC for drafting.

### Review of protections for vulnerable witnesses in the investigation and prosecution of sexual offences (O'Malley Review)

*[PfG]*

This review was established following widespread commentary in the wake of a high profile prosecution for rape in Northern Ireland. The review is examining the adequacy of the mechanisms available in law and practice to protect vulnerable witnesses the investigation and prosecution of sexual offences. The work of the Review is nearing completion and it is anticipated that a report will be ready for publication very shortly.

## Criminal Justice: GOVERNANCE



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Head of Criminal Justice  
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### Principal Officers



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**Andrew Jones**  
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**Donal Kerr**  
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**Mary McKenna**  
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Appointments



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Legislative  
Framework

## IMMEDIATE PRIORITIES AND ISSUES

### Garda Síochána issues

#### a. Garda Workforce

[PFG]

#### Garda Members

There were 14,307 members of An Garda Síochána at the end of 2019 and it was expected that this figure would rise to 14,650 by the end of 2020. The Commissioner had planned to recruit 700 new Gardaí this year. Current policy aims are to have 15,000 Garda Members in place by the end of 2021. There will be a competition for new recruits to An Garda Síochána launched later this year.

**NOTE:** Following the attestation of **319 new Gardaí** (approximately 195 from intake 193, and 125 from intake 201) at the Garda Training College, Templemore on 20 March 2020, An Garda Síochána has grown to an organisation of **14,759, the largest number of sworn Gardaí in the history of the State.**

**In May/June 2020 two new classes of a total of 150 students commenced training.** The newly attested Gardaí are part of An Garda Síochána's range of measures to maximise our operational availability and support other vital public services in responding to the evolving COVID-19 situation.

#### Garda Reserve

Pressure on training capacity in Templemore, as well as a recommendation in the Report of the Commission on the Future of Policing in Ireland that recruitment to the Reserve be paused pending a review of the Reserve, has resulted in a fall in Garda Reserve numbers to the current level of 450. It had been intended to increase the strength of the Reserve to 2,000 by 2021. A Strategic Review of the Reserve is near completion by An Garda Síochána and this will inform future recruitment and functions of the Reserve.

#### Garda Staff

The number of Garda Staff (civilians) was 3,230 at the end of 2019. It is intended that this number will reach 3,650 by the end of 2020. The policy aim is to have 4,000 Garda Staff by the end of 2021. As well as filling new posts in the Garda organisation, Garda Staff are being recruited to release members of An Garda Síochána to front-line duties. To support this in recent years, a programme of civilianisation has been undertaken and since 2018 over 600

Garda Members being redeployed to visible front line policing roles. A further 300 Garda Members will return to front line duties in 2020.

## Deputy Commissioner

[REDACTED]  
[REDACTED] The Garda Commissioner has appointed A/CMcMahon in an administrative capacity as an Acting Deputy Commissioner. [REDACTED]

Redacted under S30, functions and negotiations of public bodies

Redacted under S30, functions and negotiations of public bodies

## Retirement Age

The current compulsory retirement age for all members of An Garda Síochána is 60. Proposals are currently being developed to potentially increase this age for senior ranks to 65 years of age. We have recently received the Garda Commissioner's views on this issue.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes); S30, functions and negotiations of FOI bodies.

## b. Policing Reform

[Pfg]

**The Commission on the Future of Policing in Ireland (CoFPI)** was established by Government in May 2017 to undertake a fundamental examination of all aspects of policing and reform. It was chaired by Dr Kathleen O'Toole (former Chief of the Seattle Police Department, former Boston Police Commissioner) and comprised national and international experts drawn from diverse backgrounds.

It published its Report on 18 September 2018 and on the 18<sup>th</sup> December 2018 the Government endorsed the report and published a four year high level implementation plan **A Policing Service for our Future**. The plan runs to 2022 and its focus in 2019 was in putting in place key building blocks to ensure that all priority actions are commenced in 2019 and continuing into 2020.

To oversee implementation of **A Policing Service for our Future** a Programme Office has been established in the Department of the Taoiseach with staff seconded from An Garda Síochána and this Department to support the work of the Office. An Implementation Group is chaired

independently by Ms Helen Ryan (a former member of COFPI) and made up of senior officials from the Departments of Taoiseach, Justice and Equality, Public Expenditure and Reform and An Garda Síochána to drive and oversee reform. Senior level representatives from other Government Departments with responsibility for community safety attend from time to time and as required.

In addition a High Level Steering Board on Policing Reform which is chaired by the Secretary General, Department of the Taoiseach, has been formed to address any blockages to reform across Government and the Garda Commissioner, the Secretary General Department of Justice and Equality, Secretary General Department of Public Expenditure and Reform and Secretary Generals with responsibility for community safety and aspects of national security attend as required. The High Level Steering Board reports to Cabinet Committee on Security.

### **Actions under a Policing Service for our Future – Major Projects**

Among the main actions commenced in 2019 is the roll out of a new Operating Model for An Garda Síochána. This will see the establishment of 4 Regions and 19 Divisions. Each Division will be headed up by a Chief Superintendent and will have 600 -800 personnel. There will be four hubs in each Division – Community Engagement, Performance Assurance and Crime – each of which will be led by a Superintendent and a Business Services Hub which will be led by an Assistant Principal. Each Division will be operationally autonomous with the resources and skills to deliver policing based on the demand in their area.

Prior to the COVID-19 outbreak, the implementation approach focused on commencing the establishment of the four Functional Areas in the following Phase 1 Divisions; Galway, Cork City, Limerick, DMR South Central and Westmeath/Meath in Q 1 2020, with three further Phases planned to commence for each Quarter in 2020.

However, due to the COVID-19 outbreak, the implementation approach has been revised to have minimal operational impact on the Divisions during 2020. The implementation approach will now focus on the phased establishment of the Business Service Functional Area across the Divisions leading into the establishment of the Performance Assurance Functional Area in those Divisions that are advanced in the establishment of Business Services. In parallel, work will continue in the design and planning for the implementation of the Operating Model in National and Garda Headquarter Sections. The table below sets out the Operating Model activities for Q3 and Q4 2020.



[REDACTED]	[REDACTED]

The roll out of Divisional Protective Service Units also continues with 16 already fully operational across 15 Divisions and work commenced on 7 other such units. Those currently in place are as follows:

- DMR West x 2 (Cabra and Clondalkin)
- DMR South Central
- DMR South
- DMR East
- Louth
- Waterford
- Cork City
- Carlow/Kilkenny
- Galway
- Limerick
- Kerry
- Wicklow
- Cork West
- Tipperary
- Clare

Below is a list of outstanding Divisions including the approved strength of each Unit and the relevant status of each –

Division	Status	Unit Strength
DMR North Central	[REDACTED]	[REDACTED]
Laois/Offaly/Kildare	[REDACTED]	[REDACTED]
Mayo	[REDACTED]	[REDACTED]
Wexford	[REDACTED]	[REDACTED]
Cork North	[REDACTED]	[REDACTED]
Meath/Westmeath	[REDACTED]	[REDACTED]
Roscommon/Longford	[REDACTED]	[REDACTED]
Sligo/Leitrim	[REDACTED]	[REDACTED]
Donegal	[REDACTED]	[REDACTED]
Cavan/Monaghan	[REDACTED]	[REDACTED]

Redacted under S30, negotiations of FOI bodies

Other actions ongoing under the Implementation Plan include a review of the Garda discipline systems, a review of the current Roster and allowances system for Garda Members and the putting in place of a new industrial relations framework for members of An Garda Síochána. The ongoing development of human rights training for Garda Members and Garda Staff.

New Regulations for promotion to Sergeant and Inspector in An Garda Síochána are being prepared. The Regulations will provide a more transparent promotion system and address concerns raised in the Cultural Audit undertaken in An Garda Síochána that there is a perception of favouritism and nepotism around such competitions. The next competition, which will be conducted in accordance with the new Regulations, will be undertaken by the Public Appointments Service later this year.

A number of ICT projects are being implemented as part of the Policing Reform Programme these include the continued deployment of the Roster and Duty Management System across the organisation and an Investigation Management System. The most high profile ICT project is the Mobility Project which has seen the roll-out of 2,000 mobile devices to frontline members. The devices contain a number of applications which provide real time information to the Garda Member and allow the Member to issue Fixed Charge Notice immediately on detection.

This Department also supports the policing reform programme by developing policy on issues such as community safety and a major programme of legislative reform. This includes the Policing and Community Safety Bill which will develop a new governance and oversight legislative framework for policing. Work is also progressing on two other Bills – the codification of police powers of arrest, search and detention and the Garda Síochána (Recording of Images) Bill which will allow the use of body worn cameras and extend the use of CCTV and Automatic Number Plate Recognition (ANPR) devices by An Garda Síochána.

### c. New Garda Stations – Public Private Partnership (PPP)

In October 2015 the Government decided to proceed with a Public Private Partnership (PPP) to the value of €150 million in the Justice Sector. It was originally decided at that time that this PPP would include €80 million for the development of new family court facilities and €70 million for the development of three new Garda Stations at Macroom, Clonmel and Sligo.

In late 2019 the Garda Commissioner launched the new Garda Operating Model and this has impacted on the proposed Garda PPP in a number of ways. It was decided that Macroom Garda Station will now be upgraded to become Divisional Headquarters to reflect the new

model. However, Sligo will no longer be a Divisional HQ, and the Commissioner has advised the Department that there is now no requirement for the planned new station.

The Garda Station PPP will now proceed with a value of [REDACTED] to deliver two new Garda Stations in Clonmel and Macroom. The OPW has advised that the travel restrictions implemented as a result of the Covid 19 pandemic has delayed the commencement of the Part 9 Planning process.

Redacted under S36(1), commercially sensitive information

#### d. Military Road – New Garda Security and Crime Operations Centre

The Harcourt Square complex comprises of three office blocks as well as a fourth adjacent block incorporating a Georgian Building at No. 40 Harcourt Street. They have been occupied by An Garda Síochána almost exclusively since being built and accommodate in the region of 1,100 Garda personnel. In the main they are used for specialist national units, bureaus involved in crime investigation, such as CAB, and associated support services to Divisional Garda structures.

New lease arrangements were entered into by the OPW and the owner of the Harcourt Square complex in 2016. [REDACTED]

[REDACTED]

Redacted under S36, commercially sensitive information

[REDACTED] OPW determined, in consultation with AGS, that a replacement specialist complex should be constructed that would be purpose-designed, meet Garda requirements, and remain in State ownership. A site identification and selection process was undertaken in 2015, and a preferred state-owned site at **Military Road in Dublin 8**, was selected.

Subsequently the OPW developed detailed architectural plans for the development in consultation with AGS, and a Part 9 planning process was completed in 2018. AGS submitted a business case to the Department in early January 2020 and this was approved in early February 2020. [REDACTED]

[REDACTED] The required funding is within the capital budget for the period.

Redacted under S36 (b) & (c), commercially sensitive information

### **Current Project Status**

OPW has signed contracts with the successful contractor, John Paul Construction (JPC), and JPC are now on site commencing site clearance work after a period forced inactivity due to Covid 19. The early phase of the project will involve substantial excavation expected to last for a number of months.

Governance of this project has been agreed between stakeholders. The Department is part of the Project Steering Group chaired by AGS and it is expected that this group will meet every 1 to 2 months. In addition the Department will be part of the Project Team that will oversee the day to day programme management of the project. It is expected that these will meet regularly (at least once a month) as part of the overall governance of the project.

### e. Implementation of the Schengen Information System II

An Garda Síochána have been working on a complex and highly technical project to connect Ireland to the EU second generation Schengen Information System (SISII). This is Europe's largest information system for public security and enables national border control authorities, police, customs, visa and judicial authorities in the Schengen area (of which Ireland is not a member) to share information. It is a vital tool in the investigation of cross-border crime through accessing EU criminal records and alerts for European Arrest Warrants.

Ireland had originally intended to join SISII in the late 2000s but the project was stalled due to the state of the public finances at the time. **In 2017, the European Commission issued a letter as a first step towards infringement proceedings. To avoid such proceedings, Ireland committed to implement this system, originally by the end of June 2020 although that has not been possible due to delays in securing a Council Decision.**

The Department has been working closely with AGS to monitor its implementation to this deadline. Good progress has been made and full technical readiness was achieved in December 2019. The next step is to secure a decision from the Council of Ministers to authorise connection to the system.

The Department is currently in detailed discussions with the Council Legal Service to achieve this and to resolve outstanding EU concerns on Ireland's full implementation of the wider Schengen legislation through recently submitting a declaration of readiness to the Council which was approved by Government on 12 June. A team has been established in the Department to address Council concerns with a view to achieving a positive outcome.

## Policing and Community Safety Bill

[PfG]

The Policing and Community Safety Bill is to provide a new coherent governance and oversight framework for policing as recommended by the Commission on the Future of Policing in Ireland (CoFPI). It is also to redefine policing to include the prevention of harm to individuals who are at risk and to place an obligation on other bodies to cooperate with the Garda Síochána in this objective.

Work is ongoing on the development of the draft General Scheme with a view to [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]  
[REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]  
[REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]

[REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

## Irish Prison Service issues

### a. Simpson Case

[PFG]

#### Background

This case relates to a prisoner who took proceedings through the court system regarding the conditions of his detention, including the lack of in-cell sanitation. Ultimately the Supreme Court found in his favour in that he had been subjected to conditions which constituted an unjust attack on the constitutional protection of the person. The court awarded €7.5k in damages.

There are currently in the region of

[REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes); S30, negotiations of FOI bodies

[REDACTED]

#### Next Steps

[REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes); S30, negotiations of FOI bodies; S36, commercially sensitive information

[REDACTED]

Finally there are a small number of prisoners (c.20) in Limerick Prison who are still 'slopping out'. This will end when the current development work at Limerick is completed by late 2021.

b. New internal governance structures in IPS

In July 2019, the then Minister announced his intention to introduce measures to enhance internal governance in the IPS, as follows:

1. The establishment of a Prisons Board with a wide range of functions aimed at strengthening management oversight of the IPS.
2. The establishment of three committees under the Board which would deal with audit, risk and culture respectively.
3. The establishment of an internal audit function in IPS (with a Head of Internal Audit answerable to the proposed audit committee).

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Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes); S30, negotiations of FOI bodies

## **Establishment of Parole Board (Pursuant to Parole Act 2019)**

*[PfG]*

### **Challenge**

The Parole Act 2019 put in place the statutory basis for the creation of a statutory Parole Board to replace the existing non-statutory Board. It also creates a statutory framework for the granting of parole to prisoners, formalising the process and entitlements and creating for the first time both an entitlement for victims to participate in the process and for both prisoners and victims to have legal aid in support of their submissions.

The intention is to establish the Board with effect from 1 January 2021, subject to the availability in Budget 2021 of the additional resources required to meet the new mandate.

### **Actions to address**

A Cross-Functional Project Team is working to set up the Board led by the Civil Justice and Equality PMO and including Corporate Services, Criminal Justice Legislation, Criminal Justice Service Delivery and Criminal Justice Governance; this covers the appointment of the Board itself, the recruitment of a CEO together with the additional staff required to support the expanded work remit of the Board, the procurement of suitable accommodation and ICT resources, and the putting in place of a legal aid scheme for victims and prisoners. The Board itself will be responsible for determining its procedures but some external support may be needed on this.

Under the Act, the Chair and 10 of the members of the Board are to be nominated by specified agencies; the Minister for Justice and Equality has the responsibility to appoint these nominees and to make up to four further appointments in such a way as to ensure gender balance (each nominating body has to put forward two nominees, one of each gender). In the normal course, the Ministerial nominees will be identified using the State Boards process.

## Forensic Science Ireland – new laboratory at Backweston, Co. Kildare

### Background

In Ireland as in the rest of the developed world, forensic and technical support for Criminal Justice services forms a vital and rapidly growing component of modern criminal investigation techniques. FSI provides scientific analysis of evidence in the criminal justice system and presents, as required, such evidence in criminal trials. It works in close partnership with the Garda National Technical Bureau (GNTB), processing samples and evidence from throughout the State in criminal or suspected criminal cases.

Since its formation in 1975, FSI has been accommodated in part of the “Technical Building” at Garda Headquarters in the Phoenix Park in Dublin, where it has been operationally close to Garda operations and in close physical proximity to the GNTB.

The growth in the volume of its work, its scope and complexity has meant that its **facilities have not kept pace with the needs of a modern forensic science service** and the forensic laboratory analysis it undertakes.

A decision to build a new laboratory was originally taken in the mid-2000s. However, this did not proceed due to the economic crisis. The project was recommenced in 2016 and have now reached the point where preliminary site works have been completed at Backweston and the tender process has been completed. [REDACTED]

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under S36(1)  
of the FOI Act  
2014,  
commercially  
sensitive  
information

### Next Steps

Government approval was given to proceed with the contract for the construction of a new laboratory for Forensic Science Ireland (FSI) on 3rd March 2020. This decision was confirmed in writing to OPW on 12th March and the OPW has now entered into a contract with preferred contractor. However the project only significantly commenced on May 18<sup>th</sup> due to delays resulting from Covid 19 lockdown. It is expected that construction will take approximately 24 months to complete. Governance of this project has been agreed between stakeholders. The Department is part of the Project Steering Group chaired by FSI and it is expected that this group will meet every 1 to 2 months. In addition the Department will be part of the Project Team that will oversee the day to day programme management of the project. It is expected that these will meet regularly (at least once a month) as part of the overall governance of the project.

## Enhanced governance arrangements for Criminal Justice agencies

The establishment, under the Transformation Programme, of a dedicated **Criminal Justice Governance** (CJG) function is intended to build and consolidate the Department's capacity in this area, resulting in more focused and mutually beneficial relationships with the relevant bodies and ultimately supporting better criminal justice services to stakeholders and the wider public. Criminal Justice Governance has primary oversight responsibility for all criminal justice agencies under the aegis of the Department. Immediate overall priorities include:

- Developing more robust and standardised Oversight and Performance Agreements to underpin future governance of the sector; and
- Developing constructive ongoing governance relationships with the bodies concerned, through a combination of formal and informal engagement on performance, compliance, financial and human resource issues. The emphasis is on providing the necessary support to bodies in achieving their objectives while also ensuring appropriate levels of scrutiny and challenge.

The new structures include the establishment, within Criminal Justice Governance, of a dedicated **Garda Performance & Compliance** (GP&C) team. To complement the existing twice-yearly governance meetings between the Secretary General and the Garda Commissioner, GP&C has recently established more regular, lower-level governance meetings with An Garda Síochána (AGS) to monitor their performance and compliance in more detail (in collaboration with the Policing Authority) and in particular their effective delivery of the annual Policing Plan. GP&C will provide regular Ministerial reports.

### Board appointments

*[PfG]*

Criminal Justice Governance is also responsible for processing appointments to the boards of a number of State Bodies in the criminal justice sphere. In 2020, work in this regard is expected to be carried out in respect of the Private Security Appeal Board, the current non-statutory Parole Board, the new statutory Parole Board and the Prison Visiting Committees. In addition, serious consideration will be required in relation to the expiry of terms of office of members of the Policing Authority and two members of the Garda Síochána Ombudsman Commission, respectively, particularly vis-à-vis the state of progress on drafting legislation on policing governance and oversight. This Function also processes applications for membership of Prison Visiting Committees, over which the Minister has discretion.

## Criminal Justice: SERVICE DELIVERY



**Marion Walsh**

Director  
Head of Criminal Justice  
Service Delivery

### Principal Officers



**Amanda  
McLoughlin**  
Operations and  
Criminal Legal Aid



**Una Dixon**  
Compensation  
Schemes,  
Licensing and  
Inspections



**Brendan Eiffe**  
Criminal Justice  
Cooperation &  
Prisoner / CMH  
Reviews

## IMMEDIATE PRIORITIES AND ISSUES

### **Criminal Injuries Compensation Tribunal**

The Criminal Injuries Compensation Tribunal is a non-statutory body comprising of seven practicing barristers and solicitors, one of whom is chair, who are appointed by the Minister and who provide services on a part-time basis. It administers two schemes of compensation for those injured through crime – one for members of the public, which is an out-of-pocket reimbursement of expenses, and the other for prison officers criminally injured while on duty.

Under its 2019-2024 work plan, the Law Reform Commission is commencing an in-depth review of the Criminal Injuries Compensation Scheme for the general public mid-year with the project expected to last two years. In the meantime, consideration is required of some pressing matters.

The Criminal Injuries Compensation Scheme is a cash-only scheme included in the Department's voted expenditure. Its current budget allocation is €4.016m, the same allocation it has had for several years. [REDACTED]

Redacted under S29(1) (a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

[REDACTED] We are engaging with the Department of Public Expenditure and Reform in this regard.

Redacted under S30, functions and negotiations of FOI bodies

[REDACTED] The Tribunal and Scheme are also facing a number of legal challenges.

## Mutual Legal Assistance

Mutual Legal Assistance (MLA) is the term given to cooperation between states in locating evidence relevant to criminal investigations. The basis for MLA in Ireland is the Criminal Justice (Mutual Assistance) Act, 2008. The system is administered through a Central Authority located in the Department. S.75 of the Act provides a basis for obtaining production orders from the District Court that can then be used to seek the production of evidence from an entity or person named in that order. It is the most commonly used provision in the Act. Applications for production orders are made by An Garda Síochána. [REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes); S30, functions and negotiations of public bodies

## Criminal Legal Aid

The Criminal Justice (Legal Aid) Act 1962 provides that free legal aid may be granted in certain circumstances for the defence of persons of insufficient means in criminal proceedings. Under the 1962 Act, the courts, through the judiciary, are responsible for the granting of legal aid. The Department of Justice and Equality administers the Criminal Legal Aid Scheme.

The Scheme also includes other ad hoc legal aid schemes - these are the Criminal Assets Bureau Legal Aid Scheme, the Garda Station Legal Advice Revised Scheme and the Non Statutory District Court (Counsel) Scheme. The Criminal Legal aid Scheme is a demand led Scheme and the fees and expenses due to the legal practitioners are paid in accordance with the terms and conditions of the scheme.

### Criminal Legal Aid Budget

Expenditure for the scheme rose from €58m in 2017 to €65m in 2019 a rise of almost 12%

The budget for the Criminal Legal Aid Scheme for 2020 is €65.3m

Expenditure for the last three years on the Criminal Legal Aid Scheme is as follows:

Year	Expenditure (€000)
2017	€58,139
2018	€64,806
2019	€65,092
2020	€27,341 (May)

Being a demand led Scheme, the increase in the number of legal aid certificates granted by the District Court each year gives rise to an increase in expenditure under the Criminal Legal Aid Scheme.

### **Criminal Justice (Legal Aid) Bill**

As detailed in the Civil Legislation section, a revised draft General Scheme of a Criminal Justice (Legal Aid) Bill which proposes a range of new controls aimed at controlling expenditure is in preparation.

### **Anti-Money Laundering**

- Implementation of compliance requirements for the cohorts supervised by the anti-money laundering compliance unit (AMLCU) including new requirements, arising from the fourth and fifth money-laundering Directives.
- Continuous awareness programmes to reach out to all designated entities under the Minister's remit.
- Progressing deficiencies that fall within the Minister's remit that were identified by the Financial Action Task Force which are being progressed through the national action plan.

## Central Functions

### CORPORATE



**Martina Colville**

Assistant Secretary  
Head of Corporate

### Principal Officers



**Gurchand Singh**  
Chief Data  
Officer



**Walter  
Johnston**  
Internal Audit



**Carole Sullivan**  
Corporate  
Services



**Eileen Tully**  
Data  
Protection  
Support and  
Compliance



**Rory O'Rua**  
Financial  
Management  
Unit



**Seamus  
Clifford**  
Financial Shared  
Services



**Eric Brady**  
Business  
Continuity  
Management



**Roisin Down**  
Human  
Resources



**Nicholas  
Donnelly**  
Legal Unit

## IMMEDIATE PRIORITIES AND ISSUES

- Complete new Strategy Statement for Department in accordance with provisions of Public Service Management Act 1997
- Agree 3 year ICT Strategy and put in place implementation arrangements
- Address funding issues on Justice Vote and revise financial management information consistent with new organisational model
- Carry out 3 year workforce planning exercise, to support new organisational model, including L&D and mobility needs [PfG]
- Implement research and data strategy in support of policy making and service design functions
- Response to evolving situation in respect of Covid19.
- Finalise records management policy, including systems for audit and retrieval (Q4), complete phase 1 rollout of e-docs (Q3) and initiate rollout to remaining areas of the organisation (Q4)

## MEDIUM/LONG-TERM PRIORITIES AND ISSUES

- Implement ICT strategy
- Undertake an on-going programme of research and data analysis to support the functions within the Department.
- Commence Criminal Justice Hub data exchanges
- Deliver financial shared services against backdrop of delayed transition to National Shared Service Office, preparing for transition and managing refurbishment of Financial Shared Services building in Killarney
- Bed down new internal corporate governance arrangements
- Complete establishment of new centralised Legal Unit services. The Legal Unit manages all tribunals, inquiries and Commissions of Investigation; full list is at **Appendix 8**.
- Continue to provide audit and compliance assurance across financial, procurement, data protection, and protected disclosure matters
- Manage overall Justice and Equality Sector funding requirements, with particular reference to requirements for capital expenditure across Department and agencies

- Devise and implement strategic accommodation plan centred on 51/52 St. Stephen's Green
- Carry out review of Department's Transformation Programme [*PfG*]
- Implement HR and organisational development strategies in line with overall Civil Service and Public Service initiatives – addressing improved service delivery, better policy making, innovation and investment in people
- Contribute to whole of Government sustainability and Climate Action plans

## TRANSPARENCY



**Derek Tierney**

Assistant Secretary  
Head of Transparency

### Principal Officers



**Brendan Bruen**  
Coordination,  
Corporate  
Content &  
Events



**Janet Lacey**  
Civil Justice &  
Equality Content  
& Events



**Nuala Ni  
Mhuircheartaigh**  
Criminal Justice  
Content & Events



**Darragh Brennan**  
Communications  
and Engagement



**Catherine  
MacEnri**  
Knowledge and  
Standards



**Louise Sandom**  
Civil Justice &  
Equality Content  
& Events



**Andrew Payne**  
Criminal Justice  
Content & Events



**Layla de Cogan  
Chin**  
Management  
Support

### Press Officer and Ministerial Liaison Officers



**Niall Colgan**  
Press Officer



**Caroline  
Mellows**  
MLO, Civil Justice  
& Equality



**Maria Sheehy**  
MLO, Criminal  
Justice

## IMMEDIATE AND MEDIUM-TERM PRIORITIES AND ISSUES

- Oversee support arrangements to Ministers in delivery of their duties via a high quality Ministerial briefing process, the Private Offices, an effective ministerial liaison service and a wider Transparency function that provides a high-quality service through the delivery of factual, quality and timely content for the Minister, the Department and the Public. (Q1-Q4)
- Oversee the development (Q2) and delivery (Q3-Q4) of a Stakeholder Communications & Engagement strategy
- Oversee the development (Q2) and delivery (Q3-Q4) of an Internal Communications Plan
- Work with Key Corporate Functions to update policies (Q3) and identify technologies (Q4) to store, retrieve, manage and share records, data & information
- Lead the proactive external publication (Q4) of Justice & Equality sector data and information in the public interest
- Oversee the cross functional development of the Department's input to the Decade of Centenaries Inter-Departmental Working Group (Q2)

## EUROPEAN AFFAIRS



**Doncha O'Sullivan**  
Assistant Secretary  
Head of European  
Affairs

### Principal Officers



**John Laffan**  
European Affairs



**Antoinette Doran**  
Permanent  
Representation  
(Brussels)

## **IMMEDIATE PRIORITIES AND ISSUES**

The new European Commission took office in November 2019. Political guidelines outlining the Commission's priorities were published in a document entitled '*A Union that strives for more*' and has identified a number of JHA issues as priorities. The most pressing political issue is migration and the Commission is due to bring forward proposals in March for a new Pact on Migration and reform of the Common European Asylum System.

In addition, issues that currently feature prominently at the JHA Council include: Counter Terrorism, including measures to combat radicalisation and Criminal Justice in Cyberspace including eEvidence, Encryption and Data Retention. "eEvidence" is of particular importance for Ireland because companies such as Facebook etc. have their European Headquarters and store their data in Ireland. There are a number of Schengen related items which do not affect Ireland (see footnote)<sup>10</sup>.

### **EU Justice and Home Affairs Councils**

The Presidency of the Justice and Home Affairs Council (of the European Union) rotates among Member States every six months. Generally, during each six-month Presidency, there is 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. In addition, extraordinary meetings of the Council may be convened if required (but this is a relatively uncommon occurrence).

Unlike in Ireland, most Member States have a separate Ministry for Home Affairs and a Ministry for Justice so JHA Council meetings are normally a two-day affair.

### **Upcoming EU Council Presidencies**

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<sup>10</sup> Schengen is a European zone consisting of 26 countries, which have abolished internal borders. Instead, these countries altogether have focused on the strengthening of external borders. The citizens of Schengen Zone are permitted to move from one country to the other, within this territory, as if the whole region was a single country.

The Schengen Area covers the majority of Europe, and includes some of the most powerful and oldest countries of the old continent. Most of the countries are part of the EU block as well. On the other hand, there are other countries as Switzerland and Lichtenstein which are not in the EU, but which still enjoy free movement within this territory, as they are part of the Schengen Zone.

Ireland is not a part of the Schengen acquis due to the Common Travel Area with the UK, which allows Irish and UK citizens to move between the two States.

Country	Term
Croatia	January – June 2020
Germany	July – December 2020
Portugal	January – June 2021
Slovenia	July – December 2021

## BREXIT

The UK formally left the EU at midnight Brussels time on 31 January 2020. However, the Withdrawal Agreement that applies from 1 February 2020 means that in effect very little changes until the end of the transition period (i.e. until end 31 December 2020). During the transition period, EU law continues to apply to the UK and UK citizens have the same rights as EU citizens.

The arrangements under the Common Travel Area which allow Irish citizens to travel, reside and work in the UK and vice versa are not directly affected by UK departure from the EU.

The EU negotiating mandate covers the key issues for Ireland’s future relationship with the UK but it will be seen from below that the negotiations on key justice priorities are going to be demanding during 2020 and may require implementing legislation to be prioritised.

Main issues for the Department of Justice and Equality:

**Data Protection** – The Commission are clearly politically committed to processing an adequacy decision on the Law Enforcement Directive by end 2020. Strictly speaking this is not part of the negotiations and requires no implementing measures by Ireland

[Redacted]  
[Redacted] [PFG]

Redacted under S33(1)(d) international relations of the State

**Extradition** – The EU Norway/Iceland agreement on extradition will be the model used to negotiate a European Arrest Warrant substitute between the UK and the EU. If negotiations go well there could be an agreement ready for implementation by the end of 2020.

[Redacted]  
[Redacted]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

**Schengen Information System – second generation (SIS II)** –SIS II allows for example real time checks to be carried out by police on whether a person is wanted in any member state or should be under surveillance. This is likely to be the number one priority for

the UK and of importance to us and many other member states. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] the question of implementation is unlikely to arise in the near future.

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

**PNR** – The exchange of Passenger Name Records will have significant implications for maintaining the Common Travel Area. [REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

**ECRIS** – ECRIS provides for the automated exchange of criminal records both for criminal justice matters as well as employment vetting. The Commission think that a combination of the 1959 Mutual Assistance Convention, its 2nd Protocol, and some type EU UK bilateral agreement on standard forms, deadlines and IT could create an ECRIS type arrangement. [REDACTED]  
[REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

**Judicial Cooperation in civil matters** - The Commission seem to envisage relying on existing international agreements in the main part. [REDACTED]  
[REDACTED]  
[REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

**Migration and Asylum** - The Commission don't envisage any UK - EU agreement in this area and we will be pursuing our position bilaterally with the UK.

### Brexit structures

The European Affairs Unit of the Department has been assigned responsibility for leading on Brexit related matters. Regular updates on Brexit matters is provided to the Minister at the monthly MinMac meetings in addition to briefing on specific issues as they arise. There is a Departmental working group co-ordinating the Department's approach to specific issues, extra staff have been assigned to our team in the Permanent Representation to the European Union in Brussels and an official has been designated in Brussels to lead the Justice input into negotiations. There are a myriad of Brexit related groups chaired by Taoiseach's and the Department of Foreign Affairs and Trade. In addition, we feed directly into DFAT negotiating team on a number of issues.

## Building Alliances

Strengthening and diversifying our relationships within the EU has assumed renewed importance with Brexit given that the UK has been an ally of Ireland on many, though not all, issues.

In that regard, a number of possible alliances with other Member States with like-minded positions on certain issues have been identified. [REDACTED]

[REDACTED]

Redacted  
under S33(1)  
(d),  
international  
relations of  
the State

## MEDIUM/LONG-TERM PRIORITIES AND ISSUES

### BREXIT

The challenges posed by Brexit will continue in the medium term. As mentioned above, the negotiations on the Future Relationship between the EU and the UK will have to be monitored closely in the coming months.

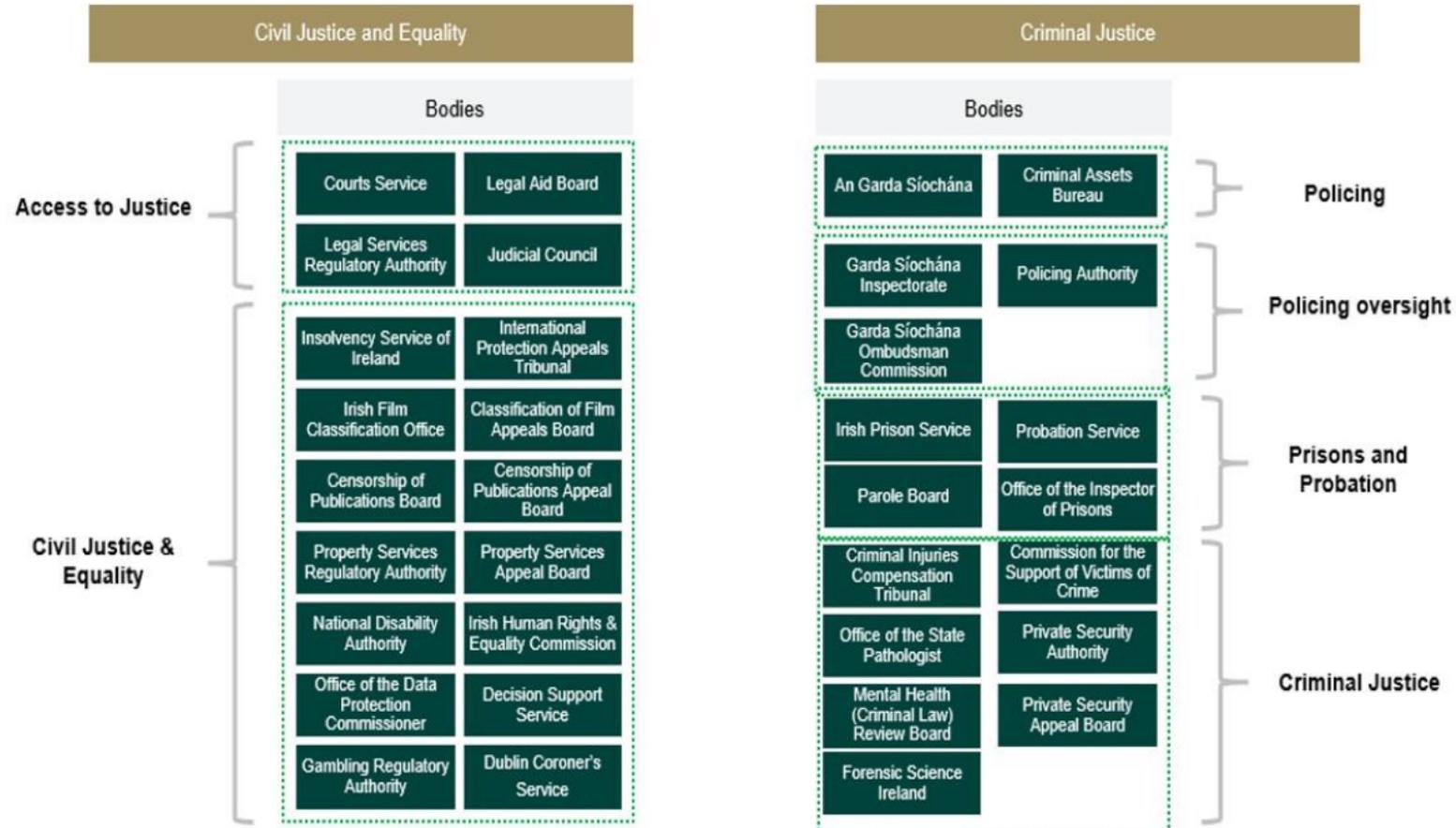
### JHA Issues

At EU level, it is expected that the issue of migration including the reform of the Common European Asylum System will be a key issue in the medium to long term. The Commission's new Pact on Migration, which is expected to be published in March, will provide a basis for discussions over the coming months.

## Appendix 1: Justice Sector Organisations

# Governance

### *Pillar accountability for Bodies*



## Bodies Established under Statute

	<b>Body</b>	<b>Accounting Officer</b>	<b>Governing / Establishing Legislation</b>	<b>2020 Budget €000</b>	<b>Estimated staff numbers at end 2020</b>
1	<a href="#">Courts Service</a>	Chief Executive, Courts Service	<a href="#">Courts Service Act 1998</a>	156,378	1,090
2	<a href="#">Criminal Assets Bureau</a>	Secretary General, Department of Justice and Equality	<a href="#">Criminal Assets Bureau Act 1996</a>	9,090	93
3	<a href="#">Data Protection Commission</a>	Chief Commissioner)	<a href="#">Part 2 of Data Protection Act 2018</a>	16,916	176
4	<a href="#">Garda Síochána</a>	Garda Commissioner	<a href="#">Garda Síochána Act 2005</a> as amended by Garda Síochána (Policing Authority and Misc. Provisions) Act 2015.	1,879,447	18,653
5	<a href="#">Garda Síochána Inspectorate</a>	Secretary General, Department of Justice and Equality	<a href="#">Part 5 of Garda Síochána Act 2005</a>	1,306	13
6	<a href="#">Garda Síochána Ombudsman Commission</a>	Secretary General, Department of Justice and Equality	<a href="#">Part 3 of Garda Síochána Act 2005</a>	11,181	126
7	<a href="#">Insolvency Service of Ireland</a>	Secretary General, Department of Justice and Equality	<a href="#">Personal Insolvency Act 2012</a>	7,510	78
8	<a href="#">Irish Film Classification Office</a>	Secretary General, Department of Justice and Equality	<a href="#">Censorship of Films Act 1923</a> (as amended)	702	6

9	<a href="#">Irish Human Rights and Equality Commission</a>	Director of the Irish Human Rights and Equality Commission	<a href="#">Irish Human Rights and Equality Commission Act 2014</a>	6,814	65
10	<a href="#">Judicial Appointments Advisory Board</a>	Secretary General, Department of Justice and Equality	<a href="#">Courts and Court Officers Act 1995</a>		
11	<a href="#">Legal Aid Board</a>	Secretary General, Department of Justice and Equality	<a href="#">Civil Legal Aid Act 1995</a>	42,207	440
12	<a href="#">Legal Services Regulatory Authority</a>	Secretary General, Department of Justice and Equality	<a href="#">Part 2 of Legal Services Regulation Act 2015</a>	1,001 (repayable funding provided but ultimately will be self-funding from levy on legal profession)	
13	<a href="#">Mental Health (Criminal Law) Review Board</a>	Secretary General, Department of Justice and Equality	<a href="#">Criminal Law (Insanity) Act 2006</a>	401	2
14	<a href="#">National Disability Authority</a>	Secretary General, Department of Justice and Equality	<a href="#">National Disability Authority Act 1999</a> (as amended by Disability Act 2005)	4,844	35
15	<a href="#">Office of the Inspector of Prisons</a>	Secretary General, Department of Justice and Equality	<a href="#">Part 5 of Prisons Act 2007</a>	1,200	11
16	<a href="#">Policing Authority</a>	Chief Executive of Policing Authority	<a href="#">Part 2A of Garda Síochána Act 2015</a>	3,413	39
17	<a href="#">Private Security Authority</a>	Secretary General, Department of Justice and Equality	<a href="#">Private Security Services Act 2004</a>	3,799	46

18	<a href="#">Property Services Regulatory Authority</a>	Secretary General, Department of Justice and Equality	<a href="#">Property Services (Regulation) Act 2011</a>	2,276	32
19	<a href="#">International Protection Appeals Tribunal</a>	Secretary General, Department of Justice and Equality	<a href="#">International Protection Act 2015</a>	3,850	49
20	<a href="#">Judicial Council</a>	Secretary to the Board	<a href="#">Judicial Council Act 2019</a>	1,251	4

#### Department of Justice and Equality – Non-Statutory Bodies

	<i>Body</i>	<i>Accounting Officer</i>	<i>2020 Budget €000</i>	<i>Estimated staff numbers at end 2020</i>
21	<a href="#">Irish Prison Service</a>	Secretary General, Department of Justice and Equality	392,363	3,389
22	<a href="#">Probation Service</a>	Secretary General, Department of Justice and Equality	48,936	426
23	<a href="#">Forensic Science Ireland</a>	Secretary General, Department of Justice and Equality	56,991 (includes €40m capital for new laboratory)	193
24	<a href="#">Office of the State Pathologist</a>	Secretary General, Department of Justice and Equality	983	8
25	<a href="#">Parole Board</a>	Secretary General, Department of Justice and Equality	577	8
26	<a href="#">Criminal Injuries Compensation Tribunal</a>	Secretary General, Department of Justice and Equality	4,016	4

## Appendix 2: Boards and governance groups

In addition to the Department Board, the following Boards support the governance and management of the Department:

MinMAC	
Minister	
Minister of State	
Secretary General (Chair)	Aidan O'Driscoll
Deputy Secretary, Civil Justice, Equality & Immigration	Oonagh Buckley
Deputy Secretary, Criminal Justice	Oonagh McPhillips
Acting Director, Probation Service	Ita Burke
Director General, Irish Prison Service	Caron McCaffrey
Head of Policy, Civil Justice and Equality	Carol Baxter
Head of Legislation, Civil Justice and Equality	John O'Callaghan
Head of Legislation, Criminal Justice	Michael Flahive
Head of Immigration Service Delivery	Michael Kirrane
Head of European Affairs	Doncha O'Sullivan
Head of Governance, Criminal Justice	Doncha O'Sullivan
Head of Corporate	Martina Colville
Head of Policy, Criminal Justice	Ben Ryan
Head of Transparency	Derek Tierney
Chief Data Officer	Gurchand Singh
Head of Service Delivery, Criminal Justice	Marion Walsh
Head of Civil Operations & Service Delivery	Neil Ward
Head of Civil Governance	Yvonne White
Ministerial Liaison Officer (Civil Justice, Equality & Immigration)	Caroline Mellows
Ministerial Liaison Officer (Criminal Justice)	Maria Sheehy
Head of Communications	Darragh Brennan
PO Forum Chair	Carole Sullivan
PO Forum Vice-Chair	Aidan O'Brien
Ministerial Advisers	
Ministerial Private Secretaries	

## Management Board

### **Chair – Secretary General**

#### **Objectives**

- Monitor the Department’s performance against corporate plans, budgets and targets, risk management and KPIs
- Leading and overseeing the process of change, including cultural change, encouraging and driving innovation, building the Department’s capacity to meet current and future needs
- Consider and discuss cross-cutting and other issues from executive boards
- Provide collective leadership to the Department and staff consistent with the Department’s culture and values
- Provide advice to the Minister, Ministers of State and the Government
- Consider and discuss periodic updates from relevant committees that support the Management Board
- Such other matters as the Chair decides

#### **Members**

- Secretary General (Chair)
- Deputy Secretary, Criminal Justice
- Deputy Secretary, Civil Justice and Equality
- Heads of Functions
- Chief Information Officer

#### **Frequency**

- Fortnightly

## Executive Boards (Criminal Justice and Civil Justice and Equality)

### **Chair - DSG relevant pillar**

#### **Objectives**

- Driving successful, effective delivery of Department activities for each pillar in line with the Department's strategic objectives
- Leading policy development for the pillar
- Providing leadership, oversight, management and review of the relevant executive pillar statements and plans including business strategy, Risk Register and functional Business Plans and activities
- Providing oversight of the management and distribution of resources within the pillar, prioritising resources where they are most needed
- Identification of issues for cross pillar discussion at the Management Board
- Such other matters as the Chair decides

#### **Members – Ordinary Executive Board**

- Deputy Secretary relevant pillar
- Cross pillar representation
- Heads of Functions
- Relevant Transparency Business Partner
- Relevant Operations PO
- PO Forum Representative
- Ministerial Liaison Officer

#### **Additional Members – Plus Meetings**

- Head of Corporate
- Head of Transparency
- Chief Information Officer
- PO Legal Unit
- PO Forum Representative
- Head of Irish Prison Service (Criminal)
- Head of Probation Service (Criminal)

**Frequency:** Fortnightly

## Management Board Agency Subgroup

**Chair – Oonagh Buckley**

### **Objective**

- Conduct the Agency Annual Overview process for Bodies under the aegis of the Department subject to the Corporate Governance Standard for Justice and Equality Bodies, and report on any key issues arising and or matters of concern to the Management Board
- As part of the annual overview process in respect of each Body, the Subgroup will consider the Oversight Agreement or Performance Agreement in place between the Department and the Body, as well as any issues that have arisen from the Governance and Performance meetings between the Department and the Body
- Monitor the ongoing implementation of the Corporate Governance Standard for Justice and Equality Bodies and make recommendations for any amendments in light of experience
- As considered appropriate make recommendations on any other matter relating to the Department’s governance and oversight of Bodies under its aegis

### **Membership**

- Head of Civil Justice and Equality Governance
- Head of Criminal Governance
- PO HR
- PO Financial Shared Services

Other members TBD

### **Secretariat**

Governance Pillars to rotate responsibility (to commence with Criminal Pillar)

## Management Board Culture Sub Group

**Chair – Oonagh McPhillips**

### **Objective**

- To support the Management Board in developing initiatives to further evolve the organisation's culture in support of our vision of a safer, fairer, more inclusive Ireland
- To develop and drive a renewed focus on culture, involving staff at all levels, with a view to implementing a range of measures to support and sustain a positive organisational culture
- To examine and refresh the current Culture and Values Charter
- To work closely with Management Board and SMT colleagues in driving and embedding change and to get input and feedback from staff across the Department

### **Membership**

- Head of Corporate
- Head of Criminal Governance
- Head of Transparency
- Head of Civil Justice and Equality Legislation
- Head of Civil Justice and Equality Operations and Service Delivery
- Chair PO Forum

### **Secretariat**

Organisational and Transformation Support Team

## GOVERNANCE GROUPS

### Portfolio, Programme and Project (P3) Oversight Committee

**Chair – Neil Ward**

#### **Objective**

- To oversee the entire Portfolio of the Department, including all Projects and Programmes
- To ensure alignment of Programmes and Projects with strategy
- To make recommendations to the Management Board on the prioritisation of Programmes and Projects in line with available resources
- To oversee and integrate the work of the three Project Management Offices, ensuring the development of the maturity of these offices

#### **Members**

- Head of Corporate Affairs
- Head of Operations and Service Delivery, Civil Justice and Equality
- Head of Operations and Service Delivery, Criminal Justice
- Chief Data Officer
- PMO leads for each of three areas
- External members (Niamh Corby, Deirdre McDonnell)
- Governance POs
- Chairs of Technical and Finance Sub Groups (ex-officio)

#### **Secretariat**

- Civil PMO

#### **Subgroups**

- **Technical Subgroup** – to consider alignment of ICT-related projects to overall ICT strategy and architecture
- **Finance Subgroup** – to validate funding availability and procurement compliance for proposed projects, and to ensure appropriate assurance over all ICT expenditure (including non-project expenditure)
- **MB Subgroup** – the Heads of Corporate Affairs and Operations and Service Delivery (both pillars) may meet more frequently to approve project proposals of a smaller scale, where no technical or finance issues arise

## Risk Committee

### **Chair – Martina Colville**

#### **Objective**

- Assist the Secretary General and Management Board fulfil their risk management and control responsibilities
- Assessing the identification, evaluation and management of significant risks arising from business plans
- Preparing and submitting the Corporate Risk Register to the Management Board
- Considering the effectiveness of the internal control systems for managing risk, including assessment of possible failures and weaknesses
- Assessing the effectiveness of risk management policy

#### **Members**

- PO Civil Justice and Equality Governance
- PO Civil Justice and Equality Legislation
- PO Civil Justice and Equality Operations and Service Delivery
- PO Criminal Justice Governance
- PO Criminal Justice Legislation
- PO Criminal Justice Operations and Service Delivery
- PO Corporate
- PO Transparency
- PO Legal Unit

#### **Secretariat**

- Criminal PMO

## Financial Management Committee

**Chair – Doncha O’Sullivan**

### **Objective**

The primary purpose of the Group is to provide high level governance, oversight and management in relation to voted expenditure across the Vote Group.

- To review monthly expenditure and emerging trends at individual vote and vote group level
- To provide updates on the estimates process including Budget Day and Revised Estimates, any supplementary estimates and other related aspects of the budgetary process such as Current and Capital Expenditure reviews
- To review progress in relation to Value for Money Reports

The secondary purpose is to utilise the group as a forum to discuss matters of mutual financial interest across the vote group with the objective of sharing knowledge and promoting best practice across the group.

- Developments in shared services
- Preparation and audit of appropriation accounts
- Compliance with requirements of the Public Spending Code and other financial circulars
- Any other topical issues in relation to financial matters which are included on the agenda

### **Membership**

- PO Financial Shared Services
- PO Financial Management Unit
- Head of Finance Irish Prison Service
- Head of Finance Court Services
- Head of Finance An Garda Síochána
- Head of Finance Irish Human Rights and Equality Commission
- Head of Finance Policing Authority
- Head of Finance Data Protection Commission
- PO Civil Governance
- PO Criminal Governance

**Secretariat** - Finance Division

## Strategy and Business Planning Committee

**Chair – Doncha O’Sullivan**

### **Objective**

- To oversee the development of business planning in the Department
- To advise the Management Board on the continuation of/successor to the OnePlan
- To advise the Management Board on and oversee the process for the development of a new Strategy Statement for the Department

### **Membership**

- PO Civil Justice and Equality Governance
- PO Civil Justice and Equality Legislation
- PO Civil Justice and Equality Operations and Service Delivery
- PO Criminal Justice Governance
- PO Criminal Justice Legislation
- PO Criminal Justice Operations and Service Delivery
- PO Corporate
- PO Transparency

### **Secretariat**

Civil Operations and Service Delivery

## Capital Projects Governance Committee

**Chair – Aidan O’Driscoll**

### **Terms of Reference:**

Without prejudice to the role of individual Accounting Officers, and the Project Boards in place with respect to each capital project, the Committee will:

- Provide high level strategic oversight in the management of the capital envelope for the Justice Sector and across the Justice Vote Group to facilitate reporting on capital projects within the Justice Sector to the Department of Public Expenditure and Reform;
- Provide a forum for discussion of capital programme planning and prioritisation within and across the Justice Sector;
- Review capital expenditure and analyse emerging trends at project, Vote and Vote Group level;
- Provide a forum to discuss matters of mutual interest and learning across the Justice Vote Group with the objective of sharing knowledge and promoting best practice in the management of capital projects in the Justice Sector.

### **Membership**

- Deputy Secretary General Civil Justice and Equality
- Deputy Secretary General Criminal Justice
- Head of Corporate
- Director General Forensic Science Ireland
- PO Financial Shared Services
- PO Financial Management Unit
- Head of Finance Irish Prison Service
- Head of Finance An Garda Síochána
- Head of Infrastructure Developments Courts Service
- PO Civil Justice and Equality Governance
- PO Criminal Justice Governance
- Chief Data Officer

### **Secretariat**

Financial Management Unit

## Diversity Inclusion and Public Sector Duty Committee

**Chair – Doncha O’Sullivan**

### **Objective**

To oversee public sector duty and to devise, oversee and promote diversity and inclusion for DJE and the justice sector

### **Membership**

- PO Transparency
- PO Civil Justice and Equality Policy
- PO Civil Justice and Equality Governance
- PO Civil Justice and Equality Legislation
- PO Criminal Justice Policy
- PO Criminal Legislation
- PO Criminal Justice Governance
- PO Immigration Service Delivery
- Head of HR

Broader membership to be invited as work of the Committee develops

### **Secretariat**

Organisational and Transformation Support Team

## Senior Management Team

### **Objective**

- To provide a forum for discussion of key cross-Departmental matters, and to solicit input, advice and expert opinion from SMT members on same.
- To share key information and internal communications, for cascade to other Department staff
- To provide a focus on developing the key leadership role that this group plays
- To create a suitable environment for networking and sharing of information between senior colleagues

### **Membership**

Membership of the SMT comprises the Management Board and all Principal Officers (and equivalent) in the Department. DJE staff at PO level based in Agencies & Bodies under the aegis of the Department are also invited to attend in a personal capacity.

While no quorum is defined, all members are expected to attend. Sufficient notice (at least 2 weeks) should be given to facilitate attendance by as many members as possible.

### **Agenda**

Agenda for the SMT are set by the Department Board (Secretary General, Deputy Secretaries and Head of Corporate), with input from the Management Board and SMT members. Agenda items should be linked to the achievement of the Department's strategic objectives or other organisational development priorities.

Support for the planning and execution of SMT meetings is provided by the Organisational & Transformation Support team in Corporate. In planning the schedule and content, consideration should be given to ensure alignment with the Department's PO forum. Supporting materials and outputs from each SMT will be circulated to members as appropriate.

### **Frequency**

The SMT should meet at least four times per year. Additional meetings may be held at the discretion of the Department Board. At least one of these meetings should be in an 'offsite' format, with a greater focus on leadership development.

### **Secretariat**

Organisational and Transformation Support Team

## Audit Committee

### **Objective**

The Audit Committee provides independent advice and assurance to the Accounting Officer regarding the suitability and robustness of the organisation's internal control systems and procedures within the Department of Justice and Equality. The Audit Committee's remit extends solely to Votes 24 (Justice) and 21 (Prison Service), and responsible bodies under their aegis. The Committee also have a role in promoting good accounting and management practices, better and more informed decision-making and continued focus on regularity, propriety and value for money throughout the Department.

The Committee is not responsible for any executive functions and is not vested with any executive powers but shall exercise an advisory role in relation to its duties and functions.

### **Membership**

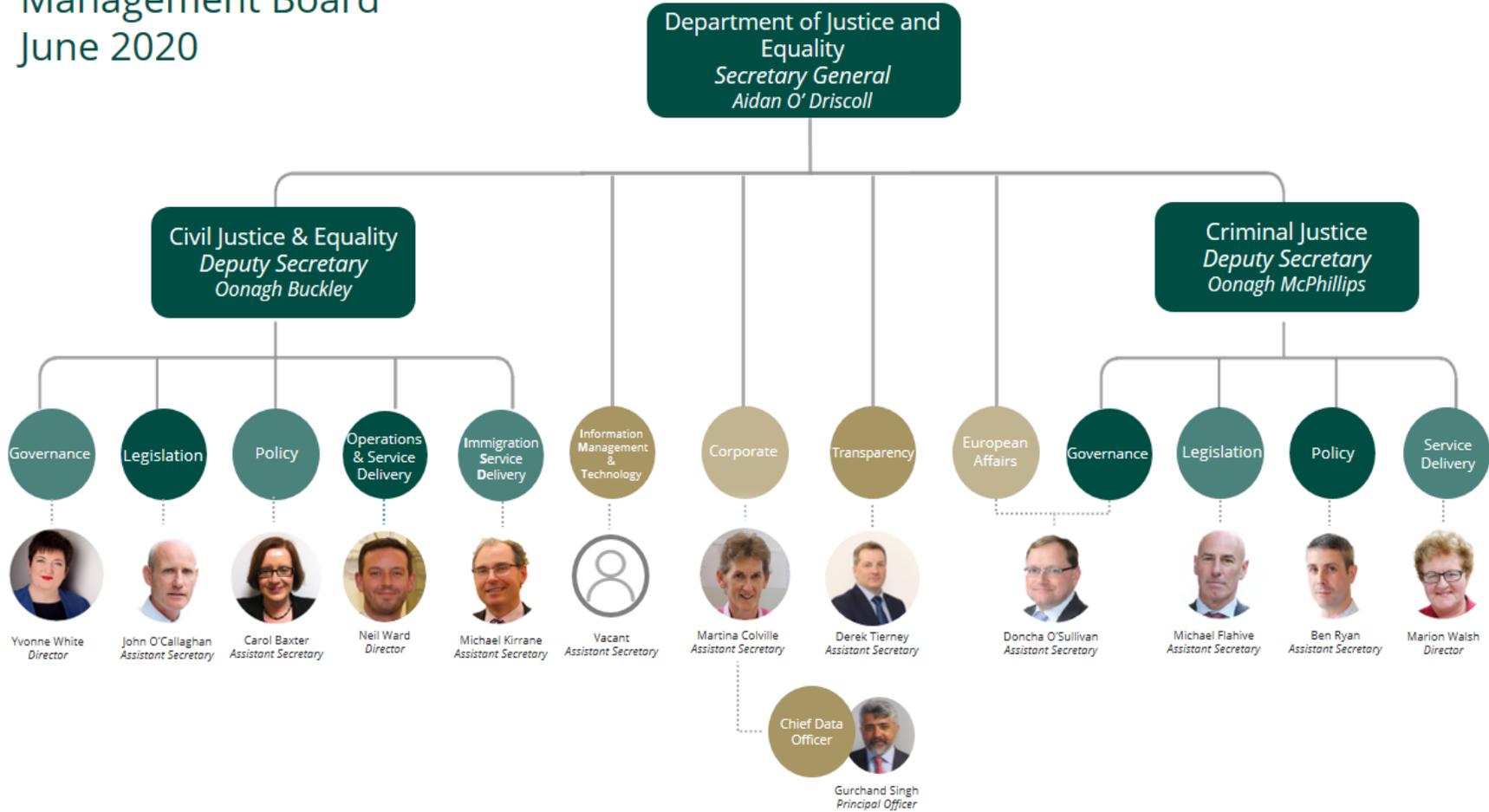
As is

### **Secretariat**

Internal Audit Unit

### Appendix 3: Management Board and contact details

## Management Board June 2020



MB Member	Area of Responsibility	Divisions/Sections in this area	Contact Address	Telephone Number	Email
<b>Aidan O’Driscoll</b> Secretary General	Department of Justice and Equality		51 St Stephen's Green Dublin 2 D02HK52	[REDACTED]	[REDACTED]
<b>Oonagh Buckley</b> Deputy Secretary	Civil Justice and Equality		51 St Stephen's Green Dublin 2 D02HK52	[REDACTED]	[REDACTED]
<b>Oonagh McPhillips</b> Deputy Secretary	Criminal Justice		51 St Stephen's Green Dublin 2 D02HK52	[REDACTED]	[REDACTED]
<b>Carol Baxter</b> Assistant Secretary	Civil Justice Policy	Strategic Policy, Planning and Research	Bishop's Square Redmond's Hill Dublin 2	[REDACTED]	[REDACTED]
		Applied Policy: Inclusion, Equality and Gender Equality			
		Applied Policy: Migration			
		Applied Policy: Access to Justice, Regulation and Reform			
<b>John O’Callaghan</b> Assistant Secretary	Civil Legislation	Legislation	Bishop's Square Redmond's Hill Dublin 2	[REDACTED]	[REDACTED]
<b>Yvonne White</b> Director	Civil Justice Governance	Performance	Bishop's Square Redmond's Hill Dublin 2	[REDACTED]	[REDACTED]

Redacted under S37, personal information

		Governance			
<b>Neil Ward</b> Director	Civil Justice Operations and Service Delivery		Bishop's Square Redmond's Hill Dublin 2		
<b>Michael Kirrane</b> Assistant Secretary	Immigration Service Delivery	Domestic Residency and Permissions	13/14 Burgh Quay Dublin 2		
		Registration Office			
		Visa			
		Citizenship			
		EU Treaty Rights			
		International Protection Office			
		International Protection Accommodation Services			
		International Protection Procurement Services			
		Repatriation			
		Border Management Unit			
		Irish Passenger Information Unit			
		Legal Services Support Unit			
<b>Ben Ryan</b> Assistant Secretary	Criminal Justice Policy	Strategic Policy, Planning and Research	51 St Stephen's Green Dublin 2 D02HK52		
		Applied Policy: Penal and Policing			
		Applied Policy: Community Safety			
		Applied Policy: Transnational and Organised Crime			
		Applied Policy: Cyber Security Security and Northern Ireland			

<b>Michael Flahive</b> Assistant Secretary	Criminal Justice Legislation	Legal Research and Management Support	Montague Court Montague Street Dublin 2	██████████	██████████████████
		Legislation			
<b>Doncha O'Sullivan</b> Assistant Secretary	Criminal Justice Governance	Governance Standards	51 St Stephen's Green Dublin 2 D02HK52	██████████	██████████████████
		Policing Performance and Compliance			
		Prisons Performance and Compliance			
		Financial and Capital Resources			
		Human Resources and Appointments			
Policing Legislation Framework					
<b>Marion Walsh</b> Director	Criminal Justice Service Delivery	Criminal Legal Aid	51 St Stephen's Green Dublin 2 D02HK52	██████████ ██████████	██████████████████
		Schemes, Licencing and Inspections			
		Criminal Justice Cooperation and Prisoner/Central Mental Hospital Reviews			
<b>Martina Colville</b> Assistant Secretary	Corporate	Chief Information Officer	51 St Stephen's Green Dublin 2 D02HK52	██████████	██████████████████
		Internal Audit			
		Corporate Services			
		Data Protection Support and Compliance			
		Financial Management Unit			
		Financial Shared Services			
		Business Continuity Management			
		Human Resources			
Legal Unit					
<b>Derek Tierney</b> Assistant Secretary	Transparency	Corporate Content, Events & Coordination	51 St Stephen's Green	██████████ ██████████	██████████████████

		Civil Justice and Equality Content and Events	Dublin 2 D02HK52  7 Ely Place)		
		Criminal Justice Content and Events			
		Communications and Engagement			
		Knowledge and Standards			
		Ministerial Liaison			
		Management Support			
<b>Doncha O'Sullivan</b> Assistant Secretary	European Affairs	European Affairs	Montague Court Montague Street Dublin 2	██████████	██████████
		Permanent Representation			
<b>Anne Marie Treacy</b> Assistant Principal	Secretary to the Management Board		51 St Stephen's Green Dublin 2 D02HK52	██████████ ██████████	██████████

#### Appendix 4: Contact Details for Principal Officers

Function	Contact Address	Divisions/Sections	Principal Officers	Telephone Number	Email Address
Civil Justice and Equality Policy	Bishop's Square, Redmond's Hill, Dublin 2.	Strategic Policy, Planning and Research	Jane Ann Duffy	██████████ ██████████	██████████
		Applied Policy: Inclusion, Equality and Gender Equality	Úna Ní Dhubhghaill	██████████ ██████████	████████████████████
		Applied Policy: Migration	David Costello	██████████ ██████████	██████████████████
		Applied Policy: Access to Justice, Regulation and Reform	Regina Terry	██████████ ██████████	██████████████████
Civil Justice and Equality Legislation	Bishop's Square, Redmond's Hill, Dublin 2.	Legislation	Madeleine Reid	██████████ ██████████	██████████████████
			Kevin Condon	██████████ ██████████	██████████████████
			Tracy O'Keeffe	██████████ ██████████	██████████████████
			Brendan McNamara	██████████ ██████████	██████████████████
Civil Justice and Equality Governance	Bishop's Square, Redmond's Hill, Dublin 2	Performance	Richard Fallon	██████████ ██████████	██████████████████
		Governance	Gerry McDonagh	██████████ ██████████	██████████████████
Civil Justice and Equality	Bishop's Square, Redmond's Hill, Dublin 2.	Coroners Service Operations	Emily Jordan	██████████ ██████████	██████████████████

Operations and Service Delivery		Customer Insights and Service Design	Garrett Byrne	██████████ ██████████	██████████
		Funds Admin and Service Delivery	Aidan O'Brien	██████████ ██████████	██████████
		Integration Service Delivery	Eibhlin Byrne	██████████ ██████████	██████████
Immigration Service Delivery	13/14 Burgh Quay Dublin 2	Domestic Residency and Permissions	Noel Dowling	██████████ ██████████	██████████
		Registration Office	Brien Henderson	██████████	██████████
		Visa	William O'Dwyer	██████████ ██████████	██████████
		Citizenship	Aonghus O'Connor	██████████ ██████████	██████████
		EU Treaty Rights	Joyce Duffy	██████████ ██████████	██████████
		International Protection Office	Mary O'Regan	██████████ ██████████	██████████
			Shane O'Connor	██████████ ██████████	██████████
		International Protection Accommodation Services	Mark Wilson	██████████ ██████████	██████████

		International Protection Procurement Services	Brian Merriman	██████████ ██████████	████████████████████
		Repatriation	Kenneth Kavanagh	██████████ ██████████	████████████████████
		Border Management Unit	Maeve Brett	██████████ ██████████	████████████████████
		Irish Passenger Information Unit	David Fennell	██████████ ██████████	████████████████████
		Deputy Director, Immigration Service Delivery	David Delaney	██████████	████████████████████
<b>Criminal Justice Policy</b>	51 St. Stephen's Green, Dublin 2 D02HK52	Strategic Policy, Planning and Research	Yvonne Furey	██████████ ██████████	████████████████████
		Applied Policy: Penal and Policing	Deborah White	██████████ ██████████	████████████████████
		Applied Policy: Community Safety	Deaglán Ó Briain	██████████ ██████████	████████████████████
		Applied Policy: Transnational and Organised Crime	Eileen Leahy	██████████ ██████████	████████████████████
		Applied Policy: Cyber Security	Tara Storey	██████████ ██████████	████████████████████
		Security and Northern Ireland	██████████	██████████ ██████████	████████████████████
<b>Criminal Justice Legislation</b>	Montague Court Montague Street Dublin 2	Legislation, Legal Research and Management Support	John Garry	██████████ ██████████	████████████████████
		Legislation	Sandra Smith	██████████ ██████████	████████████████████
			Ciara Carberry	██████████ ██████████	████████████████████
			Martin McDermott	██████████ ██████████	████████████████████
			Rachel Woods	██████████ ██████████	████████████████████

			Geraldine Moore	[REDACTED]	[REDACTED]
<b>Criminal Justice Governance</b>	51 St. Stephen's Green, Dublin 2 D02HK52	Governance Standards	Paul O'Farrell	[REDACTED]	[REDACTED]
		Policing Performance and Compliance	Andrew Jones	[REDACTED]	[REDACTED]
		Prisons Performance and Compliance	Paul Gunning	[REDACTED]	[REDACTED]
		Financial and Capital Resources	Donal Kerr	[REDACTED]	[REDACTED]
		Human Resources and Appointments	Mary McKenna	[REDACTED]	[REDACTED]
		Policing Legislative Framework	Anne Barry	[REDACTED]	[REDACTED]
<b>Criminal Justice Service Delivery</b>		Criminal Legal Aid	Amanda McLoughlin	[REDACTED]	[REDACTED]
		Compensation Schemes, Licensing and Inspections	Una Dixon	[REDACTED]	[REDACTED]
		Criminal Justice Cooperation & Prisoner / CMH Reviews	Brendan Eiffe	[REDACTED]	[REDACTED]
<b>Corporate</b>	51 St. Stephen's Green, Dublin 2 D02HK52	Chief Information Officer	Gurchand Singh	[REDACTED]	[REDACTED]
		Internal Audit	Walter Johnston	[REDACTED]	[REDACTED]
		Corporate Services	Carole Sullivan	[REDACTED]	[REDACTED]
		Data Protection Support and Compliance	Eileen Tully	[REDACTED]	[REDACTED]
		Financial Management Unit	Rory O'Rua	[REDACTED]	[REDACTED]
		Financial Shared Services	Seamus Clifford	[REDACTED]	[REDACTED]

		Business Continuity Management	Eric Brady	[REDACTED]	[REDACTED]
		Human Resources	Roisin Down	[REDACTED]	[REDACTED]
		Legal Unit	Nicholas Donnelly	[REDACTED]	[REDACTED]
Transparency	51 St Stephen's Green Dublin 2 D02HK52 (Temporarily at 7 Ely Place)	Coordination, Corporate Content & Events	Brendan Bruen	[REDACTED]	[REDACTED]
		Civil Justice and Equality Content and Events	Janet Lacey	[REDACTED]	[REDACTED]
		Criminal Justice Content and Events	Nuala Ní Mhuircheartaigh	[REDACTED]	[REDACTED]
		Communications and Engagement	Darragh Brennan	[REDACTED]	[REDACTED]
		Knowledge and Standards	Catherine MacEnri	[REDACTED]	[REDACTED]
		Ministerial Liaison	Louise Sandom	[REDACTED]	[REDACTED]
			Andrew Payne	[REDACTED]	[REDACTED]
Management Support	Layla de Cogan Chin	[REDACTED]	[REDACTED]		
European Affairs		European Affairs	John Laffan	[REDACTED]	[REDACTED]
		Permanent Representation	Antoinette Doran	[REDACTED]	[REDACTED]

## **Appendix 5: Terms of Reference – Review of Section 7A of the Criminal Law (Sexual Offences) Act 1993**

### Terms of reference

Section 27 of the Criminal Law (Sexual Offences) Act 2017 provides that the Minister for Justice and Equality shall, not later than 3 years after its commencement, cause a report to be prepared on the operation of section 7A of the Criminal Law (Sexual Offences) Act 1993 and shall cause copies of the report to be laid before each House of the Oireachtas. The section specifies that the report shall include—

(a) information as to the number of arrests and convictions in respect of offences under section 7A of the Act of 1993 during the period from the commencement of that section, and

(b) an assessment of the impact of the operation of that section on the safety and well-being of persons who engage in sexual activity for payment.

Section 27 was commenced on 27 March 2017. Section 7A of the 1993 Act makes it an offence for a person to pay, give, offer or promise to pay or give a person (including a prostitute) money or any other form of remuneration or consideration for the purpose of engaging in sexual activity with a prostitute.

The Department now wishes to commission a review of the operation this provision. The review will:

- describe the objectives of this provision in the 1993 Act;
- quantify the number of arrests and convictions in respect of offences under section 7A since its commencement;
- assess the extent to which the objectives of the Act have been achieved, analysing in that regard the differential impact of the enforcement of the Act and of other public policy interventions and relevant social changes on the extent of achievement;
- assess the extent to which the Act's objectives have not been achieved and make recommendations to address the barriers, if any, uncovered in that regard;
- assess the impact of the Act's operation on the safety and well-being of persons who engage in sexual activity for payment, comment on any risks that the Act's operation poses for the safety and well-being of persons who engage in sexual activity for payment and make such recommendations to strengthen protection for such person as are appropriate; and

- in relation to persons engaged in sexual activity for payment, comment on the risk of such person being victims of human trafficking and make such recommendations in relation to identification and protection of human trafficking victims so engaged as are appropriate.

The review will be undertaken in consultation with An Garda Síochána, other relevant statutory agencies and civil society organisations working with persons engaged in prostitution and with victims of human trafficking. The participation and inclusion of people who are engaged in prostitution and of people who have been victims of human trafficking will be sought.

### **Methodology**

The engagement with many stakeholders may be in the form of submissions, one-to-one interviews, roundtable discussions/workshops, and desktop research as proves necessary as are determined by the expert engaged to carry out the review.

### **Administration**

The Department will provide secretarial support for the review.

The review should be completed within 3 months of being commissioned and of the agreed start date, conditional on Clause 25 and an option to extend the delivery date, by agreement, in circumstances where that proves necessary. Such necessary extension would include the availability of primary engagement with critical stakeholders and the time lags that may arise in convening group events.

## **Appendix 6: A Policing Service for the Future – 2020 Priorities**

Policing and Community Safety Bill

Draft General Scheme of Bill to codify police powers of arrest, search and detention

Finance Capacity in AGS – Multi-annual budgeting recommendations

Roster Development and Allowances

Expert Review on Recruit Education

Revise Discipline System for AGS

Garda Reserve Strategy

Workforce Planning

Revise Promotion Regulations for Sergeant and Inspectors

One Organisation

Garda Síochána (Recording of Images) Bill

Prison Escorts Review Group

Review of AGS role in Prosecution Decisions

Conduct of a Review on Serving Summonses

Review of AGS role in Immigration Services

Independent Examiner

National Security Legislative Review

Planning for the new structures required under the Bill

## Appendix 7: Criminal Justice Priorities by Function

### Policy

#### Immediate priorities

- Community safety (CoFPI priority) – continue to develop the policy, establish pilot projects and finalise evaluation and funding mechanisms
- Finalisation of Youth Justice strategy and related issues (Greentown pilots, grooming of children for criminal activity, anti-social behaviour)

#### Other CoFPI related priorities

- Development of Independent Examiner proposal
- Develop course of action in relation to CoFPI recommendation re removal of AGS from prosecutions, prisoner escorts and Court security
- Develop proposals around alternatives to imprisonment (review of Fines Act, Restorative Justice, co-operation with D/Health on mental health cases etc.)

#### Other important priorities

- Develop and finalise criminal justice strategy
- Develop policy position on shape of data retention, interception and other linked Budapest Convention legislation
- Policy decision on role of OPCAT Inspector of Places of Detention and implementation
- Implement recommendations of upcoming Hamilton report on corruption / GRECO evaluation of Ireland
- Increase cross-border co-operation in anticipation of Brexit at year end.

### Operations and Service Delivery<sup>11</sup>

#### Urgent Priorities

- Criminal Injuries Compensation - budget, backlog, legal challenges, membership

■ [REDACTED]

Redacted under S29(1)(a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes); S30, functions and negotiations of public bodies

#### Important

- Familicide study\*.

*\*Note – when report is received recommendations will fall to be considered by Criminal Justice Policy side for implementation.*

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<sup>11</sup> Integrated Criminal Justice and Civil Justice Operations function from 20 April 2020.

## Governance

### **Urgent Priorities**

1. Deliver on the Department's governance responsibilities in relation to the Criminal Justice Agencies
2. Publish the Policing and Community Safety Bill and preparations for its implementation (new bodies, recruitment, boards, AGS preparations, etc.)
3. Oversee the implementation of A Police Service for the Future

### **Important**

4. Policy on a number of Garda HR issues (retirement age, organisation/operation of Garda Associations, promotion to Sergeant/Inspector)
5. Oversee the delivery of a number of major capital projects (Garda PPP bundle, Military Road, FSI)
6. Progress establishment of a number of new Boards (Parole Board, IPS Advisory Board, OSP Advisory Board)
7. Oversee implementation of SIS II

## Appendix 8: Tribunals, Inquiries and Commissions of Investigation

These are managed by Legal Unit.

	Name	Subject Matter	Commencement Date
1	Tribunal of Inquiry into protected disclosures made under the Protected Disclosures Act 2014 and certain other matters	<p>To investigate allegations that certain Garda members were targeted or discredited as a result of having made protected disclosures.</p> <p>[The Tribunal's first module examined specific allegations relating to the treatment of Sergeant Maurice McCabe and Garda Keith Harrison. This module concluded on 11 October 2018.</p> <p>The Tribunal's second module provides for a consideration of any other complaints by a member of the Garda Síochána who has made a protected disclosure alleging wrong-doing within the Garda Síochána and who feels they were targeted or discredited as a result. This work is currently ongoing.]</p>	Established by Instrument made by the Minister for Justice and Equality under the Tribunals of Inquiry (Evidence) Act 1921, on 17 February 2017, as amended on 7 December 2018.
2	Section 42 Inquiry Shane Tuohey (deceased)	An inquiry into the conduct and adequacy of the investigations conducted by the Garda Síochána into the death of Mr. Shane Tuohey in February 2002 in Clara, County Offaly -conducted by his Honour Judge Donagh McDonagh.	15 May 2017
3	Section 42 Inquiry Patrick Nugent (deceased)	An inquiry into the adequacy of the Garda Síochána investigations and disciplinary inquiries that took place between	15 May 2017

		1984 and 1986 following the death of Mr. Patrick Nugent in County Clare on 11 February 1984 - conducted by Judge Patrick Clyne.	
4	Section 42 Inquiry Frank Mulcahy	An inquiry into Garda Síochána investigations into the accusations of financial irregularity made in 1999 against Mr. Frank Mulcahy, formerly of the Irish Small and Medium Enterprises Association (ISME) - conducted by Judge Patrick McMahon.	15 May 2017
5	O'Farrell Scoping Exercise	<p>Judge Haughton was appointed to conduct a scoping exercise to advise the Minister what further investigations, in any, were required in the Shane O'Farrell case. If he was to recommend a further inquiry, what form should it take, and the draft terms of reference. It is expected that Judge Haughton will report in September 2020.</p> <p>The Department's position is that Judge Haughton is independently assessing the material provided to him, mainly by Mrs O'Farrell, but also by AGS, the Courts Service and the Department. He will draw his conclusions and there will be an expectation that if he recommend some form of inquiry that the Government will proceed with its establishment.</p>	11 February 2019
6	Hickson Commission of Investigation	Retired Circuit Court Judge, Mr Justice Barry Hickson, has announced	5 November 2018

		the formal commencement of the work of the Commission of Investigation (Response to complaints or allegations of child sexual abuse made against Bill Kenneally and related matters)	
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## **Appendix 9: Civil and Criminal legislation**

### **Joint Criminal and Civil Legislation**

#### **Urgent Bills:**

Civil and Criminal Law (Miscellaneous Provisions) Bill 2020 (to respond to new challenges and address certain legal issues arising in the context of the current Covid-19 pandemic.)

### **Civil Legislation**

#### **Urgent bills**

##### **Regulation and Court Reform:**

- Courts and Civil Law (Miscellaneous Provisions) Bill
- Property Services Regulation (Amendment) Bill (and related European Commission pre-infringement queries)

##### **Equality and Inclusion:**

- Assisted Decision Making Capacity (Amendment)
- Gender Pay Gap Information Bill 2019

#### **Important bills under preparation**

##### **Equality and Inclusion:**

- Disability (Miscellaneous Provisions) Bill
- Adoptive Leave (Amendment) Bill

##### **Access to Justice and Family Conflict Resolution:**

- Family Court Bill
- Criminal Legal Aid Amendment
- Defamation Amendment

## Regulation and Court Reform:

- Judicial Appointments Commission Bill
- Private Security Services (Amendment) Bill
- Insolvency (Amendment) Bill

## Criminal Legislation

### Criminal Legislation

#### Urgent Bills

- Bills transposing EU measures:
  - a. Enact Criminal Justice (Mutual Recognition of Probation Judgements and Decisions) Bill  
This legislation was enacted and commenced in June 2019 and the European Commission were duly notified.
  - b. Enact Criminal Justice (Theft and Fraud Offences) (Amendment) Bill 2020  
The Bill was published in the Houses at the start of January 2020. It has been unable to progress pending the formation of the new Government. The Bill is technical and uncontentious and is expected to pass through the Houses quickly.
  - c. Publish Criminal Justice (Counterfeiting) Bill  
The drafting of this Bill is with the Office of the Parliamentary Counsel and is expected to be ready for publication in the Houses after the formation of the new Government. The Bill is technical and uncontentious and is expected to pass through the Houses quickly once it is published.
  - d. Publish Criminal Justice(Money Laundering and Terrorist Financing) Bill  
The drafting of this Bill is with the Office of the Parliamentary Counsel and is expected to be ready for publication in the Houses shortly after the formation of the new Government. It should be noted that the European Commission have now opened infringement proceedings against Ireland for the late transposition of the Fifth Money Laundering Directive, the Justice elements of which are dealt with in this Bill.
  - e. Publish revised Criminal Justice (Mutual Recognition of Custodial Sentences) Bill  
The General Scheme of this Bill was approved for drafting at the Government meeting of 12 June. It will be issued to the Office of the Parliamentary Counsel this week along with the necessary drafting instructions.  
[There will also be some transposing SIs]
- Criminal Justice (Repeal of certain provisions of the Firearms and Misuse of Drugs Acts) Bill (responds to Supreme Court judgement)  
The Criminal Justice (Repeal of certain provisions of the Firearms and Misuse of Drugs Acts) Bill 2020 provides for the repeal of mandatory sentences which are imposed on persons

convicted of 2nd or subsequent offences for certain firearms and misuse of drugs offences following the Supreme Court decision in *Wayne Ellis v. the Minister for Justice*, in May 2019, in which the Court unanimously declared s.27 (A)(8)(Possession of firearm or ammunition in suspicious circumstances) of the Firearms Act 1964 to be repugnant to the Constitution. The Attorney General has advised that s. 27(A)(8) and all similar provisions on the Statute Book should be repealed and that no further sentencing hearings should proceed until the relevant provisions have been amended.

Government approved drafting of the Bill along the lines of the General Scheme on 22 May last and the Bill is currently with the OPC for drafting.

- Preparation of General Scheme of Smuggling of Persons Bill (necessary for Schengen Acquis) The General Scheme for this Bill has been finalised and will be brought before the Government in the coming weeks (following the mandatory circulation period) and will then be issued to the Office of the Parliamentary Counsel for drafting.
- Publication of Data Retention Bill (subject to Supreme Court judgement) The Communications (Data Retention and Disclosure) Bill will repeal and replace the Communications (Retention of Data) Act 2011 taking account of the ECJ ruling in *Tele2 Sverige and Watson* which found indiscriminate retention of traffic and location data for the purpose of the investigation of crime to be incompatible with EU law. The Bill also takes account of Justice Murray's Review of the Law on the Retention of and Access to Communications Data, (April 2017).

Drafting of the Bill is well advanced.

Publication of the Bill was delayed pending the outcome of [REDACTED]

[REDACTED]

[REDACTED] and the outcome of a number of MSs' referrals to the ECJ.

Following the appeal to the Supreme Court which was heard on 24 February last, the Court referred a number of questions to the ECJ – Ireland's observations on the ECJ reference are due by 13 August next.

- Publication of Criminal Procedure Bill In light of the COVID19 situation, certain Heads from this Bill (dealing with video links and execution of committal warrants) were identified for urgent, immediate progression to assist the Courts and IPS to address safety issues associated with the current pandemic. These heads will be submitted for Government approval at the next available opportunity. The remainder of the Bill remains under discussion with the OPC with a view to progressing the drafting of the remaining heads as soon as possible.

Redacted  
under S37(1),  
personal  
information

#### Important Bills under preparation referenced in manifestos

- Preparation of General Scheme on hate crime and hate speech Drawing on a public consultation, a research exercise and policy deliberations by a cross-functional group, detailed proposals to underpin new hate crime legislation have been developed and will be submitted to the Criminal Justice Executive Board for consideration very shortly.
- Preparation of General Scheme of COFPI Bill on Policing and Community Safety Work on the General Scheme of the Policing and Community Safety Bill is well advanced with a view to submission to Government in Q4 following consultation with the Garda Commissioner, the oversight bodies and relevant Departments. The draft Scheme includes 9 Parts and in excess of 200 heads. Work is ongoing on the compilation of the main parts of the Scheme with a view to their submission to the Minister in mid-July for consideration and

approval to circulate to the Garda Commissioner, oversight bodies and other Departments for their views.

- Amendment and enactment of PMB on harassment, harmful communications etc. Government amendments are still being drafted by OPC. Consultations with Gardaí and ODPP have taken place over the last few months. One issue remains to be resolved in the coming weeks and this relates to distributing threatening messages. When that issue is resolved, we will seek approval for the Government amendments and seek a money message from the Department of the Taoiseach.

- Preparation of General Scheme of COFPI Bill on Garda powers of search, arrest and detention

The Commission on the Future of Policing recommended that, for the purposes of clarity and transparency, police powers of search, arrest and detention should be codified and supported by statutory codes of practice. In June 2019 Government approved the preparation of a General Scheme to implement the recommendation. The General Scheme is currently being prepared. A consultation document seeking views on the proposed approach and a number of specific policy questions issued to stakeholders in March, however, many responses have been delayed as a result of the impact of Covid-19 on stakeholder organisations. The General Scheme was originally due to be submitted to Government in June 2020, however owing to delays in stakeholder engagement and prioritisation of Covid-19 legislation, it is not expected to be completed until later in the year.

- Preparation of General Scheme of COFPI Bill on Garda body cams etc. Drafting of the General Scheme is almost complete. The final issue relates to live feeds of ANPR data from strategic partners such as Transport Infrastructure Ireland. The draft scheme did not match Garda requirements in this regard and the issue is being re-examined. It is intended to submit the draft General Scheme to the new Government in the coming weeks.

- Amendment and enactment of PMB on perjury Following Government Decision on 19 November 2019, the Perjury and Related Offences Bill is now adopted as a Government Bill and money message has been issued. Passed Second Stage in the Dáil on 11 Dec 2019. Committee Stage was scheduled for 22 January 2020 but the Bill lapsed with the dissolution of the Dáil. Consulted with other Departments in Q1 2020 regarding receiving observations on potential Dáil Committee Stage amendments. A note is now being prepared for OPC providing an outline of draft committee stage amendments that will need to be drafted after the incoming Government is in a position to approve same in due course.

#### Other Bills of significance

- Criminal Justice (Miscellaneous Provisions) Bill [this contains one Schengen-related provision]

The Criminal Justice (Miscellaneous Provisions) Bill provides for a number of miscellaneous matters which have been brought to the attention of the Department by the Garda Síochána, the DPP and the AGO.

[REDACTED]

Redacted under S29, deliberations of FOI bodies

[REDACTED]

- ECHR (Amendment) Bill

General Scheme published in 2018. The General Scheme was rejected by the Oireachtas Committee during pre-legislative scrutiny in 2019. The committee preferred an alternative solution. Work on this Bill had stalled due to the staff member being redeployed to IPAS. Work re-commencing now. A draft paper setting out the two diverse proposals is due to be submitted to the Courts Service soon with a view to agreeing the best way forward.

- Garda Síochána (Compensation) Bill

Drafting is continuing with the OPC.

- Bill on Optional Protocol to the UN Convention Against Torture

Criminal Justice Policy Paper regarding NPM inspection approach to be provided for in this Inspection of Places of Detention Bill was approved by Management Board and subsequently by Minister on May 1. Other stakeholder Departments have been contacted regarding NPMs outside the Criminal Justice Sector. The General Scheme of the Bill continues to be drafted with an objective of having it approved for drafting before the end of this year.

## Appendix 10: Transposition of EU Measures and Table of Infringements

### **Background**

All EU measures include a date by which the measure has to be implemented, which includes in the case of Directives, in particular, transposition into national law. There is a requirement on Member States to formally notify the Commission that the measure has been given effect to in the Member State concerned.

The Commission can initiate infringement proceedings in the following instances:

- i. failure to notify the Commission (even if the measure has been implemented);
- ii. failure to implement the measure on time (normally a black and white situation where it is clear that relevant legislation is required but has not been enacted by the transposition date
- iii. failure to transpose properly (this can arise at any time, Ireland may be of the view that the measure has been properly implemented but the Commission after study or in response to a complaint may be of a different view.

Up to December 2016, the Commission tended to resort to formal infringement proceedings only as a last resort and had an EU pilot arrangement as an informal pre-infringement resolution mechanism. However they have changed their policy and in a communication (COM C 2016/8600 of 21 December 2016) they announced the adoption of a more aggressive approach.

### **Infringement proceedings**

The process is governed by article 258 of the TFEU.

1. The Commission issues a Formal Notice to the Member State stating why it considers a Member State has failed to meet its obligation and inviting the observations of the State within a set period.
2. The Commission issues a Reasoned Opinion, giving the State a set period to comply and failing that it may initiate proceedings before the European Court of Justice (ECJ).
3. The Commission may specify to the ECJ the penalty that should be applied if the State fails to comply. It is now the policy of the Commission to seek a lump sum payment (€1.685m+) and a daily fine of €1,700 multiplied by the coefficient of its seriousness (1-20) and duration (1-3).

Once it has initiated court proceedings, the Commission will not withdraw the case even if the Member State has complied (but the daily fine for non-compliance would not apply).

The Department currently has 18 live infringements. Details are set out in the table below. The continuation of infringement proceedings due to Ireland's failure to transpose EU instruments will lead to very significant financial penalties and could have a negative impact on the State's reputation.

## EU Infringements

(23 June 2020)

	Infringement Number	Title of Measure	Date of Notification	Current Status June 2020	Status RAG
1	2018/2063	Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union	21 January 2019	<p>A letter of formal notice of infringement proceedings was received from European Commission on 24 January 2019 and a reply to this letter issued on 21 March 2019. Reasoned Opinion was received in July 2019 and a reply issued on 24 September 2019.</p> <p>In order to progress the Transfer of Sentences and Sentenced Persons Bill, a new, simplified scheme of a Bill has been created to ensure that the legislation is comprehensive and will proceed through the legislative process as quickly as possible.</p> <p style="color: red;"><b>The General Scheme was approved for drafting on 12 June 2020.</b></p>	
2	2018/2064	Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and	21 January 2019	<p>A letter of formal notice of infringement proceedings was received from European Commission on 24 January 2019 and a reply to this letter issued on 21 March 2019. A Reasoned Opinion was received in July 2019 and a reply issued on 24 September 2019.</p> <p style="color: red;"><b>The Criminal Justice (Mutual Recognition of Probation Judgments and Decisions) Act 2018 was enacted on 05 July 2019 and commenced on 23 September 2019. This fully transposes the Framework Decision.</b></p>	

		alternative sanctions			
3	2018/2065	Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention	21 January 2019	<p>A Letter of Formal Notice of infringement proceedings was received in January 2019 and replied to in March 2019. A Reasoned Opinion was received in July 2019 and a reply issued on 24 September 2019.</p> <p>The Criminal Justice (Mutual Recognition of Decisions on Supervision Measures) Bill 2019 will fully transpose the Framework Decision. <b>The Bill completed its progress through the Seanad on 9 October. This Bill was scheduled for Committee Stage in the Dáil on 22 January but will now be re-entered following the formation of the new Government.</b></p> <p>The Bill is expected to progress through the remaining Dáil stages quickly (and without amendment) and it is hoped that the legislation will be fully enacted shortly after the new Government is formed.</p> <p>A copy of the Bill was sent to the EU Commission for information who will also be updated on progress through the Houses.</p>	
4	2018/2066	Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to	21 January 2019	<p>A letter of formal notice of infringement proceedings was received from European Commission on 24 January 2019 and a reply to this letter issued on 22 March 2019. A Reasoned Opinion was received in July 2019 and a reply issued on 24 September 2019.</p>	

		financial penalties		<p><b>This Framework Decision was transposed by the Criminal Justice (Mutual Assistance) (Amendment) Act 2015. The transposing Sections – 24 and 34 – of the Act were commenced on 23 September 2019. The Framework Decision is now fully transposed and the Commission and Council have been advised of same.</b></p>	
5	2018/0353	DIRECTIVE (EU) 2017/853 of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons	22 November 2018	<p>Our Perm Rep wrote to the Commission (14 January 2019) on foot of its letter of formal notice, indicating that the necessary regulations are at an advanced stage of preparation and we expected to transpose the Directive by the end of March 2019.</p> <p><b>The SI was signed in August 2019 and the Commission have been notified.</b></p>	
6	2020/0063	DIRECTIVE (EU) 2017/853 of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons	24 January 2020	<p>A previous letter of formal notice relating to the non-transposition of this Directive was received on 22 November 2018. The relevant SI was signed in August 2019 and the Commission were informed.</p> <p>However, a further letter of formal notice was received on 24 January 2020 which identified a derogation for Article 4(3) on the regulation of dealers and brokers and for Article 4(4) on data management systems for the tracing of firearms, which had to be transposed by 14 December 2019. Draft Regulations to transpose Article 4.3 and part of Article 4.4 (maintenance of register by dealer and</p>	



		alarm and signal weapons under Council Directive 91/477/EEC on control of the acquisition and possession of weapons		Draft regulations are being finalised on marking and will be included in S.I. transposing Article 4.3 and part of article 4.4 as mentioned in the update on infringement 2020/0063 (No. 5 above); [REDACTED]	
9	2016/2082	Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from criminal records between Member States.	8 November 2018	A letter of formal notice of infringement proceedings was received in November 2018 and replied to on 7 January 2019. Reasoned Opinion was received in July 2019 and a reply issued on 24 September 2019.  <b>The Criminal Records (Exchange of Information) Act 2019 was signed into law by the President on 26 December 2019 and the Act was commenced on 7 February 2020. Officials have updated the NEMs database accordingly and notification letters issued to the Perm Rep which were transmitted onward to the Commission and Council on 28 February 2020 informing them of the full transposition of the Framework Decision with the commencement of this Act.</b>	
10	2013/2192	Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.	24 January 2019	On track for infringement proceedings to be lifted on foot of national undertakings.  Reasoned opinion received on 24 January 2019. This was conveyed to both the Law Society (whose current regulations are considered to infringe the Services Directive) and the Legal	

Redacted under S29(1) (a) of FOI Act 2014, deliberations of FOI bodies (deliberative processes)

				<p>Services Authority (LSRA) (who will take over the regulation of advertising by both solicitors and barristers under the Legal Services Regulation Act 2015 – the relevant section was negotiated with the Commission at the time).</p> <p>As a basis for our national reply, a dual programme of actions by the two bodies has been undertaken and is now almost completed. The Law Society agreed to repeal and replace offending regulations and the LSRA to bring in its new regulations for Q1 of 2020. Our National Reply to the Reasoned Opinion was forwarded to the Commission via the Perm Rep on 22 March 2019.</p> <p>The Law Society has now revoked old regulations and replaced them as undertaken with effect from 1 June 2019. The LSRA has also begun work to deliver its new advertising regime, as also undertaken, in Q1 2020 and the relevant public consultation provision has recently been commenced to support this.</p> <p>Further clarifications have been provided to the Commission in relation to the recent coming into operation of a revised advertising code by the Bar of Ireland which aligns more fully with the new provisions in the 2015 Act.</p> <p><b>The commencement of the relevant sections of the 2015 Act, so as to enable the new regulations to be completed, is currently being examined.</b></p>	
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11	2016/0097	Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA	8 November 2018	<p>Reasoned opinion received 8 November 2018 on account of failure to notify measures for the transposal into national law of Directive 2012/29/EU. A response was issued 7 January 2019.</p> <p>The infringement details nine points on which the Commission states Ireland has not notified transposition. <b>Ireland's response provided further information to clarify how the State has transposed and notified transposition of all nine points.</b> The main issue is whether the Commission accept our assertion that providing certain victim support services through service level agreements with non-governmental organisations is sufficient to transpose the Directive, or whether it is necessary to create an explicit statutory right to those services.</p> <p><b>It is anticipated that the Commission will accept the State's position outlined in the response to the reasoned opinion on at least some of the points at issue. If the Commission does not accept the State's position on all points, the remaining issues can be addressed by amending the Criminal Justice (Victims of Crime) Act 2017 by Statutory Instrument.</b></p>	
12	2017/0369	Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing	9 March 2018	<p>A reasoned opinion was issued on 9 March 2018 and a response to that issued on 8 May 2018 updating the Commission as to the progress of the legislation. The Commission decided on 18 July 2018 to refer the State to the Court of Justice.</p> <p>The Criminal Justice (Money Laundering and Terrorist Financing)(Amendment) Bill 2018, transposing the D/Justice elements of the Directive completed its passage through the Houses of the Oireachtas</p>	

				<p>and was signed into law by the President on 14 November 2018. Ireland lodged its defence to the ECJ proceedings on the same date. The 2018 Act came into effect on 26 November 2018. The Commission was then informed that Ireland is now fully in compliance with its obligations under this Directive.</p> <p>The Commission lodged its response to Ireland's defence on 21 January 2019 which identified a number of elements which it claims were 'gaps' in Ireland's transposing legislation. Ireland filed its rejoinder to the Commission's response on 4 March 2019 in which it explains that the elements identified by the Commission as 'gaps' are either covered by existing legislation or are ancillary functions of Ireland's competent authorities which do not require legislation.</p> <p><b>The hearing before the Court of Justice of the European Union (CJEU) took place in Luxembourg on 10 December 2019.</b> The oral hearing in an infringement case is the last step before assessment by the Court and is relatively limited in terms of time and content - much of the Court's understanding in the case will come from the extensive written submissions over the last 12 Months.</p> <p>The Court appoint a Judge-Rapporteur and an Advocate General, responsible for monitoring the progress of the case. In this case the Judge-Rapporteur is <b>F. Biltgen</b> and the Advocate General is <b>E. Tanchev</b>). <b>The Commission</b></p>	
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				<p>confirmed that they do now consider Ireland to have fulfilled its notification obligations in respect of 4AMLD and that they were seeking a lump sum fine totalling €2,766,992 in respect of the period between the transposition deadline and the date of the most recent notification of measures by Ireland. No further fines will accrue in relation to this matter. It should be borne in mind that this is the fine <u>proposed</u> by the Commission. In Ireland's defence, the basis for the fine has been questioned and it is possible (and has been argued) that the Court should agree a lower fine.</p> <p>The Advocate General's opinion (issued in March) has found in favour of the Commission's position but has recommended that the fine be reduced to €1.5million.</p> <p>The final decision of the Court is due on 16 July.</p>	
13	2017/2039	Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II)	27 April 2017	<p>A letter of formal notice of infringement proceedings was received on 27 April 2017 and replied to on 27 June 2017.</p> <p>The current project status is that Phase 0 is complete and phases 1, 2 and 3 are currently running in parallel. Ireland submitted its Declaration of Readiness letter to the European Commission on 08 January 2018 to enable the scheduling of the required evaluations.</p>	

				<p>The Commission has not to date further advanced infringement proceedings. The risk of infringement proceedings is being managed through the provision of regular updates on progress to the Commission and other relevant European partners. Indications at present are that the Commission is to date satisfied with the implementation project's progression.</p> <p>An amendment to the Criminal Justice (Mutual Assistance) Act 2008 to provide absolute legal certainty regarding the so called 'flagging' procedure for Article 26 (EAW) Alerts in the Schengen Information System II, was to be included in the International Cooperation Bill 2017. However, the EAW Act amendment relating to SIS II was not sufficiently advanced to be included in the International Cooperation Bill which was published on 28 June 2019.</p> <p>The absence of this amendment does not necessarily impact on the ability of AGS to go-live on SIS II. A meeting with held on 30 January 2020 to consult with AGS and the AGO on this issue, and final advices from the AGO set out that administrative arrangements will be sufficient for AGS to go-live on SIS II. The absence of an amendment may not be looked on favourably by the Commission in evaluation of Ireland's SIS II solution, and therefore could potentially impact on any decision regarding infringement.</p> <p><b>On 12 June 2020, Government noted the intention to submit a further Declaration of Readiness (largely pertaining to the non-SIS Schengen</b></p>	
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				<p>acquis) in the near future. It is anticipated that following the submission of the Declaration of Readiness that a Council Decision will be granted to Ireland enabling AGS to proceed to 'live testing' of the SIS II system by end year. Three pieces of primary legislation (2 DJE, 1 DHealth) will need to be progressed (and enacted) within 2 years of that Council Decision so as to ensure Ireland's continued access to the SIS II system.</p> <p>In effect, these three pieces of legislation are required in order to ensure Ireland's full compliance with the outstanding non-SIS Schengen acquis. [CLS is pressing for Ireland to indicate that the two D/Justice pieces of legislation will be enacted within 18 months – these are: (i) the Smuggling of Persons Bill [to provide for an offence of smuggling persons into the EU or other Schengen Associated States; and (ii) the Criminal Justice (Mutual Recognition of Custodial Sentences) Bill [to provide for the transfer of sentenced persons between Member States without consent].</p>	
14	2016/0538	<p><b>Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework</b></p>	27 July 2016	<p>In response to a letter of formal notice of infringement proceedings, a letter was sent to the Commission on 19 July 2017, to advise them that, for the most part, the provisions in Part 5 of the Criminal Justice (Theft and Fraud Offences) Act 2001 meet the requirements of Directive 2014/62/EU. However, a number of (mostly technical) amendments may be necessary to that Act because of the 2014 Directive.</p> <p><b>The Government approved the drafting of the Criminal Justice</b></p>	

		Decision 2000/383/JHA		<p><b>(Counterfeiting) Bill at its meeting on 17 July 2019.</b> The Bill is relatively small and addresses a number of technical amendments required to give full effect to the Directive.</p> <p>Officials have updated the NEMs database to detail for the Commission the extent to which the provisions of the Directive already exist in extant Irish Statutes. <b>Officials have also supplied the Commission informally with an update note setting out Ireland’s position and anticipated next steps. The Commission have informed the Perm Rep (unofficially) that they intend to issue one more letter warning Ireland of its obligations but that if they do not see significant progress, they will proceed with the infringement process.</b></p> <p>Brendan McMahon has been assigned as OPC with responsibility for this Bill. Drafting work is underway and officials have met with OPC and supplied additional information. The Department of Finance and the Central Bank are also involved as the Central Bank will be responsible for supervising the relevant bodies. This was a priority Bill for OPC for the Autumn session of 2019 but was not completed. <b>It is anticipated that the Bill will be ready for publication following the formation of a new Government.</b></p>	
15	2016/2093	Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating	29 Sept 2016	A letter of formal notice of infringement proceedings was received from European Commission on 29 September 2016 and a reply to this letter issued on 29 November 2016. A Reasoned Opinion was	

		terrorism and cross-border crime. (Prum)		<p>received on 17 May 2017 and a reply issued on 17 July 2017.</p> <p>Prüm evaluations took place in two elements; the fingerprint evaluation visit took place from 12-14 February 2018 and the DNA evaluation took place from 25 – 26 April 2018. The Evaluation Report found Ireland to be compliant and together with a Draft Council Implementing Decision confirming same, was adopted at the DAPIX WP on 21 February 2018. The finalised Council Implementing Decision in respect of VRD exchange was adopted on 07 October 2019, and was published in the Official Journal of the European Union on 10 October 2019, taking effect on 11 October 2019</p> <p><b>Ireland has now achieved compliance in respect of all three aspects of Prüm data exchange and has received the required Council Implementing Decisions under Article 25(2) of Decision 2008/615/JHA. The Commission was informed of the above on 26 November 2019 and we await its decision.</b></p>	
16	2019/0276	Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law	19/09/2019	<p>A Letter of Formal Notice of infringement proceedings was received in September 2019 and a response is required within two months.</p> <p>The Commission has been notified of our partial transposition. The remaining measures are contained in the Criminal Justice (Theft and Fraud Offences)(Amendment) Bill 2020. The drafting in respect of the Bill was delayed over the Summer due to the absence of the relevant OPC through</p>	

				<p>illness. <b>The Bill was brought before Government before Christmas and was published on 1 January 2020.</b></p> <p>The Bill is expected to have an uncontentious passage through the Houses following the formation of a new Government.</p>	
17	2011/2076	<p>Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC</p>	23 May 2011	<p><b>Infringement proceedings have not been initiated</b></p> <p>Updated transposing measures for Directive 2004/38/EC, the European Communities (Free Movement of Persons) Regulations 2015 (SI No 548 of 2015) published on 1 December 2015. EU Commission were informally notified December 2015. The NEMS database was updated on 7 January 2016. The Regulations came into operation on 1 February 2016.</p> <p><b>The Commission has written to the Minister. There are a number of issues referred to within the letter and respective Annexes relating to various issues. A response issued on 19 July 2019. We await follow up from the commission.</b></p>	
18	2020/2036	<p>Directive (EU) 2018/843 on the prevention of the use of the financial system for the purposes of money laundering or terrorist</p>	14 May 2020	<p>A Letter of Formal Notice of infringement proceedings was received on 14 May 2020 with 4 months to respond.</p> <p><b>The drafting of the Bill to give effect to the criminal justice elements of the Directive is at an advanced stage and</b></p>	

		<b>financing (5AMLD)</b>		<b>should be ready for publication shortly after the formation of the new Government.</b>  <b>The Department of Finance are working separately on Regulations which will transpose the elements of the Directive relating to beneficial ownership of trusts and the Central Bank Account Registry.</b>	
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## Appendix 11: Lead Commitments for the Department of Justice and Equality, Draft Programme for Government

- Publish and begin to implement a reform programme to reduce the costs associated with access to the legal system in Ireland.
- Introduce the necessary reforms to our personal insolvency legislation and ensure that sufficient supports are in place for mortgage holders with repayment difficulties.
- Tackle insurance costs by recognising the work of the Personal Injuries Guidelines Committee, under the Judicial Council, in providing guidance on personal injury claims.
- Tackle insurance costs by considering changes to the Occupiers Liability Act and the Civil Liability Act (duty of care) to strengthen waivers and notices to increase protections for consumers, businesses, sporting clubs and community groups.
- Tackle insurance costs by strengthening the Solicitors (Advertising) Regulations of 2002.
- Tackle insurance costs by considering the need for a constitutional amendment to enable the Oireachtas to set down guidelines on award levels.
- Get tough on insurance fraud by seeking to increase coordination and cooperation between An Garda Síochána and the insurance industry. We will seek to expand the Garda Economic Crime Bureau which deals with fraud. Under new structures, it will train and support Gardaí in every division to ensure expertise and skill is diffused across the State.
- Get tough on insurance fraud by reviewing and increasing the penalties for fraudulent claims.
- Get tough on insurance fraud by placing perjury on a statutory footing, making the offence easier to prosecute. We will broaden the scope of the Perjury and Related Offences Bill, ensuring that the maximum penalty for indictment should be harmonised with the equivalent maximum penalties for largely similar offences in the Civil Liability and Courts Act 2004.
- Get tough on insurance fraud by ensuring that fraudulent claims are forwarded to the Director of Public Prosecutions (DPP).
- Get tough on insurance fraud by publishing insurance fraud data.
- Get tough on insurance fraud by exploring the feasibility of obliging fraudulent claimants to pay the legal expenses for defendants.
- Legislate against the coercion and use of minors in the sale and supply of drugs.
- Continue to fund the Mortgage Arrears Resolution Service, Abhaile.
- Review and reform the judicial review process, so that such reforms come into effect upon the establishment of the Environmental and Planning Law Court, while always adhering to our EU law obligations under the Aarhus Convention.
- It will provide greater security for individuals and communities and will be founded on the principle of equality and ensuring that every citizen can achieve their full potential
- These new communities have an invaluable role in our economic, cultural and social life. This government will ensure that new and minority communities are fully recognised and integrated in Irish life with equality at its core.
- Particular attention will be paid to refugees and asylum seekers, the homeless and people living on low incomes.
- Create new pathways for long-term undocumented people and their dependents, meeting specified criteria to regularise their status within 18 months of the formation of the Government, bearing in mind EU and Common Travel Area commitments.
- Publish a new national Action Plan against Racism.
- Develop and implement a new Migrant Integration Strategy.
- Enact legislation that encompasses relevant EU measures and the UN Protocol against the smuggling and trafficking of migrants.

- Committed to ending the Direct Provision system and will replace it with a new International Protection accommodation policy, centred on a not-for-profit approach.
- Publish a White Paper by the end of 2020, informed by the recommendations of the Expert Group, which will set out how this new [International Protection accommodation] system will be structured and the steps to achieving it.
- In the short term, act on interim recommendations from the Chair of the Expert Group to improve conditions for asylum seekers currently living in the system. This includes vulnerability assessments, the right to work, the ability to apply for driver licences and bank accounts, an independent inspection process, measures to reduce the length of time in processing decisions, mental health services, and the training of managers of Direct Provision Centres.
- Implement the measures identified by the Expert Group, to ensure that international protection applications are dealt with and brought to finality as quickly as possible, while always ensuring fair procedure and a human-rights-based approach.
- Develop new models of community engagement, to ensure that the establishment of new accommodation is done in an inclusive and welcoming fashion.
- Commit to an annualised capital and current investment programme to action these measures.
- This Government will continue to build on hard-won progress to give real meaning to our best values of equality and fairness.
- Implement the National LGBTI+ and the LGBTI+ Youth Strategy, to create a safe, supportive, and more inclusive Ireland.
- Legislate to provide for adoptive leave and benefit for male same-sex adoptive couples.
- Amend the gender ground in equality legislation, to ensure that someone discriminated against on the basis of their gender identity is able to avail of this legislation.
- Introduce a scheme for the expunging of criminal records for gay men convicted of historical offences.
- Review the National Traveller and Roma Inclusion Strategy 2017-2021 and ensure that the successor strategy has a stronger outcomes focused approach. As part of this, we will develop a comprehensive Traveller and Roma Training, Employment and Enterprise Plan.
- Develop and implement a new National Strategy for Women and Girls.
- Respond to each recommendation of the Citizens' Assembly on gender equality.
- Informed by the work of the Citizens' Assembly, consider whether there should be a referendum on Article 41.2 of the constitution.
- Legislate to require publication of the gender pay gap in large companies.
- We will examine the introduction of a new ground of discrimination, based on socio-economic disadvantaged status to the Employment Equality and Equal Status Acts.
- Strengthen rights through the UN Convention on the Rights of People with a Disability (UNCPRD).
- Raise awareness of the lived experience of people with disabilities.
- Resource the National Disability Inclusion Strategy, with an emphasis on close collaboration between state agencies and civil society.
- We will enshrine disability rights by finalising the legislation required following Ireland's recent ratification of the UN Convention on the Rights of People with Disabilities (UNCPRD).
- The legislation will double the target for employment of people with disabilities in the public service to 6%.
- The legislation will improve protections for people with disabilities against hate crime and hate speech.
- The legislation will improve access for people with disabilities to jury service.
- The legislation will remove outdated references to 'persons of unsound mind' from the Statute Book.
- The legislation will commence the Assisted Decision-Making (Capacity) Act 2015 to abolish wardships.
- The legislation will develop an implementation plan to coordinate implementation of the UNCPRD.

- The legislation will implement a consultation and participation model, in line with the UNCRPD, to enable people with disabilities to participate in the policy development process.
- The legislation will ratify the Optional Protocol to the UNCRPD after the first reporting cycle.
- The legislation will work with other parties in the Oireachtas to establish a Joint Oireachtas Committee to assist in monitoring and implementing the provisions in the Convention on the Rights of People with Disabilities (UNCRPD).
- Develop programmes promoting awareness, among the general public, of the lived experience of people with disabilities.
- Extend paid parental leave for parents, to allow them to spend more time with their baby during its first year.
- Enable increased remote, flexible and hub-working arrangements to support families in their parenting and childcare choices, while also supporting enterprise. We will support the higher participation of women in the workplace, less commuting, and greater regional balance. Such changes will give long-term resilience to our economy and society. We will work with the childcare sector to introduce more flexibility in childcare settings.
- Rapidly implement the Report of the Commission of the Future of Policing, while ensuring that there remains a strong and independent public external accountability mechanism for the Garda Commissioner and Garda Leadership Team.
- Continue to train new [AGS] recruits annually.
- Prioritise visible policing in both rural and urban communities.
- Remove Gardaí from administrative, technical, and other non-core duties, to allow them to focus on policing matters.
- Increase the diversity within An Garda Síochána, prioritising the identification and removal of barriers to recruiting and retaining people from diverse and minority backgrounds.
- Introduce a new Policing and Community Safety Bill to redefine the functions of An Garda Síochána.
- Codify the Garda powers for search, arrest, and detention.
- Extend the powers governing Garda use of CCTV and Automated Number Plate Recognition to help prevent crime and prosecute those involved in criminal activity.
- Externally review the legal and organisational framework governing community CCTV.
- Annually renew the provisions of the Offences Against the State Act 1998 and the Criminal Justice (Amendment) Act 2009.
- Support and consolidate the reform and strengthening of the Department of Justice.
- Ensure full implementation of the Parole Act 2019, including the establishment of an independent statutory Parole Board as early as possible.
- Legislate to provide for preliminary trial hearings to expedite the administration of justice in white-collar crime cases.
- Amend the Criminal Justice (Corruption Offences) Act 2018 to make the prosecution of white-collar crime more manageable and efficient.
- Enact a Family Court Bill to create a new dedicated Family Court within the existing court structure and provide for court procedures that support a less adversarial resolution of disputes.
- Build a new Family Law Court building in Dublin and ensure that court facilities across the country are suitable for family law hearings, so that these hearings can be held separately from other cases.
- Clarify and strengthen contempt of court sanctions for violations on social media.
- Legislate to introduce a statutory offence of perjury, to make this crime easier to prosecute
- Modernise the law on the administration of oaths in judicial and other proceedings
- Establish a working group to consider the number of and type of judges required to ensure the efficient administration of justice over the next five years.

- Enact the Judicial Appointments Commission Bill within the first six months of Government. However, we will engage with stakeholders to make appropriate amendments to the current Bill, to ensure that it enjoys broad support. These would include ensuring that the Chief Justice is the ex-officio chairperson of the body.
- Implement reforms to the administration of civil justice in the State covering matters such as the more efficient and effective deployment of court and judicial resources. This will be guided by the report of the group chaired by the former President of the High Court, Mr. Justice Peter Kelly.
- Independently examine the option of a dedicated system of public defenders.
- Introduce the necessary legislative reforms of the personal insolvency system
- Set up a special expert forum on antisocial behaviour, to consider the effectiveness of existing legislation and propose new ways forward, including new powers for An Garda Síochána and additional interventions to support parenting of offenders.
- Examine increasing the age limit for the application of the Garda Youth Diversion Programme to 24 years old.
- Implement a new Youth Justice Strategy, drawing on learnings for the Icelandic model and emphasising prevention, early intervention, and inter-agency collaboration.
- Continue to support the work of An Garda Síochána in tackling and interrupting organised crime.
- Criminalise adults who groom children to commit crimes.
- Work with all criminal justice agencies to build capacity to deliver restorative justice, safely and effectively
- Extend the pilot schemes of the Joint Agency Response to Crime to more areas to target prolific repeat and vulnerable offenders aged 16 -21.
- "Enhance powers available to An Garda Síochána to limit the use of scramblers and quads by those engaged in antisocial behaviour and enact legislation to add to those powers, if needed"
- We will establish a gambling regulator focused on public safety and wellbeing, covering gambling online and in person, and the powers to regulate advertising, gambling websites and apps
- ratify and implement the Optional Protocol to the Convention against Torture within 18 months of the formation of the Government.
- Establish a high-level cross-departmental and cross-agency taskforce to consider the mental health and addiction challenges of those imprisoned, and primary care support on release.
- Take a comprehensive approach to the development of the next Irish Prison Service's Capital Strategy, ensuring the availability of modern detention facilities with adequate capacity.
- Review the existing functions, powers, appointment procedures and reporting processes for prison-visiting committees.
- Review the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 to broaden the range of convictions that are considered spent.
- Establish a Penal Policy Consultative Council to advise on penal policy.
- Introduce Hate Crime legislation within 12 months of the formation of the Government. This legislation will create specific offences, to ensure that those who target victims because of their association with a particular identity characteristic are identified as perpetrators of hate crime. This legislation will be on the basis of an aggravated offences model. It will be supported by training across the criminal justice system, as well as victim supports
- In order to ensure that those who seek to encourage and incite others to hate minority groups can be prosecuted, we will revise and update Incitement to Hatred Act 1989, taking account of the public consultation conducted in 2019.
- Develop the third National Strategy on Domestic, Sexual and Gender Based Violence, which will place a priority on prevention and reduction and will include a National Preventative Strategy.

- Conduct an immediate audit, to be concluded within nine months of the formation of the Government, of how responsibility for domestic sexual and gender-based violence is segmented across different government agencies, and develop proposals on what infrastructure is needed to ensure that the issue is dealt with in the most effective manner possible. This audit will be undertaken in conjunction with NGOs and service providers.
- Investigate the provision of paid leave and social protection provision to victims of domestic violence.
- Learn from the UK model, where the crime of coercive control has been successfully prosecuted since 2015. We will invest in a comprehensive training programme for professionals who may have contact with a victim of coercive control, including An Garda Síochána, legal professionals, and courts services personnel, to ensure that there is a clear understanding of the nature of this relatively new offence.
- Legislate to introduce Domestic Homicide Reviews
- Update the Sex Offenders Act 2001, to ensure that convicted sex offenders are effectively managed and monitored.
- Enact the Harassment & Harmful Communications Bill (as amended), in order to outlaw image-based sexual abuse and to prevent the abusive sharing of intimate images online.
- Implement the findings of the O'Malley Review of supports for vulnerable witnesses in sexual violence cases to support victims
- Fully implement the revised Victims' Charter and establish a system to monitor its implementation
- Fully implement the EU Victims of Crime Directive, including the full provision of victim liaison officers.
- Modernise our licensing laws and application processes
- Task all local authorities/Local Community Development Committees (LCDCs) with developing a County Integration Strategy to promote, through a participative process, the inclusion of minorities.
- Support the Community Sponsorship Ireland programme to support the integration of refugees.
- Work with the Executive and the UK Government to deepen multi-agency cross-border cooperation on crime, including information-sharing between the Police Service of Northern Ireland and An Garda Síochána.
- Maintaining strong and deep law enforcement and judicial cooperation.
- Strengthen our engagement with the Organisation for Security Cooperation in Europe, as a vital European-wide institution.
- Continue to ensure that all requests for overflights or landing by military or state aircraft are guided by Ireland's policy of military neutrality.
- Act on the recommendations of the Citizens' Assembly on Gender Equality, seeking to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in the workplace, politics, and public life.
- Review and reform defamation laws, to ensure a balanced approach to the right to freedom of expression, the right to protection of good name and reputation, and the right of access to justice.
- We recognise the domestic and international importance of data protection in Ireland. We will support the Data Protection Commission, to ensure that Ireland delivers on its responsibilities under the General Data Protection Regulation (GDPR).

## Appendix 12: Department of Justice and Equality buildings

	Location	Function/Unit
1	51 St. Stephen's Green, Dublin 2, D02 HK52 Department HQ	Criminal Justice Policy Governance Service Delivery  Transparency  Corporate Services
2	Bishops Square, Redmond's Hill, Dublin 2, D02 TD99	Civil Justice & Equality Policy Governance Legislation Operations & Service Delivery
3	Montague Court, Montague Street, Dublin 2, D02FT96	Criminal Justice Service Delivery Legislation
4	7 Ely Place, Dublin 2.	Transparency  Corporate Financial Management Unit Internal Audit Human Resources
5	Deerpark Road, Killarney, Co. Kerry, V93KH28	Corporate Financial Shared Services
6	Hannover Street Building, Dublin 2	Corporate Information Management & Technology  Immigration Service Delivery  International Protection Appeals Tribunal
7	13/14 Burgh Quay, Dublin 2, D02 XK70	Immigration Service Delivery
8	26-30 Chapter House, Abbey Street Upper, Dublin 1, D02 C7W6	Immigration Service Delivery
9	Timberlay House, 79/83 Lower Mount Street, Dublin 2,	Immigration Service Delivery International Protection Office
10	Rosanna Road, Tipperary E34N566	Immigration Service Delivery
11	Birchgrove House, Roscrea, Co. Tipperary E53 HY05	Immigration Service Delivery
12	Border Management Unit, Dublin Airport	Immigration Service Delivery
13.	Regus Dublin Airport, Skybridge House, Dublin, K67 AE37	Immigration Service Delivery

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