

Garda Síochana

Annual Report 2001

Family Law

Management of Offende

DEPARTMENT OF JUSTICE,
EQUALITY AND LAW REFORM

The Courts

Equality

Registry of Deeds

Childcare

Equality



Family Law

Citizenship & Asylum

Crime & Security

Garda Síochana

Probation & Welfare Service

The Courts

Prisons Authority

Customer Service

Family Law

Land

Equality

Customer Service

The Courts

Probation & Welfare Service

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Our Mission

To maintain and enhance community security and equality through the development of a range of policies and high quality services which underpin:-

- the protection and assertion of human rights and fundamental freedoms consistent with the common good;
- the security of the State;
- an effective and balanced approach to tackling crime; and
- progress towards the elimination of discrimination and the promotion of equal opportunities and the accommodation of diversity.

Values

We are guided by a set of core values in seeking to deliver on our mission. These values are founded on an analysis of the environment in which we operate, the expectations of Government and the community, and the resources at our disposal. We express these as **guiding principles** informing our work. We aim to:-

- *ensure access to justice;*
- *apply fair and equal standards of treatment to all groups in society;*
- *demonstrate accountability for our actions;*
- *show courtesy, integrity and openness in our dealings;*
- *provide excellent services to the public; and*
- *value the individual.*

I am very pleased to have the opportunity of presenting this report on the activities and achievements of my Department and my predecessor, Mr. John O'Donoghue, T.D., during 2001.

During the year, my predecessor and the officials of my Department continued the work of implementing the commitments in the Good Friday Agreement, for which the Department has responsibility, including close liaison with the Independent International Commission on Decommissioning. Work also continued on the implementation of the recommendations contained in the report of the Victim's Commission.

The Garda National Drugs Unit continued to co-ordinate operations against drug dealing and trafficking during the year. A new National Drugs Strategy "Building on Experience - National Drugs Strategy 2001 - 2008" was launched in May, 2001. During the year, 13 new Garda Youth Diversion Projects were established under the National Development Plan increasing the total number of projects to 64. Operation Livesaver continued focusing on drink driving, speeding and seat belt offences.

In October, 2001, my predecessor published measures for new inspection arrangements for the Garda Síochána and new procedures for dealing with complaints against Gardaí. A new Garda Inspectorate is to be established which will have the capacity to examine every aspect of Garda Operations policy from the point of view of best policing practice. The Inspectorate will also become the responsible organisation for the investigation of complaints and will be fully independent of the Garda Síochána in all aspects of its operation.

Work in relation to the Garda CCTV Programme, the Garda Recruitment Programme, the Garda Computerisation Programme (PULSE) and the Garda Accommodation Programme continued. Work also continued in progressing the recommendations contained in the report on the Efficiency and Effectiveness of the Garda Síochána.

In January, 2001 a Pilot Drug Court Programme was launched in Dublin District Court. This marks a major policy initiative in the criminal justice system, designed as an alternative measure for dealing with less serious and non-violent drug related offences.

Following a recommendation of the Criminal Legal Aid Review Committee, the Garda Station Legal Advice Scheme commenced on 14 February, 2001. The Scheme provides that where a person, without sufficient means, is detained in a Garda station for the purpose of the investigation of an offence, such a person may be granted consultations, paid for by the State, with a solicitor.

Work continued throughout the year on the refurbishment and improvement of prison accommodation and facilities.



MICHAEL MCDOWELL TD
Minister for Justice,
Equality and Law Reform

Also during 2001, the CONNECT Initiative, which aims to create effective pathways for prisoners to follow from custody to employment after release, was extended to five more prisons.

In April, 2001 the Minister established a Parole Board, on an administrative basis initially pending statutory provision, which replaces the Sentence Review Group.

A number of significant developments in relation to Equality issues took place. A review of the Equal Status Act, 2000 comprising the social partners and relevant Government Departments/Offices was completed. The views expressed by the participants are being considered.

The "Report of the Working Group on the Review and Improvement of the Maternity Protection Legislation" was published in February, 2001. Following the recommendations of the Working Group, the duration of maternity leave or unpaid maternity leave was increased, with effect on or after 8th March, 2001.

A Working Group, which comprised the social partners, relevant Government Departments and the Equality Authority, was set up by my Department in 2001 to review the Parental Leave Act.

A Draft National Plan for Women was launched by the then Minister of State, Ms. Mary Wallace, T.D. on 16 October, 2001.

My Department is responsible for implementing a number of Measures under the National Development Plan 2000 - 2006. Under the Equality for Women Measure of the National Development Plan, my Department was allocated a sum of €29.45 million. In June, my predecessor approved 49 projects for funding totalling €9 million for the period 2001 - 2004. Additional funding, totalling €6.097m, under the Employment and Human Resource Development Operational Programme was secured by my Department in 2001. During the year, the Consultative Group on Male/Female Wage Differentials was also established.

A major new national programme -kNOw RACISM-, which aims to increase awareness of racism and help contribute to an inclusive and intercultural society in Ireland, was launched in October, 2001. A 10 week TV multicultural series of programmes on RTE ONE was also co-funded.

€436.7 million was allocated to my Department to fund the development of childcare provision during the period 2000 to 2006. To end December, 2001 a total of €101.479 million has been allocated, under the childcare measure, to 943 projects throughout the country.

During 2001, a framework for the development of immigration policy and the proposed new immigration legislation to replace the Aliens Act, 1935 was drawn up.

A pilot scheme aimed at assisting persons, without sufficient means, to voluntarily return to their country of origin was launched by my predecessor on 20 November, 2001. The scheme will be operated by the International Organisation for Migration. During 2001, my Department continued to face major challenges in relation to the processing of claims for refugee status even though the number of applications decreased from 10,938 in 2000 to 10,325 in 2001.

Mary Wallace, T.D., then Minister of State at the Department and Chairperson of the National Steering Committee on Violence against Women continued her work on the issue of violence against women. In December, 2001 the Department hosted an Intergovernmental Conference, involving Ireland, England, Wales, Scotland and Northern Ireland, on Violence against Women entitled "Raising the Standards".

The Department's Strategy Statement 2001 - 2004, Community Security and Equality was officially launched by my predecessor in December, 2001.

The year also saw the enactment of a range of legislation initiated by my Department. Important measures enacted include the Sex Offenders Act, 2001, the Children Act, 2001 and the Criminal Justice (Theft and Fraud Offences) Act, 2001.

Finally, I would like to take this opportunity to pay tribute to the work of my predecessor Mr. John O'Donoghue, T.D.



Michael McDowell, T.D.,
Minister for Justice, Equality and Law Reform.

The net expenditure in 2001 for the Garda Vote was €900 million.

Policy Developments

During 2001, the Minister advised the Garda Commissioner of ten policing priorities which the Government wished to see addressed. These priorities have been incorporated into the Garda Síochána Policing Plan 2002. Significant progress continued to be made in developing the recommendations contained in the report on the Efficiency and Effectiveness of the Garda Síochána.

Major developments in 2001 include:-

- the completion of a study on civilianisation and the approval of Government to civilianise 496 posts currently occupied by gardai.
- The recruitment of experienced and professional accountants to An Garda Síochána.
- The completion of a review of the Garda Síochána performance and accountability framework.
- The commencement of a comprehensive review of structures and operating systems.

The Garda SMI Steering Group will present its third report to Government in 2002 and it is also expected that the Group will complete its review of structures and operating systems in that year.

Operational Developments

Garda Air Support Unit

The acceptance procedures for the EC 135 helicopter were completed in December, 2001. Some additional work was being carried out on the EC 135 and, in the interim, it remained with the contractor in the UK.

Garda Fleet

A total of €7.85 million was spent in 2001 on the purchase of vehicles for the Garda and Ministerial Fleets. The operational capability of the Force at the end of the year was 2,121 vehicles.

Garda CCTV Systems

Work continued in 2001 on the installation of a Garda CCTV System in Cork City. The system will comprise of 29 cameras - most of which were operational by the end of the year.

Tenders were sought and received in respect of the Town Centre CCTV systems in Bray, Dundalk, Dun Laoghaire, Finglas, Galway and Limerick. It is hoped that contracts will be awarded early in 2002 - after which work will commence immediately to put the systems in place.

The planning in respect of the Town Centre CCTV systems for Athlone, Clondalkin, Tallaght and Waterford commenced and it is expected that tenders will be invited for the installation of the systems in 2002.

Staffing Developments

Peacekeeping

The staffing commitment to peacekeeping missions at the end of 2001 was 60, broken down as follows:

United Nations	Bosnia-Herzegovina	35
	Cyprus	20
O.S.C.E	FYR Macedonia	5

During the year, the Government approved the Minister's proposals to increase the maximum number of members of the Garda Síochána who can, at any

given time, be deployed on international police peacekeeping missions from sixty (60) to eighty (80) in the context of the EU's development of a crisis management capability.

EU member States have committed themselves at successive European Council meetings to building a European Security and Defence Policy capable of reinforcing the Union's external action through the development of a conflict prevention and crisis management capability, including civilian aspects. They agreed in 2000 that Member States should, by 2003, be able to provide up to 5,000 police officers for international missions across the range of conflict prevention and crisis management operations.

In the above context, on 19/20 November, 2001, a Police Commitment Conference took place in Brussels, the principal objective of which was for the Member States to announce that the 5,000 target has been reached.

Ireland has a long established reputation in the area of international police peacekeeping missions and has much to contribute to EU developments in this area. The Garda Síochána have been involved in international peacekeeping missions since 1989. These have involved UN missions for the most part but Gardaí have also participated in missions organised by the Organisation for Security and Co-operation in Europe (OSCE) and in monitoring missions organised by the EU. The practice since 1994 had been that not more than 60 members have been released for such duties at any one time.

Garda Recruitment

In October 2000, the Government approved the

holding of a new Garda recruitment competition in 2001 (and the recruitment of 500 trainees from that competition). In November 2001, the Minister announced the recruitment of a further 300 Garda trainees.

Senior Garda Promotions

In 2001, the Government approved the appointment of three Assistant Commissioners, six Chief Superintendents and 14 Superintendents, mainly to fill normal vacancies which arose in these ranks as a result of retirements.

Conciliation and Arbitration

The PCW pay claim with the Association of Garda Superintendents was finalised following consideration by the Adjudication Board.

Bench marking

The Garda Conciliation and Arbitration (C&A) Section was involved in all stages of the procedures of the Public Service Benchmarking Body insofar as the Garda Síochána is concerned. This entailed making written and oral submissions in relation to each of the four Garda associations.

Compensation Claims

During the year €13.32 million including costs was awarded by the High Court in 256 compensation claims arising under the Garda Síochána (Compensation) Acts, 1941 and 1945. A further 271 new applications were received in 2001. Proposals for changes to the operation of the Compensation Scheme under the Garda Síochána Compensation Acts are being formulated for consideration by Government.

Civil Actions

There was a total of €2.895 million, including settlements, awards and costs paid in respect of 139 claims arising from non-malicious injuries to Gardaí, injuries to civilians on Garda premises, legal actions taken by Gardaí and legal actions arising from acts or omissions by the Garda Síochána. There were 198 new cases in 2001.

Garda Inspectorate

In October 2001, the Minister published measures for new inspection arrangements for the Garda Síochána and new procedures for dealing with complaints against Gardaí. The overall purpose of the measures is to introduce new independent and transparent procedures which reflect modern conditions in order to maintain and enhance public support for the Garda Síochána.

In that context, a new Garda Inspectorate will be established which will have the capacity to examine every aspect of Garda operations policy from the point of view of best policing practice. The powers of the Inspectorate will be very extensive and will enable it to obtain access to relevant material and to have discussions with appropriate parties in conducting its reviews.

In addition, the Minister has decided to make the Garda Inspectorate the responsible organisation for the investigation of complaints.

One of the most significant aspects of the new arrangements for handling complaints will be the fact

that the Inspectorate will undertake that function completely independently of any other body, including the Garda Síochána. In particular, the Inspectorate will conduct investigations into complaints itself and, for that purpose, will use its own personnel, resources and powers. Moreover, the Inspectorate will be fully independent in all aspects of its operations and it will have no link with the Garda Force. The staff of the Inspectorate will also be appointed specifically by the new body and will be directly responsible to it.

The legislation required to give effect to the new Inspectorate is being prepared.

Information Technology and Telecommunications

Implementation of the PULSE (Police Using Leading Systems Effectively) continued during 2001, with a number of elements of the system commencing live operation. Work also commenced on identifying further IT developments for An Garda Síochána.

In 2001, the Minister signed a contract for a pilot digital trunked radio system in the Dublin area for An Garda Síochána. The implementation of the pilot network was completed in 2001 and it will be operational for six months after which it will be evaluated. Other emergency services, including fire and ambulance, have the opportunity to participate in the pilot. Planning for the replacement of the national radio network is ongoing.

Video Recording

Significant progress was made in 2001 with the implementation of the national scheme of suspect interview video recording in Garda stations. The refurbishment of interview rooms was substantially completed. A contract was placed for the supply and installation of the equipment and a substantial amount of this was installed by the end of 2001. Training of Gardaí in the operation of the scheme was undertaken and there were trained officers in every Garda Division by the end of 2001.

Stations renovated

The ongoing programme of replacement and refurbishment of Garda station accommodation continued during 2001. Building and refurbishment projects were completed at the following locations - Castlecomer, Clondalkin, Tullamore, Stradone, Tourmekedy, Bray, Ballyfermot, Waterville, Dunshaughlin, Castlefin and the Garda Training College, Templemore.

During the year, works commenced on the following stations - Clifden, Kilrush, Kilmacthomas, Roundstone and Thomastown.

A large number of maintenance projects were completed at various Garda locations throughout the country during the year. Refurbishment works continued to facilitate the implementation of a nationwide scheme of audio/video recording of Garda questioning of detainees in Garda stations.

Crime Reduction

Provisional Garda crime statistics for the year 2000 indicate a continuation of the significant downward trend in crime experienced in recent years. Overall, crime in this jurisdiction has declined by approximately 27 per cent between 1996 and 2000. The Garda detection rate of 42 per cent compares well with both the 24 per cent detection rate in the United Kingdom and the 21 per cent rate in the United States of America.

Burglary, which accounts for approximately 30 per cent of serious crime, has fallen by 27.4 per cent between 1996 and 2000. An increase in serious assaults, from 737 in 1999 to 1,703 in 2000, is, however, a cause for concern.

Garda Youth Diversion Projects

Garda Youth Diversion Projects are targeted at young people who are involved - or at risk of becoming involved - in criminal and antisocial behaviour. The projects seek to divert these young people from such activities by promoting personal development and civic responsibility through sporting, leisure, educational and other interventions. Each project is administered at the local level by a multi-agency management committee, which usually comprises the Garda Síochána, the Probation and Welfare Service, a major voluntary youth organisation and community representatives.

During the year 2001, 13 new projects were established under the National Development Plan, 2000-2006, increasing the total number of projects to 64 in 22 counties.

Research

A research report commissioned by the Department, entitled *Attrition in Sexual Assault Offence Cases in Ireland: A Qualitative Analysis*, which describes victims' interaction with various parts of the criminal justice system, was published in January 2001. The report was prepared by the Department of Applied Social Studies and the Department of Law, National University of Ireland, Cork, in co-operation with the Cork and Kerry Rape Crisis Centres.

Road Traffic Issues

The Department has a general responsibility for monitoring the enforcement by the Garda Síochána of the Road Traffic Acts. The Department is represented on the High-Level Steering Group on Road Safety, which is overseeing the implementation of the Government's National Road Safety Strategy, 1998-2002, and the Department's involvement with the work of this group continued throughout 2001.

During the year, the Department continued to ensure that the Garda Síochána is adequately resourced to enforce the Road Traffic Acts and key road traffic policy initiatives. The principal Garda road safety campaign, i.e., Operation Lifesaver, continued in 2001, with increased levels of Garda enforcement focusing on, in particular, drink driving, speeding and seat belt offences. In this regard, the Garda Síochána issued approximately 345,000 tickets for speeding and approximately 64,000 tickets for the non-wearing of seat belts, and it detected approximately 12,000 suspected drink driving cases during the year.

The Government's National Strategy on Road Safety, 1998 - 2002, aims to reduce deaths and serious injuries

from traffic accidents by at least 20% from the 1997 level. Road deaths are 12.1% down in 2000 compared to 1997. Within the same time period, the level of serious injuries declined by 24.8%, which exceeded the target in this area.

Firearms/Explosives Administration Unit

The unit deals with the registration of Firearms Dealers, the issue of firearms importation licences to dealers and residents, documents for transfer of firearms to EU Countries, firearm certificates to non-residents for shotguns and rifles under the Firearms Act, 1925 to 2000 and issues relating to the manufacture, transportation, storage and importation of explosives including fireworks under the Explosives Act, 1875.

Registered Firearms Dealers

423 Firearms Dealers were registered in the State during 2001. Approximately half of these traded in firearms and ammunition and paid a fee of €75 per annum, while the remainder traded in ammunition only and paid a fee of €12 per annum.

Firearm Certificates

It is the Department's current policy to license only shotguns, crossbows and rifles not exceeding .22 calibre, except in the case of deer hunting and competitive target shooting where bolt-action rifles up to .270 calibre are licensed.

Firearm certificates are issued to residents by the Garda Síochána. Approximately 206,600 certificates were issued during the year ended 31 July, 2001.

In accordance with the provisions of the Firearms Acts

1925 to 2000, a non-resident may only use a firearm in the State when he/she has in his/her possession a firearm certificate issued by this Department.

Approximately 4000 such certificates were issued for the year ending 31 December, 2001. A non-resident may not bring a firearm into the country which a resident is prohibited from holding.

Importation Licences

1238 Importation Licences were issued during the year ended 31 December, 2001.

Export to EU Countries

557 Transfer Documents were issued during the year ended 31 December, 2001.

Explosives

During the year ended 31 December, 2001 the following licences were issued:-

- 663 Importation licences for industrial explosives, fireworks for displays, marine safety flares, nitrates/sodium chlorate and a number of minor items;
- 79 Licences for the manufacture of explosives on site of use i.e. Quarries; and
- 2 Underground manufacture of explosives licences.

Training Courses for Drivers of Vehicles Carrying Explosives

During 2001 the following courses were held:-

- 9 drivers attended 2 Specialisation courses; and
- 20 drivers attended 2 Refresher courses.

Drugs/Organised Crime

National Drugs Strategy

The National Drugs Strategy (NDS) is a multi-agency response to the problems posed by problem drug use in Ireland. Initiatives under way include the NDS and the Young People's Facilities and Services Fund (YPFSF) which are aimed at providing an effective, integrated response. The Department of Community, Rural and Gaeltacht Affairs plays a lead role in the National Drugs Strategy with representatives of other Government Departments, Statutory Agencies and the Voluntary and Community Sectors working together in partnership on the development of national drugs policies and in implementing operational plans to give effect to these policies.

The Department of Justice, Equality and Law Reform plays a proactive role through representation on the structures which are in place to formulate and implement policy - Cabinet Committee on Social Inclusion; Inter-Departmental Group on NDS; National Drugs Strategy Team (NDST); National Advisory Committee on Drugs (NACD), fourteen Local Drugs Task Forces (Gardaí and Probation & Welfare Officers); and the National Assessment Committee for the YPFSF. An external evaluation of the structures and processes associated with the NDS proved very positive and it was agreed that these structures will continue to operate.

Review of the National Drugs Strategy

A major review of the National Drugs Strategy has been completed and a new National Drugs Strategy "Building on Experience - National Drugs Strategy 2001-2008" was launched in May, 2001.

The primary aims of the review were to identify any gaps or deficiencies in the strategy and to develop revised strategies and any necessary new structures through which to implement them, in order to ensure that policies and strategies in this area remain relevant to the situation as it exists on the ground.

It contains a series of 100 individual actions to be implemented by agencies involved in the delivery of drugs policy. The Department of Justice, Equality and Law Reform and its agencies has responsibility for the delivery of 23 of these actions.

Regional drugs task forces are to be established and the Gardaí and Probation and Welfare services will be represented on the drugs task forces.

Garda Operations

Enforcing the law in relation to drugs remains a high priority for the Garda Síochána. The Garda National Drugs Unit continues to co-ordinate large scale operations against those engaged in drug dealing/trafficking. Operations involving co-operation with the Customs Authorities have also been undertaken. Local Divisional Drug Units primarily focus on local dealers and operate in Divisions throughout the country. Additional Divisional Drug Units have been established in non-city locations to enhance the operational capacity of the predominantly rural Divisions in addressing drug supply.

The Garda Authorities view is that Garda operations such as Dóchas, Cleanstreet and Nightcap have continued to prove effective in targeting on street drug dealing and the distribution of controlled drugs in nightclubs and licensed premises.

Drug trafficking is an international activity and the Garda National Drugs Unit continues to maintain close contact with law enforcement agencies in other EU Member States and beyond. This contact involves information and intelligence sharing, along with joint operations which often cross numerous jurisdictions in a single operation. The activities of Garda Liaison Officers based in Madrid, London, Paris, the Hague and at Interpol and Europol Headquarters have also contributed to major successes.

The Criminal Assets Bureau

The Department of Justice, Equality and Law Reform facilitates the operation of the Criminal Assets Bureau and ensures that the necessary funding is available for the effective functioning of the Bureau.

The Annual Report of the Criminal Assets Bureau 2000 was published in 2001 and may be purchased from the Government Publications Office. This is the fifth Annual Report on the activities of the Bureau.

Money Laundering

The Money Laundering Investigation Unit (MLIU) of the Garda Bureau of Fraud Investigation is responsible for the recording, evaluation, analysis and investigation of suspicious transaction reports received from bodies designated under the relevant provisions of the Criminal Justice Act, 1994.

This Unit provides assistance to other Garda personnel involved in the investigation of serious crime. There is also close co-operation between the Unit and the Criminal Assets Bureau resulting in action being undertaken under the Proceeds of Crime Act and other relevant legislation.

Representatives from both the Department of Justice,

Equality and Law Reform and the Money Laundering Investigation Unit participate in the anti-Money Laundering Steering Committee chaired by a representative of the Department of Finance. The purpose of this Committee is to oversee the implementation of the anti-money laundering provisions of the Criminal Justice Act, 1994.

International Co-Operation

European Union

A number of relevant Council decisions, Council conclusions, etc. were adopted by the Council of the European Union in 2001 including:

- (a) Council Conclusions recommending the active monitoring of synthetic drugs Ketamine and GHB;
- (b) EU/Central Asia Drugs Action Plan;
- (c) Decision on the establishment of a European Crime Prevention Network;
- (d) Decision on the transmission of samples of controlled substances;
- (e) Decision on the protection of the euro against counterfeiting; and
- (f) Recommendation on the alignment of law enforcement drugs and diverted precursors seizure statistics.

The EU Action Plan on Drugs (2000-2004) translates the aims and targets set out in the EU Drugs Strategy into concrete activities that should be implemented over the period concerned. The implementation of the activities will be subject to evaluation in 2002 and in 2004. The evaluation report will be presented to the Council of the European Union and to the European Parliament.

Council of Europe

The Department participated in negotiations on the Council of Europe's Convention on Cybercrime. The Convention was opened for signature in November, 2001.

The main objective of the Convention is to pursue a common criminal policy aimed at the protection of society against cybercrime, especially by adopting appropriate legislation and fostering international co-operation. This Convention is the first international treaty on crimes committed via the internet and other computer networks and deals particularly with violations of network security, copyright infringements, computer-related forgery, fraud and child pornography.

Bilateral Co-operation with the Candidate Countries:

An inter-Governmental Serious Crime Agreement with the Republic of Poland was signed by the Minister for Justice, Equality and Law Reform on behalf of the Government of Ireland in May 2001. Requests to enter into similar bilateral co-operation agreements have been received from a number of the other EU candidate countries.

Mutual Assistance and Extradition

The Department of Justice, Equality and Law Reform has been designated the Irish Central Authority for Mutual Assistance in Criminal Matters for the purpose of processing requests for mutual assistance/judicial co-operation under international criminal law conventions and agreements to which Ireland has become a party.

The principal role of the Central Authority is to assist the Minister in the discharge of functions under the international co-operation provisions of the Criminal

Justice Act, 1994 (Part VII) and to manage and co-ordinate the execution of requests for mutual assistance in co-operation with the various other agencies and offices with responsibilities in this area (e.g. the Attorney General's Office, the Chief State Solicitor's Office, the Office of the Director of Public Prosecutions, the Garda Síochána, the Revenue Commissioners and Courts).

During 2001, 274 mutual assistance requests were received from abroad, as compared with 258 received in 2000, and 39 requests were sent abroad, as compared with 45 sent abroad in 2000.

The types of requests processed by the Central Authorities include requests for assistance in the service of judicial documents, the search for and seizure of evidence, the taking of evidence in court, police to police co-operation, production orders, the restraint and confiscation of criminal assets, the exchange of information from judicial records and the temporary transfer of prisoners. Requests can relate to any criminal offence but typically relate to offences of a serious nature such as drug trafficking, violent offences and financial crimes.

Ireland has deposited with the General Secretariat of the Council of the European Union a Statement of Good Practice in Mutual Legal Assistance in Criminal Matters pursuant to an EU Joint Action of 29 June, 1998. The Statement sets out the steps which are taken by Ireland to promote best practice in relation to the execution of requests to Ireland and requests sent from Ireland to other Member States of the European Union.

During 2001, the Central Authority assisted in the

development of a number of international and bilateral initiatives designed to improve the legislative and operational arrangements for mutual assistance including:

- the Protocol to the EU Convention on Mutual Assistance in Criminal Matters,
- the Second Additional Protocol to the Council of Europe Convention on Mutual Assistance in Criminal Matters,
- the Agreement between Ireland and the Hong Kong Special Administrative Region on Mutual Legal Assistance on Criminal Matters.

In the course of the year, the Central Authority continued to participate in the European Judicial Network. The Network consists of contact points in each EU Member State who provide practical and legal information on the operation of mutual assistance in their respective jurisdictions and generally assist in improving co-operation between Member States.

A Guide to Irish Law and Procedure in relation to Mutual Assistance in Criminal Matters is available from the Department for use by practitioners. The Guide is available in English, Spanish, French, German and Italian.

In relation to requests for extradition, the Department carries out the administrative tasks associated with the specific functions of the Minister, which are provided for in the Extradition Acts 1965 to 2001.

Requests for extradition fall into two categories:-

- requests received which fall to be considered

under Part II of the Extradition Act 1965, and

- requests received which fall to be considered under Part III of the Extradition Act 1965 which provides for special extradition arrangements with the United Kingdom.

The latter category accounts for the bulk of extradition requests; 19 extradition requests were received from

the United Kingdom in 2001 and 7 requests were received from other countries. The total of 26 requests in 2001 compares with a total of 16 requests which were received in 2000. A report on the operation in 2000 of the extradition arrangements with the United Kingdom was prepared by the Department and presented by the Government to Houses of the Oireachtas as required by statute.

The Courts Service

The Courts Service was established on 9 November, 1999. The main functions of the Courts Service are to manage the courts, provide support services for the judges, provide information on the courts system to the public, provide, manage and maintain court buildings and provide facilities for users of the courts.

The Minister is responsible for financing, resourcing and providing policy direction to the Courts Service. Political accountability for the activities of the Service also continue to rest with the Minister.

Almost €80 million was provided for the Courts Vote in 2001. This indicates the Government's continuing commitment to ensuring the availability of the necessary funding to support the Courts Service.

Role of the Department

Following the establishment of the Courts Service, the Department has shifted its focus from the day-to-day provision of support services for the Courts, to a more policy oriented role. In this regard the Department continues to evaluate its role in respect of setting and agreeing policy objectives, service levels and overseeing performance for the new Service.

Recently, proposals were invited from interested parties to provide expert consultancy input on the type of formal structural and organisational relationships which should exist between the Department and the Courts Service, and which would be best suited to supporting the Minister in his role in resourcing the Courts Service and accounting for its performance.

Drug Courts

The 1997 Programme for Government included, in the context of measures to combat the drugs problem, the creation of a Drug Courts system which would involve court supervised treatment programmes for less serious drug related offences.

The Pilot Drug Court Programme was launched in the Dublin District Court on 9 January, 2001 and the first sitting took place on 16 January, 2001.

The Drug Court pilot programme marks a major policy initiative in the criminal justice system and is designed to test this important alternative measure for dealing with less serious and non-violent drug offenders. As of 31 October, 2001, forty-eight persons have been referred to the Drug Court from the Dublin District Court.

The pilot programme, which will be run for a period of 18 months, is being evaluated by expert consultants who were appointed following a public procurement process.

The success of the pilot programme depends on the development of an integrated cross service strategic plan involving court supervised treatment programmes. The merit of implementing a Drug Court programme outside Dublin will be considered following the completion and evaluation of the Pilot Project in Dublin.

Legislation

The Bankruptcy Act, 1988 (Alteration of Monetary Limits) Order, 2001 was made on 19 December, 2001. The purpose of this order is to make provision for the

substitution, with effect from 1 January, 2002, of convenient amounts expressed in Euro for amounts expressed in Irish Pounds in provisions of the Bankruptcy Act, 1988.

Criminal Legal Aid

Criminal Legal Aid Scheme

The Criminal Justice (Legal Aid) Act, 1962 and the Regulations made under it provide that free legal aid may be granted for the defence of persons of insufficient means in criminal proceedings.

The grant of legal aid entitles the applicant to the services of a solicitor and, in certain circumstances, up to two counsel, in the preparation and conduct of their defence or appeal. Services are provided through panels of solicitors and barristers who are remunerated on a fee basis.

The gross cost to the Exchequer (the cost inclusive of VAT) of the Criminal Legal Aid Scheme was €25.19 million in 2001. The per capita cost of providing this service is quite favourable when one compares it with other common law countries.

Courts Policy Division is responsible for the administration of the Scheme in the area of policy, preparation of legislation, compilation of estimates and accountability to the Dail. It is also responsible for supervising the payment of legal aid fees and expenses to the legal practitioners who operate under the Scheme.

Legislation

The Criminal Justice (Legal Aid) (Amendment) Regulations, 2001 were made on 28 March, 2001. The Criminal Justice (Legal Aid) (Amendment) (No. 2)

Regulations, 2001 were made in September, 2001. Both these Regulations provide for an increase in the fees payable under the Criminal Legal Aid Scheme to solicitors for attendance in the District Court and for appeals to the Circuit Court and for an increase to solicitors and counsel in respect of essential visits to prisons and other custodial centres (other than Garda Stations) and for certain bail applications. The former came into effect from 1 April, 2001 and the latter from 1st October, 2001.

Criminal Legal Aid Review Committee

The Criminal Legal Aid Review Committee was established in January, 1997 to review the operation of the Criminal Legal Aid Scheme under the Criminal Justice (Legal Aid) Act, 1962 and to make recommendations as to the manner in which the Scheme might be improved so that it operates effectively and provides value for money.

The terms of reference of the Review Committee included, inter alia, an examination of the possibility of introducing an alternative system for providing criminal legal aid, specifically the introduction of a Public Defender Scheme.

The Committee's Report, entitled "An Examination of the Feasibility of Introducing a Public Defender System for Ireland", was published in February 2000. The Report recommended that the existing system for providing Criminal Legal Aid is more equitable, effective and economic in the current circumstances than a Public Defender System.

The Committee also examined the issue of whether a fee should be paid to solicitors for consultations with persons detained in Garda stations and made an

Interim Report to the Department. Based on the recommendation of that Report, the Garda Station Legal Advice Scheme commenced on 14 February, 2001.

The Committee has examined the remaining matters entrusted to it in accordance with its remit, including inter alia, the issue of means testing and the introduction of a Duty Solicitor Scheme and Contracting. The Committee completed its work in December 2001 and it is expected that its final Report will be produced in early 2002.

Garda Station Legal Advice Scheme

The Garda Station Legal Advice Scheme commenced on 14 February, 2001. The Scheme provides that where a person is detained in a Garda station for the purpose of the investigation of an offence and s/he has a legal entitlement to consult with a solicitor and the person's means are insufficient to enable him/her to pay for such consultation, that consultations with solicitors will be paid for by the State.

A fee is paid for consultations in circumstances where the person is detained under the provisions of the Offences against the State Act, 1939 as amended by the Offences against the State (Amendment) Act, 1998 or the Criminal Justice Act, 1984 or the Criminal Justice (Drug Trafficking) Act, 1996. Persons who are in receipt of social welfare payments or persons whose earnings are less than €20,316 are eligible to receive assistance under the Scheme. It will initially operate on an administrative basis and will be formally reviewed one year after establishment.

Rules Committees

Following the enactment of legislation, court rules are made by the Rules Committees of the respective Courts and forwarded to the Department which liaises with the office of the Attorney General as appropriate and arranges for the submission of these rules to the Minister for concurrence and for publication following signature by the Minister.

District Court Rules

The District Court Rules Committee consists of ten members:- three ex-officio members and 7 nominated members. The three ex-officio members are the President of the District Court who is chairman of the Committee, the Chief Executive Officer of the Courts service, appointed under Section 30 (1) of the Courts Service Act, 1998 and a District Court Clerk nominated by the Minister who acts as a Secretary to the Committee.

Two new rules were made during 2001 by the District Court Rules Committee and they are listed below. These rules prescribe the procedures and forms to be used by judges and litigants in the transaction of the business which comes within the jurisdiction of the District Courts. The District Court Rules were last consolidated in 1997.

District Court Rules made during 2001

*Rules of the District Court - S.I. No 194 of 2001
District Court (Criminal Justice) Rules 2001.*

*Rules of the District Court - S.I. No 448 of 2001
District Court (Criminal Justice) (No 2) Rules 2001.*

Circuit Court Rules

The Circuit Court Rules Committee consists of nine members :- three ex-officio members and six nominated members. The three ex-officio members are the President of the Circuit Court (Chairman of the Committee), the Chief Executive Officer of the Courts Service, appointed under Section 30 (1) of the Courts Service Act, 1998 and the Dublin County Registrar.

Two new Rules were made during 2001 by the Circuit Court Rules Committee, one of which involved the consolidation of the Circuit Court Rules in November 2001.

The consolidated Rules for the Circuit Court were first published in 1950. The 2001 volume represents the first consolidation of the Rules since that time. Since 1950, there have been over 60 Statutory Instruments incorporating both new and amended rules to the original rules. The consolidated volume of Rules runs to 340 pages, covering 68 types of business to be transacted before the Circuit Court and prescribes over 80 forms for the convenience of users of the various remedies available in the Circuit Court.

Circuit Court Rules made during 2001

*Rules of the Circuit Court - S.I. No 433 of 2001
Circuit Court Rules (No 1) Sex Offenders Act 2001.*

*Rules of the Circuit Court - S.I. No 510 of 2001
Circuit Court Rules, 2001 (consolidated).*

Superior Courts Rules

The Superior Courts Rules Committee consists of twelve members; four ex-officio members and eight

nominated members. The four ex-officio members are the Chief Justice - Chairman of the Committee, the President of the High Court, the Master of the High Court and the Chief Executive Officer of the Courts Service, appointed under Section 30 (1) of the Courts Service Act, 1998.

These Rules prescribe the procedures and forms to be used by judges and litigants in the transaction of the business which comes within the jurisdiction of the High and Supreme Courts.

Five new rules were made during 2001. The Superior Courts Rules were last consolidated in 1986.

Superior Court Rules made during 2001

*Rules of the Superior Courts:- S.I. 268 of 2001
Rules of the Superior Courts (No 1) (Amendment to Order 77) 2001.*

*Rules of the Superior Courts:- S.I. No 94 of 2001
Rules of the Superior Courts (No 1) (Child Abduction and Enforcement of Custody Orders Act, 1991) 2001.*

*Rules of the Superior Courts:- S.I. No 269 of 2001
Rules of the Superior Courts (No. 2) (Amendment to Order 3) 2001.*

*Rules of the Superior Courts:- S.I. 270 of 2001
Rules of the Superior Courts (No 3) (Investor Compensations Act, 1998) 2001.*

*Rules of the Superior Courts:- S.I. 535 of 2001
Rules of the Superior Courts (Chief Prosecution Solicitor) 2001.*

*Rules of the Superior Courts:- S.I. 585 Of 2001
Rules of the Superior Courts (No 4) (Euro Changeover) 2001.*

Special Criminal Court Rules

Section 41(1) of the Offences Against the State Act, 1939 provides that "every Special Criminal Court shall have power in its absolute discretion to appoint the times and places of its sittings and shall have control of its own procedure in all respects and shall for that purpose make with the concurrence of the Minister for Justice, rules regulating its practice and procedure".

One new Rule was made during 2001 by the Special Criminal Court as follows:-

*Rules of the Special Criminal Courts:- S.I. 536 of 2001
Offences Against the State Acts, 1939 to 1998 (Special Criminal Court Rules), 2001.*

Statutory Instruments

The following two Statutory Instruments were made in 2001 to provide for the implementation of recommendations contained in the Buckley Report

SI No 44 of 2001 - Courts (Supplemental Provision) Act, 1961 (Increase of Judicial Remuneration) Order, 2001

This Order applied increases with effect from 25 September, 2000 and 1 March, 2001 to the salaries of members of the Judiciary arising from the recommendations in Report No. 38 of the Review body on Higher Remuneration in the Public Service (the Buckley Report), dated 25 September, 2000.

SI No. 302 of 2001 - Courts (Supplemental Provisions) Act 1961 (Increase of Judicial Remuneration) (No. 2) Order, 2001

This Order applied increases with effect from 1 July, 2001 to the salaries of members of the Judiciary arising from the recommendations in the Buckley Report.

Court Fees Orders made in 2001

Section 65 of the Courts of Justice Act, 1936 provides that the Minister, subject to the approval of the Minister for Finance, may prescribe court fees. A number of orders prescribing court fees were made in 2001, as follows:

Supreme Court and High Court (Fees) Order, 2001 (S.I. No. 251 of 2001)

Supreme Court and High Court (Fees) (No. 2) Order, 2001 (S.I. No. 488 of 2001)

Circuit Court (Fees) Order, 2001 (S.I. No. 252 of 2001)

Circuit Court (Fees)(No. 2) Order, 2001 (S.I. No. 486 of 2001)

Circuit Court (Fees) (No. 3) Order, 2001 (S.I. No. 598 of 2001)

District Court (Fees) Order, 2001 (S.I. No. 253 of 2001)

District Court (Fees)(No. 2) Order, 2001 (S.I. No. 487 of 2001)

Judicial appointments during 2001

Judges are appointed by the President acting on the advice of the Government. The Minister for Justice, Equality and Law Reform is responsible for bringing to Government the names of candidates recommended by the Judicial Appointments Advisory Board for appointment as judges. The Department assists the Minister in carrying out the necessary administrative arrangements.

The overall number of serving Supreme Court Judges (including the Chief Justice) at 31 December, 2001 was 8. There were no appointments to the Court during 2001.

The total number of Judges serving in the High Court (including the President) at 31 December 2001, was 25. The President of the High Court retired in 2001 and the Hon. Mr. Justice Joseph Finnegan who was an ordinary Judge of the High Court was appointed President on 1 December, 2001 which left one vacancy in the High Court.

The total number of Judges serving in the Circuit Court (including the President) at 31 December, 2001 was 28. There were four appointments to the Circuit Court during 2001.

The number of Judges (including the President) serving in the District Court at 31 December, 2001 was 51. There were three appointments to the District Court in 2001.

Provision has been made in the Courts and Court Officers Bill, 2001 for increases in the statutory maximum number of judges.

Prisons Authority Interim Board

The Prison's Authority Interim Board, appointed by the Minister on 26 April 1999, continued to meet and oversee the transition to an independent Prison's Board and Service during 2001. The Board met on six occasions during 2001.

Membership of the Prisons Authority Interim Board is as follows:

Mr Brian McCarthy	Chairman, FEXCO, Chairman of Interim Board
Mr Seán Aylward	Director General, Irish Prison Service
Ms Maireád Ahern	County Registrar, Louth
Ms Anne Counihan	Director, National Treasury Management Agency
Mr Tom Hoare	Irish Congress of Trade Unions
Mr Jerry Kiersey	Managing Director, Green Tiger Express
Mr Eamon Leahy*	Senior Counsel
Mr Frank McCarthy	Prison Governor
Mr Michael Mellett	Department of Justice, Equality and Law Reform
Ms Kathleen O'Neill	Community Worker
Mr Michael Whelan	Former Personnel Manager, Guinness Group.

* Mr Leahy resigned with effect from end December 2001 and was replaced by Mr Michael O'Shea.

New Prison Service Management Structure

Further progress was made during the year towards developing the management structure of the new Prison Service recommended by the Expert Group -

'Towards an Independent Prisons Agency'. A Human Resources Director; Mr Brian Fitzpatrick, was appointed in July 2001, a Director of Operations, Mr Brian Purcell, was appointed in November 2001, and a Director of Regimes is expected to be appointed in early 2002. The Directors of Finance and Medical Services were already in place. It is expected that a new post of Director of Corporate Affairs will be filled in 2002.

New Headquarters for the Irish Prison Service

As part of the transition of the Prison Service to independent agency status, office accommodation was acquired for the new Prison Service Headquarters at Monastery Road, Clondalkin, Dublin 24. The move to the new headquarters began in December 2001 and it is expected to be completed in 2002.

Staff and Operations Review Team (SORT) and the Strategic Effectiveness Programme (STEP)

The work of the dedicated Staff and Operations Review Team (SORT), which commenced in 1998, was completed early in the year with the publication of a Global Report which included overall recommendations for improving and reorganising current work practices in prisons and places of detention, in order to deliver a more effective service. Detailed reports had already been completed in respect of all institutions within the prison system in accordance with the following terms of reference:

(a) to provide a credible record of what is actually happening in each prison having regard to the role and function of the prison regime and the constraints which exist;

(b) to establish the cost in man hours of running the prison with present rosters and work/posts while providing for non-effective time, e.g. sick leave and training; and

(c) to make recommendations about how arrangements can be improved and/or work reorganised to deliver an effective service.

These reports provide the basis for the next stage of the strategy, the Strategic Effectiveness Programme (STEP), which commenced in March 2001. The STEP process has involved the engagement of staff interests through a Change Implementation Team in which management and the Prison Officers Association are represented. The Team is examining how the revised tasks identified in the SORT reports might be undertaken without the need for overtime. It is also examining the changes which would need to be made to the management and organisational structure in the prisons and conditions of service. It is intended that the STEP process will lead as soon as possible, not only to more effective work practices, but also to a deeper emphasis on care and rehabilitation of prisoners. An enhanced training and development regime for prison staff will also be a core element of this new dispensation.

Prison Officer Recruitment

The Prison Service administers 17 custodial institutions accommodating more than 3,300 prisoners. It has a total staff of 3,400 personnel to provide specialist and custodial care for the prisoner population on a 24 hour day, 7 day week basis. Recruitment of Prison Officers and other staff continued during 2001. In the course of the year a total of 74 Officer recruits, including Nurse Officers went through training. The

2001 recruitment competition marked a new departure for the Prison Service in that the height requirement for Prison Officers, which had been in place up to that point, was abolished. Changes were also made in respect of age limits for those applying for positions as Prison Officers. The Prison Service is acutely aware of its responsibility to deliver a quality service by making the best possible use of the human and other resources at its disposal.

Overcrowding

The chronic overcrowding which had been a feature of the Prison System for many years was addressed very positively in the five years to the end 2001. With the provision of over 1,200 additional spaces under the current building programme, the Prison System has reached the stage where it can accommodate those sentenced by the Courts for the full duration of their sentences, with the exception of women prisoners for whom additional accommodation is planned.

The daily average number of prisoners in custody for 2001 was 3107, an increase of 6.4% on 2000. The average number of female offenders in custody for this period was 98. The proportion of the total number of persons serving sentences who were on unstructured temporary release fell from 6.3% in December, 2000 to 5.7% in December, 2001.

Prisons Building and Refurbishment

Work continued throughout the year on a wide range of projects including the ongoing general refurbishment and improvement of prison accommodation and facilities.

- Additional accommodation and facilities at "Unit A",

a new Courthouse and visiting facilities were completed at Castlereagh.

- A new kitchen and administration area were completed at Fort Mitchel.
- Major heating and electrical works were completed at Shelton Abbey.
- Building commenced on the new "C" Block in Limerick Prison and planning is at an advanced stage for the provision of a new Women's Unit.
- The first phase of the Cork Redevelopment project was completed and tenders will be issued early next year for the next phase which will include the provision of a thirty eight place juvenile unit on a site adjacent to Cork Prison.
- The Mountjoy Complex Redevelopment Group issued its Second Report.
- Extensive research continued to locate a suitable site in the greater Dublin area for a Juvenile Unit (male and female).
- Other developments included the extension of a specially developed prisoners telephone system in a number of institutions.

Positive Sentence Management

The Department of Justice, Equality and Law Reform and the Irish Prison Service are committed to making time spent in custody by an offender genuinely constructive and to making available to offenders training, education and other services in order to help to prepare offenders for their reintegration into society.

Against the background of improvements in prison conditions in recent years, a real opportunity is presented to commence the implementation from 2002 onwards of structured sentence management for a significant proportion of the prisoner population.

As indicated in the Irish Prison Service Strategy Statement 2001 - 2003, implementing positive sentence management will be a key task of a new Directorate of Regimes. Establishment of the new Directorate will be an important first step in the re-balancing of the Service's custodial and care/rehabilitation functions. Following the expected appointment of the Director of Regimes in early 2002, it is hoped to complete the staffing of the new Directorate in the third quarter of 2002.

CONNECT Project

The CONNECT Project has operated in Mountjoy Prison and the Training Unit since 1998. The objective of the project, which is run by the Department and the Irish Prison Service in collaboration with the National Training and Development Institute (NDTI) of the Rehab Group, is to create effective pathways for prisoners to follow from custody to employment after release. Central to this is the preparation of an individualised vocational programme plan which takes a holistic perspective towards prisoners' vocational needs and which involves the prisoner in planning how to use the services that are available both inside and outside the prison system in a co-ordinated manner to achieve his/her goals.

During 2001, the CONNECT initiative was extended to five more prisons - Wheatfield Prison, Cork Prison, Limerick Prison, Castlerea Prison and St. Patrick's Institution. Under the National Development Plan

2000 - 2006 it will be extended to every prison in the State in the period to 2006.

Between 1998 and 2000, the CONNECT project had been funded under the EU INTEGRA Employment Initiative. In July 2001, a report was published about this pilot phase of the CONNECT project entitled "Story of a Success, Irish Prisons CONNECT Project".

Drug Treatment

The Prison Service adopts a multifaceted approach to drug treatment. This involves provision of detoxification, methadone maintenance, education programmes, an information forum, addiction counselling, drug therapy programmes and the operation of drug-free areas. The co-ordinated approach being taken follows the recommendations of the First Report of the Steering Group on Prison-Based Drug Treatment Services, which had proposed a systematic and partially centralised approach to drug treatment services in the prison system with significant focus within the Mountjoy Prison Complex and also with substantial Eastern Regional Health Authority input. The Steering Group is continuing its work under the chairmanship of the Director General of the Prison Service.

Sex Offender Treatment

Sex offenders comprise approximately 1 in 8 of the total prisoner population. Plans to develop a new multidisciplinary sex offender treatment programme are well advanced. In October 2000, the steering group overseeing this work retained a research consultant to conduct research involving, inter alia, a critique of the existing programmes. The consultant's research report entitled "The Development of a New Multi-Disciplinary Sex Offender Rehabilitation

Programme for the Irish Prison Service" was completed in 2001 and is expected to be published in early 2002. The particular emphasis in the report is on laying the foundation for multidisciplinary sex offender treatment in Irish prisons. This would involve front-line Prison Officers in tandem with other professional disciplines including education, psychology and probation. Work on the implementation of this Rehabilitation Programme will again be one of the tasks for the new Regimes Directorate.

Probation and Welfare Service

The Probation and Welfare Service's mission is to foster public safety and promote the common good by:

- challenging the behaviour of offenders and
- advancing the recognition and use of community based sanctions thereby, reducing the level of re-offending.

The delivery of our mission is achieved through the implementation of our high level goals. These are:

- To assist the courts in sentencing decisions by the provision of pre-sanction reports that focus on offending behaviour and on how further crime could be prevented by applying community sanctions.
- To design, provide and promote effective programmes of supervision in the community through which offenders will be brought to an understanding and acceptance of their responsibilities to themselves, their victims, their families and the community by

complying with the requirements and conditions of supervision orders.

- To assist and motivate offenders to critically examine their attitudes and behaviour; and with advice and encouragement to avail of what help and support can be made available.
- To work with offenders contained in places of custody and children detention schools, focusing on their offending behaviour; liaising with families in preparation for their return to the community, and advising on how community based programmes may be utilised to strengthen the process of reintegration.
- To develop aftercare arrangements, including the provision of requisite facilities, for those offenders who have completed all or part of their custodial sentences and for whom the Service is expected to provide supervision, guidance and assistance towards their resettlement in the community.
- To bring together groups from the local community to assist the Service in addressing issues relating to the management of offenders in their neighbourhood, and together to identify, initiate, and participate in specific projects designed to enhance supervision in the community such as probation residences, workshops, day centres or special projects in selected urban areas.
- To provide specialist information and appraisal of both current functioning and new developments in community sanctions and measures, internationally, as well as domestically.

The Service, in implementing its high level goals in prisons, places of detention does so by:

- Working with offenders in custody both individually and on specific treatment and social programmes, encouraging contact with families and volunteers within communities, preparing offenders for eventual release and putting in place arrangements in the community to help them reintegrate.

In 2001, the budget for the Service was €29.71m of which €12.99m was paid out in grants to probation hostels, workshops and other projects and facilities used by the Service. A number of new projects were either set up or assisted at Churchfield Youth Community Trust, Cork, Crinina Youth Project, Dublin, S.A.O.L. Project, Dublin, Stepping Out Project, Athlone and Portlaoise and the “Young People involved in Crime” Wexford Partnership.

A number of existing and new projects have received funding under the National Development Plan to allow for the purchase of residential places for drug and alcohol abuse offenders at the Aiseire Centres (Cahir and Wexford), Tabor Lodge Cork and Clarecare Bushy Park, Ennis for whom the Service have responsibility for by way of supervision orders from the Courts or on pre-placement and supervision of long term offenders in custody.

The Service in partnership with the Southern and North Western Health Boards have developed community based sex offender programmes in the Cork and Kerry Region and in the North West.

In regard to the number of offenders on supervision to the Service, at any time, there are just under 5,000

persons on supervision (all categories) in the community. In any year, approximately 4,500 persons are referred to the Service for the preparation of pre-sanction reports, and 1,500 for Community Service Reports. Over 3,500 persons are placed on probation type supervision and up to 1,300 on Community Service Orders annually.

In 2001, the Service published their Strategy Statement 2001-2003 - Advancing Our Aims - setting out what the Service aims to achieve, and its position within an evolving criminal justice system. The Service is currently developing its business plans.

Petitions

Petitions

The 1995 High Court Judgement on petitions stated that the power of clemency which the Minister may exercise must be used sparingly and only in special and exceptional circumstances. As a consequence of applying the High Court Judgement to the assessment of petitions/applications to open a petition, approximately 99% of petition cases which the Minister has adjudicated on have had to be refused.

2001 - Petitions/Applications to open a petition (AOPs)

AOPs received	119
Petitions/AOPs finalised - including cases carried forward from 2000	524
Petitions/AOPs carried forward to 2002	100

Peace Commissioners

Peace Commissioners are appointed by the Minister as the need arises in particular areas. The Office of Peace Commissioner is an honorary one. 89 persons were appointed as Peace Commissioners in 2001 and 81 Peace Commissioners resigned, died or were removed from Office during the year. At year's end the number on the Roll of Peace Commissioners was 7,062.

Interim Parole Board

In April, 2001 the Minister established a Parole Board on an administrative basis initially pending statutory provision in due course. The membership of the interim Board is as follows:

Mr. Gordon Holmes,	Holmes O'Malley Sexton, Solicitors, Limerick (Chairperson);
Ms. Lillian McGovern,	Chief Executive of Victim Support;
Ms. Daisy O'Reilly,	Member of Board of Management of Harristown House, Castlerea;
Mr. Tim O'Donoghue,	Project Manager, Kerry Diocesan Youth Service Project;
Mr. Martin Tansey	Principal Probation and Welfare Officer, Probation and Welfare Service;
Dr. Charles Smith,	Director, Central Mental Hospital;

Ms. Anne O'Gorman, Principal Officer, Prisons and Probation and Welfare Policy Division, Department of Justice, Equality and Law Reform;

Mr. Brian Purcell, Director of Operations, Irish Prisons Service;

Mr. Frank McCarthy, Governor, Cork Prison.

The Interim Parole Board replaced the Sentence Review Group which was a non-statutory body set up in 1989 to review the cases of long-term prisoners (excluding cases of capital murder) after 7 years of sentence had been served and to make recommendations to the Minister. The Group had considered the cases of 210 offenders during its lifetime and provided a valuable service to the Minister. The final meeting of the Sentence Review Group took place on 12 June, 2001.

The Interim Parole Board is advisory in nature with the final decision resting with the Minister. The Board will review cases of eligible prisoners serving determinate sentences of more than 8 years but less than 14 years at the half of sentence stage. In the cases of prisoners serving sentences of 14 years or more including life sentences, the Board will review the case after 7 years have been served of the sentence.

The Board met on one occasion during the year. The Board, which is an independent advisory body, is located at 31-35 Bow Street, Dublin 7. Three Civil servants are seconded to the Board to act as its secretariat.

Northern Ireland and the Peace Process

The Department continued to be active throughout 2001 in implementing the Government's commitments in the Good Friday Agreement in respect of those areas for which it is responsible. This included close liaison with the Independent International Commission on Decommissioning (IICD) which has offices in both Dublin and Belfast. On 23 October, 2001 the Commission confirmed that a quantity of IRA arms, including firearms, ammunition and explosives, had been decommissioned in line with a scheme previously agreed between the IRA and the IICD.

The Department participated in the institutions established by the Good Friday Agreement. Many of the matters which fall within the competence of the British-Irish Council and the British-Irish Intergovernmental Conference fall within the Department's remit.

Work continued on the implementation of the recommendations in the report of the Victims' Commission, which conducted a review of services and arrangements in place in this jurisdiction to meet the needs of those who have suffered as a result of violent action associated with the conflict in Northern Ireland. In May, 2001 Government agreement was obtained to the funding by this Department of a Family Support Centre, which aims, primarily, to provide personal support services for those injured and bereaved in the Dublin\Monaghan bombings in 1974. The Centre is run by the Justice for the Forgotten group.

The independent Commissions of Inquiry into the Dublin\Monaghan bombings and the Dundalk bombing

of 1975 carried forward their work during the year.

The Committee appointed by the Minister to carry out a wide-ranging review of the Offences Against the State Acts, 1939-1998, which is chaired by Mr. Justice Anthony Hederman, continued its work. An interim report on the Special Criminal Court was issued by the Committee in August, 2001 and is available on the Department's website, www.justice.ie.

Human Rights

In accordance with the terms of the Belfast Agreement the Government has undertaken to further strengthen the protection of human rights in this jurisdiction, in particular to establish a Human Rights Commission and to examine further the question of incorporating the European Convention on Human Rights into domestic law. The Human Rights Division has responsibility for formulating proposals on both of these matters.

Human Rights Commission

Under the Human Rights Commission Act, 2000, the Government appointed Mr. Justice Donal Barrington, former Judge of the Supreme Court and European Court of First Instance, as President of the Commission. The Government also appointed 14 people as Human Rights Commissioners. The legal basis to extend the membership of the Commission from 9 to 15 persons (including the President) was provided for in the Human Rights Commission (Amendment) Act, 2001.

The main functions of the Commission are the promotion, protection and development of human rights and through its work, to create and foster a human rights culture in the State in line with its extensive statutory mandate. The Commission is

independent in the exercise of its functions as laid down in law.

During 2001 the Human Rights Division continued to provide a support role to the Commission during the early stages of its establishment. A budget of €1.27 million was provided under the Minister's Vote to defray the expenses of the Commission in 2001. The Division also continued negotiations with the Department of Finance on behalf of the Commission on issues such as staffing and finance.

Incorporation of the European Convention on Human Rights into Irish Law

Insofar as the question of incorporation of the European Convention on Human Rights into our law is concerned, the Government has decided to give further and better effect to the Convention in our domestic law by means of the European Convention on Human Rights Bill, 2001. The Bill has reached Committee stage in its passage through the Oireachtas.

Human Rights related legislation

The Human Rights Division has also assumed responsibility for proposals for legislation which has a human rights dimension. Bills under preparation in 2001 included continuing work on the Criminal Law (Insanity) Bill and the drafting of a new Garda Inspectorate and Complaints Bill.

International Issues

Justice and Home Affairs (JHA) continues to be a rapidly growing policy-making area within the European Union. During the course of 2001 a number of steps were taken with a view to promoting an area of freedom, security and justice within the European Union. Of major significance was the impact of the tragic events in the United States on 11 September, 2001. These events were the catalyst for a number of developments including agreement on a Framework Decision on combating terrorism and a Framework Decision on a European Arrest Warrant.

The Department's involvement in EU matters continues to be primarily on two fronts, on the one hand, participation in about 40 Council working groups and committees up to and including the Justice, Home Affairs and Civil Protection Council covering the broad range of JHA matters and, on the other hand, development of the legislative and administrative measures to give effect to decisions of the Council of the European Union (hereafter "the Council").

The European Council held in Laeken in December 2001 evaluated progress being made on the policy orientations and priorities in the JHA area which were established at the Tampere European Council in 1999. The European Council reaffirmed its commitment to the Tampere work programme and noted that while progress had been made a new impetus and guidelines were needed to make up for delays in some areas, for example, in the asylum and migration areas.

In addition to involvement in EU matters, officials of the Department participated in meetings at the Council of Europe, the Hague Conference on Private International Law and the UN.

Police and Judicial Co-operation

1. The Council reached political agreement on the European Arrest Warrant and surrender procedures between Member States. These procedures are intended to replace the current extradition arrangements between Member States for certain crimes.
2. The Council reached political agreement on the Framework Decision on combating terrorism which sets out a common definition of terrorism and a list of terrorist offences.
3. The Council reached political agreement on the draft Protocol to the 2000 Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union. Under the terms of the Protocol a Member State may, in certain circumstances, request another Member State to arrange to identify and provide details of bank accounts held by persons who are the subject of criminal investigations.
4. Political agreement was reached on a Decision setting up Eurojust which will support, stimulate and improve co-ordination and co-operation between the competent national authorities of investigations and prosecutions in the Member States.
5. The Council reached political agreement on the main elements of a draft Framework Decision on combating trafficking in human beings. The aim of the Framework Decision is to ensure the punishment of activities including the recruitment,

transportation, transfer or harbouring of a person for the purpose of exploitation of that person's labour or services.

6. The Council reached agreement on a European crime prevention policy which consists of a number of elements including a European crime prevention network and a proposal by the Commission for a financing programme focusing on co-operation between national crime prevention organisations.
7. The Council adopted a Framework Decision providing, amongst other matters, that Member States should approximate their laws and regulations to attain the objective of affording victims of crime a high level of protection, irrespective of the Member State in which they are present.

Judicial Co-operation in Civil Matters

1. A Regulation was adopted on co-operation between the courts of the Member States in the taking of evidence in civil or commercial matters. The Regulation aims to improve co-operation between the courts of the Member States and is seen as complementing an earlier Regulation on the service of judicial and extrajudicial documents in civil and commercial matters.
2. A Decision was adopted establishing a European Judicial Network in civil and commercial matters. The purpose of this Decision is to improve judicial co-operation between Member States and to

facilitate effective judicial co-operation and access to justice for persons engaging in cross-border litigation in the Member States.

Asylum and Immigration Issues

1. A Directive was adopted on the mutual recognition of decisions on the expulsion of third-country nationals. The purpose of the Directive is to enable the recognition of an expulsion order in one Member State when issued by another Member State.
2. A Regulation was adopted listing the third countries whose nationals must be in possession of visas when crossing external borders and those whose nationals are exempt from that requirement.
3. A Decision was adopted concerning the conclusion of an Agreement between the European Community and Iceland and Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum made in a Member State or in Iceland or Norway.
4. The Council adopted a Directive on temporary protection in case of a mass influx of displaced persons in need of international protection. The Directive includes measures promoting balance between Member States receiving refugees and displaced persons.

Employment Equality

Implementation of the Burden of Proof Directive (97/80/EC)

The EU Directive on the burden of proof in cases of discrimination based on sex (97/80/EC) was implemented with effect from 18 July, 2001. The Directive provides for a shift in the evidential burden of proof from the complainant to the respondent, in gender discrimination cases, when the complainant establishes a prima facie case of discrimination and contains a definition of indirect discrimination based on European Court of Justice case law.

Amendment of Directive on Equal Treatment in Employment between Men and Women (76/207/EEC)

A Council common position was adopted, on 23 July, 2001, on a proposal of the European Parliament and the Council to amend the EU Directive on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (76/207/EEC). The European Parliament adopted a number of amendments to the Council common position in October, 2001. Discussions between the Council and the Parliament in relation to these amendments commenced in January 2002.

Review of Discriminatory Grounds under section 6(4) of the Employment Equality Act 1998

The Employment Equality Act, 1998 came into operation on 18 October, 1999. The Act outlaws discrimination in relation to employment on nine grounds - gender; marital status; family status; sexual orientation; religion; age; disability; race and membership of the Traveller community.

Section 6(4) of the Employment Equality Act 1998 provides that:

“The Minister shall review the operation of this Act, within 2 years of the date of the coming into operation of this section, with a view to assessing whether there is a need to add to the discriminatory grounds set out in this section.”

Section 6(4) was included in the legislation in response to proposals put forward in the course of the passage of the legislation through the Houses of the Oireachtas to extend the grounds covered by the legislation. A similar provision is included in the Equal Status Act, 2000.

As the Act came into operation on 18th October, 1999, the review was due to be conducted by October, 2001. Accordingly, a Round Table Conference was held on 25th September, 2001, attended by representatives of the four pillars of social partnership, the Equality Authority, the Office of the Director of Equality Investigations, the Labour Court and the Departments of Finance; Justice, Equality and Law Reform; An Taoiseach; and Enterprise, Trade and Employment. The review is now complete and the views expressed by participants at the Round Table are being considered.

FAMILY FRIENDLY POLICIES IN EMPLOYMENT

Increases in maternity and adoptive leave

A review of the maternity protection legislation was carried out in 2000 by a Working Group set up by the Department and comprising the social partners and relevant Government Departments and Agencies. *The*

Report of the Working Group on the Review and Improvement of the Maternity Protection Legislation was published on 28th February, 2001. The Government's intention to implement the recommendations of the Working Group was also announced on that date. On foot of the recommendations of the Working Group, the duration of maternity leave was increased, with effect, for all mothers commencing maternity leave or unpaid maternity leave, on or after 8th March, 2001. Maternity leave (attracting payment from Department of Social, Community and Family Affairs subject to satisfaction of certain PRSI contribution conditions) was increased from 14 weeks to 18 weeks, and unpaid maternity leave from 4 weeks to 8 weeks.

The increases were announced as part of Budget 2001 in December, 2000. It was decided in the interests of equity to apply the increases in maternity leave to adoptive leave. Adoptive leave (attracting payment from Department of Social, Community and Family Affairs subject to satisfaction of certain PRSI contribution conditions) was increased from 10 weeks to 14 weeks and unpaid adoptive leave from 4 weeks to 8 weeks.

The Parental Leave Act, 1998

The Parental Leave Act, 1998 which came into operation on 3 December, 1998, provides an individual and non-transferable entitlement to both parents to 14 weeks unpaid leave from work to take care of young children. In general, the leave must be taken before the child reaches five years of age, except in certain circumstances in the case of an adopted child. The Act also provides an entitlement to limited paid *force majeure* leave for urgent family reasons owing to the injury or illness of an immediate family member, in circumstances where the presence of the employee, at

the place where the family member is ill or injured, is indispensable.

In accordance with section 28 of the Parental Leave Act, 1998 and a commitment in the Programme for Prosperity and Fairness, a Working Group was set up by the Department in 2001 to review the operation of the Parental Leave Act. The Working Group, which comprised the social partners, relevant Government Departments and the Equality Authority, concluded the review on 29 November, 2001. As part of the review of the operation of the Act, the Working Group commissioned research to ascertain the uptake levels of parental and *force majeure* leave and the attitudes of both employers, employees and trade union representatives (organisation level) to the provisions of the Act. It is expected that the Report of the Working Group on the Review of the Parental Leave Act, 1998 will be published in early 2002.

State Boards

Since the introduction of a Government policy of a representation of 40% of both genders on State Boards in 1993 the overall percentage of women on State Boards has risen from 15% in 1992 to 29% at December, 2001 and Government and ministerial appointments have increased from 17% to 34% during the same period. A number of pieces of legislation enacted in recent years provide for gender balance on specific state boards. For example, the Employment Equality Act, 1998 which provides for the establishment of the Equality Authority (to replace the Employment Equality Agency) provides that at least 5 of the 12 board members must be female and 5 male.

National Plan for Women

In accordance with a United Nations commitment under the Beijing Platform for Action the Government

is developing a National Plan for Women which when approved by the Government will be forwarded to the United Nations to fulfil Ireland's commitment.

A Draft National Plan for Women was launched by Mary Wallace, the former Minister of State on 16 October, 2001. The Draft Plan is designed to guide and inform a consultation process which formally commenced on the launch of the Draft Plan. The consultation process was extensively advertised and the Draft Plan received wide media coverage.

Submissions were invited from members of the public, women's groups, Non-Governmental Organisations, the social partners, other stakeholders, Government Departments, other statutory bodies and women generally. Grants totalling €277,729 issued to over 200 organisations to facilitate them in making submissions on the draft Plan.

A series of regional fora are scheduled to take place around the country to give an opportunity to women and women's groups to contribute actively to the development of the National Plan for Women 2001 - 2005. The Draft Plan will be amended to incorporate relevant issues which will arise during the consultation process. Following the consultation process the Draft Plan will be finalised.

The Department of Justice, Equality and Law Reform commissioned research to develop mechanisms to monitor progress in achieving gender equality in Ireland. This research entitled *The Development of Mechanisms to Monitor Progress in Achieving Gender Equality in Ireland* was published on 16 October, 2001. The research reviews progress in relation to the implementation of the report of the Second

Commission on the Status of Women and recommends future action - including the development of indicators and a national integrated statistical system; and proposes mechanisms to monitor progress in achieving gender equality in Ireland. The Research will form an invaluable resource in the development of the National Plan for Women. Some of the Report's recommendations may fall to be considered during the Consultation Process. In particular, it is envisaged that the gender equality indicators provided for in Part II of the Plan will build on the material contained in the Research in relation to indicators to monitor progress in achieving gender equality.

Support to the National Women's Council of Ireland

The National Women's Council of Ireland (NWCI) is the national umbrella organisation for women representing approximately 150 non-governmental women's organisation at national, regional and local level. The Council receives an annual grant from the Department.

The NWCI received a grant of €519,322.87, including a developmental grant of €7,618.22 for the organisation Women in the Home (WITH) from the Department in 2001 for general administration, salaries and overheads.

National Development Plan 2000-2006

The Department is responsible for implementing the following measures under the National Development Plan:-

Southern and Eastern and Border, Midland and Western Region Operational Programmes

- Childcare

- Equality for Women
- Crime Prevention (Prison Service Training and Development & Probation and Welfare Service).
- Garda Youth Diversion Programme (Youth Services)

Employment and Human Resources Development Operational Programme

- NDP Gender Equality Unit

The Department also chairs the NDP Equal Opportunities and Social Inclusion Co-ordinating Committee. The role of the Committee is to support the maximum application of commitments on gender equality, social inclusion and equal opportunities within the Plan. Two meetings of the committee took place in 2001 - 14 March and 11 October - the recommendations of which were submitted to the NDP/CSF Monitoring Committee for consideration. The Department is represented on seven NDP Monitoring Committees.

NDP Gender Equality Unit

The NDP Gender Equality Unit was set up under the National Development Plan, 2000 to 2006 (NDP), to promote the incorporation of gender equality in Measures funded under the Plan. The role of the NDP Gender Equality Unit is to advise Government departments and agencies who have responsibility for NDP Measures on the adoption of approaches which facilitate the achievement of greater gender equality. The Unit advised on the adoption of gender equality targets across the Plan and monitors performance against these. Throughout 2001 the Unit provided on-going training and advice to policy makers, commissioned the production of gender dis-aggregated statistics and published research relevant to gender

equality in a number of NDP policy areas. The Unit is represented on all the NDP Monitoring Committees.

More information on the work of the Unit, including material on statistics and research, is available on its web site, at www.ndpgenderequality.ie.

Equality for Women Measure

The Department has been allocated a sum of €29.45 million under the Equality for Women Measure of the National Development Plan. This funding is located in the Regional Operational Programmes and will support initiatives in the following areas:

- Upskilling and re-training of female employees;
- Encouraging entrepreneurship and career development among women;
- Innovative projects for disadvantaged women and women over 50 years of age;
- Support women in decision making;
- Gender proofing of personnel practices;
- Employment family friendly project and sharing of family responsibilities;
- A research and information campaign for women returning to work.

Over 350 applications were received in January 2001 in response to a call for proposals under the first four strands of the Measure. A project selection committee including representatives from the Department, the Regional Assemblies, the Equality Authority and the social partners together with the technical support service for the Measure advised the Minister on proposals for funding. In June, the Minister approved 49 projects for funding totalling €9 million for the period 2001-2004. The list of projects can be found on the Measure web site www.ewm.ie.

The Measure is funding the following research projects:

- Identifying the needs of women returning to the workforce which is managed by the National Women's Council of Ireland on behalf of the Department; draft report in preparation.
- Supporting women's entrepreneurship: a summary of this report is on the Measure web site; the full report is available from Enterprise Ireland.
- Reconciling work and family roles, with particular emphasis on involving men in domestic and family activities. This project is led by the Centre of Women's Studies in Trinity College and involves a team of researchers from Denmark, France, and Italy. The project is EU co-funded.

The Measure also provides the funding for the National Framework Committee for the Development of Family Friendly Policies at the Level of the Enterprise set up under the Programme for Prosperity and Fairness. This Committee is chaired by the Department of Enterprise, Trade and Employment. (See that Department's annual report and web site www.familyfriendly.ie for details).

The Equality Authority, on behalf of the Department, is delivering the strand on gender proofing of personnel practices through Equality Reviews and Action Plans. A panel of gender equality auditors has been established who are available to do this work. In November 2001 organisations were invited to indicate their interest in participating in this initiative.

The Department secured additional funding under the Employment and Human Resource Development Operational Programme in 2001. This funding, totalling €6.097m will fund an additional 22 projects under the

Measure.

Male/Female Wage Differentials

In accordance with the commitment in the Programme for Prosperity and Fairness, the Consultative Group on Male/Female Wage Differentials was established in 2001. The Group, which is chaired by this Department, will undertake the following tasks:

- Oversee the finalisation of the ESRI report on Male/Female Wage Differentials;
- Consider the recommendations of the ESRI research including the case for a sectoral analysis in both the public and private sectors;
- Develop proposals for action/s to address issues identified in the Report for consideration by Government.

The ESRI report, *How Unequal, Men and Women in the Irish Labour Market*, was published in 2000. The Group identified the following areas for sectoral studies on the gender pay gap: IT (including electrical and electronic), retail, food and local government. This work is being carried out in partnership with Finland, Sweden and Northern Ireland under funding provided by the EU Gender Equality Programme 2001-2005.

Gender Mainstreaming

The Department is seeking to have gender equality incorporated in Measures funded under the National Development Plan (see above NDP Gender Equality Unit). In addition, the Department is represented on an EU high level committee on mainstreaming gender equality. The Committee had two meetings in 2001. The Department is also represented on the Management Committee for the EU Gender Equality Programme 2001-5 which met three times in 2001.

The Department advertised in the national papers the availability of funding under this programme.

The Department is also represented on the following inter-departmental committees:

- Lifelong Learning Task Force
- Corporate Social Responsibility

Equality in Society

Equal Status Act, 2000

The Equal Status Act, 2000, came into operation on 25 October, 2000. This Act gives protection against discrimination in non-workplace areas and thus complements the Employment Equality Act, 1998. The Act prohibits direct and indirect discrimination on the grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race, colour, nationality, national or ethnic origin and membership of the Traveller community and "victimisation", where an individual is treated less favourably as a result of having participated in processes under the legislation. The Act covers all goods and services which are available to the public, whether on payment or not and irrespective of whether provided by the public sector or private sector. "Services" are defined broadly to include access to public places, banking and insurance services, entertainment, travel, transport, professional services, education, disposal of premises and provision of accommodation and registered clubs. The provisions of the Act are subject to some exemptions. Under the Act, the Equality Authority and the Office of the Director of Equality Investigations had their remit broadened to include equal status matters, with effect from the above commencement date.

In 2001, the Equality Authority had 660 Equal Status cases referred to it for advice. The Office of the Director of Equality Investigations had 854 Equal Status cases registered at 31 December, 2001.

European Union anti-discrimination strategy

The Department participated in EU negotiations during 2001 on actions under Article 13 of the Treaty (as amended by the Amsterdam Treaty). Article 13 allows the Community to take action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Under Article 13, the Council of the European Union considered and adopted, during 2000, two anti-discrimination Directives addressed to Member States and a Council decision establishing a Community Action Programme to combat discrimination, as follows:

- **Race Directive**

A Directive adopted on 29 June, 2000 **[2000/43/EC]** implementing the principle of equal treatment between persons irrespective of racial and ethnic origin. The Directive covers employment but extends beyond the workplace to goods and services and areas such as social security, health-care, social advantages (e.g. concessionary travel), education and cultural activities. This Directive is to be transposed by July 2003.

- **Employment Directive**

A Directive adopted on 27 November, 2000 **[2000/78/EC]** establishing a general framework for combating discrimination in employment and occupation on grounds of religion or belief, disability, age or sexual orientation. This Directive is

to be transposed by December 2003 (subject to a limited extension until December 2006 for the provisions relating to age and disability discrimination).

- **Community Action Programme**

A Council decision also adopted on 27 November, 2000 **[2000/750/EC]** establishing a Community Action Programme for the period 2001 to 2006 to support the efforts of Member States to combat discrimination across the EU. Funding of €98.6m is being allocated from the EU budget over the life span of the Programme.

The Directives are 'framework Directives' which, while setting certain minimum standards, are intended to give flexibility to Member States in their implementation. Neither Directive extends to discrimination on grounds of gender as this is dealt with separately under a separate programme. Giving full effect to the two Directives will require amendments to the Employment Equality Act, 1998 and the Equal Status Act, 2000, which will be brought forward following examination of the Directives by the Department to this end. A Programme Committee is in place to assist and advise the European Commission in the implementation of the Community Action Programme activities. Ireland is represented on the Committee by officials of the Department.

The Department will provide information to the public during 2002 about the opportunities which the Community Action Programme offers.

Developments in EU and International law

Ireland formally ratified the UN Convention on the

Elimination of All Forms of Racial Discrimination [CERD] at the end of December 2000. The UN Convention entered into force for the State on 28 January, 2001. The Convention requires that state parties have in place an effective means of redress for those who have experienced racial discrimination. Ratification of the Convention fulfilled a commitment in the Government's Action Plan for the Millennium.

PPF Equality Proofing

Equality proofing is a process whereby policies are evaluated for any possible adverse impact on groups protected by equality legislation. The Working Group on Equality Proofing which was established in 2000 is chaired by an official from the Equal Status Division of the Department. The first phase included a number of pilot projects, e.g., selected measures in employment/education under the National Employment Action Plan, a legislative proposal, proofing of County Development Strategies and a public private partnership initiative. The Working Group will continue to oversee implementation of the pilot projects.

United Nations - World Conference on Racism 2001

The UN World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance took place in Durban, South Africa from 31 August to 8 September, 2001. The Department of Justice, Equality and Law Reform participated at official and at Ministerial level in the World Conference.

The main objectives of the Conference were:

- To review progress in the fight against racism and to identify obstacles to progress;
- To see how existing ways of combating racism can

be improved;

- To increase the level of awareness about racism;
- To see how the UN could be more effective in combating racism and
- To review the historical and other factors leading to racism.

The World Conference produced an agreed Declaration and Action Plan. This Action Plan has the potential to impact at global, regional and national levels. In particular, each participating national government, including Ireland's, is committed to drawing up a national action plan to address racism.

It is proposed to draw up our national action plan in partnership with statutory organisations and civil society. A consultative process is planned and seminars and workshops will be held to allow for the participation of all interested parties in the preparation of the plan.

Task Force on the Travelling Community

In June 1998, the Minister for Justice, Equality and Law Reform established a Committee to Monitor and Co-ordinate the Implementation of the Recommendations of the Task Force on the Travelling Community. The Committee, which is chaired by the Department, is representative of Traveller interests, social partners and relevant Government Departments.

The first progress report on the implementation of the recommendations of the Task Force was published in April, 2001.

Traveller Communication Strategy

2001 was the third year of the Traveller Communication Programme, entitled "Citizen Traveller" which is funded by the Department (€380,921 per year over a three-year period). A number of projects and activities took place during the year as part of the campaign, including, a Traveller focus week, media skills training for Traveller organisations, outdoor advertising, radio advertisements, media workshops and the circulation of information packs.

The "Citizen Traveller" campaign aims to address the underlying causes of mistrust between Travellers and the settled community and to promote a greater understanding between both communities. Its overall strategy is divided into a number of distinct programmes, i.e. market research, lobbying, media relations advertising/promotions, appropriate training, and ongoing community activities involving settled and Traveller communities.

Traveller Mediation Service

Financial support of €126,974 was provided in 2001 towards a Traveller Mediation Service operated by Pavee Point Traveller Centre.

The service is an initiative of Pavee Point Travellers Centre and it provides a mechanism for responding constructively to the various conflicts and disputes which arise between Travellers and members of the settled community. One of its objectives is to include local authority officials, gardaí, politicians, community leaders, Travellers and Traveller support groups and resident associations to encourage such people to develop new and constructive approaches to the resolution of disputes.

Racism

National Consultative Committee on Racism and Interculturalism

The National Consultative Committee on Racism and Interculturalism was established in July 1998, with funding from the Department. The Committee is a partnership of non-governmental organisations, state agencies, social partners and Government Departments. The Committee was provided with an allocation of €250,138 to fund its programme of activities in 2001.

The Committee's programme for 2001 included:

- Establishing a system of reporting and responding to racist incidents.
- Developing the training and resource unit which has been actively involved in delivering anti-racism training both to Government and Non Government agencies.
- The publication of a range of materials, resources and publications on addressing racism in Ireland.
- Informing policy in relation to the United Nations World Conference against Racism.
- Informing policy in relation to the outcome documents from the World Conference and the drawing up of a National Plan against Racism.
- Implementing awareness raising initiatives and events.

National Anti-Racism Public Awareness Programme

Background

In October, 2000 the Government agreed to a proposal from the Minister for Justice, Equality and Law Reform to implement a public awareness programme

to address racism and to promote a more inclusive, intercultural society. A core budget of €5.7 million was allocated to the programme over a three-year period. The programme is implemented by a high level steering group in partnership with the Minister for Justice, Equality and Law Reform.

Progress to Date

The initial strategy adopted by the steering group in the first phase of the programme was to (a) develop its understanding of racism, (b) devise a brand image for the programme, (c) engage with community groups, and (d) embark on a number of partnership ventures.

(a) Understanding Racism:

Research was commissioned to review existing surveys on racism. The results provided an insight into racist attitudes and fears which exist and will help in developing the messages in the forthcoming advertising campaign. It is expected that a summary of the research report will be published during 2002.

(b) Brand Image:

A major new national programme -kNOw RACISM- that aims to increase awareness of racism and help contribute to create the conditions to build an inclusive and intercultural society in Ireland was launched by An Taoiseach, Mr. Bertie Ahern T.D., An Tánaiste, Ms. Mary Harney T.D., Mr. John O'Donoghue T.D. Minister for Justice, Equality and Law Reform and Mr. Joe McDonagh, Chairman of the Programme Steering Group. The national launch took place in October, 2001 followed by a regional launch in Galway

in November, 2001. Further regional launches are planned for Limerick and Cork.

(c) Community Groups:

There was an urgent demand for support for local awareness initiatives. Two rounds of grant schemes were launched in May and October 2001. €634,869 was provided to 300 successful projects, (including 14 demonstration projects) in 23 counties.

(d) Partnership Ventures:

The steering group embarked on a number of partnership ventures, e.g., the Anti-Racist Workplace Week; Compact Disc of Anti-Racist Songs; Feasibility Study for a nationwide Music Against Racism event; display of kNOw RACISM banner at major football games; co-funding of a 10 week TV multicultural series of programmes on RTE ONE (due to go on air during 2002); grant scheme for political parties, and a programme emblem designed by John Rocha.

The total amount expended on the awareness programme in 2001 was €1,396,712.

The Department of Justice, Equality and Law Reform was given responsibility, by the Government, for the development and delivery of the National Childcare Strategy through the Equal Opportunities Childcare Programme 2000 - 2006.

Childcare is identified as a priority in the National Development Plan which is providing €317.43 million, co-funded by the European Union, to the Department through the BMW and SE Regional Operational Programmes to fund the development of childcare provision over the period 2000 to 2006.

The funding available to the Department of Justice, Equality and Law Reform for the development of childcare has now increased to €436.7 million over the period 2000 - 2006. The increase arises firstly through the provision of additional funding from the Anti-Inflationary package, negotiated in mid-2000. Furthermore, in February 2001, the Cabinet Committee on Social Inclusion decided to transfer to the Department of Justice, Equality and Law Reform responsibility and certain funding for certain childcare initiatives previously included in the Votes of the Departments of Education and Science and Social, Community and Family Affairs.

The Equal Opportunities Childcare Programme 2000 - 2006

The Equal Opportunities Childcare Programme facilitates the further development and expansion of childcare facilities to address the needs of men and women in reconciling their childcare needs with their participation in employment, training and education.

The Programme provides capital grant assistance to community/not for profit organisations and to private

childcare providers to increase the supply of childcare places or enhance the quality of existing places. It offers staffing grants to community based/not for profit organisations which have a focus on disadvantage and offers supports to the National Voluntary Childcare Organisations and to other groups which are working to improve the quality of childcare in Ireland.

The Department worked in partnership with Area Development Management Ltd. (ADM) in administering the Programme. Significant progress was made towards implementing the Equal Opportunities Childcare Programme during 2001. The Minister approved, on the recommendation of the Programme Appraisal Committee, a total of 636 new applications for funding under the Capital, Staffing and Quality Improvement Strands of the Programme. Under the Capital and Staffing Grant Schemes a total of 617 projects were approved which will maintain almost 11,000 existing childcare places and lead to the creation of almost 9,000 new childcare places.

National Co-ordinating Childcare Committee (NCCC)

The National Co-ordinating Childcare Committee's principal role is to oversee the development of a childcare infrastructure in an integrated manner throughout the country. It is chaired by the Department of Justice, Equality and Law Reform and membership comprises representatives of the statutory and non-statutory sector, including the Social Partners and Regional Assemblies. The NCCC met 6 times in 2001 and provided a productive forum for discussion and exchanges of views on key policy issues among the key players involved in the childcare sector. Much of the preparatory work for the NCCC is carried out by the Sub-Groups with

secretarial/executive support from the Department.

Key developments in 2001

- The NCCC agreed the process of establishment for County and City Childcare Committees.
- Following a recommendation from the NCCC, an **Advisory Subgroup** was established to examine childcare needs of children with special requirements, children of minority ethnic groups and Traveller children and to proof the work of the sector on issues such as poverty, equality and diversity.
- A **Working Group on School Age Childcare** was established in June 2001 to review existing provision of school age childcare in Ireland and in other jurisdictions. The Working Group will develop guidelines on quality standards for school age childcare and make proposals for the development of school age childcare services. It is expected that the group will report to the National Co-ordinating Childcare Committee in 2002.
- The **Certifying Bodies Subgroup**, established in February 2000, continued to develop an agreed framework encompassing all levels of childcare training from Foundation Level to third level courses. When this is completed, the National Qualifications Authority of Ireland will be requested to consider selecting childcare as one of its first projects for qualifications recognition purposes. In 2001, the core standard for the occupational role of Childcare Supervisor was completed and pilot course modules were developed. It is expected that pilot Childcare Supervisor courses will progress during 2002.

County/City Childcare Committees

The National Childcare Strategy has assigned the County/City Childcare Committees as the key local components in the development of a co-ordinated approach to quality childcare. Their strategic focus is to advance the provision of quality childcare facilities and services within their designated local areas. The role and function of County Childcare Committees is in addition to other existing support and advisory services (Statutory and Non Statutory) and is expected to reinforce, enhance and provide a co-ordination mechanism at county level.

During 2001, the Department, in partnership with ADM Ltd. set about the task of establishing the County and City Childcare Committee structure. Excellent progress was made and by the end of the year all 33 County/City Childcare Committees had been established. The Regional Health Boards appointed facilitators who played a key role in developing this new structure and their contribution must be acknowledged. To further assist the establishment process, the Department and ADM Ltd. participated in two lively and informative seminars for the Chairpersons of the County Childcare Committees.

Each County/City Childcare Committee was asked to prepare a five year Strategic Plan for the development of childcare services to address the specific needs of its own area and an annual action plan to implement its strategy.

Financial support for the County/City Childcare Committees and for the implementation of their Annual Development Plans is being made available from Sub-measure 3 - Quality Improvement of the

Equal Opportunities Childcare Programme 2000 - 2006.

Information presentations

The Department responded to requests for information presentations throughout the country on childcare funding during 2001. These presentations were mainly at the request of Community Development Groups or Partnership Companies and were directed at either existing childcare providers or persons with an interest in moving into this sector.

Statistics

Equal Opportunities Childcare Programme 2000-2006

Applications Received

1504 applications for funding under capital and staffing grants under the Equal Opportunities Childcare Programme have been received up to 31 December, 2001. Of the applications received, **402** relate to capital projects for community based childcare facilities (including out-of-school hours applications), **647** relate to staffing grants for community based childcare services and **455** applications are for self-employed & private childcare projects.

Applications Approved

To end December, 2001 a total of **€101.479 million** has been allocated under the childcare measure to **943** projects throughout the country.

Table 1. Financial Allocations
Projects Approved under Equal Opportunities Childcare Programme 2000-2006

Measure/Sub-Measure	No. of Projects approved	Amount Committed (€million)
Childcare Facilities Measure		
Childcare Facilities	497	33.693
Staffing and Quality Improvement Measure		
Support for Staffing Cost in Childcare Facilities	396	52.912
Quality Improvement	50	14.869
TOTAL	943	101.479

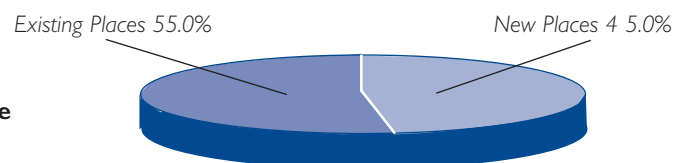
In terms of the overall impact of the programme it is estimated that the funding allocated to end December, 2001 will support **14,857** existing childcare places and lead to the establishment of **12,219** new childcare places. In all, some **27,076** childcare places will be supported. In addition, **1,808** trained childcare workers, of which **1,006** are new, will be supported under the Support for Staffing Costs Sub-Measure of the Programme.

Table 2. Impact of the Programme of Childcare Facilities

Measure/Sub-Measure	No. of Projects Approved	New Places Supported	Existing Places Supported	Total Places Supported
Childcare Facilities	497	8,444	7,454	15,898
Support for Staffing Costs	396	3,775	7,403	11,178
TOTAL	893	12,219	14,857	27,076

Appendix 'A'

Childcare Places Supported
Equal Opportunities Childcare Programme
July 2000 to 31 December 2001



Disability Issues

Disability Issues

Developing and pursuing equal opportunity and equal access policies for people with disabilities is one of the key objectives of the Department's strategy for equality. The Department continues to be active on a number of fronts providing a focal point for disability equality policy and legislation development following the introduction of mainstreamed public service provision for people with disabilities in June, 2000. These activities include active participation in a number of Interdepartmental Committees and in the European Union, the Council of Europe and other international fora which have an impact on policy for people with disabilities.

Legislation

The Disability Bill, 2001 was published on 19 December, 2001 providing for a series of broad ranging measures to advance and underpin the equal participation of people with disabilities in society. These measures include requirements for accessible public services including public transport and health services and public sector employment of people with disabilities. The establishment of a national Centre in Universal Design and a moratorium on the commercial use of information from genetic testing are examples of other broad-ranging provisions included in the Bill. The Bill supports the principle of mainstreaming and includes a range of measures to remove barriers where they exist and ensure proactive approaches where they are needed.

Mainstreaming and the National Disability Authority (NDA)

The National Disability Authority (NDA) was established in June, 2000 when mainstream disability

policy was introduced. The strategic plan for the NDA was adopted in May, 2001.

Equal Opportunity Policies and Initiatives for People with Disabilities

Employment Target

The Department has responsibility for chairing the Monitoring Committee in relation to the 3% target for the employment of people with disabilities in the public sector (excluding the Civil Service which is monitored by the Department of Finance). Over the last 2 years a number of initiatives have been undertaken in partnership with the Equality Authority to encourage progress in relation to achievement of the target including a series of information seminars and the development of brochures.

A research project was also undertaken to compare and contrast recruitment and employment practices in a small number of public service organisations in order to identify effective practices for the employment and retention of personnel with disabilities. The report, "Effective Recruitment of People with Disabilities into the Public Service, 2000", was launched by the Minister of State in November, 2001. It identifies a range of issues and outlines proposed measures to support achievement of the target.

The PPF requires that every Department ensures that public bodies under its aegis achieve the target at an early date. The Disability Bill, 2001 will give the 3% target a statutory footing.

People with Disabilities in Ireland Ltd

The Department of Justice, Equality and Law Reform

continues to support People with Disabilities in Ireland (PwDI) Ltd which is a non-profit making independent body providing a representative structure for people with disabilities, their families, carers and advocates. PwDI Ltd operates through a national office comprising 13 personnel in Dublin and at local level through 30 Disability Networks at county level. The first elected Board of PwDI Ltd was appointed on 12 May, 2001. PwDI receives an annual grant aid from the Department and €1,269,738 was approved for 2001.

Disability Forum

Developments across Departments in the area of disability are monitored by a Disability Forum which meets twice yearly under the chair of the Minister of State at the Department who has special responsibilities for equality and disability.

eAccessibility

The Department participates in the EU eAccessibility Expert Group in relation to implementing initiatives under the eEurope Action Plan to remove barriers to the participation of people with disabilities in the knowledge-based society. One of the initiatives being considered is the establishment of a National Centre for Excellence in eDesign for All in every member state.

Disability Awareness

National Information Days on Disability have been held each November since 1997 (co-funded by the Department and the EU Commission). A "Design for All" Information Day was held on Monday 22 October, 2001 in Dublin Castle. It focused on the design of the built environment and how it impacts on the lives of people with disabilities. Participants included people with disabilities and their representatives, disability interest groups, designers, architects, service providers,

the Social Partners, local authorities, private enterprise and representatives of Government Departments and agencies.

Programme for Prosperity and Fairness (PPF)

A major commitment has been given under the PPF for public services to be made accessible within a five year time-frame. The National Disability Authority, in conjunction with the Department of Justice, Equality and Law Reform will be responsible for monitoring, guiding and auditing progress made by Government Departments and agencies under their remit towards

achievement of this commitment over the course of the programme. The National Disability Authority is putting arrangements in place in this regard.

In accordance with the PPF, the Department of Justice, Equality and Law Reform is charged with putting arrangements in place to review and identify key statistical needs in relation to people with disabilities or categories of people with disabilities for the purposes of informing policy, planning and the delivery of services. In that regard, Government Departments were contacted to provide an outline of the areas involved and their individual statistical needs.

Immigration, Citizenship and Asylum

2001 continued to present major challenges in the areas of Immigration, Citizenship and asylum.

Immigration

Development of Immigration Policy and Legislation

During 2001 a framework for the development of immigration policy and the proposed new immigration legislation to replace the Aliens Act, 1935 was drawn up. The four main elements were as follows:

- the establishment of a Cross-Departmental Group on Immigration chaired by the Department of Justice, Equality and Law Reform,
- a public consultation and information gathering process involving a public request for submissions on the development of new immigration legislation,
- a study of international legislation and practice in the field of immigration, employing external expertise,
- an internal review of practices in Immigration and Citizenship Division with a view to improving service to the public.

On foot of the outcome of these four elements, a draft scheme for new Immigration and Residence legislation will be prepared.

Carriers Liability

During 2001, work on the preparation of carriers liability legislation continued with a view to improving

controls on illegal migration into Ireland.

Voluntary Assisted Return Programme

A pilot scheme to be operated by the I.O.M. (International Organization for Migration) aimed at assisting persons to voluntarily return to their country of origin but who do not have the means to do so was launched by the Minister on 20 November, 2001 when he officially opened the IOM's Dublin office.

The object of the project is to assist 200 asylum seekers to return voluntarily to their countries of origin. As this is a pilot project it will be used as a learning experience for both the Department and the IOM. The cost of the pilot project will be in the region of €406,000 and it will last for one year. If successful the project may be extended.

Entry and Residence

The Department is responsible for the entry to, and residence in, the State of non-nationals in accordance with the Aliens Act, 1935 and the Orders made thereunder as well as the relevant EC law regarding the rights of residence of nationals of EEA States (EU Member States plus Norway, Iceland and Liechtenstein).

Servicing the needs of Ireland's non-national community has now become a major operation. The Division is required to deal with a broad range of issues including the more problematic type of visa applications which are referred from the Department of Foreign Affairs, applications for permission to remain in the State on the basis of a change in status (e.g. Irish born child, marriage to an Irish/EU national), business permission applications, citizenship applications etc.. The number of decisions of that type made by the Division in 2001 was 41,807 which represents an increase of 43% on the previous year.

Visas

Overall policy in relation to the issuing of visas is the responsibility of the Department of Justice, Equality and Law Reform. A visa is a form of pre-clearance for nationals of countries (other than those exempted under the Aliens Order) who wish to come to Ireland. The grant of a visa allows the holder to present himself or herself at Irish immigration controls for entry into the State.

In the year under report, 32,869 visa applications (including applications for pre-entry visas) were dealt with by this Department representing a 34% increase on the number dealt with in 2000 and a 92% increase on the number dealt with in 1999.

Figures for the overall number of applications in 2001 (i.e. including those dealt with by Embassies/Department of Foreign Affairs) are not available from the Department of Foreign Affairs. The overall number for the year 2000 was 68,000.

Leave to land

Persons (other than Irish or British citizens) must present themselves to an Immigration Officer for leave to land and must satisfy an Immigration Officer that they comply with Irish immigration laws.

The legal requirements to gain entry include possession of a current valid passport (or an EEA national identity document) and, for nationals of certain non-EEA States, a visa. For all non-EEA nationals, evidence of the purpose of the visit and of sufficient funds for that purpose may be sought. Non-EEA nationals intending to enter for the purpose of employment must also be in possession of a valid Work Permit or other authorisation to take up

employment.

In the case of arrivals from the UK, the Common Travel Area arrangements permit nationals of this State and of the UK to travel freely between the two jurisdictions without the need to carry a passport. Nationals of other states are required by law to be in possession of such documents (and of visas where necessary). Since 29 June, 1997, Immigration Officers have had the power to carry out checks on persons arriving from the UK to establish whether they are entitled to enter the State.

In 2001, 3301 persons were refused leave to land at the frontiers of the State and returned to their countries of embarkation.

Permission to remain and residence permits

Non-EEA nationals who remain in the State for more than three months are required to register with their local Garda Registration Office, which is located at the nearest Garda Superintendent's Office or, in the case of those within the Dublin Metropolitan Area, with the Garda National Immigration Bureau's Immigration Registration Office, Harcourt Square, Dublin 2. The foregoing does not apply to asylum applicants who are given a temporary residence certificate by the Refugee Applications Commissioner:

At the end of 2001, there were 90,446 non-EEA nationals registered in the State. This represents a 92% increase on the number registered in 2000 (47,262). The figures for 1999 and 1998 were 29,646 and 22,546 respectively. These figures exclude persons under 16, female spouses of Irish nationals as well as persons seeking asylum. The top five nationalities involved in descending order were China, United

States, Nigeria, Philippines and Latvia.

These figures reflect the fact that certain categories of permission to remain have increased significantly in recent years. For example the number of work permits issued to Irish employers in respect of non-EEA national workers by the Department of Enterprise, Trade and Employment in the year 2001 was 36,000. The figures for 2000 and 1999 were 18,000 and 6,000 respectively. The number of persons granted permission to remain on the basis of having an Irish born child in 2001 was 3,174 as opposed to 1,515 in 2000 and 1,428 in 1999. In addition there were approximately 5,500 Irish born child applications on hand at the end of the year. It should also be noted that the successful marketing of Irish education services abroad, particularly as part of the Government's Asia Strategy, has resulted in large numbers of non-EEA national students being admitted to this jurisdiction to pursue courses of study.

EEA nationals may apply to the Minister for an EEA Residence Permit as evidence of their entitlement to reside in the State. Such permits can be issued for up to 5 years.

Garda National Immigration Bureau

There has been a considerable investment by Government in their asylum and immigration strategy which comprises a series of integrated initiatives to deal with the significant number of persons seeking asylum in the State, persons who are illegally present in the State and the enforcement of immigration law generally. The establishment of the Garda National Immigration Bureau on 9 May, 2000 is a central element in that strategy. The Bureau has made significant progress since in the implementation of

those elements of the strategy which come within its ambit which include:

- the effective co-ordination of activities leading to the execution of deportation orders;
- the effective co-ordination of operational strategies and resources from point of entry into the State (airports, ports and border crossings);
- the co-ordination and direction of strategies to combat trafficking in illegal immigrants;
- the strengthening of international liaison arrangements on relevant immigration issues including liaison with Garda liaison officers based abroad;
- the provision of non-national registration service and the enforcement of immigration law generally.

On 21 September, 2001 a computerised registration system was introduced - the objective being to transform the registration system in the Garda National Immigration Bureau's Immigration Registration Office in Dublin and the Registration Office in Anglesea Street in Cork from an entirely paper based one to a computerised one. The primary objective was to facilitate customer service. In addition other non-computerised Garda District Registration Offices throughout the country now post registration details to the Dublin Office where the details are inputted into the computer and registration certificates are issued by post to the District Offices in question.

Upon registration a non-EEA national is issued with a Garda Registration Certificate. Every registered non-

EEA national is required by law to produce on demand his/her Garda Registration Certificate to an immigration officer or a member of an Garda Síochána. Thus it is a valuable document and failure to register or failure to produce the document on demand without a reasonable explanation constitutes a criminal offence.

The Registration Certificate issued to a non-EEA national includes biographical details (including photograph). The security features embodied in the new high security card make it difficult for criminals to abuse them through counterfeit or forgery.

Wexford Trafficking Deaths

On Saturday, 8 December 2001, Ireland witnessed first hand the grim reality of human trafficking with the shocking discovery in County Wexford of eight deceased Turkish nationals in a container. The container had travelled from Zeebrugge in Belgium to Ireland. Five persons survived this ordeal. Two family groups were amongst the deceased with the mother of one group and the father of another amongst the survivors. Four of the deceased were minors.

The tragedy in Wexford was the subject of a major Garda Investigation involving Gardai in Wexford, the Garda National Immigration Bureau and the National Bureau of Criminal Investigation and authorities in other jurisdictions. Every assistance was provided by the Irish authorities to the survivors, their relatives as well as relatives of the deceased. The bodies of all of the victims were sent out of the country for burial, in accordance with the wishes of their next of kin. One of the survivors was admitted to the United Kingdom by agreement with the Irish authorities at her request. Permission to remain in the State on humanitarian grounds was granted to all four remaining survivors.

Deportations & Voluntary Returns

The power to deport is vested in the Minister under Section 3 of the Immigration Act, 1999. Deportations commenced under the Act in November, 1999. The position since then up until the end of December, 2001 is as follows:-

Year	Deportation Orders Made	Persons Deported	Returned Voluntarily
1999	102	6	37
2000	940	187	248
2001	2025	365	365

In the same period 43 other persons left the State before their deportations could be enforced and 1742 persons evaded deportation or are not at their last known address for the purpose of service.

Legal Challenges to Deportation Orders

During the first half of the year 2001, the number of deportation orders subject to legal challenge through judicial review continued to rise sharply. At the end of June, 348 deportation orders were subject to judicial review. On 30 July, 2001 the Supreme Court delivered its judgements in the P,L,B cases. The judgement affirmed the procedures followed by the Minister under the Immigration Act, 1999 in making deportation orders and consequently the grounds for future challenges were significantly narrowed. Arising from that judgement, several cases were struck out and as at 31 December, 2001 the number of deportation orders subject to legal challenge had dropped to 135. Prior to the P, L, B judgement the rate of occurrence of judicial reviews of deportation orders made was approximately 20%. Following the Supreme Court judgement that rate dropped to 3%.

Two other significant judgements of the Supreme Court were delivered during the year.

In the *Dimitru P* Case, the Supreme Court upheld on appeal, as good service a deportation notification sent to the applicant at the address most recently furnished by him to the Minister. In the case of GK, MM, ZM & PK, the Supreme Court clarified the threshold an applicant is required to satisfy for the purposes of being granted an extension of time for seeking Judicial Review.

Readmission Agreements

Readmission Agreements provide a mechanism for the readmission of certain categories of persons at the request of one of the Contracting Parties. They are intended, inter alia, to enhance the deportation process by providing a structured framework within which persons who do not or no longer satisfy the conditions in force for entry or residence on the territory of one Contracting Party can be returned to the other Contracting Party.

During 2001, the Minister for Justice, Equality and Law Reform signed Readmission Agreements with Nigeria and Poland. An Agreement with Bulgaria was also approved by Government in 2001. This brought to four the number of such Agreements which have been concluded by the State, an Agreement with Romania having been finalised in 2000.

Citizenship

The Department is responsible for applications for naturalisation and for declarations of post nuptial citizenship for persons normally resident in Ireland.

A non national can apply for naturalisation, once he or she has fulfilled certain statutory conditions for naturalisation, including having five years residency in the State and being of good character. Naturalisation is at the Minister's absolute discretion. The Minister may also, in his absolute discretion, grant naturalisation where the conditions for naturalisation are not fulfilled, but where certain other circumstances are present, for example, where the applicant is of Irish descent or has Irish associations.

The following are details of the numbers of applications received and certificates issued for the year under report and the previous year:-

Year	Applications Received	Certificates Issued
2000	1004	125
2001	1426	1014

Spouses of Irish citizens can obtain Irish citizenship after three years of marriage. In 2001, 1419 certificates were issued to such persons compared with 948 in 2000. The Department processes applications from persons normally resident in Ireland. The Department of Foreign Affairs, through its embassies and consular missions, deals with applications from persons resident outside Ireland and forwards the processed applications to this Department for finalisation.

The increased number of applications processed in the year 2001 is due to the introduction of more streamlined procedures and to the provision of additional staffing resources.

Asylum

Recent Trends in Asylum Applications

The number of applications received for asylum during 2001 continued to pose an important challenge for the Department in terms of meeting the State's obligations under national and international law, in terms of the substantial additional resources which had to be committed to the processing of asylum applications and in providing the necessary accommodation and other support services which asylum seekers require while awaiting determination of their claims.

Asylum applications have risen in recent years from a level of just over 400 in 1995 to 10,325 applications in 2001. However, asylum applications received in 2001 showed a 5.6% reduction when compared with the same period in 2000, namely, from 10,938 applications in 2000 to 10,325 in 2001.

The main source countries for 2001 continued to be Nigeria and Romania, but applications from Romania decreased (there was a 43.45% reduction compared to 2000). The top five source countries for 2001 in descending order were Nigeria, Romania, Moldova, Ukraine and Russia.

Government's Asylum Strategy

The Department continued to have a major input into the implementation of the Government's asylum strategy during 2001, which is aimed at achieving a number of strategic objectives, namely:

- greatly increased processing capacity to deliver more speedy decisions in relation to applications for refugee status leading to the completion to finality of the processing of all new asylum

applications within a six month period,

- the elimination of the asylum applications currently on hand as soon as possible, and
- dealing with the increased numbers of repatriations arising in respect of persons who do not qualify for refugee status.

In 2000, the Government approved the recruitment of 370 additional staff for the asylum case processing, appeals and immigration areas of the Department. Many of these staff took up duty in the Department during 2001. In addition, as 160 of these staff had to be recruited in an atypical manner, the Department, in association with the Office of the Refugee Applications Commissioner (ORAC) and the Refugee Appeals Tribunal (RAT), undertook a major recruitment exercise involving public advertisements and interviewing.

Budget

The dedicated budget allocated to the asylum and immigration areas of the Department's Vote increased by over 300% from €10.4461 million in 2000 to €31.4806 million in 2001.

Legislation

The Refugee Act, 1996, as amended by the Immigration Act, 1999 and the Illegal Immigrants (Trafficking) Act, 2000, has been fully commenced since 20 November, 2000. This placed the procedures for processing applications for refugee status on a statutory footing. Under the Act, two independent statutory offices are operating, namely, the Office of the Refugee Applications Commissioner (ORAC) which considers applications for a declaration as a refugee at first instance, and the Refugee Appeals Tribunal (RAT), which considers applications for a declaration at appeal

stage. Throughout 2001, these offices continued to make a very significant contribution to the Government's asylum processing strategy, with major advances being made in speeding up the processing of applications and in reducing the number of claims on hands, particularly for more than six months.

Refugee Legal Service

The Department provided €10.2836 million in 2001 compared with €1.27 million in 2000 for the development and operation of the Refugee Legal Service to provide a legal aid and advice service to asylum seekers at all stages of the asylum process. The increase in resources allocated to the RLS, aligned with the expansion of RLS activities outside Dublin in 2001, resulted in more comprehensive service provision during the year.

Processing of Asylum Applications

As indicated, during 2001, the increase in processing capacity which was put in place as part of the Government's asylum strategy allowed the ORAC and RAT to make a significant impact on the processing of applications on hand and on new applications received and contributed to a progressive reduction in processing times. From July 2001, cases scheduled, processed and completed significantly exceeded intake. For example:

- In October, 892 applications were received, 1,213 interviews were scheduled and 1,506 cases processed;
- In November, 904 applications were received, 1,220 interviews were scheduled and 1,743 cases processed;
- In December, 960 applications were received, 645 interviews were scheduled and 1,152 cases processed to completion.

Over 97% of pre-2001 cases outstanding or received since 20 November, 2000 were offered a substantive interview during 2001. Thus, going into early 2002, the ORAC was focusing on applications submitted in 2001.

The total number of cases processed by the ORAC in 2001 was 12,142. The total number of appeals completed by the RAT in 2001 was 3,472.

On 31 December, 2001, the number of cases in ORAC and RAT awaiting a decision which were more than six months old was approximately 4,420 and the majority of those cases were in the final stages of processing.

In the ORAC, the number of interviews scheduled for 2001 was more than double the figure for 2000. The RAT scheduled 170% more hearings in 2001 than in 2000.

Fingerprinting

The fingerprinting of all asylum seekers over 14 years of age was introduced on 20 November, 2000 with the commencement in full of the Refugee Act, 1996 (as amended). The primary purpose of fingerprinting is to reduce the number of duplicate applications for asylum and to assist in the more effective operation of the Dublin Convention.

During 2001, 14,119 asylum seekers were fingerprinted as part of the asylum application process.

Members of the Refugee Appeals Tribunal

During 2001, an additional 12 Members were appointed to the RAT, bringing the total complement of serving Members at end 2001 to 24.

Reception and Integration Matters

The Reception and Integration Agency (RIA) was established on 2nd April, 2001 with the merger of the former Directorate for Asylum Support Services and the former Refugee Agency.

The RIA is responsible for:-

- co-ordinating the provision of services to both asylum seekers and refugees;
- co-ordinating the implementation of integration policy for all refugees and persons who, though not refugees, are granted leave to remain; and
- responding to crisis situations which result in relatively large numbers of refugees arriving in Ireland within a short period of time, for example, the Kosovar nationals who were invited here by the Government in 1999.

Pending the enactment of legislation, the RIA is operating on a non-statutory basis with an Interim Advisory Board. The Interim Advisory Board of the RIA was formed on 5th February, 2001 following Government approval and has 15 members made up of 7 members of the wider community and one representative each of the Departments of Justice, Equality and Law Reform, Foreign Affairs, Social, Community and Family Affairs, Health and Children, Environment and Local Government and Finance. The Director of the Reception and Integration Agency is an ex-officio member of the Board. Four meetings of the Interim Advisory Board took place during 2001.

The RIA is organised on a cross-departmental/agency basis. In addition to Department of Justice, Equality

and Law Reform staff, the RIA has staff seconded from the following Departments and agencies:

Department of Social, Community and Family Affairs;
Department of Health and Children;
Department of Education and Science;
Department of Environment and Local Government;
Eastern Regional Health Authority;
Defence Forces;
Dublin Corporation;
Irish Red Cross.

Asylum Seeker Accommodation Programme

At 31 December, 2001 the RIA had the capacity to accommodate over 6,000 asylum seekers in 9 reception centres and 75 accommodation centres across 25 counties in a range of accommodation facilities. The type of centres available to the RIA include guesthouse, hostel, mobile home site, former holiday camp (Mosney), hotel and system-built accommodation.

System Built Facilities

The RIA opened its first two system-built accommodation centres in 2001. System-Built projects entail the erection of purpose-built, high quality, prefabricated buildings for the provision of accommodation and ancillary services. These centres provide full board accommodation facilities, medical, welfare, recreational and other management facilities.

The first such centre opened at Knockalisheen, Co. Clare in October 2001 with a maximum capacity of up to 350 persons. The centre includes accommodation for families and singles persons, large dining hall and kitchen, suite of medical and welfare offices, management offices, indoor and outdoor recreation

(including basketball court, children's playground and football pitch).

A second centre opened in December 2001 at Baleskin, Dublin (capacity up to 400 persons) which includes a purpose built medical centre with medical screening facilities including X-ray and offices for visiting health professionals.

A third centre is currently under construction at the former Cork Airport Hotel, Cork city (capacity 400 persons) and work is expected to be completed in Summer 2002.

The RIA is currently examining potential sites for further system-built projects.

Reception of Asylum Seekers

Asylum seekers are accommodated at one of the RIA's Reception Centres in Dublin for a period of 1-2 weeks following application for asylum at the Refugee Applications Centre. This facilitates orientation, the provision of information, needs assessment, health screening and initial processing of asylum application. Asylum seekers are then resettled at one of the RIA's accommodation centres around the country while awaiting determination of their claims.

Entitlements of Asylum Seekers

Asylum seekers are generally, entitled to the following:-

- Medical cards and associated services;
- Reduced basic allowances under the Supplementary Welfare Allowances (SWA) Scheme;
- Exceptional Needs Payments under the SWA Scheme;

- Child Benefit Payments and
- Education at primary and post-primary level.

Inspections

A series of inspections by the RIA and Excellence In Tourism, the Inspectors of Bord Failte approved premises, were put in place to ensure that the high standards as outlined in the Memorandum of Agreement by the RIA are maintained at all accommodation locations.

Immigration and Asylum:

EU/International Developments:

The Treaty of Amsterdam established a Community competence for immigration and asylum and the European Council meeting in Tampere in 1999 agreed that "the separate but closely related issues of asylum and migration call for the development of a common EU policy" as part of the objective of creating an "area of freedom, security and justice" within the EU. During the year, the Department was involved in discussions on these matters at a number of EU Working Parties as well as in the Strategic Committee on Immigration, Frontiers and Asylum and the High Level Working Group on Asylum and Migration.

Ireland's participation in these measures is in accordance with the fourth protocol to the Treaty of Amsterdam and takes account of the importance of maintaining the Common Travel Area arrangements with the United Kingdom.

EU Developments: Asylum

During 2001, Ireland continued to participate, in a proactive manner, in discussions at EU level on a number of Directives in the area of asylum. The

proposals in question were:

- A **Directive on minimum standards for granting and withdrawing refugee status**, which contains procedural guarantees for asylum applicants in the EU, minimum standards for decision-making and common standards for the application of certain concepts and practices. Ireland exercised its option to "opt in" to discussions on this proposal on 14 February, 2001 following the approval of both Houses of the Oireachtas.
- A **Directive laying down minimum standards on the reception of applicants for asylum in Member States**, the purpose of which is to set down minimum standards for reception conditions for applicants for asylum in all EU States.

Also in 2001, the Commission tabled a proposal for a new **Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection**. The objectives of the proposal, inter alia, are:

- to set out the rules to apply when determining which applicants for international protection qualify for refugee status and which qualify for subsidiary protection, and
- to lay down provisions on the minimum rights and benefits to be enjoyed by the beneficiaries of refugee and subsidiary protection status.

All of these proposals in the field of EU asylum law, in addition to proposals already agreed, such as the EURODAC Regulation, will, when discussions are finalised, form the foundation of a Common Asylum Policy for the European Union. The main elements for a Common Policy were first outlined at the European Council in Tampere, Finland in 1999 and reiterated by EU Heads of State and Government meeting in Laeken, Belgium in December 2001.

EURODAC Regulation

In December 2000, the Council approved a Regulation concerning the establishment of EURODAC for the comparison of fingerprints for the effective application of the Dublin Convention. Discussions on implementing rules for the EURODAC Regulation took place at EU level in 2001.

EU Developments: Immigration

The main EU legislative proposals discussed in the area of immigration during 2001 included:

- Council Directive on minimum standards for giving **temporary protection** in the event of a mass influx of displaced persons.
- Proposal for a Council Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one Member State by a third country national (**Dublin Convention replacement**).
- Proposal for a Council Directive on the right to **family reunification**.
- Proposal for a Council directive concerning the status of third country nationals who are **long**

term residents.

- Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of **paid employment and self-employed economic activities**.
- Council Directive supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June, 1985 (for minimum penalties on carriers who transport persons without adequate documentation).

In addition to the various immigration/asylum proposals, the Commission also issued a number of Communications to the Council including a Communication on an open method of co-ordination for Community Immigration Policy and most recently, a Communication on Illegal Migration in November 2001. The Department has been involved in Council discussions of these Communications.

Other International Developments

- **UNHCR Global Consultations**
During 2001, Ireland continued to participate in global-based consultations on international protection under the aegis of the UNHCR. The agenda for these consultations was wide-ranging, including issues such as the protection of refugees in mass influx situations, protection of refugees in the context of individual asylum systems, the search for protection-based solutions (voluntary repatriation, local integration) and protection of refugee women and children. The discussions also focused on the asylum/immigration nexus with particular reference to people smuggling and trafficking and carrier sanctions. These

consultations are expected to conclude in 2002.

- **50th Anniversary of the 1951 Geneva Convention**

2001 was the 50th anniversary of the 1951 Geneva Convention and Ireland was represented by Minister of State, Mary Wallace, TD., at a special meeting of all State Parties held in Geneva in December 2001.

- **IGC**

During 2001, the Department also actively participated in discussions on asylum issues in other international fora including the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC). The IGC is an informal, non-decision making forum for inter-governmental information exchange and policy debate on all issues of relevance to the management of international migratory flows.

ANNEX - KEY STATISTICS

TABLE I - ASYLUM APPLICATIONS

A comparison of the position in 2001 as compared with previous years is as follows:

YEAR	TOTAL
1991	31
1992	39
1993	91
1994	362
1995	424
1996	1,179
1997	3,883
1998	4,626
1999	7,724
2000	10,938
2001	10,395

TABLE 2 - SOURCE COUNTRIES

The top five source countries for 2000 and 2001 are shown in the table below:

2000			2001		
Country of Origin	Number of Applicants	As % of overall Applicants	Country of Origin	Number of Applicants	As % of overall Applicants
1st: Nigeria	3,404	31.1%	1st: Nigeria	3,461	33.5%
2nd: Romania	2,384	21.8%	2nd: Romania	1,348	13.1%
3rd: Czech Republic	403	3.7%	3rd: Moldova	549	5.3%
4th: Moldova	388	3.5%	4th: Ukraine	376	3.6%
5th: DR. Congo	358	3.3%	5th: Russia	307	3%

TABLE 3 - DETAILS OF ASYLUM APPLICATIONS AND CASES PROCESSED IN 2001 (FIRST INSTANCE) BY THE ORAC

Number of applications received	10,325
Number of interviews scheduled	12,085
Number of interviews held	5,069
Number of no-shows	5,850
Number of cancellations	1,166
Number of applicants granted refugee status	456
Number of applicants refused refugee status of which:	6,501
Recommendation to refuse applicant a declaration to be a refugee following interview - S13	3,963
Recommendation that an application is manifestly unfounded - S12(1)	567
Recommendation to refuse following failure to attend for second interview - S11(9)	1,971

TABLE 4 - OUTCOME OF APPEALS IN 2001

Substantive Decisions	
Set aside	478
Affirmed	1,460
Total	1,938
Manifestly Unfounded Decisions	
Set aside	175
Affirmed	548
Total	723
Dublin Convention	
Set aside	1
Affirmed	150
Total	151
Overall Total	2,812
Total Appeals Completed (including withdrawals)	3,472

A: Legislation Enacted

Irish Nationality and Citizenship Act, 2001

This Act, which became law on 6 June, 2001, makes the necessary changes to our citizenship law as a consequence of the changes in Articles 2 and 3 of the Constitution arising from the Good Friday Agreement. The Act also establishes a new scheme of naturalisation for non-national spouses of Irish citizens and makes a number of other changes to citizenship law.

Sex Offenders Act, 2001

The Act provides a package of reforms designed to protect the public against sex offenders. Its primary purpose is to provide a tracking system for persons convicted of a sexual offence, in particular sexual offences committed against children. Other parts of the package include provision for a civil sex offender order; post release supervision by the probation and welfare service of convicted sex offenders and a requirement that convicted sex offenders inform a potential employer of the fact of the conviction where the employment would involve unsupervised access to children. The Act also provides for separate legal representation in rape and other serious sexual assault cases in certain circumstances and substantially increases the penalty for the offence of sexual assault. The Act came into operation on 27 September, 2001.

Children Act, 2001

This Act provides a new statutory framework within which the juvenile justice system can develop. It introduces into Irish law the concept of restorative justice and increases substantially the number and variety of community sanctions available to the courts when a child is found guilty of an offence. Under the Act, no child (under 18 years of age) can be sent to or

transferred to prison. In addition, the Act obliges health boards to convene family welfare conferences in respect of some children who may be in need of care or protection and to provide residential facilities for out of control non-offending children. Also, statutory provision for reformatory and industrial schools is being abolished and replaced by provision for children detention schools, for young offenders under 16 years of age, which will be the responsibility of the Department of Education and Science.

Extradition (European Union Conventions) Act, 2001

The purpose of this Act is to enable the State to ratify two European Union Conventions on Extradition - the 1995 and the 1996 Conventions and to make some changes to our general extradition law. The 1995 Convention provides for simplified extradition procedures between the Member States of the European Union subject to certain conditions. The purpose of the 1996 Convention is to improve judicial co-operation between the EU states in relation to extradition by extending the range of extraditable offences and improving and simplifying procedures in a number of respects. In addition, the Act makes some substantive and procedural changes to Ireland's general extradition law, for example, making revenue offences extraditable, simplifying the law on correspondence and consolidating all extradition proceedings in the High Court.

Prevention of Corruption (Amendment) Act, 2001

The Act amends and updates earlier anti-corruption legislation to make it more comprehensive. It applies to a wide range of persons, including employees, domestic and foreign public office holders and

members of domestic and foreign Parliaments, and penalises active and passive corruption involving such persons, third parties and companies. The Act also provides that a presumption of corruption will arise in certain circumstances, e.g. where there is a failure to disclose political donations and in relation to the exercise of certain functions by public office holders. Other matters covered in the Act include the issue of search warrants, giving the Irish courts jurisdiction in certain cases having a foreign connection and penalising the use of public office to obtain personal advantage. The Act will allow Ireland to ratify three conventions against corruption drawn up by the EU, the OECD and the Council of Europe.

Criminal Justice (Theft and Fraud Offences) Act, 2001

The Act is a consolidating and reforming measure. It repeals earlier legislation dealing with larceny, forgery and counterfeiting and creates a number of new offences covering such matters as theft, possession of stolen property, obtaining services by deception, making off without payment, unlawful use of a computer, forgery and counterfeiting. It updates existing offences of burglary, aggravated burglary, robbery, possession of articles in connection with certain offences and handling stolen property. It amends section 31 of the Criminal Justice Act, 1994, dealing with money laundering, and inserts a new section in the 1994 Act imposing an obligation on banks etc. to report certain financial transactions. There are also provisions dealing with search warrants and orders to produce evidential material, for alternative verdicts in relation to offences of theft, handling or possessing stolen property and for making information available to juries to assist in their deliberations. The Act also contains provisions which

will enable Ireland to adopt the Convention and Protocols on the Protection of the European Communities' Financial Interests.

B: Bills Published (awaiting enactment)

Solicitors (Amendment) Bill, 1998

The main purpose of the Bill, which amends the Solicitors Acts 1954 to 1994, is to place more effective controls on the nature and extent of advertising by solicitors particularly in the area of personal injuries. It also strengthens the power of the Law Society to prohibit contravention of the Acts. The Bill was passed by the Seanad on 28 October, 1998 and Committee Stage in the Dáil commenced on 4 December, 2001.

Private Security Services Bill 2001

Published on 2 January, 2001. The Bill provides for the establishment of a Private Security Authority which will control and supervise providers of private security services with a view to ensuring that high standards are maintained and developed. The principal function of the Authority will be to operate a licensing system in order to control access to the sector and to maintain and improve standards within the sector. The Bill gives effect to the principal recommendations set out in the Report of the Consultative Group on the Private Security Industry for the establishment of a statutory framework for regulation of the Industry.

Courts and Court Officers Bill, 2001

Published on 3 April 2001. The Bill provides that solicitors of appropriate experience and qualification will be eligible for direct appointment as judges of the High Court and Supreme Court. The Bill also makes provision for increases in the civil jurisdiction limits for the District and Circuit Courts and deals with

a number of issues relating to the Courts and the smooth administration thereof.

Proceeds of Crime (Amendment) Bill, 1999

The Bill will amend the Proceeds of Crime Act, 1996 in a number of technical respects arising from the experience of the Criminal Assets Bureau in operating the Act.

Criminal Justice (Illicit Traffic by Sea) Bill, 2000

The purpose of the Bill is to give effect to the Council of Europe Agreement on Illicit Traffic by Sea implementing Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Member States of the European Union are committed to giving effect to the Agreement under the Action Plan on Organised Crime agreed by Heads of Government at the Amsterdam Council in June 1997. Enactment of this Bill will clarify the procedures to be followed by Council of Europe Member States in dealing with shared jurisdiction arising from drug trafficking on the high seas.

Criminal Justice (Temporary Release of Prisoners) Bill, 2001

The purpose of this Bill is to amend the Criminal Justice Act, 1960 to provide a clearer legislative basis for the Minister's power to grant temporary release by setting down the principles which will apply to the exercise of this power.

The Twenty-first Amendment of the Constitution (No. 2) Bill, 2001

The purpose of this Bill was to enable the Government to proceed with the referendum to abolish the two references to the death penalty in the Constitution and to prohibit its reintroduction in any circumstances by the inclusion of specific provisions to that effect.

Bills under preparation during 2001

- Data Protection (Amendment) Bill
- Defamation Bill
- Immigration (Carriers Liability) Bill
- Family Law (Pensions) Bill
- Immigration and Residence Bill
- Intoxicating Liquor Bill
- Gaming and Lotteries Bill
- Criminal Justice (UN Conventions) Bill
- Criminal Justice (Garda Powers) Bill
- Prison Service Bill
- Enforcement of Fines Bill
- Criminal Justice (Protection of Confidential Information) Bill
- Criminal Justice (Miscellaneous Provisions) Bill
- Criminal Justice (Suppression of the Financing of Terrorism) Bill
- Criminal Justice (International Co-operation) Bill
- Criminal Justice (Joint Investigation Teams) Bill
- Criminal Law (Insanity) Bill
- Indexation of Fines Bill
- International Criminal Court Bill
- Garda Inspection and Complaints Bill
- Criminal Justice (Public Order) Bill

Statutory Regulations - 2001

European Communities (Judgements in Matrimonial Matters and Matters of Parental Responsibility) Regulations, 2001

S.I. No. 472 of 2001: These Regulations set out the effect on domestic legislation of Council Regulation (EC) No. 1347/2000 of 29 May 2000 on jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility for children of both spouses

(Brussels II Regulation) and makes the necessary provisions for the good administration of the Regulation. The Brussels II Regulation entered into force on 1 March 2001.

European Communities (Data Protection) Regulations, 2001

S.I. No. 626 of 2001: These Regulations, relating to the transfer of personal data to countries and territories outside the European Economic Area, bring into operation certain articles of Directive 95/46/EC ("the Data Protection Directive") and provide, in particular, that such transfers may only take place where adequate standards of data protection are deemed to exist. The Data Protection Commissioner will be the supervisory authority in the State for purposes of the Regulations, which are due to come into effect on 1 April, 2002.

Criminal Justice Act, 1999 (Part III)(Commencement) Order, 2001

S.I. No. 193 of 2001: This order brought Part III of the Criminal Justice Act, 1999 into effect. Part III deals with the abolition of preliminary examinations.

Sex Offenders Act, 2001 (Commencement) Order, 2001

S.I. No. 426 of 2001: This order brings into operation all sections of the Sex Offenders Act, 2001 from 27 September, 2001.

Prevention of Corruption (Amendment) Act, 2001 (Commencement) Order, 2001

S.I. No. 519 of 2001: This order brought into operation, with effect from 26 November, 2001, the Prevention of Corruption (Amendment) Act, 2001 with the exception of section 4 (2) (c) (which deals with a presumption of corruption in certain

circumstances in relation to functions under the planning code).

Resolutions

Draft Council Framework Decision on the European Arrest Warrant and the surrender procedures between Member States

A resolution in accordance with Article 29.4.6 of the Constitution was approved by both Houses of the Oireachtas approving the exercise by the State of the options or discretion's provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of a proposal for a Council Framework Decision on the European arrest warrant and the surrender procedures between Member States.

Developments in EU and International Law

Some new instruments adopted or signed in 2001 under this heading are outlined in the Chapter entitled 'International Issues'. However, other relevant work under this heading may be summarised as follows:

During 2001 **negotiations** took place on a **Council Regulation establishing a general framework for Community activities to facilitate the implementation of a European judicial area in civil matters**. The Regulation will establish the legal basis for financing certain activities under the budget of the European Communities for the period 2002 - 2006 which are relevant to the policy area of judicial co-operation in civil matters.

On 25 September, 2001 the Commission forwarded a **proposal** to the Council of the European Union for a **Council Regulation on jurisdiction and the**

recognition and enforcement of judgements in matters of parental responsibility. On 18 December, 2001, having followed the requisite domestic procedures, the President of the Council was duly informed of Ireland's intention to participate in the adoption and application of this measure.

Council Regulation (EC) No. 1348/2000 on the service of judicial and extra-judicial documents in civil and commercial matters entered into force on 31 May, 2001. The primary purpose of the Regulation is to improve the arrangements for the transmission and service of documents within the EU. As part of the administrative measures necessary to enable it to be applied effectively within our legal system, County Registrars have been designated as receiving and transmitting agencies for the purposes of the Regulation.

Draft Council Framework Decision on the European Arrest Warrant and the surrender procedures between Member States

Agreement was reached on this instrument at the European Council in December 2001. It is due to be formally adopted during 2002, with a view to becoming operative in 2004. The purpose of the proposal is to replace the existing extradition procedures between Member States of the European Union with a system of surrender based on the principle of mutual recognition - in effect replacing inter-state extradition by an inter-court procedure.

Proposed Directive and Framework Decision on prevention of facilitation of unauthorised entry, transit and residence

In May, 2001 the Justice and Home Affairs Council gave political agreement to these two instruments which are aimed

at those who facilitate the entry, transit and residence of illegal immigrants. It is expected that the instruments will be finally adopted in 2002.

Proposal for a Council Framework Decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the fields of drug trafficking. This proposal was initiated in Summer, 2001. The aim of the proposed instrument is to target illicit trafficking, the source of supplies of narcotic drugs and psychotropic substances in the EU. The intention is to provide for a common definition of trafficking aligned to the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, as well as setting a minimum level at which the offence is to be punishable. Negotiations on this instrument are continuing.

Protocol to the 2000 Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union.

Negotiations on this Protocol were completed in July, 2001 and the Protocol was signed in Luxembourg on 16 October, 2001. The Protocol provides for mutual legal assistance in relation to requests for information on bank accounts and banking transactions.

Framework Decision on mutual recognition of orders freezing assets or evidence. Negotiations on this Framework Decision commenced in July 2001 and are almost completed. It will apply to mutual recognition of pre-trial orders to enable competent authorities quickly to secure evidence or seize assets which are easily movable or capable of being destroyed.

Ireland - USA Treaty on Mutual Legal

Assistance in Criminal Matters. This Treaty was signed in Washington on 18 January, 2001. Procedures to allow for ratification of the Treaty are being finalised.

Bilateral Agreement between Ireland and Hong Kong Special Administrative Region on Mutual Legal Assistance in Criminal Matters.

Negotiations were opened and completed during 2001. The Agreement was signed in Hong Kong on 19 October, 2001. Amending legislation to allow for the Agreement to be ratified is being included in the Criminal Justice (International Co-operation) Bill.

Bilateral Agreement between Ireland and Canada on Mutual Legal Assistance in Criminal Matters.

Negotiations are ongoing on the above bilateral agreement.

Bilateral Agreement between Ireland and

Canada on Extradition. Negotiations are ongoing on the above bilateral agreement.

Bilateral Agreement between Ireland and the Bahamas on Mutual Legal Assistance in Criminal Matters.

Agreement obtained in July, 2001 to commence negotiations on the above bilateral agreement.

Bilateral Agreement between Ireland and Singapore on Mutual Legal Assistance in Criminal Matters.

Agreement obtained in September, 2001 to commence negotiations on the above bilateral agreement.

Directive 2001/97/EC of the European Parliament and of the Council of 4 December,

2001 amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering.

The aim of this Directive is to extend the provisions of the earlier Directive by broadening the scope of the predicate offence for money laundering to include organised crime, and extending the obligation to identify clients and report suspicious transactions beyond the financial and credit institutions to other professions, notably the legal and accountancy professions, with appropriate safeguards in relation to maintaining the confidentiality of the lawyer-client relationship. Any changes required to national legislation will be implemented by means of Regulations under the Criminal Justice Act, 1994.

Council Framework Decision amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro.

This Framework Decision, which provides for the principle of recognition of previous convictions for counterfeiting offences in other Member States in sentencing following a further conviction, was adopted by the JHA Council of 6-7 December, 2001.

Council of Europe Draft Protocol to Criminal Law Convention on Corruption. Negotiations commenced on a draft Protocol extending the provisions of the Convention to arbitrators and members of juries.

Financial Action Task Force: application of counter-measures against non-cooperative countries and territories. The Financial Action Task Force (FATF), of which Ireland is a member, is an

international organisation established by the G7 countries to combat money laundering. It has identified certain countries or territories as non-cooperative in the global fight against money laundering, and requires member states to apply agreed counter measures against any such countries or territories. The EU has agreed to its member states applying these counter-measures. In Ireland's case, only the counter measure dealing with systematic reporting of transactions connected with any country or territory named by the FATF required legislative provision and this was included in the Criminal Justice (Theft and Fraud Offences) Act, 2001.

Council of Europe: GRECO Evaluation of Ireland.

During 2001, GRECO, a committee operating under the auspices of the Council of Europe, which has a particular focus on the phenomenon of corruption, evaluated Ireland as part of a process of mutual evaluation among all GRECO member states. The evaluation was wide ranging, as it centred on the response of a number of Departments and agencies concerning the prevention and detection of corruption. This Department, in addition to directly contributing to the evaluation, also co-ordinated the response of those Departments and agencies. GRECO's Report was published in December, 2001.

United Nations: Ad-Hoc Committee for the Negotiation of a Convention against Corruption. Negotiations have commenced on a draft Convention against Corruption and are continuing.

Other Matters

The Department has been co-operating with the Department of the Environment and Local

Government in developing a Housing (Private Rented Sector) Bill which represents the legislative response to key elements in the Report of the Commission on the Private Rented Residential Sector. The Report's recommendations, which deal, among other matters, with enhancing security of tenure for tenants in the private rented sector, were approved by Government in December 2000.

The Commission on Liquor Licensing

The Commission on Liquor Licensing, which is charged with reviewing the State's liquor laws, presented an Interim Report on Off-Licensing to the Minister in April 2001. The Report, which was presented to Government and subsequently published, contains recommendations relating to dormant licences, underage drinking, access to off-licences and certain related matters. The preparatory work on new legislation to give effect to the recommendations of the

Commission on Liquor Licensing in relation to off-licences is underway at present. As regards the Commission's recommendations not relating to access to off-licences - the majority of which fall within the areas of responsibility of other Departments and agencies - the Government agreed that a co-ordinated response be developed by a high-level, interdepartmental Working Group of the Departments and agencies concerned. A Report presented by this Working Group in June 2001 confirmed that the Departments and agencies concerned have responded in a broadly positive and constructive way to the Commission's recommendations, and that they intend taking action in response to the particular recommendations falling within their respective areas of responsibility. A Progress Report will be submitted by the end of January, 2002.

Central Authorities for International Child Abduction and Maintenance Recovery

Central Authority for Child Abduction

The Central Authority in the Department operates under the Child Abduction and Enforcement of Custody Orders Act, 1991. The Act gives the force of law in Ireland to the Hague and Luxembourg Conventions:

The Hague Convention on the Civil Aspects of International Child Abduction is designed to ensure the immediate return of children who have been removed from one contracting state to another - usually by a parent in defiance of the wishes of the other parent. It is based on the principle that the custody of a child should be decided by courts in the state in which the child habitually resides.

The European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children (the Luxembourg Convention) is designed to ensure that custody and access orders granted in one contracting state are recognised and enforced in other contracting states. Recognition and enforcement disputes usually arise when one parent removes a child from one state to another in defiance of a court order granting custody or access rights to the other parent.

When a child's removal from the State to a convention country comes within the terms of either Convention, the Irish Central Authority liaises with its counterpart in that country with a view to having the child returned either voluntarily or following court proceedings in that country. The Irish Central Authority provides similar assistance to a foreign

applicant whose child has been removed to the State, including arranging with the Legal Aid Board for the provision of legal aid.

In March 2001, representatives of the Central Authority attended the 4th Special Commission to Review the

Operation of the Hague Convention. The agreed conclusions of the Special Commission are available at [HYPERLINK "http://www.hcch.net"](http://www.hcch.net).

Breakdown of cases by Contracting State - 2001

Country	Incoming*	Outgoing*	Total
England and Wales	33	26	59
Cyprus	1	1	2
France	3	-	3
Georgia	-	1	1
Italy	1	1	2
Netherlands	-	1	1
Northern Ireland	6	5	11
Scotland	2	3	5
Sweden	-	1	1
Spain	-	2	2
Switzerland	-	1	1
USA	5	7	12
New Zealand	1	1	2
Total	52	50	102

Status at 31 December, 2001

	Incoming*	Outgoing*	Total
Court Order return	11	12	23
Court Refuse return	3	2	5
Voluntary return/Settled by consent	10	8	18
Withdrawn	13	18	31
Access Order registered	3	-	3
Awaiting Resolution	12	10	22
Total	52	50	102

* Incoming: child brought to the State; Outgoing: child removed from the State.

Central Authority for Maintenance Recovery

Ireland along with over 60 countries world-wide, is a contracting party to the United Nations Convention on the Recovery Abroad of Maintenance (the New York Convention of 1956). *The Maintenance Act, 1994* gives the force of law in Ireland to the Convention and also facilitated the conclusion of a separate reciprocal agreement with the USA on a federal basis.

The Central Authority for Maintenance Recovery assists Irish persons in the State who wish to recover maintenance payments from persons residing abroad. The Irish Central Authority, in co-operation with the central authorities in contracting states, provides similar assistance to foreign residents who wish to recover maintenance from persons living in Ireland, including arranging with the Legal Aid Board for the provision of legal aid.

Applications Received from 25 November, 1995 to 31 December, 2001

Year	Incoming*	Outgoing*	Total
1996	5	14	19
1997	16	17	33
1998	21	8	29
1999	22	15	37
2000	21	17	38
2001	14	20	34
Total	99	91	190

* Incoming: maintenance creditor resides outside the State; Outgoing: maintenance creditor resides in the State.

The Department's Finance Division comprising 161 staff has been located in Killarney since 1990.

Payroll

The Division operates the weekly, fortnightly and monthly payrolls for staff paid from the Justice, Equality and Law Reform Group of Votes as follows:-

	JELR	Garda	Prisons	Courts	Registries	Total
Weekly	551	13,512	88	573	285	15,009
F'Nightly	786	66	3,504	511	340	5,207
Monthly	23	489				512
Total	1,360	14,067	3,592	1,084	625	20,738

In addition approximately 6,130 monthly Garda pensions are issued.

The implementation of the new Corepay payroll system for all pay groups was completed during 2001. The system was implemented for the Registries pay groups in February 2001 and for the remaining Garda pay groups from March to July 2001. The system was also implemented for Garda Pensioners. Conversion of the payroll system to euro for all groups took place in October 2001.

Non-pay Expenditure

The Finance Division processes approximately 2,000 invoice, fee and expense claims weekly. These include monthly expenditure accounts for the running of the Department's out-offices, the Prison Service, the Courts Service and the Garda Siochana operational districts and payments made in the operation of the Criminal Legal Aid Scheme.

The Division also brings to account various monies

received in the Department i.e. non public duty payments, citizenship fees, film censorship and data protection fees and other miscellaneous receipts.

Killarney Shared Services Centre

On 5th December, 2000, the Government approved proposals to establish a Shared Services Centre (SSC) in the Department's Finance Division in Killarney. The Shared Services Centre initiative provides a strategic model under which the necessary resources to implement new financial management systems and an enhanced delivery of financial services can be effectively managed. In addition, the initiative will involve a review of organisational structures, business processes and IT strategies in Killarney and the development of Service Level Agreements with Killarney's client organisations. The time frame for

implementing the Shared Services Centre is three years, i.e., 2002-2004.

The implementation of the new Financial Managements Systems is continuing.

Reports

Under the provisions of the Pensions Act, 1990 and the Occupational Pensions Schemes (Disclosure of Information) (No.2) Regulations, 1998 this Division produced and made available the Tenth Annual Report of the Garda Síochána Superannuation Schemes, 2000.

The Department's annual Appropriation Accounts are prepared in Finance Division and published in a printed volume together with the Report of the Comptroller and Auditor General.

Summary of 2002 Expenditure Allocations (per Revised Estimates Volume)

Non Capital Supply Services

	2001 Allocation 000	2002 Allocation 000	% increase over 2001
Justice & ELR	213,603	214,873	1
Garda Síochána	847,697	892,098	5
Prison Service	245,339	261,830	7
Court Service	53,907	54,375	1
Land Registry and Registry of Deeds	27,437	29,222	7
Group Total	1,387,983	1,452,398	5

Capital

	2001 Allocation 000	2002 Allocation 000	% increase over 2001
Justice & ELR	37,434	20,739	-45
Garda Síochána	32,246	27,036	-16
Prison Service	47,404	50,034	6
Court Service	28,542	30,536	7
Land Registry and Registry of Deeds	899	1,905	112
Group Total	146,525	130,250	-11

Total Provision (Non Capital and Capital)

	2001 Allocation 000	2002 Allocation 000	% increase over 2001
Justice & ELR	251,037	235,612	-6
Garda Síochána	879,943	919,134	4
Prison Service	292,743	311,864	7
Court Service	82,449	84,911	3
Land Registry and Registry of Deeds	28,336	31,127	10
Group Total	1,534,508	1,582,648	3

Personnel Matters

Personnel/Human Resources Matters

During 2001, Personnel Division was actively involved in the securing of additional resources for the Department, in particular for the Asylum area. The current approved staffing for the Department and its agencies is 7,462. The staff serving at the end of 2001 was as follows:

Headquarters	424.5
Finance Division, Killamey, Co. Kerry	143.5
Civilian Staff in Garda Station/Offices	1,093
Refugee Applications Commission	283
Refugee Appeals Tribunal	121
Reception and Integration Agency	51
Ministerial Decisions Unit	13
Immigration & Citizenship	110
Asylum Policy	4
Data Protection Commissioner's Office	11
Equality Authority	37.5
Office of the Director of Equality Investigations	24
Film Censor's Office	9
Forensic Science Laboratory	52.5
Garda Síochána Complaints Board	17.5
Land Registry & Registry of Deeds	601
Legal Aid Board	390
Irish Prison Service	3,155
Probation and Welfare Service	307.5
State Pathology Service	4
Crime Council	4
Gender Equality Unit	4

In July, 2001, following a Government decision, the Administration and Ministerial functions of the Office of the Charitable Donations and Bequests transferred

from this Department to the Department of Social, Community and Family Affairs in July, 2001.

Achievements

The year under review was a challenging one from the point of view of staff resources.

During 2001, Personnel was actively involved with securing additional resources for the Department and its Agencies. The Department of Finance sanctioned additional resources (approx. 120) for areas such as the new Childcare Division, the implementation of a national anti-racism, inter-culturalism public awareness programme and other critical areas within the Department. Personnel continued to fill remaining posts (191) for the Asylum Area which were sanctioned in June 2000 (370 sanctioned).

Personnel Division was actively involved in human resources and industrial relations aspects associated with the proposed establishment of independent agencies of the Land Registry and the Irish Prison Service.

During the year, internal promotion competitions were held covering promotion to Higher Executive Officer and Assistant Principal level.

Personnel Division participated in the High Skills Pool Public Sector Recruitment Fair in the RDS on 22 April, 2001. The fair proved extremely successful, there was a high level of interest in the Department's stand and it raised public awareness to the wide range of functions which fall within the ambit of this Department, with particular emphasis on the various grades and promotional prospects available throughout the Department.

In relation to the recruitment process, Personnel Division is working very closely with the Office of the Civil Service and Local Appointments Commission through participation on Interview Boards and meeting with candidates prior to assignment.

Challenges

Arrangements are ongoing for the smooth transition of the staff and operations of the Prisons Division to the Irish Prisons Service.

The Department Strategy Statement 2000 - 2003 contains specific provisions in relation to the further embedding of the modernisation programme including the development of human resource management strategies, staff training development initiatives and a range of equality measures.

Partnership

Progress has continued during the year in the ongoing development of the Partnership structures within the Department. Partnership Committees represent staff, management and unions. The Steering Partnership Committee, chaired by the Secretary General, deals with the overall thrust and policy direction of the partnership approach. Seven subcommittees representing the Department's geographical spread and range of functions - Prisons, Land Registry, Legal Aid Board, Forensic Science Laboratory, Probation & Welfare Office, Head Office (encompassing associated offices) and Finance Division, Killarney - met on an ongoing basis to deal with partnership in specific functional areas.

The subcommittees have developed work programmes with regard to strategy statements, business plans and

the commitment contained in Partnership 2000 towards modernising the civil service. The work programmes for the various subcommittees include such issues as the Performance Management and Development System, Business Planning, Staff Training & Development, Communications, Information Technology. The participative approach under the terms of Partnership 2000 continued to be developed and refined under the Programme for Prosperity and Fairness (PPF). Personnel Division played a pivotal role during the year by monitoring and supporting the eight subcommittees and co-ordinating the Department's overall approach.

Staff Training and Development Section

Staff Training and Development Section continued to provide a wide range of training opportunities in 2001. Apart from the usual courses provided in the Annual

Programme, a number of new and specialised courses were produced to reflect the training needs identified on role profile forms submitted by officials of the Department under the Performance Management and Development System (PMDS).

During 2001, this Section provided support for officials of the Department to attend conferences and seminars of interest to the work of the Department, this included the attendance of one officer on the 'Crossing the Boundaries' Programme.

This Section arranged and provided administration support for the Annual AP Conference which was held in October 2001. It also contributed to the work of the Performance Management Implementation Group and the Partnership Training and Development Group throughout the year.

Information Technology

The process of aligning the Departments IT function with the new agencies of the Department continued with the move of Prisons IT to the new Interim Prisons Service, following Courts IT to the Courts Service. Arrangements are being made to put in place similar support structures for other existing agencies and new agencies as they emerge.

The Headquarters Unit provides direct services for staff in the Headquarters divisions, has delivered and will manage the Justice Sector Data Network (to which all agencies may now connect), and has responsibility for the integration of systems across the Justice Sector. There are now national, strategic systems being rolled out covering Garda activities (PULSE), Criminal Case Tracking in the Courts and Prisoner Records in the Prisons. The Justice sector is therefore well placed to achieve a high degree of integration across these systems in the years ahead. Work began in 2001 and will continue in 2002 to ensure that the issue is addressed in the context of the delivery of electronic public service through the REACH organisation.

The continued growth in numbers of staff to be supported continued to place a significant burden on the Divisions resources during 2001 and it is hoped that these issues can be addressed during 2002.

Corporate Services

Scheme of Compensation for Personal Injuries Criminally Inflicted

The Government introduced a Scheme of Compensation for Personal Injuries Criminally Inflicted in 1974. The Scheme provides for ex-gratia compensation in respect of expenses and losses

incurred as a result of personal injuries, including fatal injuries, which are directly attributable to a crime of violence or which were sustained while helping or trying to help prevent a crime or save a human life. The Scheme was amended in April 1986 to exclude compensation in respect of pain and suffering. The terms of the Scheme, which is non-statutory, were laid before the Houses of the Oireachtas. Corporate Services Division is responsible for administration in relation to the Scheme.

In 2001, the Tribunal was provided with funding of €4.09 million for the General Scheme. The Tribunal paid out €2.951 million in awards. The highest award paid out in 2001 was €471,008 and the lowest award €71.10.

The Tribunal received 222 new applications in 2001 and made decisions in 344 cases. Of the decisions made 165 applicants received awards, 74 applicants had their applications refused and a further 105 applications were withdrawn or closed.

The Tribunal also deals with the Prison Officer's Scheme of Compensation for Injuries Criminally Inflicted. This Scheme came into force in 1990 and was backdated to 1986. In 2001, the Tribunal was allocated funding of €1.49 million. The Tribunal paid out €1.83 million in awards. The highest award paid out under the Prison Officer's Scheme in 2001 was €439,001 and the lowest was €952.30.

The Tribunal received 94 applications in 2001 and made decisions in 68 cases. Of the decisions made 62 applicants received awards, 4 had their application refused and a further 2 withdrew their applications.

Review of the Criminal Injuries Compensation Scheme

The review of the Criminal Injuries Scheme, mentioned in the Report last year, was brought to an advanced stage before further consideration of the Scheme had to be put on hold pending the outcome of a Court decision in relation to aspects of the Scheme.

Customer Liaison Panel

During the year under review, the Customer Liaison Panel, membership of which is drawn from representative segments of the Department's "customer base", met on two occasions and discussed the service given to customers by the Department. The Panel also had the opportunity to comment on the provisions of the Customer Service Action Plan 2001-2004. A number of officials of the Department made oral presentations to the Customer Liaison Panel in relation to aspects of the Department's functions and remit.

Staff Customer Liaison Panel

The Staff Customer Liaison Panel was established under the previous Customer Service Action Plan. Membership of this Panel is drawn from representative segments of Departmental staff. This Panel will continue to meet on a quarterly basis to further develop the Department's customer consultation procedures, both internal and external, and also to further develop the evaluative criteria that will be used to measure customer care standards in the Department.

Customer Service Action Plan

The Customer Service Action Plan 2001 - 2004, information leaflet and comment card were published

in 2001. These are also available on the Internet in both Irish and English.

Violence Against Women

Corporate Services Division provides the Secretariat for the National Steering Committee on Violence Against Women, which was established in December 1997, to provide a cohesive, multidisciplinary and co-ordinated response to women experiencing violence. The Committee, chaired by Ms. Mary Wallace, T.D., Minister of State, comprises representatives from the relevant Government Departments, the Health Boards, An Garda Síochána, the Probation and Welfare Service, the clergy, the medical and legal professions and the non-governmental organisations that provide advice and assistance to women experiencing violence.

The National Steering Committee met regularly during 2001 and continued to highlight and raise public awareness of the issue of violence against women.

A study in relation to attrition rates in sexual assault cases was published in January, 2001. The study, commissioned by the Department and entitled "Attrition in Sexual Assault Offence Cases in Ireland: A Qualitative Analysis", was undertaken by the National University of Ireland, Cork in co-operation with the Cork and Kerry Rape Crisis Centres.

Further research projects, which will advise the work of the National Steering Committee, are currently in progress. In June, 2001, the National Steering Committee on Violence Against Women commissioned research into the current and future needs of and response to women who have experienced violence or the threat of violence arising from Domestic Violence, Rape or Sexual Assault. The results of the research

should be available in 2002.

The Department also funded research into the development of protocols for the establishment of a Domestic Violence Intervention Project which would aim to put in place a co-ordinated response to both the victims and perpetrators of domestic violence. The research is expected to be finalised during 2002.

Following discussions with the National Steering Committee on Violence against Women, the National Crime Council began work during the year on a National Study on Domestic Violence. The study will be non-gender specific and its aims include, to ascertain the beliefs and knowledge of the general population towards domestic violence against women and men, and the knowledge and awareness of the general population of the services available to women and men who have been victims of domestic violence.

A number of subcommittees were established to progress the work of the National Steering Committee, one of which aims to develop perpetrator programmes. This committee is currently looking at the services being provided for dealing with perpetrators of violence against women and, during the year, met with a number of the organisations providing perpetrator programmes.

Work commenced during 2001 on the development of a public awareness campaign in relation to sexual assault. The first part of the campaign will focus on drug assisted rape and will involve a nation-wide poster campaign, which will take place in mid 2002.

In December, 2001, the Department hosted an Intergovernmental Conference on Violence on Women,

entitled "Raising the Standards". The purpose of the Conference was to give an opportunity for officials dealing with the issue of Domestic Violence in Ireland, England, Scotland, Wales and Northern Ireland to hear of initiatives being undertaken in the other jurisdictions in relation to best practice in this regard. The Conference gave those involved in this important work an opportunity to learn from each other and avoid duplication of resources and efforts trying to develop responses for victims and in relation to perpetrators.

Civil Legal Aid

The Legal Aid Board, which operates under the aegis of the Department, makes the services of solicitors and barristers available to people of limited means at 30 full-time and 14 part-time law centres around the country, and at the Refugee Legal Service in Dublin. The Legal Aid Board has a staff complement of 410, including 140 in the Refugee Legal Service. The Board's staff complement includes 112 solicitors.

The Legal Aid Board has a vital role to play in providing access to justice in civil matters to people on low incomes. Family law cases account for approximately 96% of cases dealt with by the Board.

In 2001, the Board's Grant-in-Aid was increased by 5.4% from €16.38 million to €17.27 million.

The number of persons provided with legal services through law centres in 2001 was 14,000 (provisional figure). The number of persons awaiting a first appointment with a solicitor has been reduced by approximately 24% from March to December 2001.

Legal aid and advice is provided mainly through law centres by solicitors in the full-time employment of the

Board. In order to complement the law centre service, the Board also engages private solicitors in domestic violence, maintenance and custody/access cases in the District Court on a nation-wide basis. Since 2001, this private practitioner scheme has been extended to the Circuit Court on a pilot basis, dealing with Divorce and Judicial Separation proceedings in ten law centre catchment areas. The services of counsel are provided in accordance with the terms of an agreement between the Bar Council and the Board.

The Refugee Legal Service (RLS) was established by the Board in 1999 to provide legal advice, assistance and aid at all stages of the asylum process to persons applying for asylum in Ireland. In addition to its own staff, the RLS uses private practitioners (both barristers and solicitors) to represent legally aided asylum applicants appearing before the appeals authorities. An expenditure allocation of €10.28 million was granted to the RLS in 2001.

The number of new clients registering with the RLS increased from 3,419 in 2000 to 4,520 in 2001. Of these, 2,366 were referred to private practitioners in 2001. Staff employed at the RLS stood at 114 by the end of the year - representing considerable progress towards achievement of the service's sanctioned complement of 140. New premises in Dublin, which were acquired and fitted out for the RLS during 2001, will facilitate the full expansion of the service. RLS offices were also opened in Cork and Galway to provide a service in these locations together with an outreach service to Clare, Limerick, Kerry, Mayo and the midlands.

In 2001, the Board's Refugee Documentation Centre continued to provide essential legal material in relation

to the asylum process, as well as up to date country of origin information. This service is provided to the UNHCR, Refugee Legal Service, the Department of Justice, Equality and Law Reform, the Appeals Authorities, Private Solicitors and Barristers on the Boards panel and asylum seekers themselves.

In 2001, much work was carried out to give effect to the Government decision to transfer the Board's Head Office to Cahirciveen, Co. Kerry, including the construction of new premises. Certain sections transferred to temporary accommodation in July 2001 and the final phase of the decentralisation is expected to take place in February 2002. There will be 40 permanently based staff in the new offices in Cahirciveen and the Board is confident that the arrangements for the relocation to Cahirciveen will proceed very swiftly and efficiently.

A major review of the criteria used to determine financial eligibility under the Civil Legal Aid Act was conducted in consultation with the Department and the Legal Aid Board and the proposed changes will lead to legal services being available to a significantly greater number of people.

In addition, a review of expenditure by the Board was carried out and it is expected that the recommendations of the review committee will improve efficiency and lead to a greater throughput of cases.

Comhairle na Míre Gaile (Deeds of Bravery Awards)

Decisions concerning the medals and certificates to issue by Comhairle na Míre Gaile, the Council for the recognition of Deeds of Bravery, were made to 70

people at their meeting in 2001. These decisions were made in respect of 40 incidents of bravery submitted to Comhairle. The decisions taken were as follows:

21 Silver Medals & Certificates,
15 Bronze Medals & Certificates,
34 Certificates.

To date, only one of these presentations have been made.

State Pathology Service

During the year under review Corporate Services Division worked closely with the State Pathology and Assistant State Pathologist to meet the ever increasing demands being placed on the Service. In addition, plans to provide a custom built facility for the State Pathology Service, at a suitable location, were significantly advanced.

Forensic Science Laboratory

The Forensic Science Laboratory provides an important professional service to the State in the fight against serious crime. To further improve the efficiency of this service, in line with other initiatives in the fight against crime, a review of the operation of the Laboratory was carried out and the recommendations arising out of this Review will be implemented over a period.

Bookmakers Licences

Corporate Services Division is responsible for processing applications by Bookmakers who reside outside of the State for a Certificate of Personal Fitness from the Minister for Justice, Equality and Law Reform. During the year under review a total of 65 applications were processed.

Accommodation

During 2001, Corporate Services Division worked to meet the increasing accommodation needs of the Department and its associated Offices and Agencies. The Division also liaised with the Office of Public Works to progress the refurbishment plans for the Head Office building.

Transfer of the Office of the Commissioners of Charitable Donations and Bequests

The Government at a meeting held on 26 July, 2000 agreed to the transfer of responsibility for charity regulatory matters (the proposed legislation on regulation of charities and specifically on charitable fundraising, including street and house-to-house collections) and the Commissioners of Charitable Donations and Bequests from the Department of Justice, Equality and Law Reform to the Department of Social, Community and Family Affairs. The order came into operation on 27 July, 2001.

Organisation Development

Strategy Statement

The Department's Strategy Statement 2001-2004, Community Security and Equality, was prepared during the year and officially launched by the Minister in December 2001. The new Strategy Statement contains a comprehensive analysis of the Department's working environment and policy and operational strategies to address the Department's wide-ranging remit over the next three years. It is underpinned by a series of performance indicators. There was further development of the business planning framework in 2001.

Performance Management and Development System (PMDS)

PMDS training commenced at the end of 2000 and continued throughout 2001. Module 1 training for almost 1200 staff of the Department was completed in May 2001. Module 2 training commenced in June 2001 and 900 staff completed their Module 2 training by the end of the year. Implementation of the PMDS commenced early in the year.

Quality Assurance

The Department's Performance Indicator Report, setting out modernisation targets under the Programme for Prosperity and Fairness (PPF) was submitted to the Civil Service Quality Assurance Group (CSQAG) in April 2001. These targets cover a range of management and organisation policies including the strategic planning framework, human resource management, financial management and e-Government. The CSQAG approved the Department's targets in July, 2001 and has indicated a range of areas in the Report on which its assessment of progress in 2002, will be made.

The organisations in the Justice and Equality Sector also prepared a Performance Indicator Report addressing similar management and organisation improvements and this was submitted to the Quality Assurance Group for the Justice and Equality Sector in April 2001. The Quality Assurance Group approved these targets in May 2001 and commenced its assessment of progress which is to continue during 2002.

Research

The Policy Planning Research Unit (PPRU) continued to fund applications for research relevant to the Department's policy areas. In 2001, a sum of €464,598 was made available relating to 12 projects, including research on Career Progression for Persons with a Disability within the Civil Service, and a Comprehensive Study of International Legislation and Practice in the field of immigration.

Other Developments

Victim Support

The Victim Support organisation continued to grow significantly during 2001 with the help of significant funding of more than €1M from the Department. At the end of 2001, the organisation had 23 full and part-time staff including a Chief Executive Officer with 500 professionally-trained volunteers countrywide helping over 7,700 victims of crime annually.

Final negotiations on an EU Framework Decision on the Position of Victims in Criminal Proceedings were concluded in 2001. This measure will ensure that the laws and regulations relating to victims' rights will be approximated throughout the EU and that a co-ordinated standard of care will be provided before, during and after criminal proceedings.

Illegal and Harmful Use of the Internet

Following the publication of the Report of the Working Group on the Illegal and Harmful Use of the Internet in July 1998, work continued throughout the year on the implementation of its recommendations.

The Internet Advisory Board, established in 2000,

continued to meet on a regular basis during 2001. Apart from carrying out its general function of monitoring the overall mechanisms of self regulation and the working of the hotline, its work programme included:

- **The commissioning of detailed research on Internet downside issues with particular reference to the attitudes and perceptions of parents and young children.**

The results are available at iab.ie and were used to inform the Board's strategy on Internet safety issues.

- **The design and implementation of a radio campaign designed to promote awareness of the issue of child safety on the Internet.**

The campaign, aimed primarily at heightening parents' awareness of the issues and risks, was run during October and December.

- **Launch of new Internet Advisory Board website - www.iab.ie**

This website is designed to serve as a public source of information about the illegal and harmful use of the Internet, with particular reference to the activities of the Board and the safety measures which are available for all users.

- **Engagement with Irish service provider industry**

The Board continued to engage with the Internet Service Provider industry on a range of topics including the development of an industry code of practice and the consolidation of the

industry's association (the Internet Service Providers' Association of Ireland - ISPAI).

A final draft of a Code of Practice and Ethics was produced by a working group made up of a selection of IAB Board members and members of the industry. This was approved by the Board at its December meeting.

- **Establishment of Cybercrime subgroup**

The Board also set up a Cybercrime Subgroup in March 2001 to provide an ongoing forum for addressing an increasing number of issues in the cybercrime area. Membership of the subgroup include industry, the Gardai, Government Departments and Data Protection representatives. During the year, protocols for the exchange of information between service providers and the Gardai were discussed and data protection implications were explored.

- **Monitoring of international developments**

The Board continued to monitor international developments in the area of self-regulation for Internet Service Providers and met with UK experts in this field.

Review of the Coroner Service

Work continued on the restructuring of the Coroner Service in accordance with the recommendations of the Review Group, whose report was published in December 2000.

In the context of preparing the legal groundwork for the new coroner service, a Rules Committee was

established arising from the recommendations of the Review Group. The Committee consists of representatives from coroners, pathologists, the Gardai, the Attorney General's office, the Samaritans, the Department of Justice, Equality and Law Reform and the Department of Health and Children. The detailed Coroners Rules agreed by the Committee will be included in regulations to be appended to new primary legislation in this area.

Land Registries - Conversion to semi-State

Work progressed on the preparation of the new Property Registration Authority of Ireland Bill and the Department continued to assist and facilitate the Registries in the move to a commercial semi-State body. Ongoing discussions were held with Staff Associations on a range of personnel issues relating to the change in status of the Registries.

Censorship

A review of the structural and legal arrangements that apply to the censorship and public order aspects of books, films, videos and Internet services continued in 2001 against a backdrop of major international changes in content regulation practices.

Media/Information

The Press Office is responsible for all media matters relating to the Minister for Justice, Equality and Law Reform, the Minister of State at the Department of Justice, Equality and Law Reform and the Department of Justice, Equality and Law Reform.

During 2001, the Press Office issued over 300 press statements to the national media on behalf of the Minister. These concerned most areas of the

Department's remit including announcing the publication of Bills, matters relating to asylum and immigration, matters relating to tackling crime, security matters and the Garda Síochána.

The Press Office was responsible for drafting over 140 speeches for the Minister during 2001.

During 2001, the Office handled thousands of calls mainly from journalists seeking information, responses, explanations and so forth.

Appendix A

Main Functions of the Department

The Department's principal functions can be summarised as follows:-

- The preservation of **Law and Order** and the **security of the State** through its support for the workings of the Courts, Prisons and Garda Síochána.
- Promoting and implementing **Law Reform**, both Criminal and Civil.
- Reforming **Family Law**.
- **Promoting and implementing equality** through the Equality Authority and the Director of Equality Investigations.
- Promoting **Equal Opportunities** on a wide range of grounds.
- Funding and providing for the administration of **Legal Aid Schemes** for both Criminal and Civil matters.
- Providing for proper registration of ownership of land (**Land Registry** and **Registry of Deeds**).
- Providing for **Film Censorship, Censorship of Publications, Criminal Injuries Compensation, Garda Síochána Complaints** and **Data Protection Law** through its associated Boards and Tribunals.

- Processing applications from non-nationals in relation to admission, residence, **Citizenship and Asylum.**
- Operation of **Central Authority for International Child Abductions.**
- Operation of **Central Authority for International Maintenance Recovery.**

[The Department is also responsible for matters relating to Auctioneers and House Agents, certain regulatory aspects of the Betting Act, 1931, Coroners, Dance halls, Explosives, Firearms, Gaming and Lotteries, Intoxicating Liquor; Landlord and Tenant matters, Moneylending, Pawnbroking, Peace Commissioners and Standard Time].

Appendix B

An Overview of the Structure of the Department

Garda Divisions

Garda (Administration) Division is responsible for administration of policy in areas such as Garda recruitment, training and discipline. It also deals with estimates, transport, equipment and international police missions.

Garda Planning Division is responsible for policy and implementation in relation to Garda computerisation and telecommunications, as well as the Garda Building and Stations Maintenance Programme(s). It provides support for the administration of the Garda Síochána Complaints Board, which is independent in the discharge of its functions.

Garda 3 Division is responsible for the administration of the Garda Conciliation and Arbitration Scheme involving the processing of claims in relation to pay and conditions of members of An Garda Síochána up to and including Chief Superintendents.

Garda 3 Division is also involved with compensation claims and civil actions relating to An Garda Síochána. The Garda Síochána Compensation Acts provide a compensation scheme for members of An Garda Síochána who die or are injured as a result of a malicious act in the course of or in relation to the performance by them of their duties as members of An Garda Síochána. Civil actions arise from non-malicious injuries to Gardaí, injuries to civilians on Garda premises, legal actions taken by Gardaí and legal actions arising from acts or omissions by the Garda Síochána.

Garda 3 Division is further responsible for the development and implementation of the programme of change arising from the recommendations of the Report of Efficiency and Effectiveness as part of the Strategic Management Initiative in An Garda Síochána.

Garda 3 Division also represents the Department at the EU Police Co-operation Working Group.

Crime Divisions

Crime 1 Division is responsible for general crime policy matters and also for issues relating to the enforcement of the criminal law. The Division also deals with policy issues relating to the Garda enforcement of road traffic law and other related strategic issues. The Division is also responsible, in conjunction with An Garda Síochána, for the development of crime prevention measures and social inclusion structures.

Crime II Division is responsible for the development and improvement of the Department's policy response to the problem of Drugs and Organised Crime.

Security and Northern Ireland Division deals with general security matters and matters relating to Northern Ireland relevant to the Department's general area of responsibilities, for example arms decommissioning.

Firearms and Explosives Administration Unit deals with policy in relation to the control of firearms and explosives and in particular is responsible for the administration of the Firearms Acts, 1925 to 2000 and the Explosives Act, 1875 and related legislation.

International Mutual Legal Assistance and Extradition Division.

The Mutual Assistance and Extradition Division discharges the Department's designated role under International Conventions and Agreements in the criminal field in regard to the processing of incoming and outgoing requests for mutual legal assistance/judicial co-operation. The Division also participates in initiatives at international level to extend the scope of such requests and to facilitate the operation of the relevant Conventions or Agreements. In relation to extradition, the Division carries out the administrative functions associated with the Minister's role under the Extradition Acts.

Courts Policy Division

The Courts Service was established in accordance with the provisions of the Courts Service Act, 1998 in 1999. The statutory framework of the Courts Service establishes clear lines of accountability, responsibility and transparency. Under the Act, responsibility for the management of the courts system is now conferred on the Courts Service.

The role of Courts Policy Division is to discharge ministerial functions in relation to the Courts, including all constitutional and legislative matters related to judicial appointments/salaries, the making of Rules of Court and the preparation of material in relation to the Minister's accountability to the Dáil on court issues. The Division is also responsible for policy underlying Courts related legislation.

Courts Policy Division also examines and considers proposals from the Courts Service regarding financial and staffing matters and major court development programmes in the IT and building areas and advises the Minister in relation to the provision and utilisation of resources. The Division also ensures that the Courts Service is appropriately resourced and that necessary reporting systems are in place to enable the Minister to discharge his responsibility in regard to the Service.

In addition, Courts Policy Division is responsible for all aspects of policy, secondary legislation, financing and management of the Criminal Legal Aid Scheme. The Division deals with all 'IR' type issues with the representative bodies of both branches of the legal profession in respect of the Scheme. The Division is also responsible for the management of the Ad-Hoc

Legal Aid Scheme (CAB) and the Garda Station Legal Advice Scheme.

Human Rights Division

The Human Rights Division is responsible for formulating proposals in relation to the Government's commitments, under the Northern Ireland Agreement, to bring forward measures to strengthen and underpin the constitutional protection of human rights, the establishment of a Human Rights Commission and the consideration of the question of incorporation of the European Convention on Human Rights into Irish Law.

Prisons Division

Prisons Operations Division is responsible for the day to day administration of prisons, regimes, security, prisoner numbers. It advises the Minister in relation to reviews of sentences and deals with remission, temporary release, transfers, etc.

Prisons Human Resources (Personnel) is responsible for developing and implementing personnel policy for the Prison Service on such issues as Personnel management, industrial relations, control of absenteeism, welfare of staff, discipline, recruitment and training.

The **Prisons Finance Directorate** is responsible for financial reporting and control, the implementation of new financial management system, the introduction of devolved budgetary control throughout the Prison Service and the management of civil compensation claims. In addition, the Directorate has successfully managed the transition to the Euro, across the Irish Prison Service.

Prisons Planning Division is responsible for the

development and implementation of policy in relation to maintenance, refurbishment etc. of existing Prison stock and the provision of additional new Prison accommodation.

Prisons and Probation and Welfare Policy

Division is responsible for providing strategic direction and guidance to the Irish Prison Service and the Probation and Welfare Service and for monitoring the performance of those Services in line with agreed policy objectives. The development of effective organisational structures in these areas underpinned by legislation is an important function of the Division.

The Division also discharges ministerial functions in relation to the prisons and the Central Mental Hospital, including appointments to prison visiting committees, acting as liaison with the Interim Parole Board and the Inspector of Prisons and Places of Detention and processing applications under the transfer of sentenced persons legislation.

The **Petitions** Unit and the **Peace Commissioners** unit also come under the auspices of Prisons and Probation and Welfare Policy Division. The former processes petitions to the Minister for reductions of penalties and/or sentences imposed by the Courts while the latter processes nominations for appointment to the Office of Peace Commissioner.

Immigration and Citizenship

Immigration and Citizenship Policy Division is responsible for the development of immigration and citizenship policy and of proposals for legislative change in this area. It also participates in international fora on immigration policy issues, in particular in relation to the development of immigration policy at European Union

level.

Immigration and Citizenship (Operations)

Division is responsible for the implementation of policy in relation to the admission of non-nationals to the State, their residence in the State and the granting where appropriate of Irish citizenship. Its functions include:

- the processing of applications for certificates of naturalisation and other matters concerned with the acquisition of citizenship,
- the issue of visas to persons wishing to travel to the State, other than nationals of States exempted from the visa requirement, through the consular services of the Department of Foreign Affairs,
- the issue of business permission to non-EEA nationals seeking to establish a business in the State,
- determining applications for permission to remain in the State referred from An Garda Síochána,
- deciding on applications for residence permits from EEA nationals and their dependants,
- the effective operation of the Garda Registration System for non-EEA nationals,
- dealing with reported non-compliance with the law regarding the admission and residence of non-nationals, in co-operation with the Garda National Immigration Bureau.

Repatriation Unit

Repatriation Unit is responsible for considering the cases of failed asylum seekers and illegal immigrants under Section 3(6) of the Immigration Act, 1999 for Leave to Remain in the State or repatriation to their countries of origin. It is also responsible for

actively encouraging voluntary repatriation to the country of origin. The Unit is responsible for giving effect to the transfer of persons under the Dublin Convention to the appropriate EU State for their asylum applications to be determined there and for giving effect to the implementation of bilateral readmission agreements with Poland, Romania, Nigeria and Bulgaria. The Unit also liaises with the Garda National Immigration Bureau in the effecting of Deportation Orders made by the Minister under Section 3 of the Immigration Act, 1999. The Unit also liaises with other interested third parties e.g. the Department of Social, Community and Family Affairs, Customs Service, Work Permits Section, Department of Enterprise, Trade and Employment. The Unit also responds to Judicial Review and Court proceedings on behalf of the Minister.

Asylum Policy Division

Asylum Policy Division is responsible, inter alia, for the development and implementation of policy (both domestic and Ireland's input at EU/International levels) in relation to asylum seekers.

However, applications for asylum are dealt with by two independent statutory offices:

- The *Office of the Refugee Applications Commissioner* (RAC) which considers applications for asylum at first instance and makes recommendations to the Minister for Justice, Equality and Law Reform as to whether a person should be granted or refused refugee status;
- The *Refugee Appeals Tribunal* (RAT) which deals with appeals in respect of applications for asylum.

Reception and Integration Agency (RIA)

The Reception and Integration Agency was established on 2 April, 2001 with an Interim Advisory Board. Pending the enactment of legislation to put it on a statutory footing, the agency operates on an administrative basis under the aegis of the Minister for Justice, Equality and Law Reform.

The RIA replaced and combined the functions performed previously by the Directorate for Asylum Support Services (DASS was established by the Government in November, 1999 under the aegis of the Department of Justice, Equality and Law Reform to co-ordinate the scheme of dispersal and direct provision for asylum seekers) and the former Refugee Agency which operated on an administrative basis under the Department of Foreign Affairs.

The RIA has the following remit:-

- planning and co-ordinating the provision of services, including health, education and welfare services, to both asylum seekers and refugees including implementation of Government policy on the reception of asylum applicants through the system of direct provision and dispersal to accommodation centres throughout the State;
- monitoring and maintenance of accommodation registers;
- co-ordinating the implementation of an integration policy for all refugees and persons who, though not refugees, are granted leave to remain; and
- responding to crisis situations that result in relatively large numbers of refugees arriving in Ireland within a short period of time. (e.g. the

large number of refugees from Kosovo who came in 1999).

All applicants for asylum are referred to the Reception and Integration Agency following the making of their application for asylum at the Office of the Refugee Applications Commissioner. In the year 2001 alone, approximately 8,300 asylum seekers were provided accommodation by the RIA/DASS. At 31 December, 2001 the RIA had the capacity to accommodate over 6,000 asylum seekers in 9 reception centres and 75 accommodation centres across 25 counties in a range of accommodation facilities.

In relation to direct provision accommodation, the RIA is responsible for the sourcing of accommodation in the private sector and for procuring the construction of system-built accommodation centres, putting in place contracts for services at those centres and ensuring that standards are maintained in line with both the provisions of those contracts and standards of service to asylum seekers generally. The maintenance of standards includes inspections of centres by both RIA staff and more recently by an independent company with expertise in the field.

Equality

Equality Division is responsible for developing the policy and legal framework to advance equal opportunities, particularly in the areas of employment, decision-making, access to goods, facilities and services and family friendly policies. The Division works to advance equality primarily through legislative, administrative and monitoring mechanisms. It acts in a liaison capacity between Head Office and the Office of the Director of Equality Investigations and the Department and the Equality Authority. The Equality

Authority and the Office of the Director of Equality Investigations were established under the Employment Equality Act, 1998. The Division has a lead function in supporting the implementation of the gender mainstreaming in the National Development Plan and in implementing a programme of positive actions for women.

The Childcare Directorate has responsibility for developing childcare provision and the implementation of the Equal Opportunities Childcare Programme through Exchequer funding and funding provided from the National Development Plan, 2000 to 2006. The Section works to increase the quantity and quality of childcare services, both in the community and private sectors, as well as developing a co-ordinated approach to childcare provision at local and national level over the course of the National Development Plan. The Plan enables the Department to provide for the further development and expansion of childcare facilities to address the needs of men and women in reconciling their childcare needs with their participation in employment, training and education.

Equal Status Division is responsible for promoting the development of a more equal society by promoting, monitoring and implementing the right to equal treatment and the accommodation of diversity, having regard to gender, marital status, family status, sexual orientation, religious belief, age, disability, race and membership of the Traveller community. In particular, to combat racism and to promote an inclusive society by managing the Anti-Racism Awareness Programme and by developing a National Action Plan against Racism and by monitoring the implementation of Government policy for the Traveller community.

Disability Equality Section provides a focal point for disability equality policy and legislation development. It was established in 1997 arising from a recommendation by the Commission on the Status of People with Disabilities (Report 1996). The section monitors the implementation of disability mainstreaming policy in relation to public services. It also administers the funding for the National Disability Authority (NDA) which was established in June, 2000 to develop and monitor the implementation of standards in services for people with disabilities. In addition, the Section contributes to and monitors progress in the development of international equality policy at European Union, Council of Europe and United Nations levels.

International Policy Division

International Policy Division has responsibility for the co-ordination of international policy and services various European Union and other international fora dealing with the Department's remit.

Law Reform Divisions

The **Criminal Law Reform Division** is responsible for the preparation of laws relating to the reform of the criminal law and is involved in keeping areas of criminal law under review so as to identify the potential for reform. In addition, staff of the Division participate in international meetings including those at E.U., Council of Europe and the United Nations level in relation to criminal law matters, the drawing up of agreements, treaties, etc. on matters of mutual interest relevant to the enforcement of the criminal law and the preparation of legislation to give effect in the State to those instruments.

The **Civil Law Reform Division** has the function of

preparing laws relating to civil law not within the functional remit of any specific Department as well as servicing the legislative needs of other Divisions within the Department. The Division keeps areas of the civil law under review so as to identify the potential for reform. In addition, staff of the Division participate in international meetings including those at E.U., Council of Europe and the United Nations level in relation to civil law matters, the drawing up of agreements, treaties etc. on matters of mutual interest relevant to the enforcement of civil law and the preparation of legislation to give effect in the State to those instruments.

The Civil Law Reform Division has responsibility for the Central Authorities on international child abduction and international maintenance recovery.

Personnel Division

Personnel Division is responsible for all aspects of personnel management and the implementation of Civil Service policy in the Department. It has overall responsibility for staff in the Department's Headquarters and associated offices, the Finance Division in Killarney, the Probation & Welfare Service, civilian staff in Garda stations/offices and staff in the Land Registry/Registry of Deeds. The Division has overall responsibility for expenditure on staff salaries.

Personnel Division also provides for the training needs of staff and administers the Civil Service Conciliation and Arbitration Scheme in relation to Departmental matters. The Employee Assistance Service provides a confidential support service for all staff in the Department and associated Offices.

Finance Division

Finance Division in Killarney is responsible for issuing payments for the supply of goods and services to the Department and its associated agencies; the payment of salaries, overtime, allowances, staff expenses for the Department and its associated agencies and for the payment of Garda pensions. The Division also maintains all the necessary associated financial records and co-ordinates the Department's and agencies annual estimates of expenditure and provides regular financial reports to managers across all of the Department's business areas (votes) and to the Department of Finance. The Division prepared the Appropriation Accounts for the Department of Justice, Equality and Law Reform, Garda Síochána, Prisons Service and the Land Registry and Registry of Deeds.

Internal Audit Unit

The purpose of the **Internal Audit Unit** is to ensure that systems of internal control exist to enable the Department achieve its objectives at maximum economy and efficiency. This Unit covers the audit function in relation to the Garda Síochána, Prisons Service, Land Registry and various offices such as Legal Aid Board, Garda Complaints Board, Forensic Science Laboratory etc.

Corporate Services Division

Corporate Services Division provides the support services to ensure that the Department and its associated offices operate as efficiently and effectively as possible. In so doing, it is responsible for procurement of non-IT, equipment and stationery, provision and maintenance of accommodation, telecommunications etc. for the Headquarters of the Department and some of the associated offices

which do not have a local purchasing office of their own. It is also responsible for the provision of file registry, information resources and messenger services for the Department. Corporate Services Division administers the Minister's and Department's functions and acts as a liaison in relation to the various offices associated with the Department such as the Land Registry and Registry of Deeds, the Office of the Film Censor; the Office of the Censorship of Publications Board, the Office of Charitable Donations and Bequests, the Data Protection Commissioner's Office, the Legal Aid Board, the Forensic Science Laboratory and the State Pathology Office. It also co-ordinates the Department's responses to Government memoranda, replies to Parliamentary Questions and to representations and/or correspondence where two or more line Divisions of the Department are involved.

In addition, Corporate Services Division is responsible for administering the functions of the Minister and the Department as contained in a wide range of legislation such as the Gaming and Lotteries Act, 1956, the Coroners Act, 1962, the Auctioneers and House Agents Acts, 1947-1973 and the Intoxicating Liquor Acts. The Division also deals with the issue of Violence against Women and provides the Secretariat to the National Steering Committee on Violence against Women.

IT Division

IT Division is responsible for providing and supporting Information Technology solutions to other Divisions/Sections of the Department. This Division has a role in relation to Information Technology in the other Agencies/Offices associated with the Department, with the exception of the Garda Síochána and the Land Registry/Registry of Deeds. The Courts

service has a separate IT function which caters for its needs and the process of establishing an independent IT unit to cater for the needs of the Prisons Authority has now concluded.

Organisation Development Unit

Organisation Development Unit plays a key role in the development and implementation, in the Department and the wider Justice and Equality Sector, of the modernisation programme as outlined in the Programme for Prosperity and Fairness (PPF). The aim of this programme is to improve resource management, organisational responsiveness and service delivery. This work builds and develops on previous initiatives undertaken within the strategic management approach and the extensive programme of organisation change in place in the department since 1997. Key aspects of the modernisation programme, that ODU is responsible for, is the development of the strategic framework in the Department, the management and implementation of Performance Management and Development System (PMDS) and the operation of the Justice and Equality Sector Steering Group.

Project Development Division

Project Development Division is responsible for the updating and development of policy in relation to a range of issues, through the establishment of discrete projects in particular policy areas. Current projects include policy reviews in the area of censorship, gaming and lotteries, the Coroners Service and the illegal and harmful use of the Internet.

Appendix C

Freedom of Information

The Freedom of Information (FOI) Act came into effect on 21 April, 1998. This Act gives persons the right to access records held by Government departments and certain public bodies. A person does not have to specify why access to particular records is required and the Government department or body concerned must provide an explanation to the requester if access to any record being sought is refused.

Decisions on FOI applications must normally be made within 4 weeks. The applicant has the right to seek an internal review by the body concerned of any decision and can also apply to the Information Commissioner for a complete review of the case if s/he is not happy with the result of that review.

The following records held by Government departments or certain public bodies may be requested:

- any records relating to the requester personally, whenever created
- all other records created after 21 April, 1998

A 'record' can be a paper document, information held on computer, printouts, maps, plans, microfilm, microfiche, audio-visual material, etc.

During the year of 2001, 683 FOI requests were received by this Department. Table 1 *Type of Request* shows that 297 of the 683 requests received related to access to personal records, 338 to non-personal

records and 48 for both personal and non-personal records.

As can be seen from Table 2, *Requests by Type of Requester*, staff accounted for 154 of the 297 requests seeking access to personal records. These 154 requests related primarily to staff seeking access to their personnel files. The remainder of the 297 requests were from members of the public seeking access to their own records. Of the 338 requests seeking access to non-personal records, 201 were from journalists, 11 from members of the Oireachtas, and 83 from businesses, e.g. solicitors, companies, etc.

The subject matter of requests for which access to records were either part-granted or granted in full ranged from Background papers to PQs, Judicial Appointments, Garda Air Support Unit, Readmission Agreements, Anti-Racism Campaign to various reports prepared by the Department.

93 appeals were made to this Department seeking internal review of the original decisions. Thirty two of these internal reviews resulted in the release of further records and 38 were referred to the Information Commissioner by the requesters for review. In 2001 the Information Commissioner made 26 determinations in respect of records held by this Department. In 3 cases agreement was reached with the requester and the Department regarding the release of records. In 6 cases he upheld the Departments' original decision. In 8 cases he amended the Department's decision. The remaining 9 cases were withdrawn by the requesters. Findings of the Information Commissioner can be viewed on his Office website <http://www.ir.gov.ie/ioc>

The Department has published two comprehensive reference books setting out information about rules, practices, guidelines, functions, classes of records, etc. of the Department. The publication of this information is in compliance with sections 15 and 16 of the Act. The reference books are available, for inspection, in Public Libraries, Garda Stations, Court Offices and all offices of the Department. In brief the reference books contain the following information:

Section 15 Reference Book, entitled, "*Guide to the Functions and Records of the Department*" sets out:

- a general description of its structure, functions, powers and duties
- services it provides for the public
- a general description of the classes of records held by the Department

Section 16 Reference Book, entitled, "*Rules and Practices*" sets out:

- the rules, procedures, practices, guidelines, precedents and interpretations used by the Department

The FOI Unit continuously monitors the implementation of the FOI Act within the Department with a view to improving the procedures associated with the Act - processing of requests, quality of decision making etc.. In that regard, training courses were arranged for 49 decision makers and 20 appeals officers during the year 2001.

Freedom of Information requests, for records held by this Department, should be made, in writing, to *The Freedom of Information Officer, Press and Information Office, Department of Justice, Equality and Law Reform 72/76 St. Stephen's Green, Dublin 2*, stating that the request is made under the Freedom of Information Act **and clearly identifying the records** to which access is being sought.

Table 1: "Type of Request"

Month	Applications Received			Requests					Internal Reviews Received	Appeals to Info Comm'r
	Personal	Non-personal	Mixed	Granted	Part Granted	Refused	W'drwn Handled outside FOI	Transferred		
Jan	23	34	5	12	19	10	1	1	13	6
Feb	19	29	4	23	11	8	9	5	5	2
March	33	32	0	18	22	10	9	3	9	4
April	31	67	2	14	14	16	5	3	7	3
May	23	22	4	20	24	15	9	2	13	1
June	32	30	1	14	13	14	5	2	6	5
July	29	18	4	16	20	18	8	1	11	7
August	19	28	0	10	22	15	11	0	6	6
Sept.	16	5	20	10	10	5	8	0	7	2
Oct.	18	23	3	10	24	4	4	0	3	1
Nov.	31	30	3	7	21	17	2	2	7	1
Dec.	23	20	2	15	15	9	7	1	6	0
Total	297	338	48	169	215	141	78	20	93	38

Table 2 - “Requests by Type of Requester”

Month	Journalists	Business	Members of the Oireachtas	Staff	Others	Total
January	19	5	1	19	18	62
February	15	2	1	18	16	52
March	15	10	1	22	17	65
April	48	7	2	19	24	100
May	12	3	1	12	21	49
June	18	8	0	12	25	63
July	13	1	0	10	27	51
August	18	6	0	9	14	47
September	3	22	0	7	9	41
October	9	11	3	7	14	44
November	20	5	2	14	23	64
December	11	3	0	5	26	45
Total	201	83	11	154	234	683



DEPARTMENT OF JUSTICE EQUALITY AND LAW REFORM
AN ROINN DLÍ AGUS CIRT, COMHIONANNAIS AGUS ATHCHÓIRITHE DLÍ

Department of Justice, Equality and Law Reform

72-76 St. Stephen's Green , Dublin 2.

**Telephone (01) 602 8202
Fax (01) 661 5461**

Dún Aimhírgín, 43-49 Mespil Road, Dublin 4.

**Telephone (01) 667 0344
Fax (01) 667 0366/7**

Finance Division, Killarney, Co Kerry.

**Telephone (064) 70300/(01) 602 8202
Fax (064) 34433/(01) 661 5461**

**LoCall 1890 221 227
email info@justice.ie**

