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Mission Statement and Values

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. These values are the 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.

Foreword by Minister Michael McDowell, T.D.



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



Brian Lenihan, T.D.
Minister of State



Willie O'Dea, T.D.
Minister of State

I am very pleased to have the opportunity of presenting this report on the activities and achievements of my Department during 2002. This year, the Annual Report also contains the progress made on the goals and objectives set for the Department in the 2001 - 2004 Strategy Statement.

During 2002, the officials of my Department, along with others, continued to work on advancing the Peace Process including the implementation of those parts of the Good Friday Agreement for which my Department bears particular responsibility; this involved, amongst other things, close liaison with the Independent International Commission on Decommissioning. An Intergovernmental Agreement was also signed on implementing the Patten Report recommendations which provides a bilateral legal framework for enhanced co-operation between the Garda Síochána and the Police Service of Northern Ireland. 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 coordinate operations against drug dealing and trafficking during 2002 and cooperation and intelligence sharing between An Garda Síochána and the Customs Service continued to increase, resulting in very large drug seizures

by each agency and by both agencies acting together. During 2002, the 13 Garda Youth Diversion Projects established in 2001 as part of the final phase of the expansion of the Garda Youth Diversion Programme under the National Development Plan became fully operational at local level. The principal Garda road safety campaign, Operation Lifesaver, continued in 2002, with increased levels of Garda enforcement focusing, in particular, on drink driving, speeding and seat belt offences. The penalty points system commenced on a manual basis in respect of speeding offences with effect from 31 October, 2002.

Work continued on preparation of a Bill to provide for the most radical reform of the Garda Síochána since its establishment and for a new Agency to replace the Garda Complaints Board, which will have the power to investigate complaints against Gardaí and which will also have the powers of an Ombudsman. The PULSE computer system is being implemented over a number of phases and continued to be developed during 2002. Work also continued in relation to the Garda CCTV Programme and grant-aid became available for Community Based CCTV Systems which will facilitate community based groups who wish to proceed with their own local CCTV system.

The Pilot Drug Court Pilot Programme, which was launched in the Dublin District Court in

January, 2001, was evaluated by expert Consultants during 2002. A Consultants report containing various recommendations for the Programme has been prepared. The Programme 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.

The Criminal Justice (Legal Aid) (Regulations) 2002 were signed on 1st October, 2002. 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 in the fees payable to solicitors and counsel in respect of essential visits to prisons and other custodial centres (other than Garda Stations) and for certain bail applications.

In 2002, the Civil Legal Aid Regulations, 1996 were amended to increase the disposable income and capital allowance limits in order to increase the number of those who would qualify for legal services on financial eligibility. With effect from 1st February, 2002, the maximum disposable income limit for eligibility purposes has been increased to €13,000 per annum.

During 2002, the business implications of the move of the Irish Prison Service from the Department to its new premises in Clondalkin were analysed, the respective future responsibilities of the Department and the Irish Prison Service were agreed and appropriate reporting systems were put in place by me, as Minister, to discharge my responsibilities in regard to the Prison System. The Prisons and Probation and Welfare Policy Service Division was restructured to reflect the new relationship with the Prison Service.

In 2002, An Inspector of Prisons and Places of Detention was appointed on an administrative basis and the Parole Board became fully operational.

In relation to Disability Issues, an expert Consultation Team chaired by an Assistant Secretary from the Department was appointed in April, 2002 to oversee a consultation process

on proposals for disability legislation, with particular reference to the Disability Bill, 2001. During 2002, the Department continued to be active on a number of fronts providing a focal point for disability equality policy and legislation development. Activities included participation in a number of Interdepartmental Committees and in European Union, Council of Europe and other international fora. A particular focus was given to the preparation of a new Disability Bill.

Throughout 2002, the necessary support continued to be provided to the Equality Authority and the Office of the Director of Equality Investigations for the performance of their statutory functions. The Equality Authority developed a Code of Practice on Sexual Harassment and Harassment at Work which was launched in March, 2002.

The Equality for Women Measure of the National Development Plan 2000 - 2006 funds gender equality initiatives in employment, business and decision making. Expenditure on the Measure during 2002 was €5.8 million. During 2002, as Minister I approved a further 23 projects for funding, bringing to 70 the number of projects being financed under the Measure. By the end of 2002, approximately, 2,300 women had participated in training and a further 2,500 had availed of facilities of service providers under the Measure. During 2002, the Measure also funded the work of the National Framework Committee (NFC) for the Development of Family Friendly Policies.

The Programme KNOW RACISM, launched in October, 2001, was put into operation during 2002. The brand image and anti-racism messages of the programme were disseminated through a mixture of activities including national advertising campaigns, publicity events and inter alia support for local anti-racism awareness initiatives.

In the area of Childcare, the National Childcare Co-ordinating Committee continued to meet in 2002. The Committee and its Sub-Groups undertook to address various issues relating to childcare including children with special needs and the area of school age childcare. The Certifying Bodies Sub-Group completed a

Model Framework for Education, Training and Professional Development in the Early Childhood Care and Education Sector. The Framework was launched in September, 2002. Two seminars for persons engaged in childcare throughout Ireland were also held.

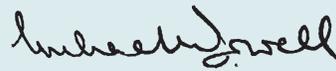
During 2002 the four main elements of the framework for the development of proposed new immigration legislation to replace the Aliens Act, 1935 were completed and work commenced on the preparation of a new Immigration and Residence Bill. During the year also, the Department continued to have a major input into the implementation of the Government's Asylum strategy to, inter alia, increase the processing capacity to deliver more speedy decisions in relation to applications for refugee status. Significant work also took place during the year on the preparation of legislative amendments to the Refugee Act, 1996 to address, amongst other things, the large number of unfounded asylum applications being received. The Immigration Bill, 2002 was presented in the Seanad in February, 2002 to provide for a scheme of carriers liability. In December, 2002, approval was given for additional amendments to streamline procedures for dealing with withdrawn and abandoned asylum claims and enable staff to better manage workflows.

Minister Willie O'Dea, T.D., Minister of State at the Department and Chairperson of the National Steering Committee on Violence Against Women, launched a Public Awareness Campaign to highlight the dangers of drug assisted rape in September, 2002. Research funded by the Department into the development of protocols for the establishment of a Domestic Violence Intervention Project was finalised in 2002. The Department agreed to fund the establishment of an intervention project on a one year pilot basis. The Department was also involved in the consultation process for drawing up the Domestic Violence (Amendment) Act, 2002 which was introduced in December, 2002.

The year also saw the enactment of a range of legislation initiated by my Department. Important measures enacted included the Courts and Court Officers Act 2002, Solicitors

(Amendment) Act 2002, Tribunals of Enquiry (Evidence) (Amendment) Act 2002 and the Domestic Violence (Amendment) Act, 2002. Bills under preparation during 2002 included an International Criminal Court Bill, Drug Offenders Bill, Coroner's Bill and a Gaming and Lotteries Bill.

Finally, I would like to take this opportunity to thank all the Staff of my Department for the work which they carry out on a daily basis.



Michael McDowell, T.D.

Minister for Justice, Equality & Law Reform

Introduction

This year's annual report of the Department of Justice, Equality & Law Reform sets out progress on implementation of 2001-2004 Strategy Statement objectives in accordance with Section 4 of the Public Service Management Act 1997 and also reports on other developments in the Department during the year.

Each of the main areas of the Department's work is reported on in separate chapters under its related High Level Goal heading. Each chapter begins with a report on progress on relevant Strategy Statement objectives and then covers other developments relating to the area during the year.

It will be clear from a reading of the report that significant progress was made by the Department on implementation of Strategy Statement objectives in 2002. The objectives progressed cover a broad range of issues such as, progressing a comprehensive and measured policy for responding to crime, pursuing the programme of change for the Garda Síochána, developing immigration policy and implementing the Government's asylum strategy, enhancing the existing statutory foundation for equality and providing funding and developing the supports to deliver on childcare commitments. Chapter 6, which deals with Criminal and Civil Law Reform matters details, amongst other things, the legislation enacted and Bills published and progressed during 2002. The Department's ever increasing responsibilities and workload in relation to EU and international matters in 2002 is covered in chapter 8 under a number of headings.

Progress on the Department's modernisation agenda under the Programme for Prosperity and Fairness (PPF) is covered by chapter 14. This chapter sets out the progress achieved during 2002 in areas such as, strategic planning and performance management, training and development, financial management, customer service, equality of opportunities and IT and e-Government. It is also worth mentioning that this progress was independently verified by

the Civil Service Quality Assurance Group established under the PPF. While good progress has been achieved by the Department to date on its modernisation agenda there is more to be done over the coming years.

Finally, some details on the structure and staffing of the Department are set out below and an organisation chart and overview of the functions of the various divisions of the Department are included as appendices at the end of this report.

The Department's Mandate

The Department's Mission Statement, Values and High Level Goals reflect a Department with a mandate which crosses many significant and varied areas of public sector policy and administration.

The Department's main areas of responsibility include -

- Implementing Government policy on crime and protecting the security of the State.
- Providing policy advice in relation to the criminal justice system (An Garda Síochána, the Courts, Prisons and Probation and Welfare Services) and supporting the operation of this system.
- Continuing reform of the criminal law and updating areas of the civil law.
- Playing a central part in the implementation of core elements in the Good Friday Agreement.
- Co-operating in the EU and international fields and promoting Ireland's interests within our areas of responsibility.
- Implementing the Government's asylum strategy and further developing national immigration policy.
- Developing and implementing policy in relation to equal treatment generally, anti-racism, disability equality, human rights and childcare.

Department Structure and Staffing

The Department is structured around nine areas comprising one or more Divisions, each headed by a member of the Management Advisory Committee (see Appendix 1):

- Crime, Security and Northern Ireland, Mutual Assistance and Extradition
- Garda Síochána, Prisons and Probation and Welfare Policy
- Criminal Law Reform and Human Rights
- Civil Law Reform and Courts Policy
- EU/International matters
- Asylum, Immigration and Citizenship
- Equality, Equal Status, Childcare and Disability Equality
- Personnel, Corporate Services, Organisation Development and Project Development
- Finance, I.T. and the Reception and Integration Agency.

There were just over 700 staff working in the Head Office areas of the Department at the end of 2002. Numbers working in the wider Justice and Equality sector stood at about 19,500. There are now some 23 organisations in the Justice and Equality sector, each with specific administrative, regulatory or operational functions (*see Appendix 1*).

Across all its votes the Department was responsible for a Budget of €1.603 billion in 2002.

PART II

**Progress on 2001-2004
Strategy Statement High
Level Goals and other
developments during
2002**

Tackling Crime

High Level Goal 1

To achieve optimum protection against crime for all members of society

Strategy Statement 2001–2004 Objectives

- Progress a comprehensive and measured policy for responding to crime, in the context of a well-informed and broadly-based public discussion on crime issues.
- Continue to develop and implement Department policy in relation to the problem of drug misuse in line with the objectives and recommendations contained in **Building on Experience – National Drugs Strategy 2001–2008**.
- Assist in the implementation and ongoing development of multi-agency, integrated policies to deal with the problem of drug misuse at national, regional and local level as defined in **Building on Experience – National Drugs Strategy 2001–2008**.
- Continue to develop and implement Department policy in relation to combating organised crime.
- Continue to focus on youth crime by supporting and developing evidence-based preventative measures and interventions aimed at young offenders and those most at risk of offending.
- Promoting the co-ordination of response across agencies involved in assisting victims of domestic violence, rape and sexual assault.
- Develop a focused response to and the expertise to deal with cybercrime.
- Contribute to progressing measures to reduce deaths and injuries on our roads, including strict enforcement of the road traffic laws.

Progress on objectives in 2002

- The Department continued to provide resources, support and input into the work of the National Crime Council. The key roles of the Council are to focus on crime prevention and on raising public knowledge and awareness of crime, examine the fear of crime, identify research priorities which could be commissioned by the Department and undertake in-house research.
- In July 2002, the Minister obtained Government approval to establish an Expert Group on Crime Statistics and to carry out biennial national crime victimisation surveys. The Expert Group was subsequently appointed and commenced its work, and planning began for the first crime victimisation survey. This followed the publication, in November 2001, of the National Crime Council's first report, entitled *Crime in Ireland*, which inter alia recommended that an expert group should be established to examine, among other matters, the collation of information relating to crimes reported to, and recorded by, the Garda Síochána. The report also recommended that crime victimisation studies be carried out on a regular basis in order to provide an empirically sound evaluation of the level of unreported crime.
- The National Crime Council commenced a consultation process on establishing a partnership approach to tackling the underlying causes of crime, with particular emphasis on partnership at the local level.

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Funding was provided by the Department to enable the Council to commission a research study from the Institute of Criminology at University College, Dublin on public order offences in Ireland.

- A report, entitled *An Econometric Analysis of Burglary in Ireland*, which was commissioned by the Department and carried out by University College Dublin, was published. The research study indicated that the criminal justice system has a key determining role in the incidence of this significant form of property crime. A Crime Prevention Directory, which was commissioned by the Department and compiled by the Centre of Social and Educational Research at the Dublin Institute of Technology, was also published. The Directory provides an outline of projects, programmes and agencies which either intend to reduce offending and/or victimisation or carry out work that otherwise may contribute to the reduction of offending and/or victimisation.
 - The Department continued to participate in the EU Crime Prevention Network, established in 2001, which contributes to developing the various aspects of crime prevention at EU level and supports crime prevention activities at local and national level. The Network pays particular attention to the fields of juvenile, urban and drug-related crime.
 - The Department provided financial support to a range of crime prevention initiatives, including Neighbourhood Watch, Community Alert, the Missing Persons Helpline and the Leanbh child begging project.
 - The Department continued to play a proactive role through representation on the structures which are in place to formulate and implement policy to tackle the problem of drug misuse:
 - Cabinet Committee on Social Inclusion;
 - Inter-Departmental Group on National Drug Strategy (NDS);
 - National Drug Strategy Team (NDST);
 - National Advisory Committee on Drugs (NACD);
 - Fourteen Local Drugs Task Forces (Gardaí and Probation and Welfare Officers); and
 - The National Assessment Committee for Young Peoples Facilities and Services Fund (YPFSS).
- The “National Drug Strategy 2001-2008” agreed by Government in 2001 contains a series of 100 individual actions to be implemented by all of the agencies involved in the delivery of drugs policy.
- In addition to developing measures to tackle drug related activity in conjunction with the Garda Síochána, the Department continued to actively participate in the multi-agency structures which have been set up to implement the National Drugs Strategy.
 - Arrangements were made for the Gardaí and Probation and Welfare Services to be represented on the proposed Regional Drugs Task Forces to be established in 2003.
 - Arrangements were made to channel funding for pilot Local Drugs Task Force projects for which An Garda Síochána and the Probation and Welfare Service are the lead agencies.
 - The Department continued to provide mainstream funding for a range of Justice related projects which originated via Local Drugs Task Force initiatives.
 - The Department’s Policy Planning Research Unit funded a drugs related research project on referral commissioned by Dublin’s North Inner City Local Drugs Task Force.
 - The Department continued to develop and implement policy in relation to combating organised crime at national and international level. The operational successes of the Criminal Assets Bureau in particular and other National Support Garda Units, are evidence of the progress

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being made in tackling organised crime.

- The first commencement order under the Children Act, 2001 in respect of the Department was signed on 23 April, 2002. The Order, which came into force on 1 May, 2002, provided for, inter alia:
 - the establishment of the Garda Diversion Programme on a statutory basis. The Programme deals with children who have committed offences (apart from certain serious offences), unless the interests of society require otherwise;
 - the introduction of a “diversion conference” based on restorative justice principles, as pioneered in New Zealand;
 - the establishment of the Children's Court;
 - the introduction of a fines structure for children found guilty of offences and the payment of compensation by parents in respect of offences committed by their children;
 - the introduction of a curfew for children found guilty of offences;
 - court orders to parents to exercise proper control over their children;
 - the updating of the law in relation to cruelty to children and persons who cause or encourage a sexual offence on a child;
 - reversing the burden of proof on parents whose children are found begging;
 - a limited “clean slate” in respect of most offences committed by children; and
 - provisions relating to the safety of children at entertainments.
- 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 2002, the 13 projects established as part of the final phase of the expansion of the Garda Youth Diversion Programme under the National Development Plan became fully operational at local level.

A report, entitled *Study of Participants in Garda Special Projects*, which was commissioned by the Department and carried out by the Centre for Social and Educational Research, (CSER) at the Dublin Institute of Technology (DIT), was published. The report provides an in-depth profile of participants in Garda youth diversion projects.

The rapid expansion of Garda youth diversion projects created quality assurance challenges in relation to the operation and management outcomes of the projects. Consequently, in 2001 the Department commissioned the preparation of comprehensive guidelines for the establishment, management and administration of the projects.

In 2002, the guidelines were in preparation by the CSER at DIT in conjunction with a cross-sectoral Advisory Group. It is expected that the guidelines will be published in the first half of 2003.

- The Intoxicating Liquor Act, 1988 (Age Card) Regulations, 1999 set out the detailed provisions in relation to the age card scheme, which is operated by the Garda Síochána and is designed to assist licence holders to comply with legislative provisions relating to underage drinking by providing evidence of age where a doubt exists. During the year, 39,600 cards were issued, bringing the total to date to 87,800.

To further enhance the uptake of age cards, the Department commissioned an advertising agency to develop and implement a national age card awareness campaign.

The campaign, commissioned at a cost of approximately €150,000, was implemented at Christmas 2002 and involved the creative use of a variety of media, including radio, poster campaigns, internet bannering, advertising in trade publications and direct mail packs to alcohol retailers.

- The RAPID (Revitalising Areas by Planning, Investment and Development) Programme targets the most concentrated areas of disadvantage in the State by ensuring that priority attention is given to these areas by Government Departments and State Agencies dealing with disadvantage and local development in the widest sense. The RAPID Programme has selected 25 target areas in cities and towns and, in addition, 20 towns for priority investment and frontloading of funding under the National Development Plan 2000–2006.

During the year 2002 the Department continued to be represented on the RAPID National Monitoring Committee and co-ordinated and supported the implementation of the RAPID Programme by the Garda Síochána, the Probation and Welfare Service and relevant Divisions of the Department. At a local level the Garda Síochána and the Probation and Welfare Service are represented on RAPID Area Implementation Teams and facilitate the co-ordinated delivery of the RAPID Programme.

While no dedicated Departmental financial allocations as such have been made available to provide potential funding for proposals received under the RAPID Programme, particular priority is given to RAPID proposals which fall within the functional areas financed under the National Development Plan. The Department decides on funding for RAPID proposals within the context of existing allocations across Votes under its remit. Examples of the type of proposals received or supported under the RAPID Programme are applications for funding under the Equal Opportunities Childcare Programme, proposals for Garda youth diversion

projects, CCTV schemes, Probation and Welfare Service projects and proposals which would be a matter for the Garda Commissioner to decide on (such as the deployment of Gardaí).

The Department received a total of 81 proposals in 2002 under the RAPID Programme. Funding of €6,736,070 was approved under the Equal Opportunities Childcare Programme for 11 childcare proposals and €300,000 in respect of a capital grant for a proposal for a Probation and Welfare Service project. In addition, seven proposals submitted under the RAPID Programme which related to the allocation of Garda resources and which were matters for the Garda Commissioner to decide on, were implemented.

- The Department is represented on the National Steering Committee on Violence Against Women and also provides the secretariat to the Committee. The National Steering Committee met regularly during 2002 and continued to highlight and raise public awareness of the issue of violence against women. In 2002, the Committee undertook an awareness campaign on drug assisted rape and began developing an information leaflet on rape and sexual assault.
- The Department provides the Secretariat and general support to the Internet Advisory Board, which was mandated to raise awareness about internet “downside” issues, including the area of child pornography. A major conference was held and a radio campaign mounted to increase awareness of risks associated with internet use. A code of conduct for the internet providers industry was launched in 2002.
- The Department continued to support the work of the Victim Support Organisation. The grant awarded to the organisation in 2002 amounted to €1,135,000.
- The Department has general responsibility for monitoring the enforcement by the Garda Síochána of the Road Traffic Acts. The Department is represented on the

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High Level Steering Group on Road Safety, which is overseeing implementation of the Government's National Road Safety Strategy, 1998 - 2002, and the Department's involvement with the work of this group continued throughout 2002. The Strategy set a primary target of a reduction of a minimum of 20% in road deaths and serious injuries. Considerable progress was made in reducing the number of fatalities over the lifetime of the Strategy, with fatalities reduced from 472 in 1997 to 376 in 2002, a reduction of 20.3%. The introduction of penalty points in respect of speeding in 2002, together with increased levels of enforcement, undoubtedly played a major part in the reduction achieved in 2002. Work commenced in 2002 on a review of the strategy and the preparation of a new strategy to cover the period to 2005.

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, Operation Lifesaver, continued in 2002, with increased levels of Garda enforcement focusing, in particular, on drink driving, speeding and seat belt offences. The penalty point system commenced on a manual basis in respect of speeding offences with effect from 31 October, 2002. Provisional figures indicate that the Garda Síochána issued approximately 53,000 on the spot fines for seat-belt offences, detected over 330,000 speeding offences and over 11,000 suspected drink driving cases during the year 2002.

Other developments

Drug Supply reduction

Enforcing the laws relating to drugs is primarily the responsibility of An Garda Síochána and the Customs Service. Co-operation and intelligence sharing between both law enforcement agencies continued to increase resulting in very large drug seizures by each agency and by both agencies acting together.

In terms of drug supply reduction, the National Drugs Strategy sets performance indicators, for drugs seized to increase by 25% by the end of 2004 and by 50% by end 2008, using the 2000 seizures figure as a baseline.

An Garda Síochána seized drugs with a street value of approximately €50 million in 2002; €45 million in 2001 and €20 million in 2000.

Garda Operations

The Garda view is that operations such as Dóchas, Cleanstreet and Nightcap 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 continued to maintain close contact with law enforcement agencies in other EU Member States and beyond. This contact involved 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.

Criminal Assets Bureau

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

The Bureau continued to fully implement a multi-agency approach to deny persons engaged in criminal activity of the proceeds of their crimes.

In 2002 the Bureau obtained Interim Orders on property to the value of over €30 million under Section 2 of the Proceeds of Crime Act, 1996 and Interlocutory Orders on property worth almost €8 million under Section 3 of the Proceeds of Crime Act, 1996.

Tax and interest collected from persons suspected of involvement in criminal activity during 2002 amounted to over €10 million and Social Welfare savings in 2002, amounted to over €155,000.

The Bureau's expenditure for 2002 was €5.401m.

Money Laundering

In 2002 the Money Laundering Unit of the Garda Bureau of Fraud Investigation received 4,390 suspicious transaction reports. Over half of these reports in 2002 led to the initiation of further Garda investigations into money laundering and other criminal activity. The number of suspicious transaction reports has grown considerably from 199 in 1995 - the increase can be attributed to a number of factors, including changes in legislation and an increased awareness of the issue of money laundering.

Violence Against Women

In September 2002, the National Steering Committee on Violence Against Women launched a Public Awareness Campaign which aimed to highlight the dangers of drug assisted rape. The Campaign involved the development of a series of posters which were distributed for display in pubs, night-clubs and colleges nation wide. The campaign was supported by the Vintners Federation of Ireland, the Irish Vintners Association and Student Unions. The posters were also used in an advertising campaign on buses in each of the cities.

The Committee is currently developing an information leaflet on rape and sexual assault. It is expected that the leaflet will be available during 2003.

Research funded by the Department into the development of protocols for the establishment of a Domestic Violence Intervention Project was finalised in 2002. Following on from the results of the research, the Department agreed to fund the establishment of an intervention project on a one year pilot basis in one district court area in Dublin. The Project, which

aims to put in place a co-ordinated response for both the victims and perpetrators of domestic violence, is due to begin operating in 2003.

The Department was involved in the consultation process for drawing up the Domestic Violence (Amendment) Act, 2002 which was introduced in December, 2002. This legislation followed a ruling by the Supreme Court in October 2002 that certain sections of the Domestic Violence Act, 1996 in relation to the granting of an interim barring order on an ex parte basis were unconstitutional. The Domestic Violence (Amendment) Act provides that an interim barring order made on an ex parte basis shall have effect for a period not exceeding 8 working days. The Act also provides that a note of the evidence given by the applicant and a copy of the order will be served on the respondent as soon as practicable.

Firearms

- Registered Firearms Dealers

A total of 430 firearms dealers were registered in the State during 2002. 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.

- Importation Licences (EU and Non-EU importations)

1,329 importation licences were issued during 2002.

- Export to Other EU Member States

541 transfer documents were issued during 2002.

- 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 and including .270 calibre are licensed. Firearm certificates are granted to residents and non-

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residents by the Garda Síochána. Approximately 208,900 certificates were issued in the year 1 August, 2001 to 31 July, 2002 to residents. Approximately 4,000 such certificates were granted to non-residents for the year 2002. A non-resident may not bring a firearm into the country which a resident is prohibited from holding.

Explosives

During the year ended 31 December, 2002 the following licences were issued:

- 770 importation licences for industrial explosives, fireworks for displays, marine safety flares, nitrates/sodium chlorate and a number of minor items, and
- 62 licences for the manufacture of explosives on site of use, i.e. quarries.

Training Courses for Drivers of Vehicles Carrying Explosives

During 2002, 15 drivers attended specialisation courses and 2 drivers attended refresher courses.

Scheme of Compensation for Personal Injuries Criminally Inflicted

The Criminal Injuries Compensation Tribunal administers a Scheme of Compensation for Personal Injuries Criminally Inflicted which 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 Department is responsible for administration in relation to the Scheme.

In 2002, the Tribunal was provided with funding of €3.5 million for the General Scheme. The Tribunal paid out €3.44 million in awards. The highest award paid out in 2002 was €623,104.28 and the lowest award was €125.70.

The Tribunal received 296 new applications in 2002 and made decisions in 227 cases.

Of the decisions made 152 applicants received awards, 56 applicants had their applications refused and a further 19 applications were withdrawn or closed.

The Tribunal also administers the Prison Officer's Scheme of Compensation for Injuries Criminally Inflicted. This Scheme came into force in 1990 and was backdated to 1986. In 2002, the Tribunal was allocated funding of €1.048 million. The Tribunal paid out €2.208 million in awards. The highest award paid out under the Prison Officer's Scheme in 2002 was €470,637.70 and the lowest was €689.56. The Tribunal made significant awards in three other applications and because of this the Tribunal went over its allocation. The Irish Prison Service granted permission to pay out these awards and any other awards on hand at the end of the year as they had savings in the Prison Vote under the heading "Awards". This heading relates to awards to Prison Officers and prisoners.

The Tribunal received 101 new applications in 2002 and made decisions in 96 cases. Of the decisions made 94 applicants received awards and 2 had their applications refused.

Review of the Criminal Injuries Compensation Scheme

The review of the Criminal Injuries Compensation Scheme, mentioned in the Annual Report of 2000, 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.

Criminal Injuries EU Directive

EU Member States are at present considering a proposal for a Council Directive on compensation to Crime Victims. The aim of the proposal is to establish minimum standards of compensation throughout the EU and to facilitate access to compensation where a resident of one Member State suffers criminal injury in another Member State. The outcome to the EU process is being awaited before proceeding further with the review of the Irish Scheme.

Key Annual Statistics

Following a significant downward trend in crime experienced in recent years (crime declined by approximately 27% between 1996 and 2000), a reversal occurred in 2001 when an increase of 18% was recorded. This trend continued in 2002 with provisional Garda figures for the year indicating an increase of 22%.

While the overall upward trend was not reflected in the figures for murder and there were relatively small increases for robbery (2%) and burglary (6%), there were significant increases in the figures for assault (50%), sexual offences (62%) and larcenies (25%). While these figures are disappointing, looking at the figures on the basis of the crime rate (the number of crimes per 1,000 of the population) shows a crime rate in 2002 of 27.02 per 1,000 of the population, compared with 27.79 per 1,000 of the population in 1996.

In 2002, because they are a key quality of life indicator, the Minister decided to publish statistics for headline crime as soon as they became available and in advance of their final validation before publication in the Garda Commissioner's Crime Report. As a consequence, the provisional statistics in respect of 2001 were made public in July, 2002 and the Annual Report of the Garda Síochána was published in November, 2002.

High Level Goal 2

To further develop policies and implement measures to underpin the security of the State and to pursue such policies and measures in the wider international context of security.

Strategy Statement 2001–2004 Objectives

- *Keep under review and identify appropriate responses to threats posed by terrorism to the security of the State or the international community.*
- *To keep under review the effectiveness of the regulation and control of firearms and explosives.*

Progress on objectives in 2002

- In 2002, the Department, in consultation with the Garda authorities, continued to keep the Minister and the Government advised of the nature and extent of the threat posed by terrorist organisations to the security of the State and the wider international community.

In the latter respect, the Department actively contributed in the various international fora and, in particular, within the European Union to the adoption and implementation of wide-ranging counter-terrorism measures following the attacks in the United States on 11 September, 2001. These measures include enhanced judicial co-operation, enhanced co-operation between police and intelligence services, tackling the financing of terrorism and strengthening controls at external borders.

- Material relating to the regulation and control of firearms and explosives is set out in the chapter on Tackling Crime (see page 15).

High Level Goal 3

To ensure that the Garda Síochána has the resources and the capacity to carry out its functions as effectively as possible and in a manner which meets the requirements of a modern police force.

Strategy Statement 2001–2004 Objectives

- *Ensure that the Garda Síochána has the personnel and financial and other resources it needs to provide an effective and high-quality policing service.*
- *Pursue the programme for change arising from the recommendations of the Report of the Steering Group on the Efficiency and Effectiveness of the Garda Síochána*
- *Provide up to date IT systems to enhance the capacity of the Garda Síochána to avail of the advantages of using these systems.*
- *Repair and maintain Garda buildings to an appropriate standard.*
- *Establish a Garda Inspectorate to undertake inspection arrangements for the Garda Síochána and to deal with complaints by the public against Garda members.*

Progress on objectives in 2002

- During 2002, the Minister advised the Garda Commissioner of eight policing priorities which the Government wished to see addressed. These priorities have been incorporated into the Garda Síochána Policing Plan, 2003.
- The Garda SMI Implementation Steering Group neared the completion of its review of structures and operating systems and is expected to present its Final Report to Government in 2003.
- In 2002 the Government approved the appointment of 6 Chief Superintendents and 24 Superintendents, mainly to fill vacancies which arose in these ranks as a result of retirements.
- During 2002 progress continued in the implementation of the Garda SMI change programme in areas such as civilianisation, roster system, PULSE, Quality Service, etc.
- The review of structures and operating systems is nearing completion and will be presented to Government in 2003.
- The Government approved the Report on Performance and Accountability for the Garda Síochána and the legislation necessary to give effect to the proposals therein is being prepared.
- The Government is committed to ensuring that the Garda Síochána are provided with the necessary resources, both in terms of personnel and equipment, to enable it to deal efficiently and effectively with the many challenges which it faces.
- The allocation provided in the 1997 Estimates for the Garda Vote was a figure of just under €600 million. The Estimate provision for the Garda Vote for the year 2002 was €919 million, representing an increase of over 53% on the 1997 Estimate Provision.

Garda Síochána

- The personnel strength (all ranks) of An Garda Síochána on 31 December 2002 was 11,901. This represents an increase of 933 (or 8.5%) since the 31st December, 1997. The Government has authorised the Minister to make the greatest possible use of the existing capacity of the Garda Training College in Templemore over the next two years to bring the strength of the force to 12,200, its current authorised maximum strength.
- Significant progress has been made on implementation of the Garda IT Plan as follows:
 - **PULSE**
The PULSE computer system (Police Using Leading Systems Effectively) is being implemented over a number of phases and continued to be developed during 2002. Development of the final phase has been completed and it is planned to complete its roll out in 2003. As part of the implementation of PULSE there has been a significant effort in business process redesign and this has led to a streamlining of procedures and, in many instances, the reduction or elimination of paperwork.
 - **Fixed Charge Processing System**
A contract for the development of the computerised Fixed Charge Processing System was finalised and signed in September 2002. Work commenced on the development and design of the system and will continue throughout 2003. From a Garda Síochána perspective this System will facilitate the full implementation of the provision of the Road Traffic Act 2002 and the introduction of penalty points.
 - **National Digital Radio System**
The pilot project for the digital trunked radio system was implemented in two Divisions in Dublin in 2002, together with the traffic Divisions of the Dublin Metropolitan Region .
 - **The Schengen Information System**
The Schengen Information System was

established under the 1985 Schengen Convention. It provides for free movement of persons within the Schengen countries which is balanced by greater sharing of certain police information among those countries. The SIS consists of a central database located in Strasbourg, together with national copies of this database in participating countries. The Garda Síochána will be required to install a database system which will be linked to the central system. To this end, a request for tender was published in the OJEU in August 2002 for the first phase of the project which will involve the formulation of an implementation plan for the development of a national system and its integration with the central system.

- During 2002 the ongoing programme of replacement and refurbishment of Garda Station accommodation continued. Building and refurbishment projects were completed at the following locations: Kilmacthomas, Cobh, Kilrush, Thomastown, Tourmakeady, Roundstone, Ballymore, Clifden and Blanchardstown (Drug Unit).

Work also commenced on the following stations: Templemore, Ballinrobe, Ballymore, Kilmihill and Rathangan.

In addition a large number of maintenance projects were completed at various Garda locations country-wide during the year.

- Work continued on the preparation of a Bill to provide for the independent Garda Inspectorate, which will have the power to investigate complaints against Gardaí and which will also have the powers of an Ombudsman. Following Government approval, the Bill is expected to be published in 2003.

Other developments

Performance and Accountability

Government approved the publication of the Report on Performance and

Accountability in an Garda Síochána. The report sets out a performance and accountability framework for an Garda Síochána based on the Minister setting annual policing objectives, and approving proposals prepared by the Commissioner for the implementation of those objectives. This framework will be built around a Three-year Corporate Strategy Statement, an Annual Policing Plan, the setting of performance indicators and the establishment of a new police policy and planning forum made up of senior Department and Garda representatives. These new arrangements will be statute based and the proposed legislation is now being prepared. This legislation will also contain provisions to enable a transfer to the Garda Commissioner of the role of Accounting Officer for the Garda Vote. This transfer will take effect when the Government is satisfied that the performance and accountability framework itself is in place and will mean that, as well as having an enhanced reporting relationship with the Minister for police performance, the Commissioner will be accountable directly to the Public Accounts Committee of the Dáil for the manner in which he manages the resources available to him.

Head of the Training and Development Unit

Arising from a Review of In-Service Training, a Training and Development expert has been recruited to head the new Training and Development Unit at the Garda College in Templemore. This unit will provide technical advice and support to the Director of the College across a wide range of training and development areas.

Garda Air Support Unit

The EC 135 Garda Helicopter came into operation in late December 2002. The entering into service of the EC 135 will greatly expand the area of operations of the Garda Air Support Unit and allow for greater availability of air support in the fight against crime

Garda Fleet

A total of €9.03 million was spent in 2002 on the purchase of vehicles for the Garda and Ministerial Fleets. The operational capability of the Force at the end of the year was 1,979 vehicles.

Garda CCTV Systems

Work was completed in 2002 on the installation of a Garda CCTV System in Cork City. The system comprises 29 cameras which are monitored from Angelsea Street Garda Station.

Contracts have been placed in relation to the CCTV systems for Bray, Dundalk, Dún Laoghaire, Finglas, Galway and Limerick. Work is currently ongoing in each of these locations and it is intended that the installation of cameras will commence on completion of the planning process with the relevant local authorities and refurbishment works in the different Garda Stations to accommodate the CCTV monitoring rooms and associated equipment.

Community Based CCTV Systems

A new grant-aid scheme for Community Based CCTV Systems was launched on 14 May, 2002 to facilitate community based groups who wish to proceed with their own local CCTV system. Grant assistance of up to €100,000 will be available from the Department towards the cost of such schemes - subject to the availability of funds. A prospectus has been prepared to provide information on the Scheme.

A Code of Practice has been drawn up in co-operation with the Office of the Data Protection Commissioner, and detailed Technical Specifications have been drawn up by An Garda Síochána. It is expected that these documents will be finalised shortly and will issue to all communities who express an interest in the Scheme. Any applications received will be evaluated and processed.

Peacekeeping

An Garda Síochána continued to contribute to international peacekeeping operations in

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2002 - in Cyprus and Bosnia with the UN and in Macedonia with the Organisation for Security and Co-operation in Europe (OSCE). While the Garda involvement in Macedonia was discontinued and the UN Mission to Bosnia ended in 2002, there are still 20 members of the Garda Síochána engaged in the United Nations Force in Cyprus (UNFICYP).

Video Recording

The implementation of the national scheme of suspect interview video recording in Garda Stations continued in 2002. The installation of the necessary technical equipment in selected stations was substantially completed in 2002, as was the required training of Gardaí in the use of the equipment.

Compensation Claims

During the year €7.5 million including costs was awarded by the High Court in 141 compensation claims arising under the Garda Síochána (Compensation) Acts, 1941 and 1945. A further 229 new applications were received in 2002. 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 €2.74 million, including settlements, awards and costs paid in 2002 in respect of 138 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 134 new cases in 2002.

Tribunal of Inquiry into the facts and circumstances surrounding the fatal shooting of Mr. John Carthy at Abbeylara, Co. Longford on 20 April 2000

On foot of Motions put before the Houses of the Oireachtas by the Minister for Justice, Equality and Law Reform, an independent Tribunal of Inquiry into the

fatal shooting of Mr. John Carthy at Abbeylara, Co. Longford on 20 April 2000 was formally established on 1 July 2002 by an Instrument under the Tribunals of Inquiry (Evidence) Acts, 1921 to 2002. Former High Court Judge, Mr. Justice Robert Barr, was appointed as its sole member. The Tribunal is currently carrying forward its work, with public hearings set to commence in February 2003.

Tribunal to inquire into complaints concerning some Gardaí of the Donegal Division

Following a Resolution passed by both Houses of the Oireachtas the instrument establishing a Tribunal of Inquiry into Garda activities in Donegal was signed on 24 April 2002. The Tribunal under the Chairmanship of Mr Justice Frederick Morris, former President of the High Court, commenced its preliminary work in May. In July, applications for representation for the various parties involved were heard and public hearings opened with a preliminary statement in Donegal Courthouse in November. The Tribunal is expected to take about two years to complete its work.

The Courts

High Level Goal 4

To facilitate the Courts Service in effectively managing the Courts, supporting the judiciary and providing a quality service to all court users.

Strategy Statement 2001-2004 Objectives

- *Ensure that all ministerial functions in relation to the courts are effectively discharged.*
- *Co-ordinate and integrate the policy objectives of the Minister and the Government across the wider criminal justice system with those of the courts system.*
- *Ensure that the Courts system has the appropriate administrative infrastructure, systems and resources in place to enable it to provide a high-quality service to the public and to judges, including improved access and facilities for court users.*

Progress on objectives in 2002

- Funding of €91.056m was secured for the Courts Service for 2002 which allowed the Service to continue to provide a high quality service to all court users.
- Manual implementation of the Penalty Points system between the Courts Service, Gardaí and Department of Environment and Local Government for speeding offences was implemented.
- The Drug Court pilot programme was evaluated by expert consultants during 2002. The Courts Service Board forwarded the Report and their recommendations to the Minister in late 2002.
- 17 judges were appointed during 2002 to take account of retirements and additional posts created.

Other developments

The Courts Service Strategic Plan 2002-2005

The Courts Service Strategic Plan 2002-2005 was approved by the Minister in December 2002 and will be published in

April 2003.

Courts and Court Officers Act, 2002

The Courts and Court Officers Act, 2002 [No. 15 of 2002] was signed into law on 10 April, 2002 (see Page 28 of Chapter 6, Criminal and Civil Law Reform). Among other things the Act provided for the following increase in judicial numbers : 2 High Court Judges, 3 Circuit Court Judges and 2 District Court Judges. The 3 new Circuit Court Judges were assigned to the Flood Tribunal of Inquiry initially and will serve in that capacity until the Tribunal completes its work.

Under section 39 of the Courts (Supplemental Provisions) Act, 1961 the Minister made an order dated 1 September, 2002 providing for the permanent assignment of an additional Judge of the District Court in Cork City.

Drug Courts

The Pilot Drug Court Programme, which was confined to Dublin's North Inner City, was launched by the Courts Service in the Dublin District Court in 2001. The pilot programme was evaluated by expert

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consultants who reported to the Courts Service Board on the operation of the pilot scheme. In late October 2002 the Board forwarded the Report and their recommendations to the Minister.

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 and the Director of Public Prosecutions, 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
Two new rules were made during 2002 by the District Court Rules Committee:
S.I. No : 206 of 2002 - District Court (Sex Offenders) Rules 2002
S.I. No : 207 of 2002 - District Court (Company Law Enforcement) Rules 2002
- Superior Courts Rules
One new Rule made during 2002 by the Superior Courts Rules Committee :
Rules of the Superior Courts (No. 1) (Renumeration of Committees of Ward of Court) (S.I. No. 208 of 2002 refers)

Judicial Appointments during 2002

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, 2002 was 8. There was 1 appointment to the Court during 2002.

The statutory number of Judges in the High Court is 27 (including the President).

The number increases to 28 when the President of the Law Reform Commission is a High Court Judge as is currently the case. There were 5 appointments during 2002.

The total number of Judges serving in the Circuit Court (including the President) at 31 December 2002 was 31. There were 6 appointments to the Circuit Court during 2002, which includes 3 Judges who were assigned to the Flood Tribunal of Inquiry .

The number of Judges (including the President) serving in the District Court at 31 December 2002 was 53. There were 5 appointments to the District Court in 2002.

Prisons and Probation & Welfare

High Level Goal 5

To promote community safety through effective offender management by both the Prison Service and the Probation and Welfare Service in accordance with the law and the sentences and sanctions handed down by the courts. To encourage best practice including appropriate mechanisms of accountability for both these Services.

Strategy Statement 2001-2004 Objectives

- *Progress the process of structural and systems change.*
- *Ensure that the Prison Service and the Probation and Welfare Service collectively support the aims and objectives of the Minister and the Government in relation to the management of Offenders.*
- *Ensure that there is an effective legislative and operational framework underpinning work in the Prisons and Probation and Welfare Service.*

Progress on objectives in 2002

- Working closely with Prison Service Personnel, the business implications of the move of the Irish Prison Service from the Department to its new premises in Clondalkin were identified; the respective future responsibilities of the Department and the Irish Prison Service were agreed and appropriate reporting systems were put in place to enable the Minister to discharge his responsibilities in regard to the Prison System. The Prisons and Probation and Welfare Policy Division was restructured to reflect the new relationship with the Prison Service.
- An Inspector of Prisons and Places of Detention was appointed on an administrative basis in April, 2002.
- The Parole Board became fully operational in Spring 2002.
- A Service Level Agreement Template was agreed by representatives of the Prison and Probation and Welfare Services.
- The preparation of comprehensive new Prison Rules was progressed significantly.

Other developments

The mission, aims and objectives of the Prison Service are set out in its Strategy Statement for 2001-2003.

The mission, aims and objectives of the Probation and Welfare Service are set out in the Strategy document *Advancing our Aim* which covers the period 2001 to 2003.

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, over 99% of petition cases which the Minister adjudicated on in 2002 were refused.

Prisons and Probation & Welfare

2002 - Petitions/Applications to open a petition

Applications to open a petition (AOPs) received	88
Petitions/AOPs finalised - including cases carried forward from 2001	153
Petitions/AOPs carried forward to 2003	39

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. 84 persons were appointed as Peace Commissioners in 2002 and 131 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 6,870.

Parole Board

The membership of the 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, Castlereagh;

Mr. Tim O'Donoghue, Project Manager, Kerry Diocesan Youth Service Project;

Mr. Seán Lowry, Principal Probation and Welfare Officer, Probation and Welfare Service;

Dr. Charles Smith, consultant psychiatrist, 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 Prison Service;

Mr. Martin Tansey, former Principal Probation and Welfare Officer, Probation and Welfare Service;

Mr. Frank McCarthy, former Prison Governor.

The Parole Board is advisory in nature - the final decision resting with the Minister. The Board reviews 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 of the sentence have been served.

The Board, which is an independent advisory body, is located at 31-35 Bow Street, Dublin 7. Three civil servants are assigned to the Board to act as its secretariat.

PRISON INSPECTORATE

Mr. Justice Dermot Kinlen, a retired judge of the High Court, was appointed to the newly created non-statutory position of Inspector of Prisons and Places of Detention on 24th April 2002. His terms of reference are, in essence, to inspect and report to the Minister for Justice, Equality and Law Reform on all prisons and places of detention under the aegis of the Minister, in particular on the conditions in those institutions and on the regimes in place for prisoners and detainees. The Inspector is also to investigate and report on any specific issue referred to him by the Minister. Copies of the First Annual Report of the Inspector of Prisons and Places of Detention as well as four Inspection Reports of Cloverhill, Limerick, Mountjoy and Portlaoise Prisons are available on the Department of Justice, Equality and Law Reform website, www.justice.ie. The inspections of the four prisons outlined in the Reports took place during 2002 with more inspections to take place in 2003. The Office of the Inspector of Prisons and places of detention is at 1 Lower Grand Canal Street, Dublin 2. The Inspector has a staff of 3 persons assigned to his office.

Criminal and Civil Law Reform

High Level Goal 6

In accordance with the Government's programme, policies and priorities:

- *to enhance the protection of persons, property and society from criminality by progressively reforming the criminal law;*
- *to reform the civil law and, through ongoing review, to achieve a system of law that is responsive to the needs of modern society.*

Strategy Statement 2001-2004 Objectives

- *Complete the programme of criminal and civil law reform contained in the Government Legislation Programme.*
- *Promote research, as required, into areas of the criminal and civil law and keep abreast of developments in other jurisdictions to support policy formulation and development.*
- *Ensure that the criminal and civil law is kept under review and up-to-date and, in this regard, that adequate systems for consultation are in place with the Department's main customers.*
- *Ensure efficient and effective national contribution to the deliberations and achievements of the European Union and other relevant international bodies in the area of criminal and civil law co-operation.*
- *Ensure an efficient and effective contribution to deliberations, both within the Department and between Departments, on matters impacting on or likely to impact on the area of civil or criminal law.*

Progress on objectives in 2002

- The current criminal law programme includes legislative issues relevant to this Department which have been identified in the Government's Legislative Programme which in turn includes the commitments set out in the Agreed Programme for Government. Details of progress on the implementation of the programme in 2002 is set out below. While the Legislative Programme is a committed programme of work, it is subject to change in response to developments both at national and international level. For example, following the events of September, 2001 a higher priority was given to a number of legislative provisions relevant to the international response to terrorism. At national level, the appointment of the new Government during the year resulted in some re-ordering of legislative priorities in line with Government policy.
- Important laws enacted during the year :-
 - **Tribunals of Enquiry (Evidence) (Amendment) Act 2002**
The Act amends the Tribunals of Inquiry (Evidence) Act 1921 to enable a Tribunal to exclude the public from a hearing if there is a risk of prejudice to criminal proceedings. The Act also provides that a tribunal can appoint investigators to assist it in carrying out its functions, and persons who are required to furnish information to an investigator are entitled to the same privileges and immunities as a witness

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before the High Court. Statements or admissions made to an investigator can not be used as evidence against the person making them in any criminal proceedings. The person to whom the tribunal is to report may apply to the High Court regarding the publication of the report if it is considered that publication would prejudice criminal proceedings that are pending at the time.

- **Courts and Court Officers Act 2002**

The Courts and Court Officers Act 2002 contains a number of provisions relating to the Courts, Courts Officers and the Courts Service. These include provisions to enable solicitors of appropriate experience and qualification to be eligible for appointment as judges of the High Court and Supreme Court. The Act also provides for an increase in the number of judges in the High, Circuit and District Courts. The way in which interest is calculated on legal costs is modified so as to provide for the application of a special low rate of interest between the time judgement is given and the parties agree costs or a certificate of taxation issues. Provisions concerning the good administration of the Courts Service are included as an amendment to the Bail Act 1997.

- **Solicitors (Amendment) Act 2002**

The main provisions of the Act are to curtail advertising which is in bad taste and is likely to bring the solicitors' profession into disrepute, strengthen the disciplinary requirement for solicitors, provide remedies for those who fail to co-operate with an investigation and it facilitates the transposition of the EU Lawyers Establishment Directive 98/5 EC. The Act doubles the size of the Disciplinary Tribunal to cater for an increased workload and it will be required to make a separate finding on each ground of alleged misconduct and to have regard to previous findings of misconduct when imposing a sanction or making a recommendation to the

High Court as to the sanction it should impose. The Tribunal will be required to give reasons for a finding of no misconduct and there will be a right of appeal to the Court on all aspects of its work. It will also be required to inform the Law Society when it receives a complaint from a member of the public and the circumstances in which the Society can send an investigator to inspect documents at a solicitor's office have been extended.

- **Domestic Violence (Amendment) Act 2002**

The Act replaces section (4)(3) of the Domestic Violence Act 1996 relating to the making of interim barring orders ex parte which was held unconstitutional by the Supreme Court. The new section (4)(3) stipulates that an ex parte order has effect for not more than eight working days unless, on application by the applicant and on notice to the respondent, the ex parte order is confirmed within that period by order of the court. Also an application for an interim barring order must be made either on affidavit or on sworn information and, if the order is made ex parte, a note of the evidence given together with the court order and the affidavit or sworn information must be served on the respondent as soon as practicable.

- A number of important Bills were published during the year :-

- **The Criminal Justice (Terrorist Offences) Bill 2002**

Published in December 2002. This Bill will enable the State to meet commitments undertaken as part of the international community such as compliance with the EU Framework Decision on Combating Terrorism and several UN Conventions.

- **The Criminal Justice (Public Order) Bill 2002**

Published in February 2002. The purpose of the Bill is to strengthen the

law in order to deal more effectively with late night public disorder and disturbance which mainly has its origins in alcohol abuse. The Bill provides for the making of an exclusion order in the case of persons who are facing a conviction for a public order offence under certain provisions of the Criminal Justice (Public Order) Act, 1994. This order will prohibit such persons from entering or being in the vicinity of the types of premises covered by the Bill. The Bill allows the Gardaí to apply to the District Court for a closure order which will have the effect of limiting the hours of opening of such premises. The premises in question may be restricted from opening for business for certain times and periods as the Court may determine, for the purposes of avoiding disorder either on the premises or in the vicinity.

- **Immigration Bill 2002**

The Bill provides for important changes to general immigration law, in particular, the introduction of a scheme of carriers liability whereby a carrier is obliged to ensure that each non-national passenger seeking to land in the State or transit a port in the State has with him or her the appropriate (valid passport and, if necessary, a visa). (These provisions do not apply to arrivals from within the Common Travel Area). The Bill also provides for substantive amendments to the Refugee Act 1996, for the purpose of the more efficient and effective operation of that Act.

- **Data Protection (Amendment) Bill 2002**

The main purpose of the Bill is to give effect to the provisions of Directive 95/46/EC of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. The Bill amends and extends the Data Protection Act 1988 to cover certain manual as well as computerised personal data, and attaches additional conditions to the processing of personal

data. In addition, the Bill strengthens individuals' rights, particularly in relation to the processing of their personal data, and sets out new conditions in relation to the transfer of personal data to countries and territories outside the European Economic Area. The Bill was passed by the Seanad on 24 April 2002, and Second Stage in the Dáil was completed on 24 October 2002.

- A number of Bills were progressed in 2002:-

- **Proceeds of Crime (Amendment) Bill 1999**

Published in November 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**

Published in April 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. An agreed method of dealing with the issue of shared jurisdiction among Convention state ships suspected of drug trafficking offences on the high seas is established. The flag state, that is the state where the ship is registered, is given preferential jurisdiction. The Bill also makes certain amendments to Part V of the Criminal Justice Act 1994 to allow Irish enforcement officers to take action in Irish territorial waters against Convention state vessels which are suspected of drug trafficking offences without the necessity of obtaining the consent of that state.

- **Criminal Justice (Temporary Release of Prisoners) Bill 2001**

Published in March 2001. The purpose of this Bill is to amend the Criminal

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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.

- **Private Security Services Bill 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. Second Stage was completed in the Dáil on 13 December 2002.

- Bills under preparation during 2002:-

The International Criminal Court Bill
Crimes Bill
European Union (European Arrest Warrant) Bill
Commissions of Investigation Bill
Criminal Justice (International Co-operation) Bill
Criminal Justice (Joint Investigation Teams) Bill
Enforcement of Fines Bill
Fines Bill
Criminal Justice (Protection of Confidential Information) Bill
Criminal Justice (Miscellaneous Provisions) Bill
Criminal Justice (Garda Powers) Bill
Prison Service Bill
Proceeds of Corruption Bill
Drug Offenders Bill
Telecommunications (Retention of Traffic Data) Bill
DPP appeal against unduly lenient sentences in the District Court Bill
Defamation Bill
Contractual Obligations (Applicable Law) Bill
Coroner's Bill

Courts (Miscellaneous Provisions) Bill

Dormant Funds (Courts) Bill

Landlord and Tenant

(Miscellaneous Provisions) Bill

Family Law (Pensions) Bill

Immigration and Residence Bill

Intoxicating Liquor Bill

Gaming and Lotteries Bill

Ground Rent Bill

- An important component of effective criminal law is that it is kept under review. The Law Reform Commission (LRC) has a specific and important role to play in this area and the Department continues to liaise closely with the LRC in relation to its work. The Department also sponsored research into a number of areas and in conjunction with relevant parties, kept under review the operation of certain legislative provisions as well as maintaining contact with relevant organisations at national and international level.

Other developments

Statutory Regulations made in 2002:-

- **Extradition (European Union Conventions) Act 2001 (Commencement) Order 2002**
S.I. No. 85 of 2002: This Order brought the Act into force with effect from 20 March 2002.
- **Criminal Justice Act 1994 (section 57A) Order 2002**
S.I. No. 101 of 2002: This Order designates Nauru as a state that in the opinion of the Minister has not in place adequate procedures for the detection of money laundering, and came into operation on 2 April 2002.
- **Children Act 2001 (Commencement) Order 2002**
S.I. No. 151 of 2002: This Order brought into operation certain parts and provisions of the Children Act 2001 with effect from 1 May 2002.

- **Criminal Justice Act 1994 (section 46(1)) Order 2002**
S.I. No. 152 of 2002: This Order designated, with effect from 23 April, 2002, an additional 18 countries whose confiscation orders may be enforced by Ireland arising from their becoming party to the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and/or the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.
- **Criminal Justice Act 1994 (section 47(1)) Order 2002**
S.I. No. 153 of 2002: This Order designated, with effect from 23 April, 2002, an additional 18 countries whose forfeiture orders may be enforced by Ireland arising from their becoming party to the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and/or the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.
- **Criminal Justice Act 1994 (section 55(1)) Order 2002**
S.I. No. 154 of 2002: This Order designated, with effect from 23 April, 2002, an additional 22 countries whose requests for the search and seizure of evidence in the investigation of an offence under law may be executed in Ireland, to the extent that there would be a power of search and seizure in respect of similar conduct in Ireland. The countries in question were designated arising from their becoming party to the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the European Convention on Mutual Assistance in Criminal Matters or the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- **Criminal Justice (Theft and Fraud Offences) Act 2001 (Commencement) Order 2002**
S.I. No. 252 of 2002: This Order brought into operation, with effect from 1 August 2002, the remaining provisions of the Criminal Justice (Theft and Fraud Offences) Act 2001 (other than section 57, which deals with provision of information to juries) which were not already in operation.
- **Prevention of Corruption (Amendment) Act 2001 (Commencement) (No. 2) Order 2002**
S.I. No. 477 of 2002: This Order brought into operation, with effect from 11 October 2002, section 4 (2) (c) of the Prevention of Corruption (Amendment) Act 2001. This subsection provides for a presumption of corruption in certain circumstances in relation to functions under the planning code.
- **European Communities (Personal Insolvency) Regulations 2002**
S. I. No. 334 of 2002: These Regulations are intended to facilitate the operation of Council Regulation (EC) No. 1346/2000 of 29 May 2000 on Insolvency Proceedings, insofar as they concern personal insolvency. The Regulations set out the necessary amendments to domestic legislation (the Bankruptcy Act of 1988) and make necessary provisions for the good administration of the Council Regulation, which came into effect on 31 May, 2002. (The facilitation of the operation of the Council Regulation with regard to corporate insolvency is set out in Statutory Instrument No. 333 of 2002.)
- **European Communities (Civil and Commercial Judgements) Regulations 2002**
S. I. No. 52 of 2002: Council Regulation (EC) No. 44/2001 on jurisdiction and the recognition and enforcement of judgements in civil and commercial

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matters entered into force on 1 March 2002. The Minister for Justice, Equality and Law Reform made Regulations entitled the European Communities (Civil and Commercial Judgements) Regulations, 2002 which set out the effect on domestic legislation of the Brussels I Regulation and make the necessary provisions for its good administration.

- **Courts and Court Officers Act 2002 (Sections 19 to 21) (Commencement) Order 2002**

S.I. No. 407 of 2002: Courts and Court Officers Act 2002 (Sections 19 to 21) (Commencement) Order 2002, provided for the coming into force on 1 October 2002 of:

- (i) section 19 - Extension of jurisdiction of Circuit Court and District Court under section 21A of Family Law (Maintenance of Spouses and Children) Act, 1976;
- (ii) section 20 - Extension of jurisdiction of Circuit Court and District Court under section 23 of Family Law (Maintenance of Spouses and Children) Act, 1976; and,
- (iii) section 21 - Extension of jurisdiction of Circuit and District Court under Guardianship of Infants Act, 1964.

- **Courts and Court Officers Act 2002 (Section 22) (Commencement) Order 2002**

S.I. No. 451 of 2002: Courts and Court Officers Act 2002 (Section 22) (Commencement) Order 2002 provides for the coming into force on 1 October 2002 of Section 22 of the Courts and Court Officers Act 2002. Section 22 of the Courts and Court Officers Act 2002 confers powers on County Registrars which extend and are in addition to those conferred on them by the Courts and Court Officers Act 1995.

Note: Secondary legislation has not yet been enacted in respect of sections 13 to

18 inclusive (jurisdiction provisions) and section 46 (Register of Reserved Judgements) of the Courts and Court Officers Act 2002.

- **Irish Nationality and Citizenship Act 2001 (Commencement) Order, 2002**

S.I. No. 128 of 2002: This Order commences all remaining sections of the Irish Nationality and Citizenship Act, 2001 with effect from 30 November 2002.

- **Irish Nationality and Citizenship (Declaration of Citizenship) Regulations 2002**

S.I. No. 196 of 2002: These Regulations prescribe the forms to be used by a person born in Ireland who wishes to make a declaration that he or she is an Irish citizen as provided for in section 6 of the Irish Nationality and Citizenship Act 1956 (amended by section 3 of the Irish Nationality and Citizenship Act 2001).

- **Irish Nationality and Citizenship Regulations, 2002**

S.I. No. 567 of 2002: The Regulations prescribe the procedure to be followed and the forms to be used by persons who make declarations for the purposes of the Irish Nationality and Citizenship Act 1956 to 2001, or who apply for certificates of naturalisation. They also prescribe the form of certificates of naturalisation which the Minister may grant, and the form of notice in Iris Oifigiúil of the grant of a certificate of naturalisation (S.I. No 196 of 2002 is revoked and replaced by these Regulations).

- **Refugee Act 1996 (Appeals) Regulations 2002**

S.I. 571 of 2002: These Regulations revoke and replace the Refugee Act, 1996 (Appeals) Regulations, 2000 (S.I. No. 342 of 2000). The Regulations supplement in detail the procedures set out in section 16 of the Refugee Act 1996 in relation to the determination by

the Refugee Appeals Tribunal of appeals against recommendations of the Refugee Applications Commissioner on applications for recognition as a refugee.

- **Solicitors (Amendment) Act 2002 (Commencement) Order 2002**

S.I. No 494 of 2002: This order provides for the coming into force of specified provisions of the Solicitors (Amendment) Act 2002.

Resolutions approved by the Houses of the Oireachtas in 2002:-

- **European Union Conventions**

Resolutions in accordance with Article 29.5.2 of the Constitution were approved by Dáil Éireann approving the terms of the 1995 Convention on Simplified Extradition Procedures and the 1996 Convention on Extradition. Both Conventions were subsequently ratified by Ireland.

- **Council Framework Decisions**

Resolutions in accordance with Article 29.4.6 of the Constitution were approved by both Houses of the Oireachtas approving the exercise by the State of the options or discretions provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of proposals for Council Framework Decisions on Joint Investigation Teams, Combating Trafficking in Human Beings, Combating the Sexual Exploitation of Children and Child Pornography and on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence.

- **Council Directive**

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 option provided by Article 4 of the Fourth Protocol to the Treaty of Amsterdam in relation to the Directive on defining the facilitation of unauthorised entry, transit and residence.

Developments in European Union and International Law

In recent years work at EU level in the areas of criminal and civil law co-operation has expanded significantly and this continued in 2002 creating new demands for participation in the negotiation of EU and other international instruments, participation in various international monitoring mechanisms and the production of legislative proposals at national level to meet our international obligations. Instruments under negotiation or adopted during the year included a Council Framework Decision on combating trafficking in human beings, a Council Framework Decision on the European Arrest Warrant and surrender procedures between the Member States, a draft Framework Decision on combating the Sexual Exploitation of Children and Child Pornography and a draft Framework Decision on the execution in the EU of orders freezing property or evidence. Details of all instruments are set out below.

European Union Instruments

Agreed/Adopted during 2002:-

(see chapter on European Union and International Issues for further details)

- Council Framework Decision on combating trafficking in human beings
- adopted at JHA Council in July 2002.

- Council Directive defining the facilitation of unauthorised entry, transit and residence - adopted at JHA Council in November 2002.

- Council Framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence - adopted at JHA Council in November 2002.

- Council Framework Decision on the European Arrest Warrant and surrender procedures between the Member States - adopted at JHA Council in June 2002.

- Draft Council Framework Decision on combating corruption in the private

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sector - political agreement at JHA Council in December 2002.

- Draft Council Framework Decision on confiscation of crime-related proceeds, instrumentalities and property - political agreement at JHA Council in December 2002.
- Draft Council Framework Decision on the execution in the European Union of orders freezing property or evidence - political agreement to text at JHA Council in February 2002. Certificate to be approved at a future JHA Council.
- Draft Council Framework Decision on combating the sexual exploitation of children and child pornography - political agreement at JHA Council in October 2002.
- Council Framework Decision on joint investigation teams - adopted at JHA Council in June 2002.

European Union Instruments under negotiation:-

- Negotiations between EU and USA on Agreements on Extradition and Mutual Legal Assistance.
The European Council agreed in September 2001 that negotiations should be opened with the USA with a view to a new agreement on matters of judicial co-operation, including extradition and mutual legal assistance. Formal negotiations between the EU (represented by the Presidency) and the USA got underway in June 2002 and continued throughout the remainder of 2002.
- Draft Council Decision determining which provisions of the 1995 EU Convention on simplified extradition procedure and of the 1996 EU Convention relating to extradition constitute developments of the Schengen acquis for purposes of the application of these two Conventions between the EU and Iceland and

Norway.

Negotiations on this Council Decision commenced in June 2001 and were almost completed during 2002. The purpose of this Decision is to associate Iceland and Norway with the application of the provisions of the Simplified Extradition Convention (1995 EU Extradition Convention) and the 1996 EU Extradition Convention which constitute a development of the Schengen acquis and which fall within the scope of the Association Agreement between the EU and Norway and Iceland.

- Draft Council Framework Decision on the execution in the European Union of confiscation orders.

This proposal was initiated in June 2002. The aim of the instrument is to facilitate co-operation between Member States as regards the recognition and execution of confiscation orders so as to oblige a Member State to recognise and execute in its territory a confiscation order issued by a judicial authority of another Member State.

- Draft Council Framework Decision on combating racism and xenophobia.

During 2002 negotiations continued on an EU Framework Decision on combating racism and xenophobia. Also in 2002 negotiations were completed on a Council of Europe Protocol to the Cybercrime Convention on the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

- Draft Council Framework Decision on the application of the principle of mutual recognition to financial penalties.

The aim of this instrument is to provide for the mutual recognition of financial penalties, mainly fines, within the European Union. The intention is that a fine imposed in one Member State can be executed and collected in another.

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- Draft Council Framework Decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking.

The aim of this instrument is to target illicit drug trafficking by providing a common EU definition of drug trafficking aligned to the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, minimum rules in relation to punishment levels as well as liability of legal persons, and jurisdiction and prosecution.

Other International Matters

- Council of Europe Draft Protocol to Criminal Law Convention on Corruption.

Negotiations continued on a draft Protocol extending the provisions of the Convention to arbitrators and members of juries. It is anticipated that the Draft Protocol will be opened for signature during 2003.

- Financial Action Task Force: application of countermeasures against non-co-operative 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 identified Nauru as non-co-operative in the global fight against money laundering, and required Member States to apply agreed countermeasures against it. Ireland has complied with this requirement. A Ministerial order (S.I. No. 101 of 2002) has been signed designating Nauru as a state which in the Minister's opinion had not in place adequate procedures for the detection of money laundering. The order came into operation on 2 April 2002.

- OECD: Evaluation of Ireland by Working Group on Bribery in International Business Transactions.

In June 2002 the Working Group on

Bribery in International Business Transactions completed its evaluation of Ireland under Phase 1 of the process of self and mutual evaluation by which it monitors Member States in respect of the 1997 OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. It is anticipated that the OECD will publish its Recommendations in due course.

- United Nations: Ad-Hoc Committee for the Negotiation of a Convention against Corruption.

Negotiations have continued on a draft Convention against Corruption.

- Council Regulation concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility.

On 6 May, 2002 the Commission forwarded a proposal to the Council of the European Union for a Council Regulation concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility repealing Regulation (EC) No. 1347/2000 and amending Regulation (EC) No. 44/2001 in matters relating to maintenance. On 12 July, 2002 having followed the requisite domestic procedures, the President of the Council was duly informed of Ireland's intention to participate in the adoption of these measures. Negotiations on the proposal are continuing and it is expected that the instrument will be finalised towards the end of 2003.

- European Enforcement Order for Uncontested Claims.

On 13 May 2002 the Commission presented a draft Regulation creating a European Enforcement Order for Uncontested Claims. Negotiations on the draft instrument are ongoing.

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- During 2002 the European Commission also published Green Papers on:
Alternative Dispute Resolution in civil and commercial matters;
- A European Order for Payment Procedure and on measures to simplify and speed up small claims litigation.

Bilateral Agreements/Treaties:-

- Ireland-USA Treaty on Mutual Legal Assistance in Criminal Matters.
This Treaty was signed in Washington D.C. on 18 January 2001 and is currently awaiting completion by the USA of their constitutional procedures so that the treaty can be formally ratified.
- Bilateral agreement with the United Kingdom on mutual assistance in criminal matters.
Arrangements to facilitate the completion of each State's necessary constitutional formalities to implement the agreement is underway
- Bilateral agreement with the United Kingdom regarding the extension of the 1959 Council of Europe Convention on mutual assistance in criminal matters to the Isle of Man.
The procedures to implement the agreement is underway. Amending legislation to allow for the agreement to be ratified is also being included in the Criminal Justice (International Co-operation) Bill currently being prepared.
- Bilateral agreement between Ireland and Hong Kong Special Administrative Region on Mutual Legal Assistance in Criminal Matters.
Amending legislation to allow for the agreement to be ratified is being included in the Criminal Justice (International Co-operation) Bill currently being prepared.

- Proposed Bilateral agreement with the United Kingdom regarding the extension of the 1959 Council of Europe Convention on mutual assistance in criminal matters to the Bailiwick of Guernsey.
Amending legislation to enable any such agreement to be entered into will be included in the Criminal Justice (International Co-operation) Bill currently being prepared.
- Bilateral Agreement between Ireland and Canada on Extradition
Awaiting conclusion of an Agreement.

Codification of Substantive Criminal Law

The Programme for Government includes a commitment to codify all substantive criminal law into a single Crimes Act. As a first step in giving effect to this commitment, an Expert Group has been established to report by the end of 2003, on possible approaches to codification.

Criminal Justice (Drug Trafficking) Act 1996

Sections 2 to 6 of the Criminal Justice (Drug Trafficking) Act 1996, which provide An Garda Síochána with additional powers of detention, were renewed until 31 December, 2004.

Housing (Private Rented Sector) Bill

The Department continued to co-operate 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. A Bill is due to be published in 2003.

Legal Advisory Group on Defamation

The Legal Advisory Group on Defamation was established in September 2002. The Group's remit is essentially to focus on technical issues of a legal nature and, in particular, to take account of recent developments in other jurisdictions which have occurred since the final report of the

Law Reform Commission on Defamation was published in 1991. In that context, the Group has a role in assessing the legal changes which may be required if our defamation laws are to be brought into line with those prevailing in other states.

Commission on Liquor Licensing

The Commission on Liquor Licensing, which is charged with reviewing the State's liquor licensing laws, presented two Reports to the Minister during the year. The Second Interim Report, which was published in July, included recommendations on a range of issues including the licensing system and hours of trading, as well as advertising and matters relating to drinking by young people. The Report on Admission and Service in Licensed Premises was published in December. It advocates greater clarity in the liquor licensing laws in relation to admission and service, and a stronger focus on health and safety issues with a view to protecting staff and customers alike.

The Minister subsequently indicated his intention to bring proposals to Government for legislative changes in the liquor licensing laws in response to the Commission's recommendations. During the year, the Minister announced a codification of the entire liquor licensing code. Preparatory work commenced towards the end of 2002.

Central Authorities for International Child Abduction and International 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 April, 2002 a representative of the Central Authority attended a meeting of 12 Central Authorities convened to comment on an early draft of a Guide to Good Practice. In September/October, 2002 representatives of the Central Authority attended a Special Commission Concerning the Hague Convention. The agreed conclusions of the Special Commission and the Guide to Good Practice are available at <http://www.hcch.net>.

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Breakdown of cases by Contracting State - 2002

Country	Incoming*	Outgoing*	Total
Australia	4	-	4
Belgium	-	1	1
Canada	1	-	1
Cyprus	1	1	2
Denmark	1	-	1
England & Wales	27	22	49
France	1	-	1
Georgia	-	1	1
Hong Kong	-	1	1
Italy	1	2	3
Netherlands	1	-	1
New Zealand	3	1	4
Northern Ireland	3	2	5
Romania	-	1	1
Scotland	1	5	6
South Africa	1	-	1
Spain	-	1	1
Sweden	-	1	1
Switzerland	-	1	1
USA	6	2	8
Total	51	42	93**

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

** Includes 21 cases carried forward from 2001

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Status at 31 December, 2002

	Incoming*	Outgoing*	Total
Court Order return	10	8	18
Court Refuse return	3	2	5
Voluntary return/ Settled by consent	14	9	23
Withdrawn	9	7	16
Access Order registered	2	-	2
Awaiting Resolution	13	13	26
Application Refused	-	3	3
Total	51	42	93**

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

** Includes 21 cases carried forward from 2001

Central Authority for MaintenanceRecovery

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, 2002

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
2002	30	18	48
Total	129	109	238

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

Human Rights

High Level Goal 7

To implement the human rights commitments in the Good Friday Agreement and ongoing review and revision of human rights aspects of criminal law and practice generally.

Strategy Statement 2001-2004 Objectives

- *Complete the operational establishment of the Human Rights Commission to enable the new statutorily established Commission to fully implement the commitment in the Good Friday Agreement and to fulfil the Government's commitment that the Commission will be a model for others to follow standards of best international practice in the promotion, protection and development of human rights in the State, in an all-Ireland context and internationally in association with other rights-based organisations.*
- *Fulfil the commitment to give further effect to the provisions of the European Convention on Human Rights.*
- *Ensure that the human rights aspects of criminal law and practice are kept under review and up-to-date and in particular that channels of communication are established with the Human Rights Commission.*

Progress on objectives in 2002

- Successful recruitment of Chief Executive to the Human Rights Commission.
- During 2002 the Department continued to provide a support role to the Human Rights Commission. A budget of €1.292 million was provided under the Ministers Vote in 2002.
- Appropriate staffing structures, levels and numbers provided to implement the programme of work identified by the Commission.
- The European Convention on Human Rights Bill 2001 was restored to the Dáil Order Paper at Committee Stage in June 2002.
- The Criminal Law (Insanity) Bill 2002 was published in December 2002 - awaiting Committee Stage in the Seanad.
- General Scheme of a Garda Síochána Inspectorate and Complaints Bill was drafted.

European Union and International

High Level Goal 8

To increase the public's security and promote the development of a more equal society through our participation in EU and other international initiatives and programmes that influence our crime, law reform, asylum and immigration and equality strategies.

Strategy Statement 2001-2004 Objectives

- Continue to participate in the development and implementation of European Union and other international policy in relation to drug misuse and organised crime and also crime prevention.
- Make effective use of the arrangements for mutual legal assistance in criminal matters and for extradition between Ireland and other jurisdictions and participate in developments at national and international level to enhance such arrangements.
- Provide police officers for international conflict prevention and crisis management operations.
- Ensure efficient and effective national contribution to the deliberations and achievements of the European Union and other relevant international bodies in the area of criminal and civil law co-operation.
- Ensure that the State's arrangements on migration, asylum and related policy issues are developed and represented in harmony with our partners in the EU, Council of Europe and other relevant international groupings.
- Identify key areas for Ireland's forthcoming Presidency of the European Union in 2004, decide upon priorities and develop a Work Programme for the Presidency.

Progress on objectives in 2002

General

- Following the attacks in the United States on 11 September, 2001, an extraordinary meeting of the Justice and Home Affairs (JHA) Council of the European Union was held on 20 September, 2001, at which wide-ranging measures were adopted to maintain the highest level of security and to combat terrorism.

Moreover, an extraordinary meeting of the European Council was held on 21 September, 2001, in order to analyse the international situation following the attacks in the US and to impart the necessary impetus to the actions of the European Union. At this meeting, the Council

approved what has become known as the EU Action Plan on Terrorism.

During 2002, the Department continued to be actively involved in agreeing the modalities for implementation of these measures, whether in the form of Framework Decisions, Council Common Positions or Council Decisions.

- Justice and Home Affairs (JHA) continued to be an integral element and a key policy-making area of the European Union. During the course of 2002 significant advances were made in the development of the Union as an area of freedom, security

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and justice in accordance with the provisions of the Amsterdam Treaty and in conformity with the policy orientations and priorities set out in the conclusions of the Tampere European Council (1999). The Seville European Council in June 2002 gave a further impetus to developments in the JHA area when it affirmed its determination to speed up the implementation of all aspects of the programme adopted in Tampere for the creation of an area of freedom, security and justice in the European Union

- Under Oireachtas scrutiny arrangements introduced in July 2002, the Department has been involved in facilitating increased scrutiny of EU business by members of the Oireachtas. This included providing briefing before JHA Councils to members of the Oireachtas and submitting information notes to the Oireachtas on all EU legislative proposals involving this Department as provided for in the Oireachtas Scrutiny guidelines and the EU (Scrutiny) Act, 2002. In 2002 the Department provided 1 pre-Council briefing session and submitted 5 information notes to the Oireachtas for scrutiny.
- In addition, a number of Framework Decisions were brought before both Houses of the Oireachtas for approval in accordance with the provisions of Article 29.4.6 of the Constitution. Oireachtas approval was also sought in a number of cases to allow for the exercise of Ireland's right to opt-in to measures under Title IV of the Treaty establishing the European Community which relate to free movement of persons.
- The Convention on the Future of Europe, which commenced its deliberations in early 2002, has also required considerable attention and resources from the Department in following its proceedings and deliberations.
- The Department also continues to participate in about 30 Council working groups and committees up to and including the Justice, Home Affairs and Civil Protection Council and in the development

of the legislative and administrative measures to give effect to decisions of the Council of the European Union (hereafter "the Council").

- In addition to involvement in EU matters, officials of the Department participated in meetings at the Council of Europe, the UN and the OECD.
- The Council approved a Decision on 28 February, 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis. Work commenced on the administrative and legislative measures necessary to give effect to Ireland's obligations under this Decision.

Drugs and Organised Crime

- The Department continued to participate in the development and implementation of European Union and other international policy in relation to drug misuse and organised crime such as: the EU Multi-disciplinary working group on Organised Crime, UN Commission on Narcotic Drugs, UN Commission on Crime Prevention and Criminal Justice and the Financial Action Task Force.
- At EU level the Department participated in the implementation of the European Union Strategy for the Beginning of the New Millennium on the Prevention and Control of Organised Crime.
- The Council concluded a mid-term review of the EU Action Plan on Drugs 2000-2004. The Council identified the following priorities:
 - Further EU actions on drugs should be guided by increased application of target dates defined responsibilities and measurable success criteria,
 - Heroin, cocaine and crack cocaine should remain at the centre of European efforts to combat drugs,
 - Increased attention should be awarded to the growing threat posed by production and consumption of synthetic drugs,

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- Operative actions involving Joint Investigation Teams and co-operation between liaison officers should be further facilitated.
- A number of relevant decisions and conclusions were also adopted by the Council in 2002 including:
 - Council Decision concerning control measures and criminal sanctions in respect of a new synthetic drug PMMA,
 - Council Decision setting up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes,
 - Resolution of the Council and the representative of the governments meeting within the Council on the incorporation of drug prevention in school curricula,
 - Council Recommendation on the need to enhance co-operation and exchanges of information between the various operational units specialising in combating trafficking in precursors in the Member States of the EU.
- In 2002 the Minister concluded bilateral Agreements, subject to ratification, on drug trafficking and other serious crime with the Minister of Interior of the Republic of Bulgaria and the Cypriot Minister of Justice and Public Order.
- A Decision was adopted by the Council to establish a new institution called Eurojust with a view to reinforcing the fight against serious crime. The objective of Eurojust is to stimulate and improve co-ordination between the competent national authorities, of investigations and prosecutions involving two or more Member States. It is also to facilitate the execution of mutual legal assistance requests and the implementation of extradition requests.

Mutual Legal Assistance

- During the year 2002 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:

- draft Framework Decisions on the execution in the European Union of orders freezing property on evidence and confiscation orders,
- the draft agreement on mutual assistance between the European Union and the United States of America,
- the work of the Council of Europe Committee of Experts on the operation of European Conventions in the Penal Field.

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 Procedures 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.

During 2002:

- 288 mutual assistance requests were received from abroad;
- 66 requests were sent abroad.

The types of request processed by the Central Authority 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

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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.

Extradition

- During 2002 the Department assisted in the negotiations leading to the adoption of the Framework Decision on the European Arrest Warrant and in the draft agreement on extradition between the European Union and the United States of America. Also during the 2002 progress was made in the assessment of the requirements of implementation of new extradition legislation and introduction of new procedures including the setting up of a Central Authority for Extradition. Consultations in these matters is continuing. Progress was also made in the preparation of the revision of draft guidelines on making extradition requests to Ireland to take account of the Extradition (European Union Conventions) Act 2001. Further revision will take place following the enactment of legislation giving effect to the European Arrest Warrant. The updating of the internal guide to the Extradition Acts was completed in 2002 and circulated internally and to other relevant agencies.

The preparations for EU evaluation of extradition arrangements between Member States was postponed by EU MDG (Crimorg 7) in view of the adoption of the Framework Decision on the European Arrest Warrant.

During 2002:

- 26 extradition requests were received from the United Kingdom in 2002;
- 7 requests were received from other

countries;

- A report on the operation in 2001 of the extradition arrangements with the United Kingdom was prepared by the Department and presented by the Government to the Houses of the Oireachtas on 10 December, 2002 as required by statute.

Other developments

Police and Judicial Co-operation

The Council adopted a Framework Decision on Combating Terrorism that sets out a common definition of terrorism and a list of terrorist offences. It provides for penalties and sanctions for persons who have committed such offences.

The Council adopted a Framework Decision on the European Arrest Warrant and surrender procedures between the Member States.

The Council approved a mandate for negotiating an agreement with the USA on judicial co-operation in criminal matters. The negotiating mandate covers, inter alia, extradition, mutual legal assistance including exchange of data and the setting up of joint investigation teams.

The Council adopted a Decision establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism. The aim of this initiative is to increase co-operation and mutual assistance in preventing and combating terrorist acts through police and judicial co-operation.

A Framework Decision relating to the setting up of joint investigation teams by the competent authorities of two or more Member States for a limited period to carry out criminal investigations was adopted by the Council.

The Council reached agreement on a Framework Decision on the Execution in the European Union of Orders Freezing Property or Evidence. The purpose of the Framework Decision is to establish the rules

under which a Member State shall recognise and execute in its territory a freezing order issued by a judicial authority of another Member State. In particular the Framework Decision applies to freezing orders issued for the purposes of securing evidence or subsequent confiscation of property.

A Decision establishing a framework programme for police and judicial co-operation in criminal matters was adopted. This programme will support projects in the Member States in the areas of judicial co-operation and criminal matters, co-operation between law enforcement authorities and co-operation between Member States to achieve effective protection of the interests of victims in criminal proceedings.

The Council reached political agreement on the Framework Decision on Combating Sexual Exploitation of Children and Child Pornography. The primary objective of the Framework Decision is to ensure that there are no safe havens for child sex offenders suspected of having committed an offence in a country other than their own. It also addresses the problem of child pornography on the Internet so as to make clear the EU's determination to implement common provisions in this field and to contribute towards providing Internet users with a safe and crime free environment.

The Council reached political agreement on the Framework Decision on Confiscation of Crime-Related Proceeds, Instrumentalities and Property. The purpose of the Framework Decision is to develop the existing obligations for Member States under the 1990 Convention on laundering, search, seizure and confiscation of the proceeds of crime and the 2001 Framework Decision on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime.

Political agreement was reached on the Framework Decision on Combating Corruption in the Private Sector. The aim

of the Framework Decision is to ensure, inter alia, that both active and passive corruption in the private sector is a criminal offence in all Member States, that companies may be held responsible for both active and passive corruption and that offences incur effective, proportionate and dissuasive penalties

Asylum and Immigration Issues

The Council adopted a comprehensive plan to combat illegal immigration and trafficking in human beings in the European Union. The plan which aims at defining a common and integrated approach to all issues linked to illegal immigration and human trafficking, identifies areas such as visa policy, the exchange and analysis of information, readmission and repatriation policies, and measures relating to border management, where action is necessary. The plan also envisages new actions and measures for combating illegal immigration and human trafficking.

The Council reached broad agreement on the draft "Dublin II" Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an application for asylum.

A Framework Decision on Combating Trafficking in Human Beings was adopted. The aim of the Framework Decision is to ensure the punishment of activities including recruitment, transportation, transfer or harbouring of a person for the purpose of exploitation of that person's labour services or for the purpose of the exploitation of the prostitution of others or other forms of sexual exploitation.

The Council adopted a Directive defining the facilitation of unauthorised entry, transit and residence and a Framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence, the aim of which is to prevent the facilitation of illegal immigration.

A Regulation laying down certain rules to

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implement Eurodac for the comparison of fingerprints of applicants for asylum and certain other categories of third country nationals was adopted.

A Return Action Programme which aims at defining a common strategy at the level of the European Union in the area of return of asylum seekers was adopted by the Council.

A readmission agreement was signed between the European Community and China on 27 November 2002. Its purpose is 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.

In relation to immigration and asylum matters, Ireland exercised its Title IV opt-in on three measures during 2002:

- Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals.
- Council Directive supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 (carriers liability).
- Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons who otherwise need international protection.

Other International Developments - Asylum and International

During 2002, Ireland continued to participate in a proactive manner in discussions at EU level on a number of legislative instruments in the immigration and asylum area. The main legislative proposals discussed in the area of immigration during 2002 included:

- 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).

The main legislative proposals discussed in the asylum area were:

- A 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.
- 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 State.
- Also in 2002, the Commission tabled an amended proposal for a Directive on minimum standards on procedures in Member States for granting and withdrawing refugee 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.

Eurodac

During 2002, preparations for the

commencement of the Eurodac Regulation continued with a view to having the system operational in January 2003. The EURODAC system comprises a database of fingerprints of persons who apply for asylum in EU Member States. The database has a print matching facility and its objective is to assist in determining the EU Member State responsible pursuant to the Dublin Convention for examining an application for asylum lodged in an EU State and to facilitate the detection of persons who have made multiple applications for asylum.

UNHCR Global Consultations

During 2002, the Department continued to participate in the final leg of an international dialogue on refugee protection known as “Global 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, which concluded in 2002, gave rise to the publication of an *Agenda for Protection* which was endorsed by the fifty-third session of the Executive Committee of the UNHCR in October 2002.

Inter-Governmental Consultations

During 2002, 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.

Judicial Co-operation in Civil Matters

A Regulation was adopted establishing a general Community framework of activities to facilitate the implementation of judicial co-operation in civil matters.

Political agreement was reached by the Council on a Directive improving access to legal aid in cross-border disputes. The Directive seeks to provide access to legal aid for EU citizens in whichever State their cases arise on the same basis as citizens of that State.

The Council adopted a Decision authorising the Member States to sign the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (the 1996 Hague Convention). This measure will contribute to the protection of children in situations that transcend the boundaries of the Community.

Northern Ireland

High Level Goal 9

To contribute to the establishment of partnership, equality and mutual respect within Northern Ireland, between North and South and between these islands.

Strategy Statement 2001–2004 Objective

- *Continue to play a full part in implementing all aspects of the Good Friday Agreement, with emphasis on those matters for which the Department has particular responsibility.*

Progress on objective in 2002

- In 2002 the Department continued, along with others, to play its part in Government work relating to Northern Ireland with particular emphasis on the implementation of those Government commitments under the Good Friday Agreement for which it bears primary responsibility. In particular:
 - the Department continued to liaise closely with the Independent International Commission on Decommissioning (IICD). On 8 April 2002 the Commission confirmed that the IRA had put a varied and substantial quantity of arms, ammunition and explosive material beyond use, in line with a scheme previously agreed between the IRA and the IICD. This followed a previous act of IRA decommissioning in October 2001;
 - the Department continued to participate in the institutions established under the Good Friday Agreement. Many of the matters falling within the competence of the British-Irish Council (BIC) and, in particular, the British-Irish Intergovernmental Conference (BIIGC), come within the Department's remit. These include the areas of human rights, justice, prisons, policing, drugs and drug trafficking, cross-border security co-operation and the normalisation of security arrangements;
 - on 29 April 2002 the Minister, on behalf of the Government of Ireland, signed an Inter-Governmental Agreement on the implementation of Patten Report recommendations on co-operation between the Garda Síochána and the Police Service of Northern Ireland. The Agreement is the first of its kind to provide a bilateral legal framework for enhanced co-operation between the Garda Síochána and the Police Service of Northern Ireland. In particular it allows for closer liaison, joint investigations, an annual conference and joint emergency planning. It also provides for extensive arrangements for exchange of personnel and experience as well as for co-operation in the area of training. The proposal to exchange personnel with police from another jurisdiction presents a new challenge and opportunity and represents a major development for the Garda Síochána. The Department is currently working to put in place the legislative and administrative arrangements necessary to implement this new Agreement in full;
 - work continued on progressing the implementation of recommendations of

the report of the Victims' Commission - A Place and A Name - which conducted a review of the 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 this regard:

- (i) the Government, in April 2002, approved in principle the establishment of a Fund to address the needs of the victims of the conflict in Northern Ireland and their families in this jurisdiction and, in this regard, the establishment of a working group to draw up detailed proposals for the operation of such a Fund. The Minister for Justice, Equality and Law Reform immediately appointed a working group to examine and make proposals for the establishment, operation and endowment of the Fund. The working group completed its work later in the year and submitted its recommendations to the Minister for consideration, with a view of bringing its proposals to Government in due course;
- (ii) the Department continued to fund a Family Services Support Centre of the Justice for the Forgotten group which provides counselling, advice and general support for those injured and bereaved in the 1974 Dublin/Monaghan bombings and other atrocities in this jurisdiction;
- (iii) the Department continued to assist the Independent Commission of Inquiry into the Dublin, Monaghan and Dundalk bombings which carried forward its work during the year. On request from the Taoiseach, the sole member of the Inquiry, Mr. Justice Henry Barron, agreed to report on other cases including the earlier Dublin bombings of 1972 and 1973 and the Castleblaney bombing of 1976;
- (iv) the Committee to review the Offences Against the State Acts, 1939-98 chaired by former Supreme Court Judge Mr. Justice Anthony Hederman published its final report in August 2002. The Minister is giving careful consideration to its recommendations with a view to bringing proposals to the Government in due course. Both the final report and an interim report on the Special Criminal Court (issued by the Committee in August 2001) are available on the Department's website, www.justice.ie.

Other developments

The list of Statutory Regulations made in 2002 include:

- Decommissioning Act 1997 (Decommissioning) (Amendment) Regulations 2002
- Decommissioning Act 1997 (Decommissioning) (Supplementary) (Amendment) Regulations 2002

S.I. Nos. 41 & 42 of 2002: These regulations extended to 27 February 2003 the expiry date of the Decommissioning Act 1997 (Decommissioning) Regulations 1998 and the Decommissioning Act 1997 (Decommissioning) (Supplementary) Regulations 2001 respectively, thus continuing in force the legislative basis for decommissioning.

The Department and the Criminal Assets Bureau participated in meetings held under the auspices of the British Irish Council in Guernsey in May and November, 2002 arising from co-operation within the Council Framework on the problem of drug misuse. These conferences resulted in statements of "best practice", using the Criminal Assets Bureau as a model, which may be used by other jurisdictions when addressing the issue of the confiscation of the proceeds of crime.

Asylum, Immigration and Citizenship

High Level Goal 10

To provide the framework for ensuring that asylum, immigration and citizenship policies respond to the needs of immigrants, asylum seekers and our society and are in line with the best international practices and standards.

Strategy Statement 2001–2004 Objectives

- *Further develop immigration policy and bring forward comprehensive new immigration legislation within a structured framework.*
- *Implement the Government's asylum strategy in order to deliver more speedy decisions in relation to applications for refugee status; process to finality the asylum applications currently on hand; deal with increased numbers of repatriations.*
- *Process applications for visas, permission to remain in the State, naturalisation and other facilities covered by aliens, nationality and citizenship legislation as promptly as resources allow and provide an adequate public information service on these matters.*
- *Provide a responsive and effective capacity to combat trafficking in human beings and illegal immigration in terms of actions both domestically and internationally.*
- *Continue to provide and support the necessary structures, including the necessary legislative base, for the asylum and immigration areas, having due regard to best international practice.*
- *Provide the necessary support framework, including the development of the Reception and Integration Agency, for meeting the reception and accommodation needs of asylum seekers and the integration of refugees into Irish society.*

Progress on objectives in 2002

- During 2002 the four main elements of the framework for the development of proposed new immigration legislation to replace the Aliens Act, 1935 were completed and work commenced on the preparation of a new Immigration and Residence Bill. 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. The report of this process was published in August, 2002.
 - a study of international legislation and practice in the field of immigration, employing external expertise. This study, which was undertaken by the International Organization for Migration, was published in August, 2002.
 - an internal review of practices in Immigration and Citizenship Division with a view to improving service to the public. This review was completed in June, 2002.

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- During 2002, the Department continued to have a major input into the implementation of the Government's asylum strategy aimed at achieving:
 - 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.
 - dealing with the increased numbers of repatriations arising in respect of persons who do not qualify for refugee status.
- In relation to Deportations and 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, 2002 is set out in the table below.

In the same period 55 other persons left the State before their deportations could be enforced and 3490 persons evaded deportation or were not at their last known address for the purpose of service. Re-admission agreements with Romania, Bulgaria, Poland and Nigeria continue to be implemented.

Year	Deportation Orders Made	Persons Deported	Returned Voluntarily
1999	102	6	37
2000	940	187	248
2001	2025	365	365
2002	2430	521	506

- **Legal Challenges to Deportation Orders**

The number of persons who instigated judicial reviews challenging deportation proceedings during the year 2002 was 143. Of these applicants, a total of 119 had deportation orders against them. Taking account of proceedings disposed of in the courts, the total number of applicants who had on-going judicial review cases as at 31 December, 2002 was 149, of whom 131 had deportation orders.

During 2002, the main judgement relating to the power to deport non-nationals was delivered by the High Court on 8 April in

the L and O cases. The L and O families had challenged the making of deportation orders against certain non-national members of their families on the basis that the Minister was not entitled to deport the parents of an Irish born child. While there were findings regarding the Dublin Convention, the main ruling of the High Court was to refuse the reliefs sought by the applicants and to find that the Minister was entitled to decide to deport the parents of an Irish born child if the Minister considered that such a decision was in the common good on the basis of the overriding need to preserve respect for and the integrity of the asylum and immigration

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systems. An appeal by the L and O families to the Supreme Court was heard on 22 and 23 October, 2002. On 23 January, 2003 the Supreme Court delivered its judgements. By a majority of 5 - 2 the Supreme Court dismissed the appeal of the families and affirmed the order of the High Court. The Supreme Court decision has major implications for the status of non-national parents of children who are born in the State.

- The average processing time for applications for naturalisation during 2002 has been maintained at 15 months, despite an increase of almost 250% in the volume of applications being received compared with 2001. The number of certificates of naturalisation issued during 2002 also increased by 31% on the number for 2001.
- The number of asylum applications received in 2002 was 11,634 as compared to 10,325 in 2001. The main source countries for 2002 continued to be Nigeria and Romania. Applications from Nigeria comprised 34.8% of overall applications and applications from Romania comprised 14.4% of overall applications. The top five source countries for 2002 in descending order were Nigeria, Romania, Moldova, Zimbabwe and Ukraine.

TABLE 1 - ASYLUM APPLICATIONS RECEIVED PER YEAR

A comparison of the position in 2002 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	10,325
2002	11,634

TABLE 2 - SOURCE COUNTRIES FOR ASYLUM APPLICATIONS

The top five source countries for asylum applications for 2001 and 2002 are shown in the table below:

2001			2002		
Country of Origin	Number of Applicants	as % of overall applicants	Country of Origin	Number of Applicants	as % of overall applicants
1st:Nigeria	3,461	33.5%	1st: Nigeria	4,050	34.8%
2nd:Romania	1,348	13.1%	2nd:Romania	1,677	14.4%
3rd:Moldova	549	5.3%	3rd:Moldova	536	4.6%
4th:Ukraine	376	3.6%	4th:Zimbabwe	357	3.1%
5th:Russia	307	3.0%	5th:Ukraine	351	3.0%

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The time between receipt of initial application and first instance interview was substantially reduced. In addition, the number of asylum applications on hands for more than six months at the end of December 2002 was some 1,397 as compared to 6,700 such applications in September 2001.

During the year there has been a sharp increase in processing. The number of first instance cases finalised by ORAC in 2002 was

15,212 as compared to 12,142 such cases in 2001. In the case of appeals, the RAT received 5,297 appeals in 2002 compared to 4,033 in 2001 and completed 5,551 appeals in 2002 compared with some 3,428 in 2001. However, the large number of applicants who failed to show for interview at the first stage of the process continued to cause concern during the year with only 47% of scheduled interviews at first instance actually proceeding.

TABLE 3 - DETAILS OF ASYLUM APPLICATIONS RECEIVED AND CASES PROCESSED IN 2002 (FIRST INSTANCE) BY THE ORAC

Number of applications received	11,634
Number of interviews scheduled	12,677
Number of interviews held	5,997
Number of no-shows	4,499
Number of cancellations	2,181
Number of applicants granted refugee status	893
Number of applicants refused refugee status of which:	7,469
<ul style="list-style-type: none"> • Recommendation to refuse applicant a declaration to be a refugee following interview - S13 of the Refugee Act, 1996 	5,852
<ul style="list-style-type: none"> • Recommendation that an application is manifestly unfounded - S12(1) of the Refugee Act, 1996 	114
<ul style="list-style-type: none"> • Recommendation to refuse following failure to attend for second interview - S11(9) of the Refugee Act, 1996 	1,503
Withdrawn cases	6,073
Dublin Convention Cases	191
Cases outstanding for more than six months	718
Total cases finalized	15,212

TABLE 4 - OUTCOME OF APPEALS IN 2002

Substantive Decisions	
Set aside	1,097
Affirmed	3,606
Total	4,703
Manifestly Unfounded Decisions	
Set aside	49
Affirmed	81
Total	130
Dublin Convention	
Set aside	8
Confirmed	110
Total	118
Overall Total	4,951
Total Appeals Completed (including withdrawals)	5,551

A total of 5,275 hearings were scheduled during 2002 – an increase of 74% on the 2001 figure of 3,039 hearings.

- Ireland participated fully in the development of immigration policy at EU level aimed at combating trafficking in human beings and illegal immigration. In this regard, the Illegal Immigrants (Trafficking) Act, 2000 creates the offence of trafficking in illegal immigrants. During 2002 work on the preparation of carriers liability legislation was finalised and formed part of the Immigration Bill, 2002 which was introduced in the Seanad in February 2002. This legislation will make it an offence for a carrier to carry a passenger into the State who does not have proper immigration documentation thereby improving controls on illegal migration. The Bill also included a provision in relation to the imposition of penalties on employers who employ a non-national illegally.
- Significant work took place during the year on the preparation of legislative amendments to the Refugee Act, 1996 to address, inter alia, the large number of unfounded asylum applications being received. The Immigration Bill, 2002 was presented in the Seanad on 20 February, 2002 primarily to provide for a scheme of carriers liability. However, in December 2002 the Government approved additional amendments for inclusion in the Bill to, inter alia, streamline procedures for dealing with withdrawn and abandoned asylum claims and to enable the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal to better manage workflows.
- In recognition of the importance of a return and readmission policy as an integral and vital component in the fight against illegal immigration, a number of bilateral readmission agreements were ratified by Ireland during 2002:

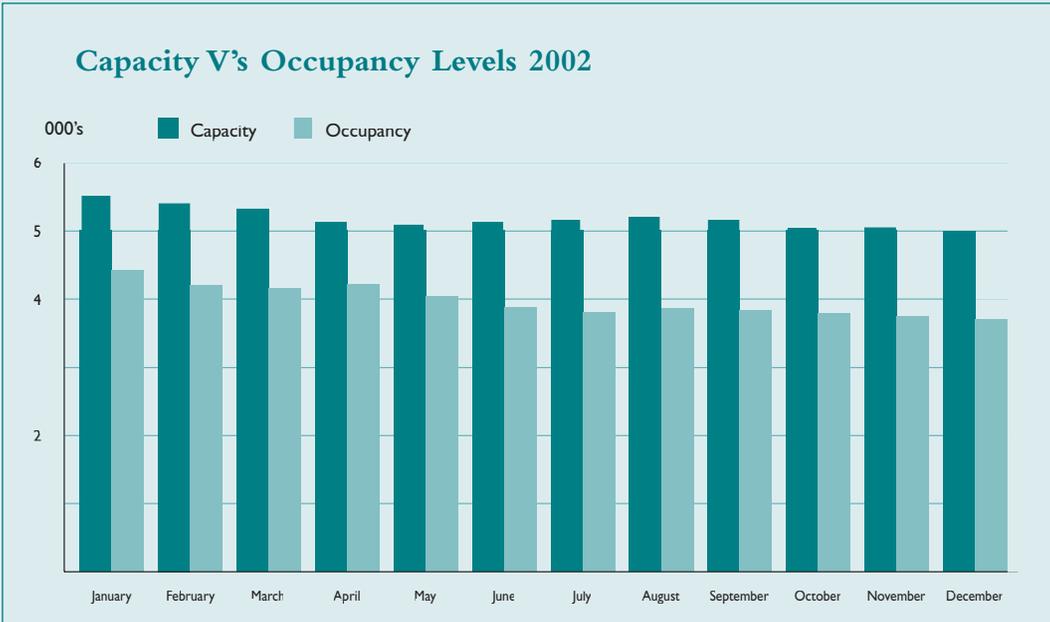
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- The agreement with Poland was ratified by Ireland on 28 March, 2002 following the approval of Dáil Éireann. Poland ratified the agreement on 15 May, 2002 and it came into effect on 23 June, 2002.
- The agreement with Nígeria was ratified by Ireland on 28 March, 2002 following the approval of Dáil Éireann.
- The agreement with Bulgaria was ratified by Ireland on 28 March, 2002 following the approval of Dáil Éireann.

In addition, the first European Community readmission agreement, which was with the Government of the Hong Kong Special Administrative Region of the People’s Republic of China, was signed on 27 November 2002. Oireachtas approval was given on 26 June 2002.

• **Asylum Seeker Accommodation Programme**

At 31 December, 2002 the RIA had the capacity to accommodate over 5,800 asylum seekers in 7 Reception Centres, 50 Accommodation Centres and 3 step-down centres across 23 counties in a range of accommodation facilities. The type of centres available to the RIA include guesthouse, hostel, mobile home site (Kildare, Athlone and Tralee), former holiday camp (Mosney), hotel and system-built accommodation. Since the introduction of direct provision in April, 2000 to end 2002, the RIA/DASS have accommodated over 26,500 asylum seekers, including 9,200 during 2002. (See table below).



• **Transfer of Allocation in respect of Accommodation for Asylum Seekers**

Arising from recommendations made by the Expenditure Review Committee, the subhead in respect of the recoupment of expenditure incurred by local authorities in relation to accommodation for asylum seekers is being transferred from the Vote of the Minister for the Environment and Local Government to the Vote of the Minister for

Justice, Equality and Law Reform with effect from 1st January, 2003. The allocation for 2003 stands at €73 million.

• **System Built Facilities**

A new system built facility was brought on stream at Kinsale Road, Cork in 2002. This is the third such facility to be opened, the other two being Knockalisheen, Co. Clare and Baleskin, Dublin. The use of

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these facilities as accommodation centres is a first in Ireland for the RIA.

System-built projects entail the erection of purpose-built, high quality, prefabricated buildings for the provision of integrated accommodation and ancillary services. These centres provide full board accommodation facilities, medical, welfare, recreational and other management facilities. An outreach maternity service from the Rotunda maternity hospital began operation at the Baleskin centre towards the end of 2002.

- **Inspections**

During the course of 2002, the RIA introduced an independent inspection process to ensure that the highest standards in the provision of facilities are upheld. This inspection process is supplemented by RIA's own internal inspections unit.

- **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

- **Health Services**

- Health screening for Asylum Seekers in Ireland.

Health screening is offered to asylum seekers on a voluntary basis. In accordance with guidelines issued by the Department of Health and Children in September 2001, particular attention is paid to TB, Hepatitis, HIV, Polio and Chickenpox. In Health Boards outside the Eastern Regional Health Authority (ERHA) region, the service is provided by screening teams on an outreach basis with the teams based in the larger accommodation centres - i.e. Knockalishen, Athlone and Mosney. During 2002, dedicated screening teams

were also established in the Midland and South Eastern Health Boards. Based on returns from the ERHA region, the screening done by other Health Boards and the screening done at maternity facilities, it is conservatively estimated that at least 70% of asylum seekers in direct provision accommodation avail of health screening.

- Ante-natal out-reach clinic.

Following consultations between the RIA, the NAHB (Northern Area Health Board) the ERHA and the Dublin maternity hospitals, an out-reach ante-natal clinic was established at Baleskin in November 2002 and is staffed by medical, nursing and clerical personnel from the Rotunda hospital.

- Health Information Programme.

In 2002, work was completed on the development of a Health Information Programme, run for newly arrived asylum seekers in reception centres in Dublin. The Programme, which is funded by the NAHB and run by SPIRASI (Spiriten Asylum Services Initiative), was devised by the NAHB, SPIRASI and the RIA. It is due to commence formally in January 2003. The Programme aims to provide essential information to asylum seekers about accessing health services in Ireland, the promotion of health screening and a range of advice and information on cultural norms and mores in the context of health service provision in Ireland.

- **Small Grants Fund**

The Small Grants Scheme was established by the Agency in 2001 specifically to assist voluntary support groups befriending asylum seekers in direct provision centres throughout the country. Grants are made for projects which assist the asylum seekers to settle in the area and which seek to promote intercultural activities between the asylum seekers and the local community.

Around 40 support groups throughout the country benefited from the Scheme in 2002. Projects selected range from reception functions such as formal or informal welcome meetings to art classes,

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day trips to local places of interest, sports.

- **Integration Initiatives**

The Agency continued to expand its range of integration activities throughout 2002 focusing on the provision of local support and information services. In association with local voluntary groups and accommodation centre staff, the Agency organised and participated in a number of special integration meetings where members of the local community, service providers and asylum seekers/refugees attended.

The objective of these events was to provide an opportunity for the local community and the asylum seeker/refugee community to come together to meet and celebrate their traditions and cultures.

- A study into the integration needs of refugees in Ireland was commissioned by the RIA in June 2002. The final report of the study which is being conducted by Pearn Kandola, is due shortly.
- The Agency's new initiatives in the integration area for 2003 includes the development of its own website and the deepening of its contacts with the NGO sector.
- The RIA is also the responsible authority for the administration of the European Refugee Fund (ERF) in Ireland. Under ERF provisions, funding is made available to a number of chosen projects the majority of which are involved in the integration and education of refugees. In 2002, €965,000 was made available to 18 projects working in the areas of reception, integration and voluntary repatriation.

- **Step-down Facilities**

In January 2002, the Agency designated a small number of centres as step-down self-catering facilities to cater for the parents and families of Irish born children and persons who had refugee status and were

adjusting to the challenges of moving from direct provision to independent living. Currently, the Agency has step-down facilities in Waterford, Tralee and Drogheda.

These are short stay centres and staff of the Agency assist by providing information, liaising with local service providers such as FÁS, the local authority, MABS etc. and local support groups to assist persons source private rented accommodation, register with FÁS and to access the various other services.

The Agency recognise that among the refugee population there are some vulnerable persons and where such cases are highlighted, one-to-one orientation is provided to assist the individual in every possible way with their integration into the local community.

- **Orientation Programme for persons granted refugee status**

Apart from the step down centres, RIA has, since January 2002, an orientation programme for asylum seekers recently granted refugee status. Orientation programmes take place in the accommodation centres prior to the individual leaving the centre. Programme topics include information on all aspects of Irish society and living in Ireland. It also provides advice on the management of money and running a home, gives guidance on the availability of services generally and identifies where help can be got locally.

Other developments

Budget

The dedicated budget allocated to the asylum and immigration areas of the Department's Vote increased from £24,793 million (€31,480.6 million) in 2001 to €38,455 million in 2002.

Refugee Legal Service

In 2002, the Department provided €9.6m for the development and operation of the Refugee Legal Service (RLS) to provide a legal aid and advice service to asylum seekers at all stages of the asylum process.

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2002 also saw an increase in the take up rates for RLS services.

Members of the Refugee Appeals Tribunal

During 2002, an additional 9 Members were appointed to the Refugee Appeals Tribunal, bringing the total complement of serving Members at the end of 2002 to 30.

Voluntary Assisted Return Programme

A pilot scheme intended to last for one year, 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, commenced in November 2001. The object of the project was to assist 200 asylum seekers to return voluntarily to their countries of origin. A review of this programme was carried out in December, 2002 and following an examination of the findings, consideration will be given to its continuation.

General Immigration

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.

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. marriage to an Irish or EU national), business permission applications, citizenship applications etc.

Visas

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.

Visa applications are handled by the Department of Foreign Affairs, through its network of consular posts abroad. Overall policy in relation to the issuing of visas is, however, the responsibility of the Department of Justice, Equality and Law Reform, although the majority of decisions annually are made by the Department of Foreign Affairs and its consular posts on the basis of delegated sanction from the Department of Justice, Equality and Law Reform.

Specialist Visa offices were established in Beijing and Moscow in 2002 in response to a dramatic increase in recent years in the number of visa applications from these countries. In the year under report, 38,000 visa applications were dealt with by this Department (including our offices in Beijing and Moscow) representing a 16% increase on the number dealt with in 2001 and a 56% increase on the number dealt with in 2000.

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 2002, 4417 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 Registration Office, 13-14 Burgh Quay, Dublin 2. The foregoing does not apply to asylum applicants who are given a temporary residence certificate by the Refugee Applications Commissioner. In 2002, over 97,000 non-EEA nationals registered in the State. This represents a 7% increase on the number registered in 2001(90,446). The figures for 2000 and 1999 were 47,262 and 29,646 respectively. These figures exclude persons under 16, female spouses of Irish nationals as well as a persons seeking asylum. The main nationalities involved in descending order were from China, Philippines, Romania, Nigeria and United States of America.

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 2002 was approximately 40,000. The figures for 2001 and 2000 were 36,000 and 18,000 respectively. The number of persons granted permission to remain on the basis of having an Irish born child in 2002 was 4,071, as opposed to 3,153 in 2001 and

1,515 in 2000. 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

The Garda National Immigration Bureau was established in May 2000. Its functions include the co-ordination of Garda operational strategies at points of entry into the State, the implementation of effective strategies to combat trafficking in illegal immigrants (including international operational liaison), the enforcement of deportation orders, the provision of a non national registration service and the enforcement of immigration law generally.

In September 2001 a new computerised registration system for non-nationals was introduced. The system contains details of approximately 100,000 non EEA nationals who are legally resident in the State and is accessible to immigration officers at all major ports and airports. The system has enormous benefits in terms of improved customer service and processing efficiency. Upon registration a non EEA national is issued with a Garda Registration Certificate which is a bank card type document with a digitised photograph and a range of security features. The intention is that the high security card will replace the older "Green Book" version on a gradual basis upon renewal.

Citizenship

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

A non national can apply for naturalisation, once he or she has fulfilled certain

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statutory conditions for naturalisation, including being of good character and having five years residency in the State. The Minister may also, at 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
2001	1431	1012
2002	3574	1332

A non-national who married an Irish citizen prior to 30 November 2002 can make a declaration for post-nuptial citizenship after three years of marriage. In 2002, 1485 certificates were issued to such persons compared with 1419 in 2001. The Department processes applications from such 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.

provision, can apply for a certificate of naturalisation, provided they satisfy certain statutory requirements, including being resident in Ireland for three years, being married for 3 years to an Irish citizen and being of good character.

The Irish Nationality and Citizenship Act, 2001, insofar as provisions relating to naturalisation and post-nuptial citizenship were concerned, commenced with effect from 30 November 2002. These provisions can be summarised as follows:

When calculating a period of residence in the State for naturalisation purposes, no period will be taken into account in respect of which the applicant did not have the permission of the Minister, where such permission was required. Furthermore, periods spent for the purpose of study or seeking to be recognised as a refugee will not be taken into account.

Events - Community Games

Mosney Reception Centre accommodated over 6,000 competitors, managers and staff over three weekends in 2002 and large numbers of day visitors were also catered for at the centre. The organisers have expressed great satisfaction with the organisation of the Games. Staff of the Agency gave generously of their free time over all weekends to attend at Mosney so as to ensure that the Games ran smoothly.

- The post-nuptial process has been repealed with effect from 30 November 2002. By way of a transitional provision, persons who are married to Irish citizens before that date but fail to satisfy the 3 year criterion at that time can make the declaration after that date upon completion of 3 years of marriage. The transitional provision will cease to apply on 30 November 2005.
- Persons who marry Irish citizens but whose date of marriage does not come within the timeframe of the transitional

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High Level Goal 11

To promote 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.

Strategy Statement 2001–2004 Objectives

- Enhance the existing statutory foundation for equality.
- Develop and pursue equal opportunity and equal access policies.
- Support the reconciliation of work and family responsibilities.

Progress on objectives in 2002

- 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. During 2002 the Department continued to be active on a number of fronts providing a focal point for disability equality policy and legislation development in the context mainstreamed public service provision for people with disabilities. Activities included participation in a number of Interdepartmental Committees and in European Union, Council of Europe and other international fora which have an impact on policy for people with disabilities. A particular focus was given to the preparation of a new Disability Bill.
- An expert Consultation Team, chaired by an Assistant Secretary from the Department, was appointed in April, 2002, to oversee a consultation process on proposals for disability legislation, with particular reference to the Disability Bill, 2001. The Consultation Team met with key stakeholders during the year including the Disability Legislation Consultation Group (DLCCG), a group brought together by the National Disability Authority (NDA) as a representative group of disability organisations, to facilitate dialogue within the sector and with the Consultation Team.
- The National Disability Authority (NDA) was established in June, 2000 and its remit includes functions in advising the Minister on disability policy as well as promoting good practice in service provision. The Department has established appropriate liaison structures to monitor expenditure by the NDA and to facilitate the performance of its functions. The Department provided funding of €3,731,772 to the NDA in 2002.
- The Department continued 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 operates through a national office in Dublin and through 30 Disability Networks at county level. PwDI has an elected Board drawn from the county networks. PwDI received annual

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grant aid from the Department of €1,270,000 in 2002.

- During 2000, Directives 2000/43/EC and 2000/78/EC, were adopted under Article 13 of the Amsterdam Treaty. A consultative process with Government Departments, the Equality Authority, Office of the Director of Equality Investigations (ODEI - the equality tribunal), Labour Court and the Social Partners in relation to the implementation of the employment aspects of Directive 2000/43/EC and Directive 2000/78/EC was completed at the end of 2002.

Under Article 13 of the Amsterdam Treaty the European Council also established a Community action programme to combat discrimination which will run from 2001 to 2006 to enhance and support the two anti-discrimination Directives adopted in 2000. 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.

- Directive 2002/73/EC amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for women and men as regards access to employment, vocational training and promotion, and working conditions was adopted under Article 141 of the Amsterdam Treaty on 23 September 2002. This Directive must be transposed by 5 October 2005.
- The Employment Equality Act 1998 currently 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. During the course of a review of the discriminatory grounds covered by the Act carried out during 2001, a number of new grounds were suggested for inclusion: socio-economic status/social origin, trade union membership, criminal conviction/ex-prisoner/ex-offender and political opinion. In the light of the complexities and practical implications involved, UCC Law Department was commissioned to research into the international experience of anti-discrimination legislation under such grounds. A draft report was completed in December 2002, with the final Report to be published in 2003.
- Throughout 2002, the necessary support was provided to the Equality Authority and the ODEI - *the equality tribunal* in the performance of their statutory functions. The Equality Authority developed a Code of Practice on Sexual Harassment and Harassment at Work which was launched in March 2002. The Code of Practice, which was given statutory effect by the Minister, aims to give practical guidance to employers, employers' organisations, trade unions and employees on:
 - what is meant by sexual harassment and harassment in the workplace;
 - how it may be prevented;
 - what steps to take if it does occur to ensure that adequate procedures are readily available to deal with the problem and to prevent its recurrence.
- Support was provided to national representative organisations for Travellers through continued financial support for the Traveller Mediation Service and the Citizen Traveller campaign which was completed in late 2002, and for ethnic minorities and Travellers through the National Consultative Committee on Racism and Interculturalism.
- The National Women's Council of Ireland (NWC) is the national umbrella organisation for women representing over 150 non-governmental women's organisation at national, regional and local level. The Council received a grant of €587,000 from the Department in 2002 for general administration, salaries and overheads. This included a developmental grant of €8,000 for the organisation, Women In The Home (WITH).

- The Department designated the National Disability Authority (NDA) as the national co-ordinating body for the European Year of People with Disabilities 2003. The key aim of the Year is to promote awareness of disability issues among the general public and to raise awareness of the rights of people with disabilities to equal opportunities and to protection against discrimination.

A National Co-ordinating Committee (NCC) was established in October, 2002 headed by the chairperson of the NDA. Membership comprises representation of disability organisations, service providers, Social Partners, the Equality Authority, key Government Departments and the media. Initiatives to mark the Year will be pursued under the following themes, which were agreed by the NCC: Awareness Raising; Youth and Disability; Rights, Partnership and Responsibilities; and Employment.

- 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 including seminars and the production of information material for employers and in particular a research project undertaken in partnership with the Equality Authority on the issues involved in recruiting and retaining employees with disabilities, which was published in 2001. The Programme for Prosperity and Fairness (PPF) requires that every Department ensures that public bodies under its aegis achieve the target at an early date and at the end of 2002 arrangements were being made to review performance by public bodies in this regard.
- Work on the establishment of a National Centre of Excellence was ongoing through 2002.
- Contributions were made to policy making at national, EU and international level. At national level, this included representation at meetings of the National Framework for the Development of Equal Opportunities at the level of Enterprise, participation on committees such as the Committee on the Code of Practice on Parental Leave, chaired by Department of Enterprise, Trade and Employment, and contributions to periodic reports on the implementation of PPF commitments. At EU level, staff members attended appropriate EU meetings and conferences. At international level, contributions were made to a number of reports to organisations such as the International Labour Organisation and the UN, and to a research visit conducted by the OECD. In addition, a number of international delegations were met in 2002 with regard to employment equality legislation.
- Progress was achieved to *develop and pursue equal opportunity and equal access policies* in the following areas:
 - **Implement the National Anti-Racism Awareness Programme.** The Anti-Racism Programme (KNOW RACISM) continued into its second year of operation, concentrating on marketing, advertising and TV campaigns. Local awareness was also developed with a conference and grant schemes for community groups to stimulate awareness of the issues.
 - **Draw up a National Anti-Racism Action Plan.** The development of the National Action Plan Against Racism commenced with the launch of a consultative phase of meetings and seminars and the formation of a Steering Group to assist in the development of the Plan.
 - **Pilot equality proofing projects.** The work of the Working Group on Equality Proofing, established under the Programme for Prosperity and Fairness (PPF) continued in 2002. An interim report was produced which provided information on pilot projects of equality proofing.

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- **Monitor the implementation across Departments of agreed policies to improve the situation of Travellers.**
In furthering the monitoring of the situation of Travellers, the Monitoring Committee continued to meet throughout 2002 and discussions continued on the second progress report on the implementation of the recommendations of the Task Force on the Travelling Community.
- The Equality for Women Measure of the National Development Plan 2000-2006 funds gender equality initiatives in employment, business and decision making. Expenditure on the Measure during 2002 was €5.8 million. During 2002 the Minister approved a further 23 projects for funding, bringing to 70 the number of projects which are being financed under the Measure. By end 2002 approximately 2,300 women had participated in training and a further 2,500 had availed of facilities of service providers under the Measure. The Equality Authority, on behalf of the Department, signed agreements with three organisations during 2002 to undertake a review of their human resource policies and practices, particularly in relation to assessing the gender equality impacts. During 2002 the Measure also funded the work of the National Framework Committee (NFC) for the Development of Family Friendly Policies at the Level of the Enterprise.

The Measure funded the following publications in 2002:

- *"Fathers and Mothers – dilemmas of the work-life balance"* a research report on the parental difficulties faced by working couples. This report was co-financed by the EU.
- *"Getting out of the House"* an ESRI research report focussing on the barriers faced by women returning to employment, education and training.
- The first *Annual Report* on the Measure, covering the period 2000-2001.

For further information on the Equality for Women Measure see website www.ewm.ie.

- On foot of the recommendations of the Working Group reviewing maternity protection legislation, the duration of maternity leave was increased, with effect from 8th March, 2001. In the interests of equity the increases in maternity leave were simultaneously applied to adoptive leave. Government approval was obtained on 17 July 2002 for the drafting of a Bill which will amend the existing maternity leave regime to reflect the outstanding recommendations of the Review Group on Maternity Leave.
- On 19 December 2000, the previous Government decided to amend the Adoptive Leave Act 1995 to reflect, where appropriate, the proposed changes to the Maternity Protection Act 1994 arising from the Review of that Act. Legislative proposals to apply the remaining Maternity Review recommendations to adoptive leave, as appropriate, were developed following consultation with relevant parties in 2002.
- In accordance with section 28 of the Parental Leave Act 1998 and a commitment in the Programme for Prosperity and Fairness, a Working Group comprising the social partners, relevant Government Departments and the Equality Authority, carried out a review of the Act in 2001. *The Report of the Working Group on the Review of the Parental Leave Act 1998* was published on 29 April 2002, also published were the findings of research commissioned by the Working Group to ascertain the uptake levels of parental and *force majeure* leave and the attitudes of employers, employees and trade union representatives (organisation level) to the provisions of the Act. The Government is committed in the Programme for Government to strengthen the parental leave scheme in line with the recommendations of the social partners.
- On supporting the mainstreaming of family-friendly practices in employment,

the Department participated in the National Framework Committee for Family Friendly Policies, set up under the PPF and chaired by the Department of Enterprise, Trade and Employment, to support family-friendly policies at the level of enterprise. In addition to advising the Committee in relation to the adoptive, maternity and parental leave legislation and associated case law developments during 2002, the Department contributed to the Committee's overall programme of work throughout the year which included organising the National Family Friendly Workplace Day on 1 March 2002 and the production of the Family Friendly quarterly newsletter.

Other developments

eAccessibility

The Department continued to play a key developmental role during 2002 in progressing initiatives under the eEurope Action Plan aimed at the removal of barriers to the participation by people with disabilities in the Information Society. With the completion of the 2002 Action Plan, responsibility for future activities under the eEurope Action Plan 2005, and at national level under the eGovernment Strategy New Connections, will revert to the Department of Enterprise, Trade and Employment.

Disability Awareness

National Information days on Disability have been held since 1997 (co-funded by the Department and the EU Commission). For Disability Information Day 2002, a television programme was produced entitled *Do They Take Sugar?* which featured the lives of three people with disabilities. It was broadcast on national TV on 3 December, 2002 the European and National Day of People with Disabilities.

The Disability Equality Section of the Department within its responsibility for promoting disability equality initiated a programme of activities for 2003 the European Year of People with Disabilities. This included an advertising campaign and supporting a joint project with the OPW

involving an exhibition on the theme Design for All which opened in the offices of the OPW on St. Stephen's Green from 14 to 25 October, 2002. The exhibition will travel to a number of venues nationwide over the course of 2003.

Traveller Mediation Service

Financial support of €131,418 was provided in 2002 towards a Traveller Mediation Service operated by Pavee Point Traveller Centre.

This 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.

Traveller Communication Strategy

2002 was the 4th year of the Traveller Communication Programme and following a review of the Citizen Traveller Campaign commissioned by the Minister, it was considered that an orderly winding up of the management company Traveller Communication Committee Ltd with the payment of all outstanding creditors was the best policy. The liquidation of Traveller Communication Committee Ltd took place in 2002. The Minister is considering all options for a replacement scheme with in the terms of the Task Force Report on the Travelling Community and with specific emphasis on the improvement of relationships between the Traveller and settled communities.

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 this Department is representative of Traveller interests, social partners and relevant Government Departments.

During 2002 the Monitoring Committee continued to meet and monitor the

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recommendations of the Task Force on the Travelling Community.

Equality Proofing

The Working Group on Equality Proofing was established in 2000. It represents an ongoing commitment to Equality Proofing issues. An interim report on Equality Proofing was produced by the Working Group in 2002.

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 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.

European Union anti-discrimination strategy

Under Article 13 of the Amsterdam Treaty, which allows the Community to take action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation the Council of the European Union in 2000 adopted two anti-discrimination Directives, 2000/43/EC (Race Directive) and 2000/78/EC (Framework Employment Directive), and established a Community action programme to combat discrimination to run from 2001 to 2006.

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 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.

Support for the National Consultative Committee on Racism and Interculturalism

The National Consultative Committee on Racism and Interculturalism (NCCRI) is a voluntary sector organisation which seeks to promote meaningful dialogue between the statutory and the non-governmental sectors on issues related to racism and interculturalism. It sponsors a partnership approach to anti-racism and intercultural initiatives.

In 2002 the Department provided a grant of €340,000 to the NCCRI for general administration, salaries, overheads and specific projects.

National Action Plan Against Racism

Following on from the Action Plan of the UN World Conference on Racism (Durban, South Africa) 2001, the Minister for Justice, Equality and Law Reform, on 28th March 2002 launched the Consultative Phase of the preparation of a National Action Plan Against Racism (NPAR) with a National Consultative Conference and publication of a discussion document entitled “*Towards a National Action Plan Against Racism in Ireland*”. A Steering Group, representative of Government, specialist bodies, other bodies and civil society was formed to assist in the development phase of the National Plan. The consultative process, which consisted of the National Consultative Conference,

written submissions, regional and thematic seminars was completed in 2002. A draft report on the consultative process is to be prepared with the Action Plan to be published before the end of 2003. The development of the Plan represents an opportunity to both build upon and enhance existing policies and strategies to address racism in Ireland and to identify new priorities, aspirations and areas of work that can be drawn together into an overall cohesive plan.

National Anti-Racism Awareness Programme - KNOW RACISM Background

In October, 2000 the Government agreed to a proposal from the Minister for Justice, Equality and Law Reform to implement a national anti-racism public awareness programme. In October, 2001, the “KNOW RACISM” programme was launched. Its aim is to stimulate an awareness of racism and promote respect for cultural diversity.

2002 was an active year for the programme. The brand image and anti-racism messages of the programme were disseminated through a mixture of activities including national advertising campaigns, publicity events, support for local anti-racism awareness initiatives, partnership ventures and research.

Spreading the “KNOW RACISM” Messages

In 2002, four national advertising campaigns, involving newspapers and billboards, were undertaken. An ongoing strategy was developed, using research pointers and focus group feedback, on the formulae to be used in advertisements, the tone of the messages and the audiences to be targeted. A direct mail leaflet, entitled “What You Can Do Against Racism”, was developed and distributed to 1.3 million households throughout the country in March/April. A large number of anti-racist and intercultural events were organised throughout the country with the assistance of the NCCRI to mark the International Day Against Racism on March 21st. A KNOW RACISM newsletter was

published in April and 7,000 copies were circulated. In October, 4000 fact sheets were distributed in response to inaccurate and misleading media reports about asylum seekers receiving financial assistance from the Government. The programme’s website, at www.knowracism.ie, was updated on an ongoing basis during 2002 and KNOW RACISM Information Packs were updated and reprinted.

A unique emblem was designed by John Rocha for the programme. The emblem was an opportunity for people to demonstrate their support for the aims of the programme. The emblem was launched in March and was publicised in advertisements on national radio. 60,000 emblems were distributed in 2002.

Developing Local Awareness

A third phase of grant schemes was launched in September, 2002 to assist community groups and organisations with projects and events aimed at stimulating an awareness of racism and an appreciation of cultural diversity in local areas. 200 applications were received and €335,000 was allocated to 60 successful applicants in 17 counties. In October, 2002, KNOW RACISM organised a conference entitled: *Developing Anti-Racism Awareness at Local Level*, in Dublin. The conference provided an opportunity for local groups and organisations to share experiences on the lessons, findings and good practice models from their work done in the 300 successful projects undertaken to date in the first two phases of grants.

Other Activities

KNOW RACISM participated in a partnership arrangement with RTE in co-funding a ten-week series of “Mono”, RTE’s intercultural programme in April-June. A video based on the “Mono” series and aimed at transition year students was distributed to secondary schools. The programme funded bursaries for four racial studies courses in TCD. It also provided funding to the Special Olympics for intercultural training for facilitators in preparation for the games in 2003. The

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KNOW RACISM logo was displayed at the St Patrick's Day parade in Dublin and at other events, including sporting events, during the year. Support was also provided for the Community Games in Mosney, Co Meath during the summer. In November, KNOW RACISM participated with the Equality Authority and its other partners in the Anti-Racist Workplace Week and funded a national advertising campaign on the workplace theme.

The total amount expended on the KNOW RACISM programme in 2002 was €2,311,000. (The total expenditure to end 2002 is €3,732,000).

Male/Female Wage Differentials

The Department is chairing a Consultative Group on Male/Female Wage Differentials which is preparing a report to Government on actions required to address the gender pay gap. The Group was set up in response to a commitment in the Programme for Prosperity and Fairness. This group met eight times in 2002. The report is due to be finalised in 2003.

As part of its work, the group commissioned research to examine the gender pay gap in the following sectors: IT (including electronic and electrical), Retail, Food and Local Government. Indecon International Economic Consultants won the tender to carry out this work. A research report entitled "*A study of the Gender Pay Gap at Sectoral Level in Ireland*" has been published and is available on the Department's web site. This research was co-financed by the EU under the Gender Equality Programme 2001-5 and was carried out in partnership with Finland, Sweden and Northern Ireland. The project also funded a comparative report on the gender pay gap in the project partners. This report is also on the Department's web site.

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, 2002 and Government and Ministerial appointments have increased from 17% to 34% during the same period. A six-monthly periodic report will be brought to Government on this issue commencing in 2003.

EU Initiatives

The Department is represented on an EU High Level Committee on Mainstreaming Gender Equality. This committee had two meetings in 2002. The Department is also represented on the Management Committee for the EU Gender Equality Programme 2001-2005 which met twice in 2002. The Department secured funding under the EU Gender Equality Programme in 2002 to manage a project in conjunction with the North Western Health Board on the theme of family friendly policies.

The achievement of gender equality is one of the commitments of the EU Employment Guidelines and this commitment is given national expression in the Employment Action Plan. The Department provides relevant inputs to the Plan and advises the Department of Enterprise, Trade and Employment on the incorporation of gender equality across the whole Plan.

Council of Europe

The Department is represented on the Council of Europe Working Group, the Committee for Equality between Women and Men, known by the initials of the French title - CDEG. The Committee aims to make women's issues more visible. There were two meetings of the committee in 2002.

United Nations Convention on the Elimination of Discrimination Against Women (CEDAW)

Ireland acceded to the above Convention in 1985 which requires regular reporting to the UN on equal rights for women in political, economic, social, cultural and civil life. Work on Ireland's Combined Fourth and Fifth Reports on the CEDAW commenced in 2002 for submission to the UN in 2003.

UN Beijing Platform for Action.

The Platform for Action which was adopted at the UN Fourth World Conference on Women in 1995 (Beijing) outlines commitments on gender equality in twelve critical areas. In October 2002 Ireland presented a report to the UN on the implementation of these commitments, *Ireland's Report to the United Nations on the National Plan for Women 2002 on the Implementation of the Beijing Platform for Action*.

The UN Commission on the Status of Women (CSW)

The Commission on the Status of Women promotes equality for women and particularly the implementation of the Beijing Platform for Action, which was adopted at the Fourth World Conference on Women in Beijing in 1995. The Department participated in the March 2002 meeting of the Commission as part of Ireland's delegation to the European Union at this forum.

National Plan for Women 2002

In October 2002 the Department published *Ireland's National Plan for Women 2002* which was presented to the UN in fulfilment of international commitments. The Report details Ireland's existing commitments to advancing the status of women in Irish society. In preparing this report the Department engaged in an in-depth consultation process with women's organisations, other non-governmental organisations, the social partners and other stakeholders. The views expressed at ten regional fora and in the 335 individual submissions received have been published in a separate report entitled "*Aspirations of Women collected in the course of the Consultation Process on the National Plan for Women 2002: Towards a National Women's Strategy*" (October 2002). The submissions received by the Department in the consultation process were also placed on the Department's web site (www.justice.ie). Each Government Department has been asked to take account of the Report to the UN and to take note of the 'Aspirations of Women' when formulating and reviewing

policy and implementing programmes.

As an outcome of the National Plan for Women 2002, the Government decided in July, 2002 that the Department should commence work on the development of a National Women's Strategy to build on progress in advancing the position of women in Ireland over the coming years.

High Level Goal 12

To improve the quantity and quality of childcare provision and develop a co-ordinated childcare infrastructure over the period of the National Development Plan.

Strategy Statement 2001–2004 Objective

- Provide funding and develop other supports to deliver on our childcare commitments.

Progress on objective in 2002

- The Equal Opportunities Childcare Programme (EOCP) is a seven year developmental strategy, largely funded through the EU/Exchequer supported National Development Plan 2000 - 2006 and with a seven year budget of €436.7 million. The EOCP aims to increase the number of childcare places in Ireland to address the childcare needs of parents who may be in employment, education and training and to promote the development of a top quality childcare service.
- The third strand of the Programme aims to improve childcare quality across the sector. This is achieved through on going supports to the seven National Voluntary Childcare Organisations (NVCOs) which link closely to the aims of the EOCP and also through the support of the thirty three City and County Childcare Committees. These latter Committees finalised their five year County Childcare Strategies early in 2002 and their ongoing activity during the year related to the implementation of their first Action Plans to deliver those locally focused strategies. In 2002, some €8 million was approved under the Quality Improvement Sub-Measure of the EOCP. This excludes funding for the NVCOs which had been approved on a three year basis in late 2000.

The Programme comprises three strands:

- In 2002, capital grant assistance of €6.6 million was approved to 196 private childcare providers and of €38.2 million to 157 community/not for profit groups which when fully drawn down will lead to the creation of 6,352 new childcare places and the quality enhancement of 4,456 existing places.
- Grant assistance of €17.2 million was approved towards the staffing costs of 185 community based projects which offer supports to disadvantaged parents. This funding usually covers a three year period and is leading to the creation of a further 1,294 new childcare places and to the support of 2,186 existing places.

- Total expenditure on the ongoing development of childcare under the EOCP in 2002 amounted to €58.4 million.

Other developments

The National Childcare Co-ordinating Committee continued to meet regularly during 2002 and the Committee and its Sub-Groups undertook a large body of work, addressing the following issues :

- Advisory Sub-Group on childcare for children with special needs, including children with disabilities and children from ethnic minorities, including Travellers;
- Working Group on School Age Childcare;
- Certifying Bodies Sub-Group.

The Certifying Bodies Sub-Group completed a Model Framework for Education, Training and Professional Development in the Early Childhood Care and Education Sector which sets out a clear and succinct guide which will inform the certification process for the sector in the future.

The Model Framework was launched at a major two day seminar held in Galway in September 2002 and attended by about 200 persons engaged in the childcare sector throughout Ireland.

The Department also co-hosted two seminars for the Chairpersons and Co-ordinators of the City/County Childcare Committees during the year.

During 2002, the EOCP supported the publication by the sector of a significant number of books, studies and other documentation which aim to enhance awareness of quality issues among those engaged in the sector.

High Level Goal 13

To facilitate access to justice:

- *through the operation of professional, efficient and cost-effective criminal legal aid and advice schemes, and*
- *in relation to civil legal aid, by supporting the Legal Aid Board in providing the best possible service to its clients within the resources made available to it.*

Strategy Statement 2001-2004 Objectives

- *Identify policies and implement measures to facilitate access to justice through the criminal legal aid and advice schemes.*
- *Provide a first-class service to practitioners who operate the Scheme.*
- *Support the Legal Aid Board in providing the best possible service to its clients within the resources made available to it.*

Progress on objectives in 2002

Criminal Legal Aid

- Liaison continued with the Law Society, Bar Council and Courts Service to ensure the continued successful operation of the Criminal Legal Aid and Advice Schemes.
- Progress was made in making legal aid claims forms available on the Department's website during 2002.
- The Criminal Justice (Legal Aid) (Regulations) 2002 were made on 1st October, 2002. 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 in the fees payable 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 gross cost of the Criminal Legal Aid

and Advice Schemes was €28.88m in 2002.

Civil Legal Aid

- Our High Level Goal is pursued by supporting the Legal Aid Board in the implementation of the Civil Legal Aid Act, 1995 and Regulations made under the Act, which established the Legal Aid Board on a statutory basis.
- The Department continued to support the Legal Aid Board in providing the best possible service to its clients within the resources made available to it. This included:
 - Continuing to provide adequate resources to the Board to enable it to discharge its brief.
 - Continuing to develop, in discussion with the Legal Aid Board a measurable

- cost-effective and professional civil legal aid service.
 - Providing any assistance required under the Act to support the Board in the development of effective management systems.
 - Reviewing policy on civil legal aid in the context of the Board's operations.
- The Legal Aid Board operates a law centre network through 89 solicitors operating from 30 full-time locations and 14 part-time law centres nationally. This service is complemented by a Private Practitioners Scheme, whereby legal services can be made available in areas of geographic remoteness and where the exigencies of the law centre service so require.
- The Board also operates a dedicated service, known as the Refugee Legal Service (RLS), to provide legal advice and assistance to asylum seekers at all stages of the asylum process, including representation before the Refugee Appeals Tribunal.
- The Board continues to run a specialised Refugee Documentation Centre, which provides an independent and professional research and library service for all of the main bodies involved in the asylum process.
- In 2002, the Board's grant-in-aid funding was increased from €17.274 million to €17.636 million, while funding for the provision of the Refugee Legal Service and Refugee Documentation Centre, at €9.6 million in 2002, was similar to the level of expenditure of this service in 2001.

Other developments

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 Department is responsible for the administration of the Criminal Legal Aid Scheme in the area of policy, preparation of

legislation, compilation of estimates and accountability to the Dáil. It is also responsible for supervising the payment of legal aid fees and expenses to the legal practitioners who operate under the Scheme.

The Division also administers the Ad-Hoc Legal Aid Scheme (CAB) which provides free legal aid for persons who are respondents and/or defendants in court proceedings brought by the Criminal Assets Bureau and the Garda Station Legal Advice Scheme which provides that where a person is detained in a Garda station for the purpose of the investigation of an offence and she/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.

Civil Legal Aid

The Legal Aid Board, which operates under the aegis of the Department, make 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 2002 the Civil Legal Aid Regulations were amended to increase the disposable income and capital allowance limits in order to increase the number of those who would qualify for legal services on financial eligibility. The Minister signed the Regulations and with effect from 1st February 2002, the maximum disposable income has been increased to €13,000 per annum.

The total number of cases in which legal services were provided by the Board

Legal Aid

through law centres, the Refugee Legal Service and the Private Practitioner schemes in 2002 was 21,350 as compared with 18,700 in 2001. The number of persons awaiting service increased from 1,500 in December, 2001 to 1,800 at the end of December, 2002. This arises primarily from an increase in the level of demand for legal services from 8,500 in 2001 to 9,000 in 2002.

Over 80% of the number of cases in which the Board provided legal services through law centres involved litigation. The figure for legal advice represents the number of cases in which persons were provided only with legal advice during 2002. A proportion of these will be granted legal aid in 2003 and this will be reflected in the statistics for that year. Some clients have received representation in court in related matters in 2001 and earlier years and been provided with legal advice in 2002 in relation to for example, conveyancing matters arising following litigation. It will also be noted that of the 11,450 cases, just under 3,700 or 33%, arose from cases in which legal aid was granted in 2002.

In 2002, the Board completed the relocation of its Head Office from Dublin to Cahirciveen, Co. Kerry, with the final transfer of staff in February, 2002. The Board's new offices at Quay Street, Cahirciveen, were officially opened by the then Minister for Justice, Equality and Law Reform, Mr. John O'Donoghue, T.D., in March, 2002.

This brought the number of staff working in the new offices to 46, those staff having transferred to the Board from Government Departments in Dublin and other centres throughout the country for the purpose of the decentralisation.

Business Support & Customer Services

High Level Goal 14

To support the attainment of the Department's objectives in our policy and operational areas through the effective and efficient management of our organisation and resources with particular regard to the development of our staff and the delivery of excellent customer services.

Planning and Performance

Strategy Statement 2001-2004 Objective

- *Enhance our strategic, business planning and individual performance planning frameworks to support enhanced organisation performance.*

Progress on objective in 2002

- Further progress was achieved on enhancing our strategic, business planning and individual performance planning frameworks in the Department in 2002 with the preparation of a new Strategy Statement for 2003-2005; the completion of a new set of Business Plans for the year; and the implementation of the first cycle of the Performance Management and Development system (PMDS). The completion of Role Profile Forms, under the PMDS, by all staff provided greater clarity of individual roles; helped to align individual performance with the Department's Strategy Statement and Business Plans; promoted positive management of individual performance; and helped to support achievement of the Department's overall business objectives.
- A new procedure, to track progress on the implementation of the Department's Strategy Statement, through a process of regular review of Business Plans was successfully introduced during 2002.
- A comprehensive training and development strategy was developed in the Department in 2002 to respond to training and development needs identified under the PMDS.
- The Department's new **Strategy Statement 2003-2005** was prepared during the second half of the year and a draft submitted to the Minister in December 2002, in accordance with Section 4(1)(b) of the Public Service Management Act (PSMA) 1997. The new Strategy Statement contains a comprehensive analysis of the Department's working environment and sets out the policy and operational objectives and strategies to be achieved over the next three years. The Department's new Strategy Statement is underpinned by commitments set out in the Programme for Government, of which a substantial portion fall to be implemented by the Department.

Training and Development

Strategy Statement 2001-2004 Objective

- *Put in place a targeted training and development programme linked to the Department's objectives and which meets the long term development needs of staff and leads to enhanced customer satisfaction.*

Progress on objective in 2002

- The Staff Training and Development Unit provided general and specialist training arising from the ongoing implementation of the Performance Management and Development System (PMDS).
- An Assistant Principal Officer was assigned as Head of Training and Development in July, 2002 reflecting the increased importance being given to training and development in the Department.
- A Trainers Network was established within the Justice, Equality and Law Reform sector in October, 2002. It has helped to support Trainers across the Department and to underpin delivery of training programmes.
- Administrative support was provided to staff wishing to avail of specialised courses or to attend conferences/seminars relevant to their work.
- The Institute of Public Administration was commissioned to conduct a training needs analysis and design a professional development programme for the Assistant Principal grade. Their report was presented in 2002 and will form the basis for a professional development programme in 2003 and future years.

Human Resource Management

Strategy Statement 2001-2004 Objective

- *Design and implement an integrated Human Resource Management (HRM) system that supports the business and strategic objectives of the Department through its staff.*

Progress on objective in 2002

- Personnel Division continued to provide a human resource and industrial relations service to management and staff of the Department and its agencies in 2002. Recruitment, filling vacancies, and the holding of promotional competitions at all levels took up significant time and resources.
- A team was established to prepare and draft a human resource management strategy for the Department. This will enable the adoption of a strategic approach to the future management of human resources replacing the more traditional personnel management approach of the past.
- A project management team was established to oversee the implementation of a new Human Resource Management System for the Department. This system will provide for the devolvement of human resource management functions to line managers and improve reporting capability generally.
- A number of staff successfully completed a specialist human resource qualification. The skills and experience gained enhances the Division's ability to deliver a quality service to management and staff.

Partnership

Strategy Statement 2001-2004 Objective

- *Encourage staff to become involved in the Partnership process and broaden both the range of working groups involved and topics under consideration.*

Progress on objective in 2002

- Regular meetings of the Partnership committees were held during the year helping to develop and strengthen partnership structures within the Department. Personnel Division has played a central role in monitoring the work of the committees in addition to supporting and co-ordinating that work.
- The various Partnership sub-committees met regularly to deal with specific issues relating to their own areas. Work programmes were developed on such matters as business plans and strategy statements, performance management and development, communications, information technology, staff training and development.

Equality of Opportunities

Strategy Statement 2001-2004 Objective

- *Set equality objectives and develop a policy of positive action in the main human resource areas.*

Progress on objective in 2002

- Equality measures are discussed and monitored at Divisional management meetings leading to an increased awareness and appreciation of the issues involved. During the year, increased female representation was achieved at both Assistant Principal and Principal Officer level.
- The 3% target for the employment of people with disabilities continued to be closely monitored within the Department. Staff with disabilities were recruited through the Civil Service Commission when available.

Business Support & Customer Services

Family Friendly Initiatives

Strategy Statement 2001-2004 Objective

- *While recognising that flexible working arrangements have to be subject to the principle that service provided by the Department to Government and the public cannot be adversely affected, develop and implement a policy that recognises the benefits to both management and staff in adapting new Family Friendly initiatives.*

Progress on objective in 2002

- The Department is fully committed to implementing family friendly policies where possible thus enabling staff to combine and balance work with their personal commitments and choices.
- Worksharing was introduced in 2002. Schemes available include term time, parental leave, career breaks and a variety of special leave arrangements which are actively encouraged and facilitated where possible.

Customer Service

Strategy Statement 2001-2004 Objective

- *Provide to the best of our ability a professional and efficient service to our client groups and individual customers in consultation with them and through a process of continuous service improvement.*

Progress on objective in 2002

- A postal survey was conducted amongst the Department's customers during April 2002. While the number of comment cards completed and returned was less than 10% of those issued, the replies received indicated that the Department continues to provide an excellent service to its customers. This outcome is in line with the outcomes to independent surveys of the broader civil service which show a satisfaction rating from the public of over 80%.
- During 2002, the Customer Liaison Panel, membership of which is drawn from representative segments of the Departments "customer base" met on two occasions and discussed the service given to customers by the Department. In particular, the panel discussed the outcome to the postal survey of customers of the Department which was conducted in April 2002.
- The Staff Customer Liaison Panel, which is drawn from representative segments of Departmental staff met on two occasions during 2002. The Panel discussed the outcome to the Customer survey which was conducted in April 2002 and agreed that further surveys were necessary to ensure that the Department is consistently maintaining a high standard of customer service delivery.

IT and e-Government

Strategy Statement 2001-2004 Objectives

- *Conclude the existing 3-year investment programme and align it with the emerging priorities of the e-public service initiative, while continuing to provide reliable, secure networks and systems for the Department and its agencies to transact their daily business.*
- *Improve support for operational developments.*
- *Improve integration between business areas of the Department and between its associated organisations ensuring alignment of existing strategy with emerging e-Government initiatives.*
- *Contribute to strengthened policy-making and research capacity in the core Department and the new agencies.*
- *Harness emerging technologies to support initiatives such as e-Public Service, Customer Service, PMDS, Freedom of Information, new Financial and HR strategies.*

Progress on objectives in 2002

- In 2002, IT Division made a major contribution to the ongoing projects in preparation for the refurbishment of the Headquarters building and meeting the increasing accommodation needs of the Department and the sector. The Division's main focus has been to ensure continuation of ICT systems and support during and after staff relocations. This work will continue in 2003.
- The Headquarters Unit, which provides direct services for staff in the Headquarters divisions and wide area support for the sector, continued to develop the services to be provided across the Justice Sector Data Network. The majority of agencies in the sector have now connected to the network, with remaining agencies in the process of connecting. Arrangements have also been put in place to support the IT Function of existing agencies and of new offices and agencies of the Department as they emerge.
- The Division is working closely with central government on initiatives in modernisation and eGovernment, including developments such as eCabinet, Human Resource Management systems and implementation of a modern financial management solution for the sector.
- The Division is continuing to support and advise offices and agencies of the Department in the development of national strategic systems, covering activities in the criminal justice and asylum areas. In this regard, implementation of the Probation & Welfare Service IT Strategy commenced in 2002 and an IT Strategy has been agreed for the broader asylum sector.
- The recent growth in numbers of staff to be supported, the extent of new services deployed and financial constraints continued to be a significant burden on the Division during 2002. Despite the tight constraints, the Division continues to explore and to deploy new technologies to meet the high expectations of the business.

Business Support & Customer Services

Financial Management

Strategy Statement 2001-2004 Objectives

- *Implement an effective financial management framework for the Department and its associated offices to support the devolution of authority and accountability and to achieve better value for money.*
- *Establish the structures and processes to facilitate the development of an effective financial management framework for the Department and organisations in the Sector.*
- *Develop a Shared Services Centre (SSC) in the Department's Finance Division to implement and maintain efficient financial management and transaction processing systems to meet the requirements of the Department and its associated offices, An Garda Síochána, The Prison Service, The Courts Service and the Land Registry and Registry of Deeds and to facilitate the requirements of the Government's Management Information Framework.*
- *Continue to review and appraise the integrity of all systems which are intended to control the Department's operations.*

Progress on objectives in 2002

- Finance Division satisfactorily fulfilled its objectives in relation to all core activities – Payroll, Invoice, Fee/expense processing and receipting of monies in the Department and associated Agencies.
- In conjunction with the development of a Shared Services Centre, Implementation of a New Oracle Financial System commenced in 2002, to be completed for the Department and its Agencies by end of 2004.
- Significant Progress was made in preparing the Finance Division for its Role as a SSC:
 - An Organisational Impact Study is underway to examine the organisational structure to ensure efficient operation as a SSC.
 - A review has been undertaken of the I.T. Systems and skills necessary to ensure that the SSC has the capacity to deliver the service and allow online access to its customers as required.
 - Service Level Agreements are currently being drawn up between the SSC and its customers.

Other developments

Payroll

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

	<u>JELR</u>	<u>GARDA</u>	<u>PRISONS</u>	<u>COURTS</u>	<u>REGISTRIES</u>	<u>TOTAL</u>
Weekly	591	13674	119	529	363	15276
F'nightly	838	75	3693	624	328	5558
Monthly	8	482	-	-	-	490
	1437	14231	3812	1153	691	21324

In addition approximately 6,419 monthly Garda pensions are issued.

Business Support & Customer Services

Non-pay Expenditure

The Finance Division processes approximately 8,500 invoices, fee and expense claims monthly, and 150 monthly expenditure accounts for the running of the Departments out-offices, the Prison Service, The Courts Service and the Garda Síochána operational districts. Included are 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.

**Summary of 2002 Expenditure Allocations
(per Revised Estimates Volume)**

2002 Allocation			
	Non Capital Supply Services	Capital	Total Provision (Non Capital and Capital)
Justice & ELR	214,873	20,739	235,612
Garda Síochána	910,898	16,236	927,134 *
Prison Service	283,949	47,915	331,864 *
Court Service	56,495	28,417	84,912 *
Land Registry and Registry of Deeds	29,222	1,905	31,127
Group Total	1,495,437	115,212	1,610,649

* includes supplementary estimate

Organisation and Management Change

Strategy Statement 2001-2004 Objective

- *Continue to develop our organisation structures to provide more flexible and focused management arrangements and service delivery.*

Progress on objective in 2002

- The Department continued to provide its sectoral bodies with the necessary supports during the year to enable them to carry out their various administrative, regulatory or operational functions.
 - The Department continued to strengthen its linkages with its sectoral bodies and ensure a coherent approach was taken across the sector to management and strategic planning and performance issues through meetings of the Justice and Equality sector Steering Group and Heads of Associated Offices Group. Heads of organisations were also kept informed of the sector's progress on implementation of the modernisation programme under the Programme for Prosperity and Fairness (PPF).
- noted by the Civil Service Performance Verification Group.

Other developments

Modernisation Programme under Programme for Prosperity and Fairness

The Department and Justice and Equality sector organisations submitted their final reports in respect of progress on the modernisation agenda under the PPF to their respective Quality Assurance Groups in 2002. Both the Civil Service Quality Assurance Group and Justice and Equality sector Quality Assurance Group subsequently decided, having considered the reports submitted, that sufficient verifiable progress had been achieved by the Department and its sectoral organisations to warrant payment of the 4% final phase increase under the PPF. The Department's progress in the area of Policy Planning and Research and implementation of the Performance Management and Development System was particularly

Corporate Services

Strategy Statement 2001-2004 Objective

- *Work with the Land Registry, Forensic Science Laboratory, Office of the Film Censor and State Pathology Service to continue the development of the most efficient and effective services that these bodies can provide.*

Progress on objective in 2002

- **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 are being implemented over a period of time.

- **State Pathology Service**

During the year under review Corporate Services Division worked closely with the State Pathologist and Assistant State Pathologist to meet the ever increasing demands being placed on the Service. In addition new accommodation was provided for the Service.

Other developments

Energy Saving Measures

In relation to the heating of the Department, the Office of Public Works carried out the replacement of the old cast iron boilers which were originally used for solid fuel firing (turf), replacing them with modern gas fired boilers (high efficiency). They also installed a new building management system and this will be extended to the rest of the building when the main project is completed. The Office of Public Works' intention is to install thermostatically controlled devices on each floor during refurbishment.

In relation to electricity requirements the Office of Public Works have examined the maximum demand in relation to Electricity

in the Department and recommendations are forthcoming.

The Department of Justice, Equality and Law Reform uses various different paper products. The Department's policy is to use products which are 100% recycled, partly recycled or made by way of the forest control method using 100% pulp with chlorine free bleach.

Bookmakers Licence

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 63 applications were processed.

Accommodation

During 2002, 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.

Policy Planning and Research

Strategy Statement 2001-2004 Objective

- *Enhance the policy planning capability of the Department through the procurement of objective, quality research.*

Progress on objective in 2002

- The Department's Policy Planning Research Unit (PPRU) continued to provide funding for research relevant to the Department's Policy areas. In 2002, a sum of €429,000 was provided for a range of research projects including *Policy Research on Victim Support*, *Literacy Research in Irish Prisons* and *Effectiveness of Treatment of Sex Offenders*
- Both internal and external customers/agencies of the Department were consulted on the future direction of research development.
- A review of the research funded by the Department and its effectiveness and applicability to policy development was carried out in 2002 and this was presented to the Policy Planning Research Group.

Freedom of Information

Strategy Statement 2001-2004 Objective

- *Implement fully and effectively our obligations under the Freedom of Information Act, 1997.*

Progress on objective in 2002

- We have endeavoured to maintain a high quality of decision making in responding to Freedom of Information requests.
- We have maintained and developed this high standard of decision making through the provision of ongoing training for appointed deciding officers and appeals officers of the Department.
- The Department's continued participation in the Civil Service Users Network group (CSUN), a group of FOI Officers in Civil Service Departments, is an invaluable tool in the exchange of information when dealing with similar FOI requests across Departments. The Department's membership of this group, has assisted in the processing of common requests in a unified and efficient manner.

The Freedom of Information Unit are committed to the full implementation of the Act and in the provision of full training and assistance to decision makers in the execution of their duties under the Act.

Other developments

In 2002 the Department received a total of 660 requests under the *Freedom of Information Act, 1997* representing a decrease of 3.5% on our total requests in 2001. 52% of requests received this year were for personal information with approximately 18% of requests coming from journalists.

On 8 July, 2002 the Minister for Finance signed regulations pursuant to section 3(3) of the *Freedom of Information Act, 1997* bringing the Legal Aid Board, Victim Support, National Disability Authority and the National Consultative Committee on Racism and Interculturalism within the ambit of bodies to which the *Freedom of Information Act, 1997* applies.

PART III

APPENDICES

Appendix 1

Minister Michael McDowell, T.D.

**Brian Lenihan, T.D.
Minister of State**

**Willie O’Dea, T.D.
Minister of State**

**Secretary General
Mr Tim Dalton**

Crime Security & Northern Ireland	Garda Prisons Probation & Welfare	Civil Law Reform Courts Policy	Criminal Law Reform Human Rights	International Policy	Asylum Immigration Citizenship	Equality Disability Childcare	Business Support Customer Service	Finance IT Reception & Integration Agency
<ul style="list-style-type: none"> • Crime 1 • Crime 2 (Drugs and Organised Crime Security & Northern Ireland • Firearms & Explosives Administration • Mutual Assistance & Extradition 	<ul style="list-style-type: none"> • Garda 1 (Administration) • Garda 2 (Planning) • Garda 3 (SMI, Conciliation and Arbitration & Compensation) • Prisons, Probation & Welfare Policy 	<ul style="list-style-type: none"> • Civil Law Reform • Courts Policy 	<ul style="list-style-type: none"> • Criminal Law Reform • Human Rights 	<ul style="list-style-type: none"> • International Policy • Permanent Representation – Brussels 	<ul style="list-style-type: none"> • Immigration Citizenship • Immigration Reparation • Immigration Policy • Asylum Policy • Ministerial Decisions Unit 	<ul style="list-style-type: none"> • Employment Equality • Gender Equality Disability Equality • Equal Status • Childcare Directorate 	<ul style="list-style-type: none"> • Corporate Services • Personnel • Conciliation & Arbitration • Organisation Developer Unit • Project Development • Press & Communications 	<ul style="list-style-type: none"> • Finance • IT • Reception & Integration Agency
National Crime Council	Garda Síochána Garda Síochána Complainants Board Irish Prison Service Probation & Welfare Service Interim Parole Board	Commission on Liquor Licensing Courts Service	Human Rights Commission		Office of the Refugee Applications Commissioner Office of the Refugee Appeals Tribunal	Office of the Director of Equality Investigations – the equality tribunal Equality Authority National Disability Authority	Office of the Film Sensor Censorship of Publications Office of the Data Protection Commissioner Criminal Injuries Compensation Tribunal Forensic Science Laboratory State Pathology Service Legal Aid Board Land Registry / Registry of Deeds	

Assistant Secretary Areas

Divisions of Department

Associated Bodies

Appendix 2

Overview of Divisions of the Department

Crime, Security and Northern Ireland

Crime 1 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.

Firearms and Explosives Unit deals primarily with the implementation of the Firearms Acts 1925 to 2000 and the Explosives Act, 1875 including the formulation and implementation of policy with respect to firearms and explosives. In accordance with the Firearms Acts 1925 to 2000 the Unit has responsibility for the registration of firearms dealers, the granting of firearms importation licences to registered firearms dealers and residents, the granting of export licences for the transfer of firearms to other EU Member States. The Unit also has primary responsibility for matters relating to the manufacture, transportation, storage and importation of explosives, including fireworks under the Explosives Act 1875. In addition to the primary responsibilities, the Unit also liaises with other Government Departments on a wide range of matters from aircraft carrying munitions of war/dangerous cargo to research cruises and visits by foreign naval vessels.

Crime 2 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.

Mutual Assistance and Extradition

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.

Legal Mutual Assistance

The Department of Justice, Equality and Law Reform is 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 the Courts).

Extradition

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. This category accounts for the bulk of extradition requests.

Garda

Garda 1 (Administration) 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 2 (Planning) 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

SMI: The development and implementation of the programme of change arising from the recommendations of the Report on Efficiency and Effectiveness as part of the Strategic Management Initiative in An Garda Síochána.

C&A: 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.

Compensation Claims and Civil Actions: 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 also represents the Department on the EU Police Co-operation Working Group.

Courts Policy

The Courts Service was established in 1999 in accordance with the provisions of the Courts Service Act, 1998. 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 Industrial Relations 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

Prisons and Probation and Welfare

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 where possible 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.

Law Reform

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.

Human Rights

Human Rights Division is responsible for formulating proposals in relation to the Government's commitments, under the Good Friday Agreement on Northern Ireland with regard to the establishment of a Human Rights Commission and the consideration of the question to enable further effect to be given, subject to the Constitution, to certain provisions of the European Convention on Human Rights into Irish law.

International Policy

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.

Immigration and Citizenship

Immigration and Citizenship Policy Division is responsible for the development of immigration and citizenship policy and 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

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

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 against negative recommendations of the Refugee Applications Commissioner in respect of applications for asylum.

Reception and Integration Agency (RIA)

The **Reception and Integration Agency (RIA)** was established on 2 April, 2001. 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 2002 alone, approximately 9,200 asylum seekers were provided accommodation by the RIA. At 31 December, 2002 the RIA had the capacity to accommodate over 5,800 asylum seekers in 7 reception centres and 50 accommodation centres across 23 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 by an independent company with expertise in the field.

Equality and Childcare

Employment Equality Division is responsible for developing the policy and legal framework to advance equal opportunities, in the area of employment and family friendly policies. The Division works to advance equality primarily through legislative and administrative mechanisms. It acts in a liaison capacity between Head Office and the Office of the Director of Equality Investigations (ODEI) - *the Equality Tribunal* and the Department and the Equality Authority. The Equality Authority and the ODEI - *the Equality Tribunal* were established under the Employment Equality Act 1998.

Equal Status Division is responsible for promoting the development of a more equal society by developing the policy and legal framework to advance equal opportunities, particularly in the area of access to goods, facilities and services. The Division works to promote greater respect for the person and for diversity, equality and cultural difference with a particular focus on implementing a policy to combat racism and to promote an inclusive society.

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.

The NDP Gender Equality Unit was set up under the National Development Plan, 2000-2006 to advise those who have responsibility for NDP measures on approaches which facilitate the achievement of greater gender equality. The Unit is co-financed by the European Social Fund. The Unit has developed a database of gender disaggregated statistics relevant to the NDP and trained over 200 policy makers. It also published a Gender Proofing Handbook, a Guide to Incorporate Gender Equality into NDP Evaluations and fact sheets on gender equality issues in fourteen NDP policy areas. The Unit funded the National Women's Council of Ireland to produce a photographic exhibition of Women in Decision Making positions in Ireland.

This exhibition will tour around Ireland in 2003. More information on the work of the Unit, including all its statistics and research publications, are available on its website, at www.ndpgenderequality.ie.

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.

Personnel

The key role of the **Personnel Division** is to support the Department and its agencies in achieving their business objectives.

A total of 3,962 staff were serving in the Department and its agencies at the end of 2002. During the year, Personnel Division continued to provide a professional and efficient human resource/personnel customer service to staff and management. Recruitment and filling vacancies continued to be a priority requiring major resource input which placed additional demands on staff within the Division. Several successful internal promotion competitions at all levels were also held during the year.

As regards recruitment, we continued to work closely with the Office of the Civil Service and Local Appointments Commission through participation on Interview Boards and meeting with candidates prior to assignment. As part of our commitment to implementing and facilitating family friendly policies where possible, worksharing was introduced in 2002 enabling staff to balance work with their personal commitments and choices. A comprehensive range of family friendly schemes is now available to staff.

Finance

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

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

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 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 Coroner's 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

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 other Agencies/Offices associated with the Department, with the exception of the Garda Síochána and the Land Registry/Registry of Deeds. The Courts Service and the Irish Prisons Service have separate IT functions, which cater for their needs.

Organisation Development

Organisation Development Unit (ODU) plays a key role in strengthening and developing the Department's strategic, business and individual performance planning frameworks to support improved organisation performance. This involves the preparation of the Department's Strategy Statement and regular reviews of progress on its implementation; co-ordinating the completion of annual Divisional Business Plans and monitoring the implementation of the Performance Management and Development system.

ODU also plays a key role in the development and implementation, in the Department and wider Justice and Equality sector, of the modernisation programme under the Programme for Prosperity and Fairness. The aim of this programme is to improve resource management, organisational responsiveness and service delivery. This work builds on progress already achieved to date on strategic management initiatives and the programme of organisation change in the Department since 1997.

ODU also provides administrative support to the Department's Policy Planning Research Unit (PPRU). The PPRU's function is to enhance the Department's policy analysis capability through the procurement of objective, quality research.

Project Development

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.

Press Office

The Press Office is tasked with providing a service to the print and broadcast media on behalf of the Minister, the Minister of State, and the Department generally. This involves answering media queries on a daily basis, setting up interviews for the Minister and Minister of States and issuing press releases and speeches. While the Office does not maintain records of daily contact with national and local print and broadcast media representatives, in 2002 it issued over 200 Press Releases and over 100 speeches to the media.

