

Department of Justice, Equality and Law Reform

Strategy Statement 2001-2004



Community Security & Equality

Contents

Part 1 – Introduction, our Mission and Organisation

Foreword by the Minister	4
Brollach leis an Aire	6
Introduction by the Secretary General	8
Réamhrá leis an Rúnaí Ginearálta	10
Developing our Strategy	12
Critical Success Factors	12
Mission Statement	13
High Level Goals	14
The Department's Mandate	15
Business and Organisation of the Department	15
Financial and Staffing Resources	15
Restructuring within the Justice and Equality Sector	16

Part 2 – Our Working Environment and Key Policy and Operational Objectives (HLGs* 1 to 13)

Overview	18
Tackling Crime (HLG 1)	19
Security (HLG 2)	25
Managing the Criminal Justice System – Garda Síochána (HLG 3), the Courts (HLG 4) and Prisons & Probation and Welfare (HLG 5)	27
Criminal and Civil Law Reform (HLG 6)	33
Human Rights (HLG 7)	37
European Union and International (HLG 8)	39
Northern Ireland (HLG 9)	45
Asylum, Immigration and Citizenship (HLG 10)	47
Equality and Disability (HLG 11)	53
Childcare (HLG 12)	56
Legal Aid (HLG 13)	58

**HLGs – High Level Goals*

Part 3 – Business Support and Customer Services (HLG14)

Overview	63
Planning and Performance	65
Training and Development	65
Human Resource Management	66
Partnership	66
Equality of Opportunities	67
Family Friendly Initiatives	67
Customer Service	67
IT and e-Government	68
Financial Management	69
Organisation and Management Change	71
Corporate Services	71
Policy Planning and Research	71
Freedom of Information	72

Appendices

Appendix A1: Divisions, Sections and Associated Bodies	74
Appendix A2: Financial Allocations 2001-2004	75

Law Reform

Appendix B1: Legislative Programme	76
Appendix B2: Research and Consultation	80
Appendix B3: International Agreements	83
Appendix B4: Other Legislative Proposals	85

Key Cross-Agency Issues

Appendix C	86
------------	----

Introduction, our Mission
and Organisation

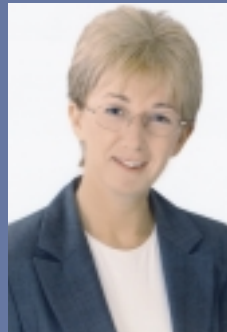
Part 1



Foreword by the Minister



John O'Donoghue, TD
*Minister for Justice,
Equality & Law Reform*



Mary Hanafin, TD
*Minister of State at the
Department of Justice,
Equality & Law Reform*



Mary Wallace, TD
*Minister of State at the
Department of Justice,
Equality & Law Reform*

This is the second Strategy Statement I have approved since becoming Minister for Justice, Equality & Law Reform in 1997. The 1998-2000 Statement set out a range of challenging goals and activities across the broad spectrum of the Department's activities, building on the commitments in the area with which we had entered government. I am happy to say that most of the targets set in the first Strategy Statement were met and in some cases exceeded in actual performance. Since taking office as Minister for Justice, Equality and Law Reform in 1997, very significant achievements of major Government commitments have been recorded in this area of responsibility including the following:

- Reduction of indictable crime by 23% on 1996 figures (the term "indictable crime" relates to offences of sufficient gravity to be triable by jury).
- The significant successes of the Criminal Assets Bureau, seizing or freezing in excess of €19 million (£15 million) worth of assets, collecting €12.7 million (£10 million) in unpaid taxes and recovering almost €1.27 million (£1 million) in social welfare overpayments to date.
- The enactment of 40 Bills – one quarter of the Government's total legislative programme to date – with a further 9 Bills currently before the Houses of the Oireachtas and 32 other Bills in preparation.
- An increase of 900 Garda personnel, bringing the Force strength to 11,750 – an all-time high – with the aim of reaching 12,000 by 2002.
- The creation of an extra 1,200 prison places to date – a 66% increase in places available.
- Major reduction in unplanned temporary releases of prisoners.
- New drug treatment arrangements in the prison system with major public health and safety benefits, including a supervised methadone programme.
- A fully independent framework for dealing with asylum applications with the establishment of Offices of the Refugee Applications Commissioner and the Refugee Appeals Tribunal. Substantial additional resources have been allocated to the asylum processing area and, under the aegis of the Reception and Integration Agency, to the accommodation needs of asylum seekers and the integration of refugees. Significant new measures have been taken by An Garda Síochána and my Department to tackle illegal immigration and trafficking in people. An Anti-Racism Awareness Campaign has been developed and launched.

- The capacity of the immigration system to respond to the employment needs of the economy has been substantially increased.
- Comprehensive new anti-discrimination and equal opportunities measures provided for in the Employment Equality Act, 1998 and the Equal Status Act, 2000 and a new statutory equality framework in place with the establishment of the Equality Authority, the Office of the Director of Equality Investigations and the National Disability Authority.
- The provision of €437 million (£344 million) for childcare with 810 direct grants, value €90 million (£71 million) allocated to 31 October 2001.
- The establishment of new authorities to administer key services and provide more visible and identifiable leadership in several areas such as the Courts Service and the Prison Service.
- The establishment of the Human Rights Commission, the National Crime Council and the Parole Board.

My mandate as Minister and the mandate of my Department is exceptionally wide-ranging by any standard. The responsibilities we carry mean that exceptional challenges must be met by us on behalf of the Irish public on a regular basis. For instance, fulfilling Ireland's role in the international response to the appalling events of 11 September in the United States will exert heavy demands on the Department in the immediate period ahead.

The Justice, Equality and Law Reform areas of responsibility are rightly of intense interest to our people. The public expectations and demands in these areas are naturally high and getting higher all the time. As Minister for Justice, Equality & Law Reform I have had first-hand experience over the past four years of the demands placed on staff at all levels of the Department on a continuous basis. Despite these pressures, staff have a clear vision of and deep commitment to the public we all serve. With the support of Government and through the commitment and experience of its staff, I am confident that the Department is well placed to deal with the many complex and challenging issues and circumstances that will arise for us in the years ahead.

John O'Donoghue, TD
Minister for Justice, Equality & Law Reform

Brollach leis an Aire

6

Is é seo an dara Ráiteas Straitéise atá ceadaithe agam ó rinneadh Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí díom i 1997. Leagadh amach i Ráiteas 1998-2000 réimse spriocanna agus gníomhaíochtaí dúshlánacha i réimse leathan gníomhaíochtaí na Roinne, ag cur le gealltanais sa réimse lena bhain siad tar éis dúinn rialtas nua a bhunú.

Is cúis áthais dom a rá gur cuireadh i bhfeidhm an chuid is mó de na cuspóirí a leagadh amach sa chéad Ráiteas Straitéise agus go ndeachaigh siad níos faide ná sin i gcásanna áirithe, maidir le feidhmiú iarbhrí. Ó chuaigh mé in Oifig mar Aire Dlí agus Cirt, Comhionannas agus Athchóirithe Dlí i 1997, cuireadh ar an taifead dul chun cinn suntasach, maidir le gealltanais mhóra an Rialtais sa réimse freagrachta seo, ina bhfuil san áireamh:

- Laghdú 23% i gcoireacht inchúisithe, bunaithe ar fhiigiúirí 1996 (baineann an téarma "coir inchúisithe" le coireanna atá sách tromhchúisach chun triail choiste a éileamh).
- A fheabhas is gur éirigh leis an Oifig um Shócmhainní Coiriúla urghabháil nó reo a dhéanamh ar shócmhainní nach lú a luach ná €19 milliún (£15 milliún), €12.7 milliún (£10 milliún) a bhailiú i gcáin neamhíoctha agus beagnach €1.27 milliún (£1 milliún) in íocaíochtaí leasa shóisialaigh a aisghabháil go dtí seo.
- Achú 40 bille – sin ceathrú de chlár reachtaíochta iomlán an Rialtais go dtí seo – le 9 mBille eile faoi bhráid Thithe an Oireachtais faoi láthair agus 32 Bille eile á n-ullmhú.
- Méadú 900 ar phearsanra an Gharda Síochána, chun neart an fhórsa an thabhairt go 11,750 – líon buaice – agus aidhm 12,000 a bhaint amach faoi 2002.
- Cruthú 1,200 áiteanna i bpríosúin go dtí seo – méadú 66% d'áiteanna ar fáil.
- Laghdú suntasach ar shaoradh sealadach neamhbheartaithe príosúnach.
- Socruithe nua, maidir le leighis drugaí sa chóras príosún le buntaistí móra sláinte agus sábháilteachta poiblí, clár maoirseachta methadone san áireamh.
- Frámaíocht neamhspleách iomlán chun déileáil le hiarratais tearmainn, faoinar bunaíodh Oifigí nua an Choimisinéara um Iarratais Dídeanaithe agus an Binse um Achomhairc Dídeanaithe. Leithdháileadh breis mhór acmhainní don réimse próiseála tearmainn agus, faoi choimirce na Gníomhaireachta um Fháiltiú agus Imeascadh agus acmhainní chun freastal ar riachtanais lóistín iarratasóirí tearmainn agus ar imeascadh dídeanaithe. Tá bearta nua suntasacha tógtha ag na Gardaí agus ag an Roinn agamsa chun dul i ngleic le hinimirce neamhdhleathach agus le gáinneáil daoine. Forbraíodh agus seoladh Feachtas Feasachta Frithchíníochais.
- Méadú suntasach ar chumas an chórais inimirce freagairt do riachtanais eacnamaíocha i réimse na fostaíochta.

- Bearta nua cuimsitheacha do dheiseanna comhionannais agus frithleatrome a fhoráiltear san Acht um Chomhionannas Fostaíochta, 1998, agus san Acht um Chomhionannas Stádais, 2000, agus fráma reachtaíochta comhionannais curtha in áit, faoinar bunaíodh an tÚdarás um Chomhionannais, Oifig Stiurthóra na nImscrúduithe Comhionannais agus an tÚdarás Náisiúnta Míchumais.
- Soláthar €437 milliún (£344 milliún) do chúram leanaí, le 810 deontais díreacha, agus luach €90 milliún (£71 milliún) i ndiaidh a chionroinnte (go dtí 6 Meán Fómhair 2001).
- Údaráis nua curtha ar bun chun riarachán príomhsheirbhísí a bhainistiú agus chun ceannasaíocht níos infheicthe agus níos sainaithe a sholáthar i líon mór réimsí, Seirbhís na gCúirteanna agus Seirbhís na bPríosún san áireamh.
- Coimisiúin Cearta Daonna, Comhairle Náisiúnta um Choireacht agus an Bord Parúil curtha ar bun.

Tá mo mhandáid féin mar Aire agus mandáid mo Roinne an-fhadréimseach amach is amach de réir caighdeán ar bith. Ciallaíonn na freagrachtaí atá orainn go gcaithfidimid aghaidh shásúil a thabhairt go rialta ar dhúshláin neamhchoitianta ar son phobal na hEireann. Mar shampla, leagfaidh imeachtaí uafáis an 11 Meán Fómhair sna Stáit Aontaithe éilimh throma ar an Roinn sa tréimhse atá romhainn anois díreach, chun ról na hEireann a chomhlíonadh mar chuid den fhreagairt idirnáisiúnta.

Tá suim dhlísteanach ag ár bpobal i réimsí freagrachta Cirt agus Dlí, Comhionannas agus Athchóirithe Dlí. Tá mianta agus éilimh an phobail sna réimsí sin an-ard, rud a bhaineann le céill, agus iad ag fás de shíor. Tá taithí phearsanta agamsa, mar Aire Cirt agus Dlí, Comhionannas agus Athchóirithe Dlí le ceithre bhliain anuas, ar na héilimh shíoraí ar lucht na foirne ag gach leibhéal. Táim cinnte go bhfuil an Roinn ullamh go maith chun déileáil le ceisteanna dúshlánacha casta na mblianta atá romhainn.

John O'Donoghue, TD

Aire Dlí agus Cirt, Comhionannas agus Athchóirithe Dlí

Introduction by the Secretary General

8

In preparing this new Strategy Statement, we have taken a forward-looking perspective in a bid to anticipate what the Government and the general public are likely to expect from us over the next three years. A brief look back over the period of our last Strategy Statement reminds us of the importance of planning ahead with clearly focused objectives and strategies, while allowing ourselves room also to deal with exceptional events. The key preoccupations of the Department over that period included:

- Delivering on the Government's comprehensive initiatives to tackle crime, including major legislation and policy initiatives in the Garda, Prisons and Probation areas.
- Implementing an extensive and complex programme of law reform.
- Managing our involvement at EU and international level – which has grown quite considerably – and discharging our role in implementation of the Good Friday Agreement.
- Dealing with the unprecedented rise in service volumes in the asylum and immigration areas.
- Developing the newer and more comprehensive Equality and Disability frameworks and infrastructures.
- Implementing an accelerated programme of organisation change in the Justice and Equality Sector.

As we go forward, these, as well, no doubt, as other issues now unforeseen, will present real challenges and opportunities over the next three years. As we finalise this new Strategy Statement, it is very apparent that arising out of the atrocities committed in the United States on 11 September, the battle against global terrorism will constitute a major focus of policy and resources commitment for the Department. Top priority will be attached immediately to agreeing, ratifying and implementing a series of anti-terrorist measures so that we can fulfil as expeditiously as possible all our international obligations in this regard. These developments will inevitably impact on some of the strategic commitments set out in this document; in the face of such an overriding priority, the precise impact is, at this point, difficult to gauge.

A very positive and encouraging recent development, of course, was the confirmation provided by the Independent International Commission on Decommissioning that the IRA has put a quantity of arms beyond use; putting arms beyond use is an issue in which the Department has had a significant and time-consuming – and ultimately very rewarding – involvement for quite some time.

Our overall strategies will be supported by continuous improvement in business planning at Division and Service level. With that, our staff – the key to progressing our objectives – will benefit from a greater emphasis on the positive management of performance and the provision of developmental opportunities.

Our responsibilities lie in areas of Government policy that go to the heart of society's well-being. The issues surrounding matters such as changing patterns of criminal behaviour, patterns of international migration and confronting inequalities require policy responses and actions that, if well judged, will have very positive outcomes for society.

A major challenge for the Department is managing our organisation change programme which sees substantial day-to-day administration devolved to new independent organisations. The emergence on the Justice and Equality landscape of no less than ten new bodies in the past two years alone highlights the need for the Department to reposition itself so that the new organisations' relationships and structures are properly supported and the appropriate focus is brought to bear on policy development and performance. A particular focus for us in this area will be the deepening of accountability for activities in the Justice and Equality area, particularly through the development of more transparent mechanisms such as an independent prisons inspectorate and an inspectorate for An Garda Síochána.

The Statement also reflects the significant extent of our involvement in the delivery of several important Government priorities and sets out our arrangements for managing our input to the necessary co-ordinated cross-agency action.

We reflect in *Part 3* on the way we have responded to the need to modernise our approach to managing the organisation and resources provided to us as efficiently and effectively as we can. The Department's Modernisation Programme is ambitious but, in our view both realistic and achievable.

One of our greatest challenges in the coming period will be the need constantly to reflect on our performance in the delivery of quality customer service to our extensive customer/client base. The delivery of high quality customer service must be the ultimate goal of our approach to planning and management generally.

The expertise and dedication of our staff make me confident of our ability to meet the challenges we face in the period ahead.

Tim Dalton
Secretary General

Réamhrá leis an Rúnaí Ginearálta

10

Agus sinn ag ullmhú don Ráiteas Straitéise seo, bhíomar ag breathnú romhainn, ag iarraidh a dhéanamh amach cad leis, go díreach, a mbeidh súil ag an Rialtas agus ag an bpobal i gcoitinne, as seo go ceann trí bliana. Thugamar spleáchadh gearr siar, chomh maith, ar an tréimhse a chlúdaigh ár Ráiteas Straitéise deireanach ag meabhrú dúinn féin a thábhachtaí is atá sé pleanáil roimh ré a dhéanamh, is é sin le rá, cuspóirí agus straitéisí a chur in áit a bheidh dírithe go soiléir ar spriocanna cinnte agus spás a thabhairt dúinn féin. chomh maith, chun déileáil le himeachtaí neamhchoitianta. Ar na príomhchúraimí a bhí ar an Roinn le linn na tréimhse sin bhí:

- Tionscnaimh chuimsitheacha an Rialtais a sheachadadh, agus iad dírithe ar aghaidh a thabhairt an gcoireacht, mórtionscnaimh i bpolasaí agus i reachtaíocht i réimsí an Gharda Síochána, Prisún agus Profa san áireamh.
- Clár leathan casta a chur i bhfeidhm, maidir le hathchóiriú dlí.
- Ár rannpháirtíocht ag leibhéal Idirnáisiúnta agus AE – a bhfuil fás suntasach tagtha air – a bhainistiú, agus ár ról faoi Chomhaontú Aoine an Chéasta a chur i ngníomh.
- Deileáil leis an ardú gan réamhshampla ar líon na seirbhísí i réimsí an tearmainn agus inimirce.
- Forbairt a dhéanamh ar fhrámaí agus ar bhonneagair nua, maidir le Míchumis agus Comhionannas, agus iad a dhéanamh níos cuimsithí.
- Clár brostaithe a chur i bhfeidhm, maidir le hathchóiriú eagraíochta in Earnáil an Dlí agus an Chomhionannais.

De réir mar a bheimid ag dul ar aghaidh, beidh na gnothaí seo agus, ar ndóigh, gnothaí eile gan choinne faoi láthair, ina bhfíordhúshláin agus ina bhfíordheiseanna sna trí bliana atá romhainn. Agus an Ráitéis nua Straitéise seo á chur i gcrích againn, tá sé rí-shoiléir go mbeidh an cath in aghaidh na sceimhlitheoireachta domhanda, ag éirí as an na himeachtaí uafáis i Stáit Aontaithe Mheiriceá ar an 11 Meán Fómhair, ina fhócas mór ghealltanais, maidir le polasaí agus acmhainní na Roinne. Ceanglófar príomhthosaíocht láithreach le comhaontú, le daingniú agus le cur i ngníomh scata beartas frithsceimhlitheoireachta, chun go mbeimid in ann ár ndualgais idirnáisiúnta ina leith seo a chomhlíonadh chomh gasta agus is féidir. Beidh tionchar dosheachanta ag na forbairtí seo ar roinnt de na gealltanais straitéiseacha a leagtar amach sa chaipéis seo; is deacair an tionchar sin a mheas go cruinn baileach ag an bpointe seo, agus tosaíocht mar sin, nach bhfuil a sárú ann, le cur sa mheá.

Forbairt an-dearfach agus spreagúil gan amhras le déanaí ab ea an deimhniú ón gCoimisiún Idirnáisiúnta Neamhspléach ar Dhíchoimisiúniú go bhfuil airm curtha thar úsáid ag an IRA; bhí baint shuntasachach ag an Roinn leis an gceist seo airm a chur thar úsáid, a ghlac go leor dár gcuid ama, ach a bhain toradh luachmhar amach sa deireadh.

Cuirfidh feabhas leanúnach ar ár bpleanáil gnó ag leibhéal Rannóige agus Seirbhíse tacaíocht ar fáil dár straitéisí i gcoitinne. Leis sin, bainfidh ár bhfoireann – ar a mbeidh cur chun cinn ár gcuspóirí ag brath – tairbhe as béim níos mó ar bhainistiú dearfach, maidir le feidhmiú agus le soláthar deiseanna forbartha.

Baineann ár bhfreagrachtaí le réimsí de bheartais an Rialtais atá lárnach do leas na sochaí. Éilíonn ceisteanna mar athruithe ar an iompar coiriúil, athruithe ar an imirce idirnáisiúnta agus an riachtanas a bhaineann le haghaidh a thabhairt ar an éagothromas freagraí cuí agus gníomhaíochtaí, má mheastar i gceart iad, as a dtiocfaidh torthaí dearfacha do shochaí na tíre.

Dúshlán mór don Roinn a bheidh ann, ár gclár athraithe eagraíochta a bhainistiú, faoina bhfeicfead roinnt mhaith den riarachán laethúil aistrithe go gníomhaireachtaí nua neamhspleácha. Is léiriú suntasach na cuideachtaí nua nach lú ná deich an líon a tháinig ar an saol i ndreach tíre Dlí agus Cirt agus Comhionannais le dhá bhliain anuas, ar a riachanaí is atá sé don Roinn í féin a athshocrú i slí is go dtabharfar tacaíocht oiriúnach do strúchtúir agus do choibhnis eagraíochta, agus go ndíreofar ar fheidhmiú agus ar fhorbairt beartas. Beimid ag díriú go sonrach sa réimse seo ar fhreagracht níos doimhne, maidir le réimsí Dlí, Cirt agus Comhionannais, agus forbairt ar áiseanna follasacha a fhorbairt, Cigireacht Neamhspleách príosún agus Cigireacht i gcomhair an Gharda Síochána.

Léiríonn an Ráiteas freisin cé chomh suntasach is atá an lámh atá againn i sólathar tosaíochtaí tábhachtacha éagsúla Rialtais agus leagtar amach ann, chomh maith, ár socrúithe féin chun ár n-ionchur i ngníomhaíochtaí riachtanacha tras-ghníomhaireachta comhordaithe a bhainistiú.

Tugann *Cuid 3* toradh ár machnaimh ar an gcaoi inár fhreagraíomar don riachtanas ár gcur chuige a nuachóiriú chun an t-eagrú agus na hacmhainní a solathraíodh dúinn a bhainistiú chomh hinniúil agus chomh héifeachtach agus is féidir. Clár uailmhianach é Clár Nuachóirithe na Roinne ach tá sé réalaióch agus indéanta.

Is ceann de na dúshláin a bheidh romhainn an riachtanas atá le síormhachnamh ar ár bhfeidhmiú, maidir le seirbhísí custaiméirí den scoth a thabhairt don bhonn leathan custaiméirí/cliant atá againn. Ba cheart go mba é sprioc deireanach ár gcur chuige i gcúrsaí pleanála agus bainistíochta i nginearálta ná seirbhísí custaiméirí den chaighdeán is fearr.

Tá lámhuinín agam as saineolaíocht agus as dúthracht ár bhfoirne chun aghaidh a thabhairt go sásúil ar na dúshláin atá romhainn.

Tim Dalton

Rúnaí Ginearálta

Introduction, our Mission and Organisation

12

Developing our Strategy

This Strategy Statement is the third published by the Department – continuing on from *Community Security – Challenge and Change* (1996), and *Community Security & Equality* (1998). In this Statement we outline our planned activities over the next three years and its preparation has allowed us to reflect on our mission and to review our High Level Goals. The analysis of our working environment across our policy and operational responsibilities has guided the Department in the development of objectives in these areas over the next few years.

The Strategy Statement provides the policy basis for those organisations in the Justice and Equality Sector, which while independent in their day to day functions, operate within a clearly defined performance and accountability framework. In this way, the Strategy Statements for these organisations are seen to complement and reflect the overall policy direction of the Department.

Statement Structure

The Statement sets out our High Level Goals (HLGs) across 13 policy and operational areas (*Part 2*) and, in *Part 3*, in our Business Support and Customer Services area (HLG 14). The HLGs are supported by key objectives and, in bullet points, the associated strategies.

Implementation and Review

Divisional Business Plans will give effect to this Statement by detailing the key tasks and activities to be undertaken. During 2001 all senior management and staff of the Department will prepare individual performance plans under the Performance Management and Development System which will link directly into and support this Statement and the Business Plans. We will have in place an ongoing process of review of progress on the implementation of this Statement and the Department will report on progress in the Department's Annual Reports.

Consultation

This Strategy Statement has been developed in consultation with staff and with reference to the Partnership structures in the Department. It also reflects the collective view of strategy developed by the Department's Management Advisory Committee working through Divisional senior management teams.

Critical Success Factors

We have consciously set ambitious standards across all of our areas of responsibility, notwithstanding our experience of recent years that exceptional demands on services can have a significant impact on the achievement of our stated objectives. We recognise that achieving our policy, operational and business support goals is dependent on factors which we can influence, for instance by our commitment to performance management and by providing development opportunities for our staff. However, much of the progress we are seeking to make is perhaps equally dependent on the following:

- The support of Government in the implementation of policies and our operational programme.
- Securing the necessary staffing and financial resources and the support of the Department of Finance in particular in this regard.
- The support and co-operation of other Government Departments, Offices and institutions.
- The priority that can be given in the Parliamentary Counsel General's and Attorney General's Offices to drafting and advising on legislative proposals from the Department, and the capacity of the Oireachtas to process published bills.
- Support and co-operation across the Justice and Equality sector.
- The support of our own staff, and our support for them.
- The support of the general public.

Mission Statement

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 the Government and the community, and the resources at our disposal. We express these as guiding principles informing our work. We aim to:

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

Introduction, our Mission and Organisation

High Level Goals

Policy and Operational Goals 1 to 13

1 CRIME

To achieve optimum protection against crime for all members of society.

2 SECURITY

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.

3 GARDA SÍOCHÁNA

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.

4 COURTS

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

5 PRISONS and PROBATION & WELFARE

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.

6 CRIMINAL AND CIVIL LAW REFORM

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.

7 HUMAN RIGHTS

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.

8 EU/INTERNATIONAL

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.

9 NORTHERN IRELAND

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

10 ASYLUM, IMMIGRATION & CITIZENSHIP

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 in the area.

11 EQUALITY and DISABILITY

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.

12 CHILDCARE

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

13 LEGAL AID

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.

BUSINESS SUPPORT and CUSTOMER SERVICE 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.

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 policy and administration.

The Department is sometimes associated with issues which are controversial and sensitive, for example, in its role as the central point of the law and order system and, particularly in recent times, as the focus of the State's response to developments in relation to asylum and refugees. What is sometimes not as quickly recognised is that the Department also has responsibility for a wide and progressive social agenda in the areas of equality, childcare, disability, human rights and civil law reform.

Business and Organisation of the Department

The Department's main areas of responsibility include:

- Implementation of Government policy on crime and the protection of the security of the State.
- Providing policy input in relation to the criminal justice system (An Garda Síochána, the Courts, Prisons and Probation and Welfare Services) and making appropriate arrangements to support the operation of key components of the 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 and co-operation in the EU and international fields and promoting Ireland's interests within our areas of responsibility.
- Implementation of the Government's asylum strategy and further development of national immigration policy.
- Policy in relation to equal treatment generally, anti-racism, disability equality and childcare policy.

The Department is structured around eight areas comprising one or more Divisions, each headed by an Assistant Secretary:

- Crime Divisions, Security and Northern Ireland, Mutual Assistance and Extradition
- Garda, Prisons and Probation and Welfare Policy
- EU/International Division
- Criminal Law Reform and Human Rights Divisions
- Civil Law Reform and Courts Policy Divisions
- Equality, Equal Status, Childcare and Disability Equality Divisions
- Asylum, Immigration and Citizenship Divisions
- Business Support and Customer Service Divisions

Some of these Divisions have functional and policy responsibility for one or more of the associated bodies in the Justice and Equality Sector.

Appendix A1 sets out the structure of the Department.

Financial and Staffing Resources

The Department has, over the last two years, experienced an enormous expansion in service demands in certain areas, in particular in the areas of asylum and immigration which have required a corresponding increase in the resources available to it. Difficulty has been experienced in retaining and recruiting staff at clerical and executive level, particularly in light of the positive economic situation in the country over the past few years which resulted in competing demands from all other sectors of the workplace for experienced staff.

There are 700 staff working in the Head Office areas of the Department, up from 580 in 1998.

There are now nearly 500 staff working in the Office of the Refugee Applications Commissioner, the Refugee Appeals Tribunal, the Reception and Integration Agency, the Office of the Director of Equality Investigations and the Equality Authority, most of whom are staff of the Department.

Across all its votes the Department is responsible for an annual budget (2001) in the region of €1.53 billion (£1.2 billion) which compares to a budget of €1.1 billion (£0.87 billion), again reflecting the substantial growth in the volume of work for the Department over the period.

Appendix A2 contains details of financial allocations 2001-2004.

Introduction, our Mission and Organisation

16

Restructuring within the Justice and Equality Sector

A very significant challenge over the coming years will be the management of our organisational environment. Many areas and functions of the Department have been affected by the ongoing and unprecedented organisation change programme which, in the past two years alone, has seen the following new organisations established:

- Courts Service (1999)
- Interim Prisons Authority (1999)
- Equality Authority (1999)
- Office of the Director of Equality Investigations (1999)
- Office of the National Crime Council (1999)
- National Disability Authority (2000)
- Reception and Integration Agency (formerly the Directorate for Asylum Support Services (2000))
- Office of the Refugee Applications Commissioner (2000)
- Office of the Refugee Appeals Tribunal (2000)
- Human Rights Commission (2001).

The rationale for setting up these bodies varies to some degree from one to the other. It can relate, for example, to a heightened recognition of and emphasis on a new or enhanced body of rights (the Equality, Disability and Refugee bodies, for example); or it can relate to the need to respond as an organisation to significant upward trends in business volume and service demands (the Refugee bodies).

However, the overarching rationale is to devolve authority and decision-making to clearly defined and accountable bodies, strengthening management structures and enhancing the efficiency and effectiveness of the services being provided. These new bodies, and other bodies such as An Garda Síochána, the Land Registry, the Probation and Welfare Service and the Legal Aid Board, together comprise a significant segment of the public service in what we now term the Justice and Equality Sector, numbering 23 organisations and almost 20,000 employees. Supporting this sector and being responsible to the Minister and the Government for its overall performance presents a considerable challenge for us.

The evolution of a new management and policy perspective within the core Department is essential and is, indeed, already well underway. Developing effective working relationships with the newly-established organisations will be a real challenge. The Department must ensure that the performance and accountability frameworks defining the powers and functions of these bodies not only operate efficiently and effectively but also operate in a way that is consistent with their independent status. Key challenges for the Department will be improved policy formulation and co-ordination, strategy and performance review, and efficient provision of financial, staffing, and technological resources.

The evolving Justice and Equality sector has highlighted the need to develop greater cohesion in this area. Policy responses to complex crime issues, for example, require cohesion across the criminal justice agencies (An Garda Síochána, the Courts and Prisons systems, and the Probation and Welfare Service). Interaction among given agencies is frequent and complex, such as in the provision of services by the Forensic Science Laboratory to An Garda Síochána and by the Legal Aid Board (Refugee Legal Service) to the Refugee bodies.

A significant development in building cohesion was the establishment in September 2000 of the **Justice and Equality Sector Steering Group**, chaired by the Secretary General and comprising the Heads of the Justice and Equality bodies. Over the next three years, it is anticipated that this grouping will become a focus for much of the necessary co-ordination of effort across these bodies and the Department.

A further priority will be the development across the Justice and Equality Sector of best practice management and organisation policies. A progressive and sustainable modernisation programme for this area has been agreed through the Justice and Equality Sector Steering Group. Under the Programme for Prosperity and Fairness, a **Justice and Equality Sector Quality Assurance Group** was established in 2001 to monitor the achievement of progress by the Sector in such areas as performance management, training and development strategies and quality customer services. This Group is led by an independent chairperson and its membership includes representatives of external client groups. The Department will be a proactive partner with the relevant Justice and Equality bodies in this modernisation process.

Our Working Environment and
Key Policy and Operational Objectives

Part 2



Our Working Environment and Key Policy and Operational Objectives

Overview

In this part of the report we take stock of where the Department is positioned today and how best we can plan to meet the challenges and opportunities which will be encountered over the next three years. The Department fulfils a wide range of functions across diverse policy, operational and service areas such as crime and the criminal justice system, asylum and immigration and equality and disability.

Economic and social developments – most of them outside the realms of our control or influence – impact directly on our work areas, for instance, the pattern of criminal activity. Our level of economic growth in recent years has been a key factor in determining trends in immigration. Economic and social factors have impacted on crime patterns, favourably so to some extent in recent years. Changes in society and our demography can also have a major bearing on our work area; for instance, the increasing trend towards female participation in the work force has implications for equality and childcare policy. The changing age structure of the population may well impact on levels of youth crime and vandalism. As our sectoral analysis demonstrates, these factors continue to influence considerably our strategic response to these issues.

Operating within the overall national policy framework set down by Government, we are fully committed to playing our part over a range of key policies and initiatives which require cross-agency collaboration and in particular, close and effective links with other Government Departments.

A marked influence upon Department strategy in the coming years will be our increasing commitments to and obligations arising in the international sphere, particularly at EU level. Under our High Level Goal 8 we address the key challenges in this respect.

Finally, we would wish to emphasise the collective drive throughout the Justice and Equality Sector on service restructuring and enhancement in the public interest.

Tackling Crime

High Level Goal **1**

To achieve optimum protection against crime for all members of society

Tackling Crime

Tackling Crime

Background

Recent trends have seen recorded indictable crime reduce to levels which have not been evidenced since 1980. The significance of the achievement should not be underestimated, particularly in the light of the continued social, economic and cultural transformation of Irish life, the rise of more sophisticated forms of criminal activity, such as organised crime and money laundering and population growth.

Ireland has followed the pattern of many states in progressively urbanising, although our process of urbanisation has probably been more rapid than most. The changing nature of society and its organisation and shifting patterns of work and leisure, coupled with public policies with respect to social supports, education and housing, have all contributed for good or ill to our levels and patterns of crime.

The State's economic performance in recent years and our resultant prosperity and high levels of employment bring with them the offer of legitimate paths to self and social fulfilment, although those who, for whatever reason, remain criminally inclined may find richer pickings to be among the rewards of economic success.

Crime Trends

Forms of violence against the person continue to be a source of public concern, and none more so than homicide. Although it is not much of a consolation in a society where twenty years ago homicide was a rarity, it is nevertheless the case that, in international terms, homicide levels in Ireland remain quite low. The increase in the incidence of murder in the mid-1990s, is primarily attributable to an upsurge in organised criminal activity and inter-gang rivalry. Relying as it does mainly on illicit drug trafficking, organised crime represents a particularly pernicious challenge to law enforcement and requires robust responses by the criminal justice system.

In recent years youth crime and public order offences have become a source of concern and have produced quite negative perceptions of personal safety and security amongst the general public. The issues are complex, and along with other matters, relate to the process of individual maturation and levels and patterns of socialising, including the misuse of alcohol. A complicating factor is the nature of the generation and sustenance of the fear of crime, which is both a product of and a contributor to a sense of individual vulnerability.

Integrated strategies are being developed and implemented which involve innovative juvenile justice and Garda legislation, targeted Garda operations and a strict enforcement of laws in relation to intoxicating liquor and, in particular, underage drinking. It should be noted, however, that alcohol abuse requires a much wider response than simply law enforcement, as it is an issue involving social, cultural and economic factors. The National Crime Council is undertaking a major research project into public order offences, the results of which are expected in 2002.

New issues are continually emerging. The buoyant economy has attracted net inward migration, which poses real issues of race relations and policing in an increasingly diverse society. Inculcating a culture of human rights and personal dignity into the heart of policy-making is key to any response. There are also, unfortunately, very ominous features to this trend, such as trafficking in persons and related crimes. The issue of Internet crime or "cybercrime", of which child pornography is but one example, will require the Department to develop both a focused response to the problem and the relevant expertise to deal with it.

The Drug Problem

Drug abuse is one of the great social ills of our time and has posed a very serious threat to Irish society, as it has to societies worldwide, over the past two decades. Administrative structures have been set up to ensure strategic delivery of the Government's drugs policy in a coherent, integrated and cost-effective manner in areas of the most severe drug misuse. Among the structures that have been established are Local Drugs Task Forces in areas identified as having the highest levels of drug misuse. Each Task Force comprises of representatives of the relevant statutory agencies and the community and voluntary sectors.

The main elements of the Government's response to the drug problem have continued to evolve around four distinct but interlinked pillars, which in the process have been refined into supply reduction, prevention, treatment and research, underpinned by improved inter-agency co-operation and co-ordination.

Arising from a review of the national drugs strategy, a new strategy for the next seven years has been developed. The National Drugs Strategy 2001-2008 (Building on Experience) builds upon the previous strategy and strengthens the pillars and principles which underpin it. Its framework comprises of an overall strategic objective and overall strategic aims as well as objectives and key performance indicators across the four pillars. The Strategy also sets out a series of actions to be taken across the full range of Departments and agencies involved in the delivery of drugs policy.

Organised Crime

Organised crime is a relatively recent phenomenon in Ireland. Its development during the last two decades has been influenced, to a considerable extent, by the creation of and consequent need to supply the illegal drugs market which arose during the early 1980s. Recent years have seen a major crackdown on the twin menaces of drugs and organised crime and a policy of strong legislation backed up by tough enforcement measures has significantly altered the environment within which organised criminal groups operate in Ireland. Measures driven by the Minister in recent years such as the Proceeds of Crime Act, 1996, Disclosure of Certain Information for Taxation and Other Purposes Act, 1996, Criminal Assets Bureau Act, 1996, and the Criminal Justice (Drug Trafficking) Act, 1996 provide the back bone for a modern criminal justice system geared to cope with the challenges posed by organised criminal groups. In addition, the establishment of the Criminal Assets Bureau and specialised Garda Units such as the Garda National Drugs Unit, the Garda Bureau of Fraud Investigation and the National Bureau of Criminal Investigation have had a major impact with significant drug seizures, seizures of assets, dismantling of major criminal groups and the imprisonment or departure abroad of a number of major criminals. The fight against illegal drugs will have to be pursued with

vigour on all fronts, however, because as long as there is a demand – and demand is not something that can be addressed exclusively by law and order measures – there will be those prepared to run the risk of supplying that demand.

Youth Crime

In relation to youth crime, the National Children's Office is establishing a working group in which our implementation of the Children Act, 2001 can be co-ordinated with the Departments of Health and Children and Education and Science. The Act makes new provision in relation to such matters as family welfare conferences, special care units, the Garda Juvenile Diversion Programme and a Children Court. Priority will be given to co-ordinating our responsibilities in the Crime, Prisons, Probation and Welfare and Courts areas of the Department in the implementation of the Act. Apart from legislative measures, a preventative approach and appropriate interventions will be pursued.

Violence against Women and Children

One of our priorities will be promoting a greater co-ordination of response across agencies such as the Garda Síochána, the Probation and Welfare Service and the Health Boards who are involved in assisting victims of domestic violence, rape and sexual assault. A key role for us in this regard will be assisting the National Steering Committee to develop policies in relation to these issues.

Victims of Crime

As part of a much broader commitment to recognising a central role for the victim in criminal justice policies, the policy of the Department is to promote trust and confidence in the legal process in delivering fair and compassionate treatment. One of the most important practical contributions which the Department makes to victim care arises from the continuing significant funding of Victim Support, a volunteer-based countrywide organisation which provides a range of services, including practical and emotional support, to victims of crime. It is proposed to continue and consolidate this support with a view to ensuring that this valuable community asset is directed towards giving the best assistance to crime victims.



Tackling Crime

22

One of the challenges faced in the area of crime victim care concerns the degree to which the valuable expertise, traditions and individual strengths of the wide variety of agencies involved can be channelled in the best interests of the victim. The Department will explore how best this might be achieved by analysing the advantages of a more cohesive approach and proposing structural options for achieving enhanced cohesion.

EU and International

Co-operation at international level will increasingly be an important constituent of domestic criminal justice policies, especially in the context of initiatives taken within the fora of the United Nations, the Council of Europe, the Organisation for Economic Co-operation and Development and, most notably, the European Union. In relation to crime, developments in relation to police and judicial co-operation are particularly significant. This is examined under our High Level Goal 8, and objectives 8-1 and 8-2 in the broader context of our overall EU and wider international responsibilities.

Objective 1-1

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.

- Consider and implement, where appropriate, the recommendations of the National Crime Council.
- Develop evidence-based policy initiatives according to identified need.
- Continue to commission crime-related research as an important aid to policy making.
- Prepare a Government White Paper on Crime.
- Continue to support measures aimed at reducing or preventing crime, particularly at local level.

Objective 1-2

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.

- Continue to develop measures to tackle drug-related activity.
- Continue to engage in consultation with the relevant Garda units and the Revenue Commissioners, the community and voluntary sectors and other agencies involved in the process.

Objective 1-3

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 be represented at a high level on groups which have been established to implement the Government's strategy on drugs. These include the Inter-Departmental Group on National Drugs Strategy, the National Drugs Strategy Operational Team, the National Assessment Committee for the Young People's Facilities and Services Programme and the National Advisory Committee on Drugs.
- Through this multi-agency approach:
 - Develop a range of appropriate responses to tackle drug misuse through a concentrated focus on supply reduction, prevention, treatment and research.
 - Develop and implement integrated Action Plans for the 14 Local Drugs Task Force Areas and other areas of social and economic disadvantage.
- Establish, in consultation with the Gardaí and the community sector, best practice guidelines and approaches for community involvement in supply control activities with the law enforcement agencies.
- Establish Regional Drugs Task Forces throughout the country.

Objective 1-4

Continue to develop and implement Department policy in relation to combating organised crime.

- Continue to develop measures to curb the activities of serious criminals.
- Continue to engage in consultation with the relevant Garda units responsible for combating organised crime.
- Continue to support and ensure that the necessary resources are provided to the Criminal Assets Bureau.

Objective 1-5

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.

- Implement, at an early date, the relevant provisions of the Children Act, 2001.
- Continue to support and strengthen the network of Garda youth diversion projects operating in urban and rural areas.
- Contribute to the amelioration of the consequences of substance abuse, most notably alcohol misuse, by young persons, as they relate to criminal behaviour.

Objective 1-6

Promoting the co-ordination of response across agencies involved in assisting victims of domestic violence, rape and sexual assault.

- Assisting the National Steering Committee to develop policies in relation to these issues.

Objective 1-7

Develop a focused response to and the expertise to deal with cybercrime.

- Co-ordinate all cybercrime-related activities affecting the Department and establish a single-point liaison with other Departments and agencies including the Garda Síochána.
- Intensify appropriate expertise in cybercrime topics to facilitate policy development both nationally and internationally.
- Foster and develop new relationships and structures with the Irish Internet industry.
- Implement the recommendations of the Report of the Review Group on the Illegal and Harmful Use of the Internet.
- Support the activities of the Internet Advisory Board in its task of supervising self-regulation and driving the general agenda of Internet safety.

Objective 1-8

Contribute to progressing measures to reduce deaths and injuries on our roads, including strict enforcement of the road traffic laws.

- Contribute, in conjunction with the Garda Síochána and other responsible agencies, to the implementation of the National Road Safety Strategy, including the introduction of a penalty points system.
- Ensure that the Garda Síochána is adequately equipped and resourced to fulfil its obligations under the road traffic laws.

Tackling Crime

24

Performance Indicators

The extent to which the Department's crime policies and legal and other measures produce positive outcomes will increasingly be the subject of quantitative as well as qualitative analysis over the lifetime of this Strategy Statement, as the transition is made to management information systems and related information technology developments across the criminal justice system.

In relation to tackling drugs and organised crime, performance indicators include:

- the ongoing effectiveness of legislation and other measures;
- numbers of successful drugs prosecutions, arrests and the nature of the sentences passed;
- the effectiveness of increased international co-operation; and
- the effectiveness of co-operation with other State agencies and the voluntary/community sectors in responding to the drugs problem and the issue of young people at risk.

In relation to other aspects of crime policy, performance indicators include:

- the timeliness and efficiency generally in responding to mutual assistance and extradition requests;
- greater awareness of the problems of violence against women and children among the public and of the help available to victims;
- the effectiveness of the delivery of the Department services included in the Charter for Victims.

Security

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

Security

Security

An important function of the Department is 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 or the wider international community, and of any measures – legislative, administrative or operational – which may be necessary to combat it.

The terrorist atrocities of 11 September in the United States, which claimed the lives of citizens of many countries, including Ireland, clearly represent a new and dangerous threat to world security, and Ireland has joined with its partners in the international community in developing appropriate responses to that threat. As part of that process, we have engaged in intensive consultations within the European Union and the United Nations on developing new measures to combat terrorism. Some of these measures are likely to give rise to the need for legislative change, and the Department will be involved in the preparation of the necessary legislative proposals. We are also, more generally, engaged in a review of relevant laws and procedures which, directly or indirectly, have relevance to the capacity of the State to combat terrorism, with the aim of identifying any changes which may be required.

Under our High Level Goal 8, (European Union and International) we refer in some more depth to these proposals for legislative change.

Regulation of Firearms

The Department has responsibility for legislation and policy on the regulation and control of firearms and explosives. The implementation and effectiveness of legislation and policy in this area is kept under continuing review.

Objective 2-1

Keep under review and identify appropriate responses to threats posed by terrorism to the security of the State or the international community.

- Consult regularly with the Garda Síochána on security matters.
- Provide briefing and advice to the Minister and Government on the terrorist threat.
- Keep under review laws and procedures relevant to the terrorist threat in the light of changing circumstances.
- Make any necessary proposals for legislative, operational or administrative change.
- Continue to participate in and contribute to relevant EU and international fora and initiatives.
- Continue to co-operate at an international level in countering the terrorist threat.

Objective 2-2

To keep under review the effectiveness of the regulation and control of firearms and explosives.

- Consult regularly with the Garda Síochána.
- Consider advice from the Government Inspectors of Explosives.
- Consider views of interested bodies.
- Make proposals for legislative, operational or administrative change.

Garda Síochána

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

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

Prisons & Probation and 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

Managing the Criminal Justice System

28

Garda Síochána

As the national police force, the Garda Síochána plays a vital role in ensuring public safety, and its effective and efficient operation is a key element of the criminal justice system, particularly in relation to the fight against crime. The Force is made up of over 11,700 members who serve at over 700 Garda stations throughout the country. The range of Garda functions is very broad but its core role is law enforcement for protection of the security of the State and prevention and detection of crime in all its forms. Ireland also contributes very actively to UN and other international police missions and this is reflected in *Objective 8-3*, placed in the broader context of our overall EU and wider international responsibilities.

In addition to Garda personnel, the Force has over 1,000 civilian staff.

Day-to-day decisions and operational matters concerning the Gardaí are the responsibility of the Garda Commissioner. The Minister has overall responsibility for broad policy formulation in the law and order area and the Department contributes to the formulation and implementation of these policies. In addition, the Department also has the task of providing the Minister with the resources and support he requires to fulfil his obligations to the Government and the Oireachtas in connection with the Garda Síochána.

There will be a continuing need for operational flexibility and the need to be adaptable with the use and management of resources as was evidenced recently by the speedy and effective response by the Department and An Garda Síochána to the national foot and mouth disease crisis.

The Department has a dedicated team working closely with Garda management in the development and implementation of a major programme of change under the Garda Strategic Management Initiative. The period 2001 to 2004 will see the roll-out of new financial and human resource management frameworks, new approaches to training and promotion, a programme of civilianisation and various other changes contributing to a more efficient and effective Garda organisation. A major review of Garda structures and operating systems is also underway. This will be completed in 2002 and implemented in 2002/2003.

Objective 3-1

Ensure that the Garda Síochána has the personnel and financial and other resources it needs to provide an effective and high-quality policing service.

- Recruit and appoint additional Gardaí.
- Provide appropriate supports, including equipment, as required.
- Extend closed circuit TV networks.
- Monitor the Garda digital radio pilot commencing in 2001 and contribute to the solution to be put in place for the development of a new Garda communications network.

Objective 3-2

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.

- Continue progress in taking forward the Garda SMI change programme.
- Complete a review of Garda structures and operating systems and the development of a Garda Performance and Accountability Framework.
- Present final Garda SMI report to Government in 2002.

Objective 3-3

Provide up-to-date IT systems to enhance the capacity of the Garda Síochána to avail of the advantages of using these systems.

- Finalise implementation of current Garda IT plan in 2002.
- Develop and progress further programmes to cater for additional functions to be undertaken through IT.

Objective 3-4

Repair and maintain Garda buildings to an appropriate standard.

- Pursue renovations to Garda stations and other accommodation, particularly where refurbishment is more urgently required, so that Garda premises reflect improved conditions for the public and for personnel working at the stations.

Objective 3-5

Establish a Garda Inspectorate to undertake inspection arrangements for the Garda Síochána to deal with complaints by the public against Garda members.

- Give effect to the Government's recent decision to establish a new Inspectorate including preparation of the appropriate legislation and provision of other support.

Performance Indicators

- Garda strength to reach 12,000 by 2002.
- The extent to which the Garda SMI programme impacts on the efficiency and effectiveness of the Garda Síochána.

The Courts

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

The key roles of the Department in respect of the Courts system are:

- to discharge ministerial functions in relation to the courts, including all constitutional and legislative matters relating 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 Department is also responsible for policy underlying courts-related legislation;
- to 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;
- to examine and consider proposals from the Courts Service regarding financial and staffing matters and major court development programmes in the IT and buildings areas and advise the Minister in relation to the provision and utilisation of resources;
- to ensure 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.

Objective 4-1

Ensure that all ministerial functions in relation to the courts are effectively discharged

- Ensure that all constitutional and legislative matters related to judicial and other statutory appointments in the courts are effectively discharged and that the demands placed on the courts are matched by the appropriate number of judges.
- Ensure that the courts have the opportunity of providing input to policy development which impacts on the courts.



Managing the Criminal Justice System

30

Objective 4-2

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

- Work with the Courts Service on the implementation of key policies, for example, Drug Courts.
- Work with the Courts Service to develop greater co-ordination and integration of the courts system with the wider criminal justice system.
- Implement integration aspects of the courts' IT systems with other criminal justice agencies, facilitating improved linkage between the statistical outputs of the various criminal justice agencies and to allow for the development of a repository of information which is critical for the formulation of effective policies for tackling crime.
- Work with the Courts Service to ensure that all possible measures are taken to minimise delay in the disposal of cases, particularly criminal cases in the Central and Special Criminal Courts, where delays have been experienced.
- Ensure that the courts are properly equipped to deal with legislation (national and EU) and other measures which are adopted by other Departments/agencies which impact on the courts.
- Work with the Courts Service to develop full participation by the courts in the e-Government initiative for the delivery of public services to the citizen and to businesses.
- In order to support the Department in fulfilling its role in relation to the Courts Service, give consideration to the employment of management consultants to advise on the systems and skills needed in the Department and the development of the most appropriate and efficient organisational relationship.

Objective 4-3

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.

- Examine and consider proposals from the Courts Service regarding financial and staffing matters and courts building and IT programmes and advise the Minister in relation to the provision and utilisation of resources.
- Ensure that the demands placed on the Courts Service are matched by the appropriate number of judges with support staff and that the judiciary has the appropriate supports to cope effectively with changing demands.
- Have regard to the ongoing effectiveness of the Courts Service by evaluating its performance vis-à-vis key performance indicators agreed with it for the delivery of services.
- Work with the Courts Service to provide for full accountability on the part of the Service and value for money.

Performance Indicators

- Reduction in the waiting times for the hearing of cases generally and particularly those in the Central and Special Criminal Courts.
- Provision of improved physical facilities for all users of the courts (including judges and staff) which properly reflect the sensitivity and importance of the work transacted by the courts.
- Provision of information on the courts system to the public so that it may acquire a better understanding of the administration of justice through the courts and appreciate the role of the courts system in society.

Prisons and Probation and Welfare Policy

The role of the Department is to provide strategic direction and guidance to the Irish Prison Service and the Probation and Welfare Service and to monitor the performance of these Services in line with agreed policy objectives.

The core function of both the Prison Service and the Probation and Welfare Service is the effective implementation of the sanctions and sentences of the courts so as to reduce reoffending and protect the public. The activities of the two Services in this regard are complementary. Determination of penalty, whether community sanction or custodial sentence, is often preceded by assessment and report by a Probation and Welfare Officer. If conditions of supervision in the community are breached, the end result may be committal to imprisonment or detention. Decisions on release and conditions of supervision while on release take into account risk assessments prepared by prison-based probation and welfare staff, and work done in prison to steer offenders away from re-offending needs to be followed through on release under Probation and Welfare Service supervision.

There are also responsibilities specific to each Service. The Prison Service is responsible for the maintenance of prison security and the overall management of offenders in custody; the Probation and Welfare Service is responsible for managing offenders in the community, providing a range of community-based sanctions and developing diversionary programmes for individuals who are at risk of offending. The Probation and Welfare Service is also responsible for some welfare-related work with offenders in custody.

Our work programme for 2001 to 2004 builds on the considerable progress which has been made during the past 3 years. The primary focus in the coming years will be on the further development of effective organisational structures. This entails:

- pressing forward with the transition to agency status of the Prison Service;

- enhancing the structure of the Probation and Welfare Service by ensuring that it has the necessary staffing resources, administrative infrastructure and systems in place which will allow it to deal effectively and efficiently with its business; and
- pressing ahead with the operation of the Parole Board and the establishment of a Prisons Inspectorate. Both bodies are being established on an administrative basis initially pending the enactment of legislation to put them on a statutory basis.

Another critical challenge will be to ensure that policy and practice in relation to the management of offenders are informed by research on “what works”. There will also be a focus on increasing collaboration between the Prison Service and the Probation and Welfare Service to achieve shared aims and objectives.

In relation to the family law function of the Probation and Welfare Service, a key role will be to enhance decision-making by the courts in family law matters through the provision of assessment reports and facilitating agreement between parties.

Objective 5-1

Progress the process of structural and systems change.

- Oversee the establishment of the Irish Prison Service as an independent, statutory agency with its own board of Directors.
- Develop a framework for the further implementation of the Expert Groups Reports on the Probation and Welfare Service.
- Establish a Parole Board on an administrative basis initially pending statutory provision in due course.
- Establish a Prisons Inspectorate on an administrative basis initially pending statutory provision in due course.



Managing the Criminal Justice System

Objective 5-2

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 the completion of the service level agreement currently being negotiated between the Prison Service and the Probation and Welfare Service.
- Agree a set of standards by which the Prison Service and Probation and Welfare Service are to be evaluated.
- Sponsor research on “what works” to reduce re-offending.

Objective 5-3

Ensure that there is an effective legislative and operational framework underpinning work in the Prisons and Probation and Welfare Services.

- Continue to make an input to the development of draft legislation establishing the Prisons Agency, the Parole Board and the Prisons Inspectorate.
- Review legislation relating to community sanctions and the range of duties undertaken by Probation and Welfare Service personnel.
- Finalise the new Prison Rules, in consultation with the law officers.
- Prepare temporary release regulations for introduction when the *Criminal Justice (Temporary Release of Prisoners) Bill, 2001* is enacted.
- Prepare new detention of offenders regulations for introduction when the *Prisons Bill* is enacted.

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*

Criminal and Civil Law Reform

Criminal and Civil Law Reform

The Department's law reform programme comprises a very large proportion, usually of the order of one quarter to one third, of the overall Government programme. It encompasses both the criminal and the civil law but excludes those specialist aspects which are the responsibility of other Departments. The full Legislative Programme is set out at **Appendix B1**.

This programme is not a fixed set of law reform objectives, and it invariably falls to be adjusted on a continuing basis in response to changing circumstances. For example, co-operation in the civil and criminal law areas is now centre stage in the affairs of the European Union which results in the need to bring forward legislative proposals in response to EU initiatives in these areas. Similarly, ratification of other international agreements or court decisions can lead to new Government objectives and a re-ordering of law reform priorities. The need for the law reform programme to adjust to changing circumstances has been brought sharply into focus by the requirements of the international response to the events of 11 September in the USA. The response required of the Criminal Law Reform Division is discussed further below.

The Department has responsibility for advising the Minister and the Government in the development of policy on law reform needed to meet political commitments or fulfil domestic or international legal obligations and drawing up any subsequent legislative proposals for approval by Government. It also involves keeping the law under review so as to identify potential reform for consideration by Government. As part of this process, the Department engages in and promotes research, and assesses reports or submissions from advisory or research bodies, notably from the Law Reform Commission, and consults with relevant interests.

The Criminal Law Reform Programme

Important requirements which shape criminal law reform proposals in the Department include:

- the need for balance and proportionality. A key task for the Department is to find the right balance between the competing rights of the accused, the prosecutor, the victims of crime and society generally. An essential prerequisite to finding this balance is ensuring protection of fundamental human rights and freedoms consistent with constitutional obligations and international commitments (e.g. European Convention on Human Rights).
- the need to review and, where necessary, update Garda powers. The powers available to the Gardaí to investigate and prosecute crime must be continually assessed in the light of crime trends and in the light of how society operates to ensure an appropriate policing response. Examples from the current programme include the Criminal Justice (Garda Powers) Bill which will provide enhanced powers for the Gardaí to investigate and prosecute crime.
- the need to protect society against modern or specific forms of crime including organised crime. Recent years have seen the need to develop a body of law in response to the growth of sinister new forms of crime such as organised crime, trafficking in drugs and trafficking in people, particularly women and children. Also strongly evident is the need to take innovative and comprehensive approaches to meet the challenges presented by certain types of offenders such as sex offenders, juvenile offenders and those offenders who are mentally ill. Examples from the current programme include the recently enacted Children Act, 2001 which will reform the juvenile justice system, the Criminal Justice (Insanity) Bill which will change the process by which the criminal law will deal with mentally ill offenders, and the Sex Offenders Act, 2001 which will provide new protection for vulnerable persons, particularly children.

- the need to ensure that the criminal justice system can operate on modern principles of efficiency and effectiveness and take account of new investigative techniques. Examples from the current programme include the Prison Service Bill which will provide for an independent prison service and an independent prisons inspectorate and the Criminal Justice (Garda Powers) Bill which will include provisions to take advantage of developments in forensic sampling.
- the need to provide the appropriate legislative framework to tackle crime with an international dimension. The international community, particularly the EU, has in recent years continued to produce international instruments to fight transnational crime and to ensure that persons who commit serious crimes cannot escape prosecution by crossing territorial borders. Our participation in such instruments generally requires the enactment of domestic legislation. In particular, the adoption of the Amsterdam Treaty and the establishment as a Union objective "to provide citizens with a high level of safety within an area of freedom, security and justice" has created a new dynamic in the development of common action in the area of judicial co-operation in criminal matters. As a result we are required to respond to an ever-increasing number of EU proposals for action in the criminal justice area. This is making exceptional demands on us both in relation to the negotiation of provisions acceptable in an Irish context and to the extent that the final agreed text of these instruments will inevitably require domestic legislative implementation within predetermined target dates. A quarter of the bills on the current criminal law programme have an international or EU dimension.

The need to participate fully in the international effort against crime and terrorism took on a new dimension following the atrocities of 11 September this year in the USA. Legislative measures being called for at both UN and EU level at this time have already impacted significantly on our work programmes and may for the foreseeable future entail a re-ordering of our legislative priorities and an intensification of the involvement of this Division in critical international negotiation of new legislative proposals aimed at intensifying the ability of

the international community to fight terrorism. Work will include urgent ratification of a range of international conventions, including UN Conventions relating to terrorism, as well as negotiation and eventually preparation of follow-up legislation relating to a programme of EU measures, in particular those relating to extradition and mutual legal assistance.

- the need to clarify and modernise old laws. An example of this approach in the current programme can be found in the Criminal Justice (Theft and Fraud Offences) Bill, 2000 which will amend and update the law on fraud and dishonesty, as well as providing for offences not adequately covered by present legislation.

The Civil Law Reform Programme

The factors that shape and give substance to proposals to reform the civil law include:

- the need to update and clarify the law as it recognises and protects individual rights and maintains an appropriate balance of rights as between individuals and, where applicable, between the rights of individuals and the needs of society. An example from the current civil law reform programme is the proposed Gaming and Lotteries (Amendment) Bill;
- the need to implement regulatory reforms with a view to creating an appropriate regulatory environment that meets the needs both of society and of a competitive market economy in areas for which the Department has policy responsibility. Both the Private Security Services Bill, 2001 and the Solicitors (Amendment) Bill, 1998 fall into this category;
- the need to update and modernise statute law in relation to legal status of individuals in order to respond to societal and institutional change in areas such as nationality/citizenship law, family law and immigration law. An example from the current civil law reform programme is the Immigration and Residence Bill;
- the need to reform processes, structures and jurisdiction with a view to promoting the efficient administration of the courts and enhancing access to justice. The Courts and Court Officers Bill, 2001 comes under this heading;



Criminal and Civil Law Reform

36

- the need to give legislative effect to international instruments on civil and commercial matters and, where primary legislation is not required, to respond, as necessary, by way of secondary legislation or administrative action (see **Appendix B3**). The latter response is especially relevant to developments in the area of judicial co-operation in civil matters within the EU. This is examined under our High Level Goal 8 and objective 8-4 in the broader context of our overall EU and wider international responsibilities.

Objective 6-1

Complete the programme of criminal and civil law reform contained in the Government Legislation Programme.

- Prepare and implement proposals for legislation. The current programme is contained in **Appendix B1**.

Objective 6-2

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.

- Continue to liaise with the Law Reform Commission in relation to its ongoing work. Identify any new areas of the law which require research and seek to have research carried out in-house or by appropriate research bodies. Current areas of research which are relevant are given in **Appendix B2**.
- Maintain and develop information resources, including channels of communication with officials in other jurisdictions, with a view to being informed of legislative approaches being adopted or considered elsewhere.

Objective 6-3

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.

- Maintain and develop channels of communication with relevant bodies and a response capability which would allow early legislative action on issues, including court decisions, which require changes in the criminal and civil law. Bring forward legislative proposals in response to Law Reform Commission Reports and reports of other agencies as identified in **Appendix B2**.

Objective 6-4

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.

- Participate in the various EU and international fora to which Ireland is a party in order to negotiate instruments and bring forward legislative proposals to implement the instruments adopted by these bodies as detailed in **Appendix B3**.

Objective 6-5

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.

- Maintain and develop active links at official level and participate in relevant Departmental and inter-Departmental committees and other relevant fora, including in the international sphere.

Performance Indicator

- The benchmark of our performance will be the delivery of the Government's Legislative Programme, including our EU and international commitments. Critical success factors include the appropriate level of resources being made available to both Divisions and timely service by other involved branches of Government, including the Office of the Attorney General, the Office of the Parliamentary Counsel and the Offices of the Houses of the Oireachtas and Oireachtas time being provided in order to process legislation to enactment.

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

Human Rights

38

Human Rights

Objective 7-1

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 setting 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.

- Continue to ensure the successful establishment of the Human Rights Commission by providing the necessary staffing, financial and logistical resources to the Commission.
- Provide assistance to the Commission in an all-Ireland context in its crucial role in the work of the Joint Committee, which is to be established in conjunction with the Northern Ireland Human Rights Commission, in leading to the drawing up of a charter, open to signature by all democratic political parties, reflecting and endorsing agreed measures of protection of the fundamental rights of everyone living in the island of Ireland.

Performance Indicator

- Successful recruitment of Chief Executive and other staff for the Commission and allocation of appropriate office accommodation open to the public to enable the Commission to implement the promises in the establishing legislation, the Human Rights Commission Acts, 2000 and 2001.

Objective 7-2

Fulfil the commitment to give further effect to the provisions of the European Convention on Human Rights.

- Ensure the implementation of the European Convention on Human Rights Bill, 2001.
- Monitor the possible effects on criminal law and practice insofar as the Department's sphere of responsibilities is concerned.

Performance Indicators

- Enactment of the European Convention on Human Rights Bill, 2001.
- Provision of ECHR-related training, information and resources to the judiciary, the legal profession, Departmental staff, public servants and to members of the public.

Objective 7-3

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.

- Develop, subject to the Constitution, appropriate legislative proposals in response to our international human rights commitments, recommendations of the Human Rights Commission and also recommendations and reports from other statutory and non-statutory rights organisations in the State and internationally.

Performance Indicator

- Timely revision of legislation.

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

European Union and International

European Union and International

A significant and growing element of the Department's strategic focus is the development of our input to initiatives and programmes arising at EU level and across other international fora such as the Council of Europe and the United Nations. Our strategies to deal with crime, law reform, asylum and immigration and equality issues will continue to be more markedly influenced over the coming years by initiatives driven by the EU, Council of Europe and other fora. The following paragraphs identify the way in which our involvement in these areas is intensifying, how this is likely to impact on our resources and our outputs, and the likely direction of key policies in the international context over the coming period, up to and including the Irish EU Presidency in 2004.

The Treaty of Amsterdam

A primary objective of the Treaty of Amsterdam (which came into force in May 1999) is the establishment by the European Union of an area of freedom, security and justice by progressive stages. Under the Treaty a closer focus has been brought to bear on the individual rights and freedoms of citizens of the European Union. This new emphasis includes the Union's objective of providing citizens with a high level of safety by developing common action among the Member States in the fields of police and judicial co-operation in criminal matters in particular. This development has major implications for the Department as the issues involved, including combating crime, public security and immigration and asylum, are within the Department's areas of responsibility.

The so-called Third Pillar has been strengthened and re-organised to focus solely on inter-Governmental action in the fields of police and judicial co-operation in criminal matters. The area of freedom, security and justice is to be achieved by common action to prevent and combat all forms of crime affecting that area with particular emphasis on organised crime, trafficking in persons, offences against children and drugs trafficking. Other Justice and Home Affairs

issues – judicial co-operation in civil matters, immigration and asylum and visa policy – have been transferred from the inter-Governmental framework to the Community framework (the First Pillar).

As a result of the changes brought about by the Treaty of Amsterdam and reinforced by the Tampere European Council conclusions (October 1999), Justice and Home Affairs is the most rapidly growing legislation-making area of the European Union. Furthermore, in the aftermath of the terrorist attacks on the United States on 11 September 2001, the EU states committed themselves to an extensive and wide-ranging programme of measures to combat terrorism. A UN Security Council Resolution has also imposed additional obligations on all states. In the medium term, the Department's involvement in EU and international matters will be driven by the progressive implementation of these measures which, among other actions, will require substantial legislation.

The Department's involvement in EU matters in the next three years up to and including the Irish EU Presidency in 2004 will continue to be driven largely by the progressive implementation of the changes introduced under the Treaty and by the implementation of the Tampere conclusions.

Organised Crime and Drugs

Inter-state co-operation will continue to become an increasingly important constituent of domestic criminal justice policies, particularly in view of the disappearance of borders physically by agreement or virtually through modern communication technologies. These developments have been recognised and are being addressed within fora such as the United Nations, Council of Europe, Organisation for Economic Co-operation and Development and, most notably, the European Union. Initiatives taken within these fora are considered essential in dealing with the increasingly transnational nature of many forms of crime, as well as in supplementing national responses to combating crime. The links between organised crime and crime in general and the need for co-operation in crime prevention have also been recognised.

Mutual Assistance and Extradition

The pace of developments in relation to police and judicial co-operation has been significant. This is well illustrated by the number and range of EU, Council of Europe and UN initiatives in the fields of mutual assistance in criminal matters and extradition, areas in which the Department has a direct day-to-day operational role.

When complete, this process will radically alter the legislative framework and operational arrangements in EU Member States in relation to mutual assistance and extradition. The steps being taken will represent an important contribution towards achieving an efficient and comprehensive approach to the fight against all forms of crime.

Ireland is also involved in important developments on the bilateral front in this area with several agreements finalised, in progress or planned.

A challenge we face in this area will be to balance demands arising from participation in negotiations on a wide range of new initiatives, making changes in legislation and in operational procedures to give effect to such agreements as they are concluded and managing the increased demands in respect of requests.

Criminal Law Reform

In March 2000 an extensive programme of work to prevent and combat crime was elaborated in the "European Union Strategy for the beginning of the New Millennium". The programme has created a new dynamic in the development of common action in the area of judicial co-operation in criminal matters. A particular focus of the current work programme is the mutual recognition of judicial decisions and judgements which was identified in the Tampere conclusions as "the corner-stone of judicial co-operation" within the Union. In December 2000, a programme of mutual recognition of decisions in criminal matters, which is designed to strengthen co-operation between the Member States and enhance the protection of individual rights, was agreed by Council. That programme sets out 23 measures relating to mutual recognition in criminal matters, of which 12 are scheduled for completion before the end of 2002. Among these measures are proposals for Framework Decisions on mutual recognition of orders freezing assets and

evidence and mutual recognition of financial penalties. We will continue to represent the national position in negotiations of these instruments and ensure full compliance with the resultant obligations by providing the necessary legislative changes. At present, a quarter of the Bills on the current criminal law programme have an international or EU dimension. **Appendix B3** details the EU instruments and international agreements which are being or will be negotiated over the coming period.

Focus on Terrorism

The UN Security Council Resolution and the EU commitment to an extensive and wide-ranging programme of measures to combat terrorism has resulted in new obligations to be met, as well as adding an intensity and immediacy to the realisation of existing programmes to counter organised crime and terrorism. The measures now being proposed in this respect include:

- replacing extradition arrangements among Member States of the EU with a European Arrest Warrant;
- EU Conventions on Extradition to be brought into force;
- a common definition of a terrorist act and an obligation on Member States to agree and legislate for a list of terrorist offences;
- ratification of the EU Convention on Mutual Legal Assistance and its Protocol;
- extension to terrorist-related crimes of a Framework Decision on freezing assets or evidence;
- early adoption of the draft Directive on the prevention of the use of the financial system for money laundering;
- a proposal for framing a UN Convention against international terrorism;
- urgent ratification of a UN Convention for the suppression of financing of terrorism as well as ratification of other UN Conventions relating to terrorism;
- speedy implementation of the entire package of measures agreed at the Tampere European Council in 1999.



European Union and International

42

Civil Law Reform

A significant influence on the civil law reform programme is the need to give legislative effect to international instruments on civil and commercial law matters – the Data Protection (Amendment) Bill from the current Government legislative programme, transposing an EU Directive, is a case in point.

In addition, the expanding and important field of judicial co-operation in civil matters will require an ever-increasing commitment and response from the Department. The impact of the coming into force of the Treaty of Amsterdam on our work has been referred to earlier. This impact is particularly visible in the area of judicial co-operation in civil matters, which now is an intrinsic part of the Treaty establishing the European Community and is no longer dealt with in an inter-Governmental framework. A consequence of this is that the pace of development in this area has accelerated markedly. Since the entry into force of the Amsterdam Treaty, six Regulations for which the Department has responsibility have been adopted. Negotiations are current or pending in respect of four other initiatives and further initiatives will be coming on stream within the next few years.

There is a current five-year framework for progress in judicial co-operation in civil matters which is derived from the Amsterdam Treaty itself, the Vienna Action Plan of December, 1998 and the Tampere Conclusions of September, 1999. More recently, a wide-ranging programme of measures for implementing the principle of mutual recognition of decisions in civil and commercial matters has been adopted with the aim of identifying the developments which will need to take place if effective co-operation in this area is to become a reality. Three broad themes have been identified as part of the process of moving forward:

- better access to justice within the EU;
- mutual recognition of judicial decisions; and
- greater convergence in civil law.

Our focus will be essentially two-fold: to represent the national position in an informed and structured way, and, consistent with that, to assist in the development of coherent and worthwhile policies at the level of the EU itself.

Consistent with our international obligations, the Department is also active, in the civil law area, in fora other than the EU, notably the Hague Conference on Private International Law and the Council of Europe. **Appendix B3** details the EU instruments and international agreements which are being or will be negotiated over the coming period.

Asylum, Refugee and Immigration Policy

We will continue to ensure that Ireland's interests in relation to asylum, refugee and immigration policy are actively represented at international level in the context of co-operation within the framework of the EU and also in other international fora such as the Council of Europe and the United Nations.

In the asylum and immigration policy areas, the objective, from an Irish perspective, in the move to common EU asylum and immigration systems is two-fold: firstly, the development of systems which respond quickly to the needs of those genuinely in need of protection, while reducing the flow of unfounded requests for asylum and, secondly, the development of policies resulting in clear, effective and efficient procedures for legal immigration and substantial disincentives to discourage illegal immigrants, targeting in particular those involved in trafficking. Ireland's participation in measures must have regard to maintenance of the Common Travel Area with the UK.

Equality

Obligations in the area of equality which derive from Ireland's membership of the EU, Council of Europe, UN and the ILO increasingly require input, follow-through, and monitoring at a national level. A focus over the coming period will be on the implementation of EU Directives on equality issues in the areas of racial equality, equal treatment on grounds of religion or belief, disability, age or sexual orientation and equal opportunities between women and men and generally exerting a positive influence on policy-making at EU level and in other international fora. In an EU context, childcare is seen as a critical issue in respect of equal opportunities between women and men (see High Level Goal 12 – childcare).

Schengen

Assuming a successful outcome to Ireland's proposed participation in a number of elements of the Schengen co-operation arrangements, a key objective over the period of the Strategy Statement will be the implementation of those arrangements.

Other Areas

Our international commitments will also continue to extend to our other areas of responsibility, including co-operation with other jurisdictions in relation to prisons administration and the prisons dimension of UN peacekeeping.

EU Presidency 2004

A key preoccupation for us will be ensuring that Ireland is well-placed as President of the Council of Ministers (January to June 2004), both from the policy development and resources perspectives, to lead and manage the deliberations of the EU in our areas of responsibility.

Objective 8-1

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.

- Participate in the EU Council and other international fora in the development and implementation of instruments and strategies in relation to drug misuse, organised crime and crime prevention.
- Liaise with other relevant Government Departments and State agencies regarding the implementation of action points relevant to the Member States in the EU Action Plan on Drugs (2000-2004).
- Participate in the newly-established European Crime Prevention Network.

Objective 8-2

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.

- Process requests for mutual assistance and extradition having regard to international standards of good practice and legislative and procedural requirements and continually review our procedures to ensure a high standard of service.
- Participate in negotiations in the European Union, Council of Europe and United Nations on mutual assistance and extradition, and implement any necessary operational procedures at national level.
- Participate in negotiations on bilateral arrangements for mutual assistance and extradition.

Objective 8-3

Provide police officers for international conflict prevention and crisis management operations.

- Continue Ireland's contribution to UN and other international police missions.
- Take an active part in the development of the EU's civil crisis management capability.

Objective 8-4

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.

- Participate in the various EU and international fora to which Ireland is a party in order to negotiate instruments and bring forward legislative proposals, or other measures as appropriate, to implement the instruments adopted by these bodies as detailed in **Appendix B3**.



European Union and International

Objective 8-5

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.

- Participate at EU level in the development of immigration and asylum policy and of specific measures to the fullest extent possible, having regard to the maintenance of the Common Travel Area arrangements with the UK.
- Participate in the development of immigration and asylum policy in the discussions of the Council of Europe and other international bodies.

Performance Indicators

- Policy and legal reforms at EU and other international levels which adequately reflect the concerns of the State and which can be implemented effectively at national level.

Objective 8-6

- 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.

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

Northern Ireland

Northern Ireland

The Department – along with the Departments of An Taoiseach and Foreign Affairs – has played a central role over the years in efforts to bring about a new beginning in Northern Ireland. We participated fully in the negotiations leading up, and subsequent, to the Good Friday Agreement. While we are, and have been, involved in all aspects of these negotiations, we have had particular responsibilities in relation to certain matters such as prisoners, decommissioning, security and rights and equality of opportunity. Our involvement in this work has proved to be quite demanding on the time and efforts of a relatively small number of personnel at different levels within the Department. Particular attention has been focused by the Department on the need for progress on the issue of decommissioning, and a significant event of decommissioning by the IRA has now taken place. This is a very positive development and the Department will continue to contribute towards the full implementation of decommissioning by all those involved, mindful that the Government attaches a high priority to the implementation of this and all other aspects of the Good Friday Agreement.

Objective 9-1

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.

Performance Indicator

The extent to which progress has been achieved in the full implementation of all aspects of the Good Friday Agreement.

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

Asylum, Immigration and Citizenship

Asylum, Immigration and Citizenship

In recent years, the issues of immigration, asylum and citizenship have assumed a new prominence in public debate as the number of non-nationals arriving in Ireland has increased significantly. The number of applications for refugee status lodged in 2000 was nearly 11,000, as compared, for example, with some 400 applications in 1995. This is the second highest in the EU per capita and the third in Europe as a whole. Ireland is experiencing the broader impact of an interdependent world where mass communication, transportation, geographical position, political instability and, indeed, organised crime impact upon the movement of people. With significant economic growth in recent years, we are now experiencing the forces of migration in a new way, challenging long-held certainties and assumptions.

In addressing our obligation to regulate entry arrangements into the State, our aim is that the arrangements that are in place to service the needs of our immigrant community must also facilitate, in line with Government policy, their integration in a way which acknowledges mutual obligations for both new immigrants and Irish society. We also aim to achieve the correct balance in ensuring, on the one hand, that the integrity, security and authority of the State and its economic and social fabric are protected and, on the other, that the rights and interests of immigrants are upheld.

Ireland must as a fundamental expression of its humanitarian ideals, afford protection to refugees and fair consideration, accommodation and sustenance to those claiming persecution until those claims have been determined. We must also ensure that our immigration laws and procedures are respected, upheld and enforced, not alone in the interests of the welfare of our citizens, but also in support of the efforts of the international community to combat transnational crime syndicates that exploit and abuse the human rights of migrants.

Despite its humanitarian purpose, the reality is that many people are seeking protection under the 1951 Geneva Convention to avoid legitimate immigration controls. Governments and agencies in many countries are expending sizeable resources in dealing with unfounded asylum applications and this diverts resources away from dealing with those who are deserving of international protection. This has a detrimental effect on the service being provided to asylum seekers who meet the Convention's criteria to be considered for refugee status and on the speed with which those who achieve status are integrated into Irish society.

The key objective in the coming years will be to continue to develop the capacity to respond in a humane and strategic manner to the challenges and opportunities posed by international migration, having regard to the fact that events giving rise to rapid increases in such migration are often outside our control or even the control of the international community generally.

In particular, those who traffic in human beings must not be allowed to operate in Ireland. Tolerance of such a situation is contrary to our national interests and to our national strategy on immigration and, most certainly, is contrary to the interests of their would-be victims. Illegal immigration and trafficking in human beings is a matter of serious concern for and is seen as a major priority by the UN, all our EU partners and indeed the EU accession States.

Key Policy Issues

The main challenges and priorities in the area of asylum, immigration and citizenship policy in the years ahead include:

- the full implementation of the Government's asylum strategy predicated on having all of the sanctioned additional resources in place and fully trained with the objective of achieving the processing to finality of all new asylum applications in six months; the processing to finality of the asylum applications currently on hands as soon as possible; and catering for the increased number of repatriations expected to arise in respect of persons whose applications for refugee status are refused;

- the meeting of the State's obligations under the 1951 Geneva Convention while at the same time responding effectively to the misuse and abuse of the asylum system;
- the reception and accommodation of asylum seekers through the system of dispersal and direct provision while their applications for asylum are being processed;
- the full integration into our society of those applicants for asylum who receive refugee status;
- the need to continually review and update, as required, legislation to provide a framework for the fair and efficient processing of asylum claims having regard to best practice internationally and to provide a capacity to respond effectively to international trends and events;
- the further development of immigration policy with wide consultation and examination of international best practice and the bringing forward of comprehensive new immigration legislation (Immigration and Residence Bill);
- the need to respond effectively to increased trends in illegal immigration and in trafficking in and exploitation of human beings, often involving international organised crime;
- the development of relationships with other Departments who make a key input into the asylum and immigration process;
- the development of relationships with non-Government organisations (NGOs) working with asylum seekers and other immigrants;
- full participation in the development of EU policy and initiatives in the areas of asylum and immigration and ensuring that Ireland's interests are upheld.

Relationships with Sectoral Agencies

The year 2000 saw the establishment of two new independent agencies for the processing of asylum applications. The Office of the Refugee Applications Commissioner deals with asylum applications at first instance, leading to a recommendation to the Minister for Justice, Equality and Law Reform on whether an applicant should be granted refugee status, while the Office of the Refugee Appeals Tribunal considers appeals from recommendations of the Commissioner. In addition to these, a third agency, the Reception and Integration Agency, has also been established on an administrative basis with the remit of meeting the reception needs of asylum seekers through direct provision and dispersal as well as co-ordinating integration strategies.

One of the challenges in the years ahead will be to see that all these elements are fully resourced and act in a co-ordinated manner so as to ensure delivery of the Government's asylum strategy targets.

Cross-Agency Issues

The Reception and Integration Agency, like its predecessor, the Directorate for Asylum Support Services, functions as a cross-Department/agency multi-disciplinary service. Currently, staff from eight different organisations are attached to the Agency. As the Agency moves forward with its remit, the continued support of the parent organisations of these staff for their ongoing secondment is critical to the successful implementation of Government policy in relation to meeting the needs of asylum seekers. The challenges involved in this task should not be underestimated – for example, the Agency and its predecessor, DASS, with the assistance and support of Health Boards and other relevant agencies and Departments, accommodated and co-ordinated the provision of services to close on 12,000 asylum seekers in its first year of existence.



Asylum, Immigration and Citizenship

50

Allied to this strategy of having the appropriate personnel working directly in the Agency, where they bring with them expertise and knowledge, the continued support and commitment of all relevant Departments, agencies and authorities who provide services in this area – such as health, welfare, education and housing – are also key requirements. Finally, in respect of those persons recognised as refugees or otherwise granted leave to remain in the State, their successful integration requires that mainstream services are made more accessible to them.

The Agency, in discharging its co-ordination role in these respects, requires the support and commitment of many organisations, both in the State and voluntary sectors, as well as those in the wider Justice sectoral area such as the Office of The Refugee Applications Commissioner. The principal organisations are as follows: Department of the Environment and Local Government, Local Authorities, Office of Public Works, Department of Health and Children, Health Boards, Department of Social, Family and Community Affairs, Department of Education and Science, the Defence Forces and the Irish Red Cross.

Immigration and Citizenship

The Immigration and Citizenship Division of the Department has overall responsibility for other immigration and citizenship matters (including frontier controls and repatriation). The services of the Division are delivered directly by the Division or through the Department of Foreign Affairs consular services (visas, some declarations of post-nuptial citizenship) and An Garda Síochána (controls pre- and post-entry to the State, permission to remain, enforcement of deportation orders etc.). The Garda National Immigration Bureau was established in May 2000 to ensure the effective co-ordination of operational strategies in relation to immigration, asylum and citizenship, in respect of which the Gardaí have a role to play, including illegal immigration and trafficking. Specific areas of liaison and co-operation with other Departments and agencies are as follows:

- Employment policies and strategies and work permits (Department of Enterprise, Trade and Employment).
- Visa policy (Department of Foreign Affairs).
- A Cross-Departmental Group on Immigration has been established to co-ordinate the development of immigration policy as it relates to the development of legislation (Departments of Enterprise, Trade and Employment; Justice, Equality and Law Reform; Foreign Affairs; Finance; Social, Community and Family Affairs; Environment and Local Government; Health and Children; Education and Science).

EU and International Dimension

Ireland's role in relation to co-operation within the framework of the EU and also in other international fora such as the Council of Europe and the United Nations is a key element of domestic asylum and immigration policy. This has been examined under our High Level Goal 8 in the broader context of our overall EU and wider international responsibilities. Objective 8-5 reflects the international dimension of our responsibilities in the areas of asylum and immigration policy.

Objective 10-1

Further develop immigration policy and bring forward comprehensive new immigration legislation within a structured framework.

- Continue the work of the Cross-Departmental Group on Immigration in this area.
- Take account of the inputs made to the public consultation process on immigration launched by the Minister in June 2001.
- Take account of the study of international legislation and practice in the field of immigration being undertaken on behalf of the Department.
- Continue to review practices in the Immigration and Citizenship Division with a view to improving service to the public.

Key Performance Indicators

- Effectiveness of the immigration framework to respond to changing demands and challenges and to deliver the Government's strategy and priorities in the immigration area.

Objective 10-2

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 hands; deal with increased numbers of repatriations.

- Ensure that the necessary systems are in place to speedily identify and provide protection to those applicants genuinely in need of protection under national and international law and deal more speedily with applications which are clearly unfounded.
- Put in place all the necessary approved staff resources in the Asylum, Immigration and Citizenship areas and once in place and functioning, ensure that an effective review mechanism, using external consultancy where necessary, is in place to achieve the most efficient and effective use of these resources.
- Provide any other inputs and supports (including support for the Offices of the Refugee Applications Commissioner and the Refugee Appeals Tribunal) to handle fairly and efficiently the increased volume of asylum applications and associated legal actions, including proper office accommodation, necessary training for staff, the continued development of a legal assistance scheme for asylum seekers and continued co-operation with the UNHCR.
- Ensure, subject to legal requirements, that non-nationals (including failed asylum applicants) who have no permission to remain or who have breached the conditions of their permission to remain are repatriated and the necessary readmission agreements are negotiated and implemented.
- Develop the possibilities for the voluntary return of asylum seekers and illegal immigrants through a structured programme of voluntary return to be undertaken with the assistance of the International Organisation for Migration (IOM).

Key Performance Indicators

- Extent to which the arrears caseload is reduced and the timeliness and overall effectiveness of asylum processing.
- A significant increase in the numbers of persons deported or returning voluntarily to their countries of origin, where it has been established that there is no basis to their case for remaining in this State.
- A workable framework, based on voluntary departure where possible, for the removal from the State of persons no longer entitled to reside therein, including the negotiation of readmission agreements with other countries.
- Operation, evaluation and possible extension of a pilot voluntary return programme starting in 2001 in conjunction with the IOM.

Objective 10-3

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.

- Aim to respond to applications and enquiries within time limits set down in Customer Service Guidelines as soon as possible.
- Continue to develop public information service, including information leaflets, helplines and appropriate training for staff.
- Establish adequate systems to handle efficiently the increased volume of applications for immigration and citizenship.
- Continue to liaise with industry representatives and voluntary groups on immigration matters.

Key Performance Indicators

- Timely and correct decisions and a quality information service to the public on immigration and citizenship.

Asylum, Immigration and Citizenship

52

Objective 10-4

Provide a responsive and effective capacity to combat trafficking in human beings and illegal immigration in terms of actions both domestically and internationally.

- Liaise with the Garda National Immigration Bureau in developing responses to illegal migration and trafficking in human beings, including the development of an effective intelligence base.
- Introduce legislation which will limit the scope for traffickers to operate into Ireland, including provisions relating to Carriers Liability and also a Code of Practice for the haulage industry in relation to covert passengers.
- Where appropriate, participate in EU and other international initiatives in combating illegal migration and trafficking in human beings.

Performance Indicators

- A reduction in the extent to which Ireland is a target for illegal migration and trafficking in comparison to trends in other developed countries (particularly neighbouring jurisdictions).
- An improved response to illegal migration and trafficking.

Objective 10-5

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.

- Continuously review, having regard to best international practice, legislation and operational procedures in relation to the processing of applications for refugee status.
- Progress work on the development of immigration policy and legislation through the proposed framework which, among other elements, includes a study of international legislation and practice in the field of immigration.

- Improve co-ordination between Divisions and agencies involved in asylum- and immigration-related activities.
- Enhance relationships with NGOs working with asylum seekers and other migrants.

Performance Indicators

- Effectiveness of asylum and immigration framework allowing the delivery of the Government's strategy and priorities in the asylum and immigration areas.
- Better co-ordinated activity in immigration/ asylum area.

Objective 10-6

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.

- Develop and enhance operations in respect of the Reception and Integration Agency.
- Further promote and develop cross-Department/ agency support for the purpose of this objective.
- Co-ordinate and continuously review the Government's programme of accommodation provision and related services such as health and welfare for asylum seekers to ensure that it meets changing and ongoing requirements.
- Co-ordinate the implementation of effective mainstream integration strategies and measures for the integration of refugees and others given leave to remain, in line with the recommendations of the report of the Inter-Departmental Working Group on Integration in Ireland.

Performance Indicators

- Capacity to house newly-arrived asylum seekers, having due regard to pressures/ shortages in the housing market generally, including limited availability of accommodation in the commercial sector.
- Subject to the co-operation of relevant Departments and agencies, an effective strategy for integrating refugees and persons granted humanitarian leave to remain.

Equality and Disability

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

Equality and Disability

54

Equality and Disability

Legislative, economic, social and international changes since the publication of our last Strategy Statement have significantly altered the context in which this goal is being pursued. We will continue to address inequalities through institutional, administrative and legal reforms and through programmes targeted at particular needs. In developing our actions over the next three years, we have to respond to the following key factors in our working environment:

- The new legislative framework which is in place for equality of opportunity, mediated particularly through the Employment Equality Act, 1998; the National Disability Authority Act, 1999; and the Equal Status Act, 2000.
- The new organisations established in the past two years under the aegis of the Department to advance employment equality, equal status and disability related services and policy (Equality Authority, Office of the Director of Equality Investigations and National Disability Authority).
- Changing economic and social circumstances, with an attendant increase in women's participation in the labour force, will require an emphasis on family-friendly policies in employment.
- The National Development Plan 2000-2006 will provide a structured framework and funding, enabling equality issues to be addressed.
- Obligations which derive from Ireland's membership of the EU, Council of Europe, UN and ILO increasingly require input, follow-through and monitoring at a national level.

- The increasing and diverse demands by, and on behalf of, client groups for the implementation of equal opportunities policies reflected in the range of deliverables in the Programme for Prosperity and Fairness and the National Development Plan.
- Increasing awareness of cultural diversity, including recognition of existing minorities, including Travellers, and the challenge of integrating minority groups, have highlighted the need to work towards the elimination and prevention of racism.

Objective 11-1

Enhance the existing statutory foundation for equality.

- Develop and prepare the General Scheme of a Disabilities Bill to advance and underpin the participation of people with disabilities in society.
- Transpose into national law the EU Directives on Race and on Equal Opportunities in Employment and Occupation under Article 13 of the Amsterdam Treaty.
- Negotiate and transpose EU Directive(s) on equal opportunities between women and men.
- Put in place a statutory and infrastructural foundation to underpin equal opportunity policies for people with disabilities.
- Review the operation of the Employment Equality Act, 1998 and the Equal Status Act, 2000 with a view to assessing whether there is a need to add to the anti-discrimination grounds in those Acts and amend legislation where necessary.
- Support the Equality Authority, the Director of Equality Investigations and the National Disability Authority in the performance of their statutory functions.
- Support national representative organisations for women, people with disabilities and Travellers and ethnic minorities.

Objective 11-2

Develop and pursue equal opportunity and equal access policies.

- Develop and implement appropriate policy measures, including positive action initiatives at national, EU and international levels.
- Implement equality commitments in the Programme for Prosperity and Fairness and the National Development Plan 2000-2006, including the setting up and effective functioning of an Equal Opportunities and Social Inclusion Co-ordinating Committee, a Gender Equality Promotion and Monitoring Unit and delivery of the Equality for Women Measure 2001-2006.
- Report to Government on actions needed to address the gender pay gap and to carry out sectoral studies on male/female wage differentials.
- Pilot selected initiatives with crosscutting impact which support equality with a view to mainstreaming these where appropriate.
- Draw up a National Plan for Women 2001-2005.
- Promote awareness of equality issues and accommodation of diversity.
- Put in place new mechanisms for promoting and monitoring gender equality.
- Continue to positively influence policy-making at national, EU and other international levels.
- Implement the National Anti-Racism Awareness Programme.
- Draw up a National Anti-Racism Action Plan.
- Organise seminars and other awareness-raising activities on the 'Think Ability' theme.
- Pilot equality proofing projects.
- Monitor the implementation across Departments of agreed policies to improve the situation of Travellers.

- Chair and provide secretariat and advice to the Monitoring Committee in relation to achievement of the 3% target for the employment of people with disabilities in the public service.
- Oversee initiatives under the Council Decision 2001/0116 (CNS) in relation to Ireland's participation in the European Year of People with Disabilities 2003.

Objective 11-3

Support the reconciliation of work and family responsibilities.

- Implement the recommendations of the Working Group on the Review and Improvement of the Maternity Protection Legislation.
- Apply the relevant recommendations of the above-mentioned Working Group to adoptive leave.
- Review the operation of the Parental Leave Act, 1998, and implement recommended improvements arising from the review.
- Support the mainstreaming of family-friendly practices in employment.

Performance Indicators

In measuring our progress in promoting equality awareness and developing equality measures we will have regard to the following:

- The effectiveness of the statutory framework for equality access through review of existing measures and adoption of appropriate new measures.
- The efficiency of our support of the statutory equality/disability authorities as assessed, particularly through consultation with and feedback from those bodies.
- The effectiveness of equality policies assessed through ongoing review mechanisms and the development of appropriate new initiatives.

Childcare

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

Childcare

We have been given a lead role in developing the quantity and quality of childcare provision over the period of the National Development Plan 2000-2006. The Department's involvement in childcare has grown from a modest funding function in 1994 (under the auspices of the then Department of Equality and Law Reform) to a major policy development, co-ordination and funding role. A number of factors have contributed to the emergence of childcare as a major area of responsibility for us:

- Changing economic and social circumstances in recent years, particularly the significant increase in female labour force participation, have focused public attention on the paucity of quality childcare facilities and on the salience of childcare to parents' lives.
- The Partnership 2000 Expert Working Group on Childcare, which was chaired by the Department of Justice, Equality and Law Reform and reported in February 1998, identified a "childcare crisis" and made a series of recommendations for development of the childcare sector. Many of the strategies now being pursued by the Department have their origins in that report.
- A more cohesive approach to childcare funding was enabled by the transfer, in 2001, of school-age childcare funding measures from the Departments of Social, Community and Family Affairs and Education and Science to this Department. The Department now has responsibility for development of childcare for children of all ages.
- From an EU perspective, childcare was viewed as an important means of facilitating equal opportunities between women and men and enabling women to participate in work, training or education. Under the National Development Plan, 2000 to 2006, an allocation of **€317 million** (£250 million) was provided for childcare as part of the Regional Operational Programme.

The Department has a total allocation of **€437 million** (£344 million) to the end of 2006 for the development of childcare, inclusive of the NDP allocation and supplementary Exchequer funding.

Objective 12-1

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

- Continue to provide grant aid to private and not-for-profit childcare providers to establish and enhance childcare facilities.
- Continue to support quality improvement in the childcare sector, including funding for the National Voluntary Childcare Organisations, research and training models and childcare networks.
- Develop new funding initiatives in response to emerging needs.
- Progress and consolidate County Childcare Committees to advance childcare at local level.
- Co-ordinate childcare funding policies and programmes at national level, through continuing engagement with statutory and non-statutory organisations involved in childcare.

Performance Indicators

- Volume and throughput of funding applications.
- Increase in number of childcare places and employment of qualified childcare personnel, 2001 to 2006.
- Improved supports and development opportunities for childcare personnel, 2001 to 2006.
- Enhanced co-ordination and planning of childcare activity at local and national level.

Legal Aid

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*

Criminal Legal Aid

We are responsible for all aspects of policy, legislation, financing and management of the Criminal Legal Aid Scheme, including all industrial relations involving the representative bodies of both branches of the legal profession. In addition, we provide the secretariat for the ongoing comprehensive review of the Criminal Legal Aid Scheme which was established by Government.

The Criminal Justice (Legal Aid) Act, 1962 and the Regulations made under it provide that free legal aid may be granted, in certain circumstances, for the defence of persons of insufficient means in criminal proceedings. The Scheme has a budget of over €26 million (almost £21 million) in 2001. Over the last three years, the Department expanded the range of legal aid and advice services available to persons of insufficient means through the implementation of a legal aid scheme for cases involving the Criminal Assets Bureau in April 1998 and a Garda Station (Legal Advice) Scheme in February 2001.

Objective 13-1

Identify policies and implement measures to facilitate access to justice through the criminal legal aid and advice schemes.

- Develop policy proposals to ensure that persons of insufficient means are provided with effective legal advice and representation services when they require same.
- Identify and implement measures to improve the provision of criminal legal aid and advice services, in co-operation with both branches of the legal profession, the Courts Service, the law officers of the State and the Garda Síochána.
- Service and support the work of the Criminal Legal Aid Review Committee, which is charged with reviewing the operation of the Criminal Legal Aid Scheme and making recommendations as to how it can be improved so that it operates effectively and provides value for money.

Performance Indicators

- The publication of the final report of the Criminal Legal Aid Review Committee before the end of 2001.
- Completion of review of the Garda Station (Legal Advice) Scheme in February 2002 and the implementation of any necessary modifications to same.

Objective 13-2

Provide a first-class service to practitioners who operate the Scheme.

- Maintain an up-to-date panel of practitioners who operate the Scheme in accordance with the Regulations made under the Criminal Justice (Legal Aid) Act, 1962.
- Review procedures for paying legal aid fees with a view to the development and implementation of an electronic system to pay these fees in line with Government policy on the delivery of e-services.

Performance Indicators

- No undue delay in the payment of fees to solicitors and barristers.



Legal Aid

Civil Legal Aid

Our High Level Goal is pursued through 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 Board operates a law centre network through 89 solicitors operating from 30 locations 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.

Demand placed on the Board's resources has continued to grow. This is largely due to the introduction of a range of family law legislation in recent years, an increased awareness amongst the public of the legal remedies available under this legislation and their willingness to seek such remedies. Over 95% of the Board's caseload falls in the area of family law.

The Board, through its own Strategy Statement, seeks to achieve constant improvement in the quality of legal service that it provides. The Board must be responsive to the evolving needs of the public in a justice system, including the Courts Service, which is itself undertaking change management systems to provide greater access to civil justice.

Objective 13-3

Support the Legal Aid Board in providing the best possible service to its clients within the resources made available to it.

- Continue to provide adequate resources to the Board to enable it to discharge its brief.
- Develop, in discussion with the Legal Aid Board, a measurable, cost-effective and professional civil legal aid service.
- Provide any assistance required under the Act to support the Board in the development of effective management systems.
- Review policy on civil legal aid in the context of the Board's operations.

Business Support and
Customer Services

Part 3



Business Support and 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

Business Support and Customer Services – Overview

The Department Modernisation Programme

One of the key challenges for the Department over the next three years will be to manage our organisation and resources as efficiently and effectively as we can so as to support as well as possible the implementation of our policy and operational objectives. We believe this can be achieved through continuous improvement in our management and organisation policies, in particular by the most effective, efficient and flexible use of all of the Department's resources – staff, financial and technological.

We aim to achieve this through the implementation of the Department Modernisation Programme, linked to the Programme for Prosperity and Fairness. The strategies and performance indicators identified in this part of the Statement reflect the new focus and direction for the civil service as a whole and are aimed at positioning the Department as a highly efficient and effective organisation and service provider.

This Programme represents a significant new direction for the Department and in implementing it we anticipate that, while the objectives will not change, there may well be variations around our strategic timeframes which we must manage.

In the wider Justice and Equality Sector, the Department is centrally involved in the development and implementation of a similarly comprehensive Modernisation Programme for the Justice and Equality Sector, setting challenging standards to be achieved by the Justice and Equality bodies across a range of management issues – strategic, human resource, performance management and staff training and development – and underpinned by a very particular focus on quality customer service standards. We have already referred in Part 1 to the rigorous independent quality assurance process which is now in place to track and assess progress on this sectoral Programme.

Developing our People

A key objective will be the progressive alignment of human resource management with this Strategy Statement and with the Department's business planning process. We seek to achieve this by implementing our performance management and development system. It is anticipated that during 2001, all members of staff will have completed an individual work performance plan fully aligned with overall Department strategy. A key to the successful management of performance will be the development of a properly resourced training and development strategy building on the development needs and competencies of staff at all levels. The outcome we aim for is that the staff, on whom we depend so fully for achieving the Department's goals, will be well-trained, highly-competent and motivated. In this regard, an integrated human resource strategy involving best practice in recruitment, promotion, training and development and equality of opportunity will be developed.

Over the period of the Strategy Statement, we intend that developments on this front will be processed through the partnership arrangements involving management, trade unions and staff.

Quality Customer Service

The work of our Department has an impact on the lives of everybody living in this State. Many members of the public who come into personal contact with this Department or its Sectoral bodies would undoubtedly prefer that the need for such contact had not arisen in the first place as it often means that the person concerned is in some sort of difficulty. As a result, the Department has a very large customer base and, moreover, must deal with these customers in circumstances which may often be stressful for the individuals concerned.

Business Support and Customer Services

64

We will increasingly place emphasis on the need to consult with client groups, both internal and external, as part of service delivery development. Across the Department, steps will be taken to put in place a consultative process which will provide relevant external groups with an opportunity to contribute to any proposals that may affect them or to the development of the services they use. We will take particular care to ensure that groups who represent the interests of people who are marginalised in our society are included on an equal footing as part of the consultative process. Individual customers will also be given the opportunity to comment on the quality of service that they have received.

The provision of a professional and efficient service to all of the Department's client groups will continue to be a priority over the period covered by this Statement. Consultation will increasingly underpin the detailed actions at Business Plan level giving effect to this Statement. This approach is an integral part of our comprehensive and challenging quality customer service policy set out in our Customer Service Action Plan 2001-2004.

IT and e-Government Strategy

The Department has for the last number of years made extensive investment in new technology in all its agencies. These developments prefigured the e-Government initiative in many ways and have provided us with a very strong base on which to develop e-Public Services. A central element of the investment has been the necessity to support the integration of processes between the agencies (primarily Garda, Courts and Prisons) so as to improve the service to the eventual end customer.

The Department's e-Government strategy is based on concluding the technical elements of that work and moving the focus on to the business elements. Two new groups are being established, one to advance e-Government issues within the Department itself and the second, an e-Government Programme Board to directly address the specific areas where the systems of the various agencies interact and to work towards a seamless delivery

from the public perspective. The Department's old web site is being replaced and the new site will include all forms, procurements and legislation produced by the Department. The site will be used to advance the Quality Customer Service Initiative, for instance, by eliciting public points of view. It will also be used to promote collaborative working among agencies or between agencies and client groups or the general public.

Financial Management

A rigorous assessment and prioritisation of the Department's and associated bodies' objectives is underpinned by our ongoing financial management processes, particularly through the annual review of major expenditure programmes. The various inputs in terms of resources and the outcomes in terms of achievement of objectives and benefits to the community are analysed and recommendations for the future operation of the programmes are made. Programmes recently examined include Garda Overtime; the Garda Compensation Scheme; Transport of Prisoners; the Legal Aid Board; Grants to Voluntary Bodies (under the Probation and Welfare Service) and the Criminal Injuries Compensation Tribunal.

An Administrative Budget Agreement is facilitating resource planning and the devolution of authority and accountability to line managers. A team of representatives from the main areas in the Department with responsibility for expenditure has been established to monitor this process.

The Government's decision to roll-out financial management systems to facilitate a new Management Information Framework presents significant challenges for the Department. This will require a review of organisation structures and business processes and the implementation of new financial management systems across the Department.

Business Support and Customer Services

Planning and Performance

Objective 14-1

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

Building on progress to date, we will further extend and develop the strategic planning approach in the Department with the focus on more effective planning at Division and service level to support the Department's overall strategies. Greater clarity of individual roles and positive management of individual performance will be promoted to give effect to Divisional Business Plans. With performance management comes the added responsibility to ensure that the development needs of all our staff are met so as to enhance personal contributions to the organisation and increased job satisfaction. We will do the following:

- Track progress on the implementation of this Statement through a process of regular review including the review of Divisional Business Plans and a statement of progress will be contained in the Department's annual reports.
- Align individual performance with this Statement and the Business Plans and manage performance more effectively over the period of this Statement through the implementation of the Performance Management and Development System.
- Treat as a priority the training and development needs of staff, with a comprehensive strategy to be drawn up during 2001 to respond to training and development needs identified under the PMDS (see Business Support Objective 14-2). Senior management training programme to be continued with the assistance of management consultants during 2001/2002.

Performance Indicators

- The extent to which staff recognise and appreciate that their work contributes to the overall objectives of the Department and to the public good.
- The extent to which training and development needs of staff are identified and met.

Training and Development

Objective 14-2

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.

The expansion of the Department in recent years and the increasing emphasis by us on improving customer service has raised the need for a more strategic approach to staff training and development. To this end we will establish a comprehensive staff training and development programme as an integral part of our business planning process and the roll-out of the Performance Management and Development System. We will pursue this objective through a Partnership Working Group involving our staff representatives in all grades. To support this key objective, we also aim to encourage the concept of lifelong learning amongst all staff. We will:

- commission a Training Needs Analysis. On the basis of this Analysis, we will prepare a training and development strategy and ensure that individual training/development plans are put in place for all staff.
- expenditure on training and development will be increased progressively to achieve a target of 4% of payroll as set out under Government guidelines.
- enhance the resources of the Department's Training Unit in the light of the demand for extra training.

Performance Indicators

- A quality training and development programme in place by June 2003.

Business Support and Customer Services

Human Resource Management

Objective 14-3

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

The Programme for Prosperity and Fairness has identified an integrated approach to HRM as a key element in the modernisation process of the civil service. The development of an integrated HRM model will be central to this Department's overall strategic approach as it responds to the demands and challenges that lie ahead. This HRM model will support both management and staff in meeting our organisational goals and objectives. The following will be our main strategies:

- Define and develop an integrated Human Resource strategy, including the tie-in between the Department and the relevant sectoral organisations. The strategy will address, among others, the issue of devolving personnel functions to line managers.
- Engage expert advice/consultants to contribute to the development of the HR strategy.
- Put in place an implementation plan with appropriate backup and support from the core Personnel Section.
- Provide to selected staff in the Personnel area specialised human resource training.

Performance Indicators

- A modern integrated HRM system implemented by January 2003.

Partnership

Objective 14-4

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

The Department's Partnership structures have had a positive effect in supporting organisational reform and a more participative approach to addressing the business and work demands of the Department. While a good start has been achieved, the further embedding of the Partnership process and its associated work programmes will continue to play a central role in the ongoing modernisation of the Department's services. We will do the following:

- Consult with other Government Departments/ Offices in relation to the structure and extent of their Partnership models.
- Encourage greater staff involvement, including highlighting the benefits to both the organisation and its staff and demonstrating the practical benefits to date from the Partnership process.
- Give more regular feedback to staff on Partnership through e-mail and newsletters.

Performance Indicators

- By January 2003 the Partnership process will be fully embedded in all work areas of the Department.

Business Support and Customer Services

Equality of Opportunities

Objective 14-5

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

Under the provisions of the Employment Equality Act, 1998, and as reiterated in the Programme for Prosperity and Fairness, discrimination is outlawed in all areas relevant to employment such as access to employment, conditions of employment, training or work experience and promotion. We will:

- make progress in achieving increased female representation at Assistant Principal Officer and Principal Officer levels as follows:
 - Assistant Principal Officer from 36% – which exceeds the Government target of one-third of posts at APO level to be filled by females – to 42% over 5 years.
 - Principal Officer from 24% to 30% over 5 years.
- make progress in achieving the 3% target for the employment of people with disabilities.
- provide focused management training for female HEOs and AOs.
- implement an equality of opportunity policy within one year of central agreements.
- fully equality-proof the e-Government infrastructure.

Performance Indicator

- A formal framework in place for equality of opportunity for staff by January 2003.

Family Friendly Initiatives

Objective 14-6

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 adopting new family-friendly initiatives.

It is recognised that the development of appropriate measures to assist in reconciling work and family life is important to underpinning economic, social and equality objectives. Such an approach has an important significance for this Department as it competes for staff in a competitive labour market. The following will be our main strategies:

- Encourage and enlist the support of line managers in facilitating applications for term time, work sharing etc.
- Circulate details of various family-friendly options as part of the induction process for new staff.
- Review the operation and uptake of family friendly initiatives by end 2002.

Performance Indicators

- Extent to which specific measures in place to encourage and assist staff in reconciling work and domestic responsibilities.

Customer Service

Objective 14-7

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.

The provision of a professional and efficient service to the Department's client groups and individual customers is the principle that has informed the development of this Strategy Statement. The Customer Service Action Plan 2001-2004 sets out a policy that will operate through consultation with customers to support the implementation of the strategies contained in this Statement and our Business Plans. We will:

- Revise and publish the Department's Customer Service Action Plan for the period 2001-2004.

Business Support and Customer Services

68

- Consult with internal customers. The Staff Customer Liaison Panel will draw up procedures for internal consultation which will ensure that staff are given the opportunity to participate in developing procedures that enable the Department to continue to observe the highest standards of courtesy and professionalism when dealing with people who contact the Department.
- Consult with external customers. The Customer Liaison Panel will, during the life of this Plan, continue to meet on a regular basis to provide a means for client groups to play an active role in informing the Department as to the delivery of its services.
- Ensure that the recognition of Equality/Diversity will be one of the core values of the Customer Care policy. Every effort will continue to be made to ensure that staff are fully aware that quality service delivery includes the groups covered by the equality legislation especially members of ethnic minorities and non-nationals and those socially excluded due to socio-economic and geographic factors.
- Ensure that Customer Care policy recognises the rights of Irish language speakers and endeavour to ensure that persons who wish to conduct their business through the medium of Irish are facilitated.
- Continue to operate a complaints procedure which will operate through the Customer Liaison Officer and will be reinforced through the availability of comment cards at service delivery points and on the Department's website.

Performance Indicators

- The extent to which the above principles underpinning our services are seen to be upheld, drawing on customer feedback. Performance under these heading to be reported in the Department's Annual Reports.

IT and e-Government

Objective 14-8

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.

The central element of the Department's 3-Year IT Programme (which effectively began with the award of three major contracts in 1999) was to put in place a series of major operational systems in the Department and its agencies and to ensure that to the greatest degree possible they were integrated in such a way as to enable the handling of data across organisational boundaries. This was seen as an essential precursor to improving the service provided to the citizen. This programme continues and the focus for the years ahead is to align it with the e-Government initiative and to leverage the infrastructure which is now in place to roll out additional services.

The IT Programme is part of the organisational change programme of the Justice, Equality and Law Reform group and as the new Courts Service, Prison Service and other agencies evolve it will be necessary to devise ways in which their autonomy is respected, while ensuring that integration remains a key element on their agenda. This will continue to require central facilitation and possibly some element of direct service provision.

During the course of the programme, there has been an unforeseen rapid expansion in the numbers of staff and buildings to be supported and supplied with services in all the areas supported by the Department and this has delayed progress. Some additional resourcing has been provided in the Courts and Asylum areas and use of outsourcing and leveraging of existing resources has been made.

Business Support and Customer Services

Objective 14-8A

Improve support for operational activities.

- Continue with the development of systems which have a cross-agency dimension (Common Data Model, Integration & Infrastructure).
- Provide baseline infrastructure and systems for new agencies and an expanded capacity for the asylum process.
- Continue the existing levels of maintenance and support for new and existing systems.
- Expand levels of training for staff at all levels in new and existing systems.

Objective 14-8B

Improve integration between business areas of the Department and between its associated organisations ensuring alignment of existing strategy with emerging e-Government initiatives.

- Build an examination of processes and inter-agency transaction into each system identified for delivery under Objective 14-8A, with a strong emphasis on the integration and e-Government requirements.

Complete e-Government strategies in consultation with the Department of Taoiseach/CMOD and facilitate the preparation of an e-Services Catalogue for the Department and its associated offices.

Complete the redevelopment of the Department's website, incorporating key REACH and BASIS project considerations.

- Devise and operate policy to promote co-operation between the Department's IT Function and IT Functions in the Garda, Courts and Prisons agencies.
- Conclude transition of Prisons IT from Department to the Prison Service.
- Carry out IT Strategy for the organisations in the asylum area.

Objective 14-8C

Contribute to strengthened policy-making and research capacity in the core Department and the new agencies.

- Use common underlying structures for all new systems being provided under Objective 14-8A to facilitate analysis and research.
- Resume work on the Shared Criminal History Repository Project.
- Provide training in, and access by staff to, up-to-date electronic research.
- Ensure alignment of the Department's IT Strategy with e-Government initiatives.

Objective 14-8D

Harness emerging technologies to support initiatives such as e-Public Service, Customer Service, PMDS, Freedom of Information, new Financial and HR strategies.

- Continue to develop and train staff and customers in awareness of what is available and possible (ECDL).
- Establish and maintain formal linkages to PMDS, financial and HR programmes.

Financial Management**Objective 14-9**

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.

The development of the Department's financial management framework presents a significant challenge. The growth in the Department's operational activities, coupled with the requirement to produce enhanced financial information and, financial services, has resulted in a fundamental appraisal of existing processes and systems. Added to this is the strong impetus of the Government's Modernisation Programme for the Civil Service, and in particular the drive to obtain value for money

Business Support and Customer Services

70

and to devolve authority and accountability within Departments. The achievement of these aims will be facilitated by access to better financial information through the Government's proposal to introduce a Management Information Framework for the civil service. In order to successfully adapt to this changing environment it will be necessary to review organisation structures and introduce new financial systems in the Department. This background has given rise to the development of three key objectives with supporting strategies.

Objective 14-9A

Establish the structures and processes to facilitate the development of an effective financial management framework for the Department and organisations in the Sector.

- Create a Finance Directorate headed at senior management level in the Department.
- Devise financial performance indicators as required under the Government's Management Information Framework.
- Conduct regular Expenditure Programme Reviews to analyse value for money and effectiveness of service delivery by the Department and sectoral bodies.
- Review operation of the Department's Administrative Budget with a view to devolving authority and responsibility to line managers.
- Review Multi-Annual Budgets for the Justice Group of Votes to identify the Department's operational priorities having regard to available budgets.

Objective 14-9B

Develop a Shared Services Centre 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.

- Complete the implementation of the new payroll system.

- Procure and implement a new financial management system.
- Acquire the accounting and system skills necessary to develop and maintain the new systems.
- Review organisation structures, business processes and information technology issues.
- Implement service level agreements to determine the level of service to be provided to the clients of the Shared Services Centre and continue to provide such services in accordance with the agreements.
- Provide the necessary organisational developmental support for staff together with high quality support and maintenance of IT systems to underpin the services of the Shared Services Centre.

Objective 14-9C

Continue to review and appraise the integrity of all systems which are intended to control the Department's operations.

- Continuously review systems and procedures.
- Ensure best practice is applied in the economic use of available resources.
- Prepare reports on the outcome of internal audits, with recommendations for improvement.

Performance Indicators

Overall progress will be assessed against the greater cost-awareness introduced under the financial management framework and, more generally, against value for money derived from the efficient use of resources. A key performance criterion will be the quality standard of financial services we provide to managers, the Department and its agencies. Specifically we aim to deliver:

- Timely processing of all transactions in compliance with relevant regulations and financial controls.
- Compliance with the requirements for the introduction of the Euro (January 2002).
- Quality and timely financial information for managers. To facilitate this process, new financial management systems will be implemented over the period 2001-2004.

Business Support and Customer Services

Organisation and Management Change

Objective 14-10

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

We believe that the change programme in the Justice and Equality Sector has greatly enhanced our organisational flexibility and will provide more focused management and service structures over the period covered by this Strategy Statement. We are committed to improving the core Department capacity in terms of managing the structures, developing our policy analysis capability and ensuring to the best of our ability that the bodies in our areas of responsibility are well supported and properly resourced. We will do the following:

- Extend and deepen the management links with the Justice and Equality bodies through the Sectoral Steering Group.
- Provide guidance and strategic direction where appropriate and assist the Sector as a whole in advancing the modernisation strategies.

Performance Indicator

- The achievement of significant progress across the Justice and Equality Sector on the implementation of modernisation initiatives, as set out in the report on performance indicators for the Justice and Equality Sector. Progress to be verified by the Justice and Equality Sector Quality Assurance Group in 2002.

Corporate Services

Objective 14-11

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.

We will work with the Land Registry and the Registry of Deeds towards:

- successful restructuring of that organisation, including finalisation of staff negotiations;
- continued technological investment in both in-house systems and internet-based client service systems;
- relocation of Dublin offices to a single headquarters building.

We will also work with the Forensic Science Laboratory in relation to the implementation of the recommendations of a recent consultancy review of its operations.

Policy Planning and Research

Objective 14-12

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

Our organisation change programme has resulted in significant changes in the way we operate as a Department. It was recognised early on in the process that there was a need to develop a strategic approach to issues. A central part of this new strategic approach was the commissioning of research and the encouragement of further independent research in areas relevant to the Justice and Equality system. Extensive activity has taken place in this area since 1998 and there is now an extensive body of research in place which has been funded by the Department. Going forward in the area of promoting research we will:

- conduct a review of research funded by the Department and its effectiveness and applicability to policy development;
- consult with both internal and external customers/agencies of the Department in considering the future direction of research development.

Business Support and Customer Services

Performance Indicators

- Relevance of research undertaken by the Department to the development of policy and other initiatives.
- A research programme which meets both the present and future needs of the Department.

Freedom of Information

Objective 14-13

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

The Department is committed to the full and effective implementation of the Freedom of Information Act, 1997. We have received over 2,000 FoI requests to date – one of the highest number of requests received by any of the public bodies that are subject to the provisions of the Act.

A Freedom of Information Officer was appointed to process requests and a Freedom of Information Unit was set up to put in place the practical measures to enable the Department to comply with all aspects of the legislation from its commencement date of 21 April 1998. We will:

- ensure that decisions on FoI requests received by the Department are of the highest quality, in particular by appointing and providing training to deciding officers (not below the rank of Assistant Principal) and internal review officers (not below the rank of Principal Officer);
- develop best FoI practices, in particular through our involvement with the Freedom of Information Departmental Group chaired by the Central Policy Unit of the Department of Finance;
- continuously develop our FoI services to customers, particularly through our participation in the Civil Service Users Network (CSUN) group. The CSUN is a group of FoI officers in Civil Service Departments, which exists to co-ordinate the response of these Departments to common FoI requests and to allow for an exchange of information and experience.

Appendices



Appendix A1

Divisions, Sections and Associated Bodies

74

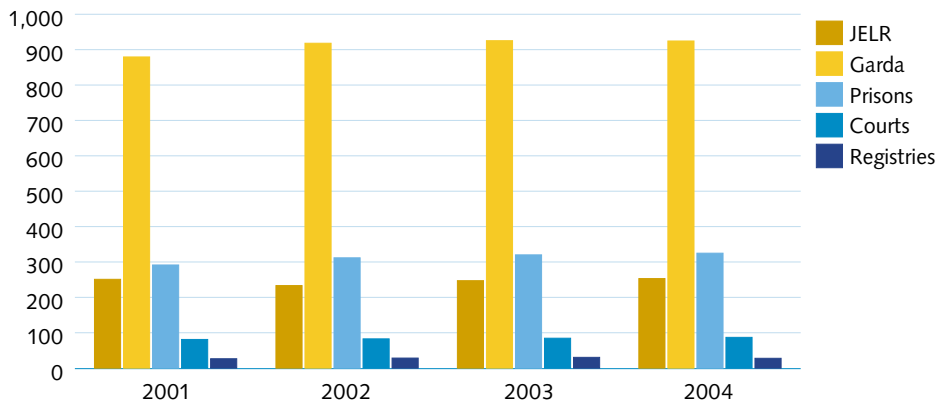
Division	Section	Sectoral/Associated Bodies
Crime	Crime 1 Crime 2 (Drugs & Organised Crime) Security and Northern Ireland Division Firearms and Explosives Administration Unit Mutual Assistance and Extradition Division	National Crime Council
Garda	Garda I (Administration) Garda II (Planning) Garda III (SMI, C&A and Claims)	Garda Síochána Garda Síochána Complaints Board
Prisons and Probation & Welfare Policy		Irish Prison Service Probation and Welfare Service Interim Parole Board
EU/International	International Policy Permanent Representation – Brussels	
Criminal Law Reform and Human Rights	Criminal Law Reform Human Rights	Human Rights Commission
Civil Law Reform Courts Policy	Civil Law Reform Courts Policy	Courts Service
Equality, Childcare and Disability	Gender & Employment Equality Equal Status Disability Equality Equal Opportunities Childcare	Office of the Director of Equality Investigations Equality Authority National Disability Authority
Asylum, Immigration and Citizenship	Immigration & Citizenship Immigration Policy Immigration Repatriation Asylum Policy	Office of the Refugee Applications Commissioner Refugee Appeals Tribunal Reception and Integration Agency
Business Support Divisions	Personnel Finance Division IT Division Organisation Development Unit/Performance Management and Development Training Unit Project Development Press Office and Fol Office Corporate Services	Office of the Film Censor Censorship of Publications Office Office of the Data Protection Commissioner Criminal Injuries Compensation Tribunal Forensic Science Laboratory State Pathology Service Legal Aid Board Land Registry Registry of Deeds

Appendix A2

Financial Allocations 2001-2004

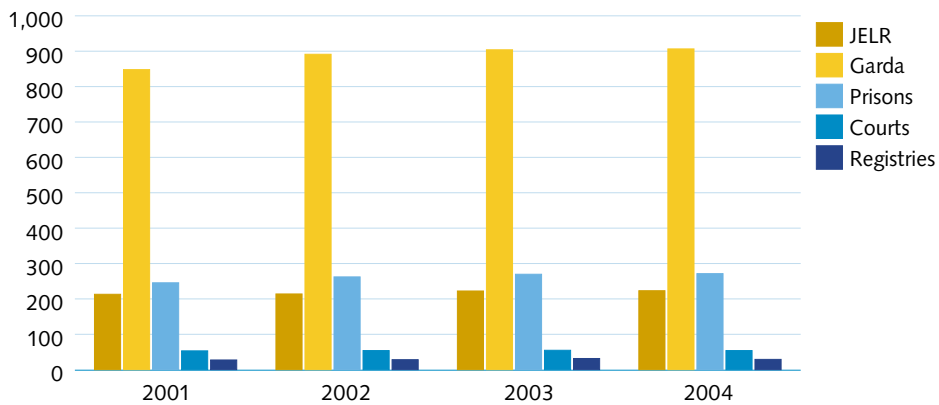
Justice Group Total Net Allocation

€ million



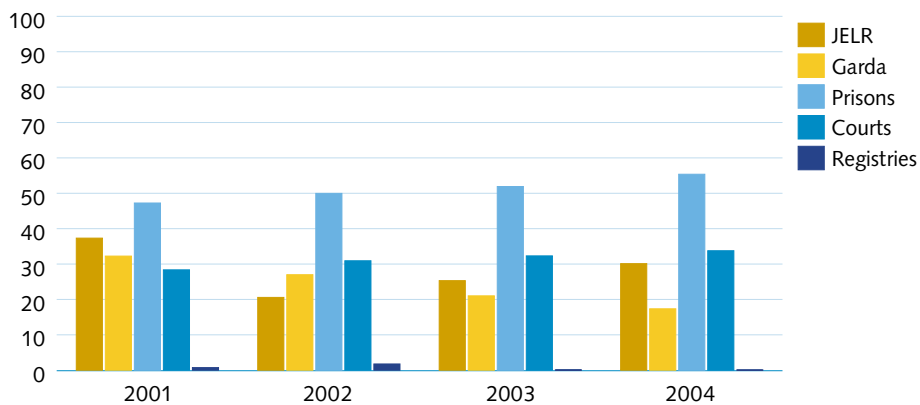
Justice Group Non-Capital Allocation

€ million



Justice Group Capital Allocation

€ million



Appendix B1

Legislative Programme

The Programme of legislation is listed under bands A, B, C and D, based on the current state of development or preparedness. These bands comprise:

Bills currently before the Houses of the Oireachtas (band A);

Bills which are at an advanced stage of preparation (band B) and other Bills (band C);

Urgent Bills in preparation following terrorist attacks of 11 September in USA (band D).

Criminal Law Reform

Title and Purpose of Bill	Band
Criminal Justice (Garda Powers) Bill To provide further legislative changes in criminal law and procedure relating to powers of detention, matters of evidence, etc.	B
Criminal Justice (Illicit Traffic by Sea) Bill, 2000 To give effect to Council of Europe Agreement on Illicit Traffic by Sea, further implementing Article 17 of the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	A
Criminal Justice (Miscellaneous Provisions) Bill To make miscellaneous amendments to the criminal law	C
Criminal Justice (Protection of Confidential Information) Bill To reform the Official Secrets Act, 1963	B
Criminal Justice (Theft and Fraud Offences) Bill, 2000 To amend and update the law on fraud and dishonesty	A
Criminal Justice (Temporary Release of Prisoners) Bill, 2001 To provide a statutory framework for the principles governing temporary release of prisoners	A
Criminal Law (Insanity) Bill To amend criminal law relating to insanity	B
Enforcement of Fines Bill To provide new procedures for the enforcement of fines focusing on alternatives to imprisonment for non-payment	C
Extradition (EU Conventions) Bill To give effect to EU Conventions on Extradition Procedures and further amend extradition law	A
Garda Síochána Bill To extend the existing legislative provision for dispatch of members of An Garda Síochána for duty abroad; to provide for the abolition of the post of Garda Surgeon and to provide for the protection of the corporate identity of An Garda Síochána	C

Criminal Law Reform

Title and Purpose of Bill	Band
---------------------------	------

Indexation of Fines Bill

To provide for the updating and indexation of fines	C
---	---

International Criminal Court Bill

To enable Ireland to ratify the Statute of the UN setting up the International Criminal Court	C
---	---

Prison Service Bill

To place the establishment of a Prisons Authority and Prisons Inspectorate on a statutory basis	B
---	---

Proceeds of Crime (Amendment) Bill, 1999

To amend Proceeds of Crime Act, 1996	A
--------------------------------------	---

Suppression of the Financing of Terrorism Bill

To allow for the ratification of the UN Convention for the Suppression of the Financing of Terrorism (1999)	D
---	---

Convention for the Suppression of Terrorist Bombings

To allow for the ratification of the Convention for the Suppression of Terrorist Bombings	D
---	---

Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Personnel

To allow for ratification of UN Convention on Prevention of Attacks on Internationally Protected Persons, 1973	D
--	---

Convention Against the Taking of Hostages

To allow for ratification of the Convention against the Taking of Hostages	D
--	---

EU Mutual Assistance Convention Bill

To allow for the ratification of the European Convention on Mutual Assistance in Criminal Matters (2000) and its Protocol (2001)	D
--	---

Civil Law Reform

Title and Purpose of Bill	Band
---------------------------	------

Civil Evidence Bill

To amend the law on hearsay evidence in civil cases, taking account of the Law Reform Commission's report	C
---	---

Contractual Obligations (Applicable Law) Bill

To give effect to the Convention on accession of new EU member States to the Rome Convention on Law Applicable to Contractual Obligations	C
---	---

Civil Law Reform

Title and Purpose of Bill	Band
Coroners Bill To give effect to the Report of the Working Group on the Coroner Service	C
Courts and Court Officers Bill, 2001 To enable solicitors of appropriate experience and qualification be eligible for appointment as judges of the High Court and Supreme Court and to provide for a range of matters connected with the efficient administration of the courts system in general	A
Data Protection (Amendment) Bill To transpose the provisions of Directive 95/46/EC on the protection of individuals with regard to the processing of personal data, and the free movement of such data, into Irish law	B
Defamation Bill To amend the law of defamation, drawing on the Law Reform Commission's report and the Report of the Commission on the Newspaper Industry	B
Family Law Bill To make provision for pension adjustments in the context of separation agreements and to make other reforms in the area of family law	B
Gaming and Lotteries (Amendment) Bill To give effect to the report of the Interdepartmental Group reviewing the Gaming and Lotteries Acts 1956 to 1986	C
Landlord and Tenant (Ground Rent Abolition) Bill To provide for the abolition of ground rents	C
Immigration (Carriers' Liability) Bill To make it an offence for a passenger carrier to bring improperly documented passengers into the State	B
Immigration and Residence Bill To create a comprehensive modern code of law on the admission and residence of non-nationals	B
Intoxicating Liquor Bill To give effect to recommendations of the Commission on Liquor Licensing in relation to the off-licence sector	C
Private Security Services Bill, 2001 To establish the Private Security Authority and to give effect to the other principal recommendations of the Report of the Consultative Group on the Private Security Industry	A

Civil Law Reform

Title and Purpose of Bill	Band
---------------------------	------

Refugee (Reception and Integration Agency) Bill

To provide for co-ordination of services to those seeking asylum in the State and to those recognised as refugees

C

Solicitors (Amendment) Bill, 1998

To amend the law on advertising by solicitors, to strengthen the disciplinary procedures for solicitors and to facilitate implementation of the EU Lawyers Establishment Directive

A

Statute of Limitations (Amendment) Bill

To amend the Statute of Limitations to take account of the Law Reform Commission's report on Latent Non-Personal Injuries and forthcoming reports on other aspects of limitation law

C

Trusts Bill

To allow ratification of the 1985 Hague Convention on the law applicable to trusts

C

Property Registration Bill

To establish a new Property Registration Authority and to consolidate existing land registry law

B

Equality

Title and Purpose of Bill	Band
---------------------------	------

Maternity Protection (Amendment) Bill

To give effect to the recommendations of the Working Group on the Review and Improvement of the Maternity Protection Legislation

C

Adoptive Leave (Amendment) Bill

To apply the recommendations of the Working Group on the Review and Improvement of the Maternity Protection Legislation to the Adoptive Leave Act, 1995

C

Employment Equality (Amendment) Bill and Equal Status (Amendment) Bill

To give effect to Council Directive 2000/43 implementing the principle of equal treatment between persons, irrespective of racial or ethnic origin, and Council Directive 2000/78 establishing a general framework for equal treatment in employment and occupation

C

Disabilities Bill

A positive action measure to advance and underpin the participation of people with disabilities in society

B

Appendix B2

Research and Consultation

The following are areas where review, specific research or consultation is currently underway. These may require a legislative response from the Division.

Criminal Law Reform

Subject of research or consultation	Work underway
Offences against the State Acts	Report awaited from committee under chairmanship of Judge Hederman.
Prohibition on incitement to hatred	Review underway in Division.
Blasphemy as an offence	Review of Law Reform Commission recommendations and case law underway in Division.
Law on homicide	Research underway by Law Reform Commission.
Law on corporate manslaughter	Research underway by Law Reform Commission.
Enforcement of fines	Research underway by outside researcher.
Court poor box	Research underway in Law Reform Commission.
Convictions under section 15A of the Misuse of Drugs Act, 1977	Research underway by outside researcher.
Censorship – a future framework	Discussion paper being finalised by the Department.

Note: Certain legislation can give rise to the need to monitor the operation of some or all of the provisions. Current examples are the Bail Act, 1997 and Part II of the Criminal Justice Act, 1999.

Civil Law Reform

Subject of research or consultation

The law which precludes consideration of payments under contracts of insurance or statutory schemes in cases of personal injury

Immigration and residence

The law of limitation of actions arising from non-sexual abuse of children

Reform of liquor licensing system

Work underway

Referred to Law Reform Commission for examination. The Commission is preparing a report, having published a consultation paper.

A public consultation and information gathering process is being conducted, based on a consultation paper launched in June 2001. All interested parties and individuals can give their views. The social partners and other directly relevant interests are also being specifically consulted. In addition, a consultancy project to research international best practice in relation to various aspects of immigration policy and law is being commissioned.

Referred to the Law Reform Commission for examination. The Commission is preparing a report, having published a paper.

The Commission on Liquor Licensing has been established to review the liquor licensing system and to make recommendations for a system geared to meeting the needs of consumers in a competitive market environment, while taking due account of the social, health and economic interests of a modern society. An interim report on off-licensing has been submitted and a final report is expected by the end of 2002.

Note: As other priorities allow, consideration will be given to the formulation of legislative proposals where research has already been carried out by appropriate bodies, e.g. Law Reform Commission. Likewise, further reports expected from the Law Reform Commission will fall to be addressed. The Commission, with Government approval, has published its Second Programme for Law Reform (2000-2007) which sets out the work that it will undertake over the next seven years. Certain priority areas (such as tribunals of inquiry, personal injuries, trusts, succession) identified in the Programme come within the responsibility of the Department.

Equality

Subject of Research or Consultation

Parental Leave Act, 1998

Employment Equality Act, 1998

Work Underway

A Working Group involving the social partners, relevant Government Departments and the Equality Authority is carrying out a review of the Parental Leave Act, 1998. As part of the review, research has been commissioned into the uptake of parental leave and *force majeure* leave and the attitudes of employers and employees (and trade union representatives at enterprise level) in relation to parental and *force majeure* leave.

A review of the discriminatory grounds covered by the Employment Equality Act, 1998 concluded with a Round Table Forum involving the social partners and relevant Government Departments. The views expressed during the course of the review are under consideration and further action may arise.

Appendix B3

International Agreements – Current Negotiations which may Lead to the Need for Legislation

Criminal Law Reform

- EU draft Directive and Framework Decision defining and strengthening the penal framework to prevent the facilitation of unauthorised entry and residence
- EU draft Framework Decision on the execution in the European Union of orders freezing assets or evidence
- EU draft Framework Decision on combating trafficking in human beings
- EU draft Framework Decision combating the sexual exploitation of children and child pornography
- EU proposal for a Framework Decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of drug trafficking
- EU proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering
- EU draft Protocol on improving mutual assistance in criminal matters
- Council of Europe draft 2nd Protocol to the European Convention on mutual assistance in criminal matters
- Council of Europe draft Protocol to Criminal Law Convention on Corruption
- EU draft Framework Decision on mutual recognition of orders freezing assets and evidence
- EU draft Framework Decision on mutual recognition of financial penalties
- EU proposal for a Framework Decision on European arrest warrant and the surrender procedures between Member States
- EU proposal for a Framework decision on combating terrorism

Bilateral Agreements at Different Stages of Preparation

- Bilateral agreement with the UK on mutual assistance in criminal matters
- Bilateral Agreement with the UK re. extension of the 1959 Council of Europe Convention on mutual assistance in criminal matters to the Isle of Man
- Bilateral Agreement covering mutual legal assistance in criminal matters between the Hong Kong SAR and Ireland
- Bilateral agreement with Canada on extradition
- Bilateral agreement with Canada on mutual assistance in criminal matters

Civil Law Reform

- Revision of a 1988 Convention (Lugano Convention) on the jurisdiction and enforcement of judgments in civil and commercial matters which involve EU member States and the EFTA States. The purpose of the negotiations will be to modernise the Convention in line with provisions that have been incorporated into a Regulation which will enter into force in Member States on 1 March 2002

- Agreements with Denmark covering Community Regulations that were adopted in 2000 but to which that country is not a party. Among the regulations adopted were those concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses; the service in the Member States of judicial and extrajudicial documents in civil or commercial matters and jurisdiction, and the recognition and enforcement of judgements in civil and commercial matters
- Draft Hague Convention on jurisdiction and foreign judgments in civil and commercial matters
- Draft EC Regulation on the Mutual Enforcement of Judgments on Rights of Access to Children
- Draft EC Regulation establishing a general framework for Community activities to facilitate the implementation of a European judicial area in civil matters
- Draft EC Regulation on jurisdiction and the recognition and enforcement in judgements in matters of parental responsibility
- Proposed EC instrument concerning the simplification of formalities for the enforcement of uncontested claims
- Council of Europe Draft International Instrument on Civil Remedies for compensation for damage resulting from acts of corruption

Future developments at EU level

In addition to the negotiations mentioned above, a significant number of new proposals at EU level are likely to be advanced, over the time frame of this Strategy Statement, which will be aimed at giving concrete effect to a programme of measures for implementing the principle of mutual recognition of decisions in civil and commercial matters which was adopted by the Justice and Home Affairs Council in November 2000.

Moreover, the European Council meeting in October 1999 resolved to work towards the creation of a European area of freedom, security and justice. As a result, there is considerable ongoing development of Community instruments under Title IV of the Treaty establishing the European Community (as inserted by the Treaty of Amsterdam) which deals with immigration, asylum, free movement of persons and judicial co-operation in civil matters. These proposals involve the Department in both the negotiation of these instruments and their subsequent transposition into Irish law. In addition, issues are arising within the civil law framework which increasingly require an enhanced level of co-ordination with other Departments as particular areas of responsibility are concerned.

Equality

- Draft Directive of the European Parliament and the Council amending Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions

Appendix B4

Other Legislative Proposals

Legislative proposals not on the Government's current legislation programme and subject to approval by the Government which arise from our International obligations, Law Reform Commission reports or the reports of other research agencies include the following:

Criminal Law Reform

- **Privacy** To give effect to the criminal law recommendations relating to privacy in a Law Reform Commission report
- **Criminal Contempt of Court** To give effect to the recommendations in a Law Reform Commission report
- **Sex Offenders** Outstanding issues arising from responses to discussion paper on the law relating to sexual offences and EU and UN proposals on trafficking in women
- **Intoxication as a Defence** To give effect to the recommendations relating to intoxication as a defence in a Law Reform Commission report
- **Criminal Appeals** To give effect to the recommendations in the 23rd Report of the Committee on Court Practice and Procedure
- **EU Joint Action on Criminalising Participation in a Criminal Organisation**
To give effect to this Joint Action
- **Schengen** To give effect to certain provisions on criminal law matters in relation to Ireland's application to join Schengen
- **United Nations Convention on Transnational Organised Crime and two Related Protocols on (1) Smuggling of Migrants and (2) Trafficking of Persons** To give effect to this convention and related protocols relating to the smuggling of migrants and trafficking of persons (see sex offenders above)
- **Council Framework Decision** on the standing of victims in criminal proceedings

Appendix C

Key Cross-Agency Issues

86

Cross-Agency Issues	Agencies Including Government Departments
National Drugs Strategy	Multi-agency/Department; Garda Síochána;
National Road Safety Strategy	Garda Síochána; Environment & Local Government;
Juvenile Justice	Garda Síochána; Health & Children; Education & Science; National Children's Office; Probation & Welfare Service;
Reception, Integration and Accommodation of Asylum Seekers	Environment & Local Government; local authorities; Office of Public Works; Health & Children; Health Boards; Social, Community & Family Affairs; Education & Science, Defence Forces; Irish Red Cross
Asylum/Immigration: Employment Visas Immigration Legislation	Enterprise, Trade & Employment; Foreign Affairs; Finance; Social, Community & Family Affairs; Environment & Local Government; Health & Children; Education & Science
Equality/Equal Status/Disability Equality National Plan for Women Anti-Racism Action Plan	Across all Departments and agencies
Childcare Co-ordination and Infrastructures (NDP)	Health & Children; Social, Community & Family Affairs; Education and Science; Environment & Local Government; Enterprise, Trade & Employment
Security of Tenure for Tenants in Private Rental Accommodation (Landlord and Tenant Law)	Environment and Local Government
Prevention of Violence against Women and Children	Garda Síochána; Probation & Welfare Service; Health Boards



Department of Justice, Equality and Law Reform

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

Tel: 01 602 8202 Fax: 01 661 5461

Email: info@justice.ie Web: www.justice.ie